



## 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 April 16, 2021.

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### ZONING ADMINISTRATOR ACTIONS APRIL 15, 2021

- Item 1: 703 Jasmine LLC Condominiums Tentative Parcel Map No. NP2021-001 (PA2021-023)  
Site Address: 703 and 703 ½ Jasmine Avenue  
Action: Approved by Resolution No. ZA2021-018 Council District 6
- Item 2: Fanticola Residence Coastal Development Permit No. CD2020-155 (PA2020-360)  
Site Address: 80 Linda Isle  
Action: Approved by Resolution No. ZA2021-019 Council District 5
- Item 3: Cook Residence Coastal Development Permit No. CD2021-007 (PA2021-028)  
Site Address: 1410 West Ocean Front  
Action: Approved by Resolution No. ZA2021-020 Council District 1
- Item 4: Chipotle Mexican Grill Lot Merger No. LM2021-002 and Staff Approval No. SA2021-001 (PA2021-009)  
Site Address: 3040 and 3050 East Coast Highway  
Action: Continued to May 13, 2021 Zoning Administrator Meeting Council District 6

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

- Item 1: Balboa Grill Staff Approval No. SA2020-006 (PA2020-328)  
Site Address: 320 Marine Avenue, Units A and B (1st Floor)  
Action: Approved Council District 5

Item 2: Port Plaza Comprehensive Sign Program No. CS2021-001 (PA2021-030)  
Site Address: 2865 E Coast Highway

Action: Approved	Council District	6
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APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

## **RESOLUTION NO. ZA2021-018**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. NP2021-001 FOR TWO (2)-UNIT CONDOMINIUM PURPOSES LOCATED AT 703 AND 703 ½ JASMINE AVENUE (PA2021-023)**

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

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

1. An application was filed by 703 Jasmine LLC (Applicant), with respect to property located at 703 and 703 ½ Jasmine Avenue, and legally described as Lot 3, Block 736 Corona del Mar Tract, requesting approval of a tentative parcel map for condominium purposes.
2. The applicant requests a tentative parcel map for two (2)-unit condominium purposes. A duplex has been demolished and a new duplex is currently under construction. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed. The tentative parcel map would allow each unit to be sold individually.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two Unit Residential (RT).
4. The subject property is not located within the coastal zone; therefore, a coastal development permit is not required.
5. A public hearing was held online on April 15, 2021, 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 exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel Map is for condominium purposes and is consistent with all requirements of the Class 15 exemption.

### SECTION 3. REQUIRED FINDINGS.

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

Finding:

*A. That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for two (2)-unit residential condominium purposes. A duplex has been demolished and a new duplex is currently under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the RT General Plan Land Use Designation.
2. The subject property is not located within a specific plan area.
3. The project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Jasmine Avenue frontage and any damaged concrete alley panels consistent with NBMC Title 19.

Finding:

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

Facts in Support of Finding:

1. The lot is physically suitable for two (2)-unit residential development because it is regular in shape. An existing duplex has been demolished and a new duplex is currently under construction.
2. The subject property is accessible from the alley and is adequately served by all existing utilities.

Finding:

*C. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California*

*Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

Facts in Support of Finding:

1. A duplex has been demolished and a new duplex is currently under construction.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3) of the CEQA Guidelines – Class 15 (Minor Land Alterations).

Finding:

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

Fact in Support of Finding:

1. The Tentative Parcel Map is for residential condominium purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per NBMC Section 19.28.010 (General Improvement Requirements) and Section 66411 (Local Agencies to Regulate and Control Design of Subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

*E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public access easements located on the property.
2. An existing 4-foot wide easement for sewer purposes currently exists on the lot. The project has been conditioned to increase the easement to 10 feet wide. The easement will be centered on the existing sewer main running through the property.

Finding:

*F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The property was previously developed with a residential use and is located in a Zoning District that permits residential uses.

Finding:

*G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.*

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a "land project" as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The project is not located within a specific plan area.

Finding:

*H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Fact in Support of Finding:

1. The Tentative Parcel Map and any future improvements are subject to Title 24 of the California Code of Regulations (the California Building Code) that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

*I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Fact in Support of Finding:

1. The two (2)-unit dwelling that is under construction is consistent with the intended uses of the R-2 Zoning District, which allows two (2) residential units on the property. Therefore, the Tentative Parcel Map for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

*J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Fact in Support of Finding:

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

Finding:

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

Fact in Support of Finding:

1. The subject property is not within the Coastal Zone.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2021-001, subject to the conditions set forth in Exhibit "A," which is attached here to and incorporated by reference.
3. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of NBMC Title 19 Subdivisions.

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>th</sup> DAY OF APRIL, 2021.**



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Jaime Murillo  
Zoning Administrator



**EXHIBIT "A"****CONDITIONS OF APPROVAL****Planning Division**

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. Prior to the recordation of the Parcel Map, the existing duplex shall be demolished.
3. Subsequent to the recordation of the Parcel Map, the applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this permit is final.
4. The building permit for the new construction shall not be final until after recordation of the parcel map.
5. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.
6. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the 703 Jasmine LLC Condominiums including, but not limited to, Tentative Parcel Map No. NP2021-001 (PA2021-023). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

**Public Works Department**

7. A parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The**

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**Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**

8. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (1-inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. The curb, gutter and sidewalk along the Jasmine Avenue frontage and all damaged alley panels along the alley frontage, shall be reconstructed per City Standard.
11. The existing street tree along the Jasmine Avenue frontage shall be protected in place.
12. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
13. A 10-foot wide easement for sewer purposes shall be dedicated to the City of Newport Beach. The easement shall be centered on the existing sewer main running through the property.
14. All existing overhead utilities shall be undergrounded.
15. No above ground improvements are permitted within the 5-foot rear alley setback area.
16. New sod or low groundcovers of the type approved by the City shall be installed throughout the Jasmine Avenue parkway fronting the development site.
17. An encroachment permit is required for all work activities within the public right-of-way.
18. Any non-standard encroachments within the Jasmine Avenue public right-of-way shall be removed.
19. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

**Building Division**

20. Independent utility services shall be provided for each unit.

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

## RESOLUTION NO. ZA2021-019

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2020-155 TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCT A NEW TWO (2)-STORY SINGLE-FAMILY RESIDENCE AND ATTACHED THREE (3)-CAR GARAGE LOCATED AT 80 LINDA ISLE (PA2020-360)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Walz Architecture (Applicant), with respect to property located at 80 Linda Isle and legally described as Lot 80 of Tract 4003, requesting approval of a coastal development permit (CDP).
2. The Applicant proposes to demolish an existing single-family residence and the construction of a new 5,199 square-foot, two-story, single-family residence with an attached 629-square-foot, three-car garage. The project also includes the installation of landscaping, hardscaping, drainage, site walls, a reinforced bulkhead cap for protection against coastal hazards, and the replacement of a cantilevered deck. The design complies with all applicable development standards and no deviations are requested. All improvements authorized by this CDP will be located on private property. The design complies with all applicable development standards and no deviations are requested.
3. The subject property is designated RS-D (Single Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-B (Single Unit Residential Detached – 6.0 – 9.9 DU/AC) and it is located within the R-1 (Single-Unit Residential) Coastal Zone District.
5. A public hearing was held online on April 15, 2021, 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 Section 15303, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures), California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. Class 3 exempts the demolition of up to three (3) single-family residences and additions of up to 10,000 square feet to existing structures. The proposed project consists of the demolition of one (1) single-family residence and the construction of a new two (2)-story, 5,199-square-foot residence with attached 629-square-foot, three (3)-car garage.
3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding:

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

#### Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The maximum floor area limitation is 6,586 square feet and the proposed floor area is 5,828 square feet.
  - b. The proposed development provides the minimum required setbacks, which are 10 feet along the property line abutting the Newport Bay, 4 feet along each side property line and 25 feet along the property line abutting the Linda Isle private drive.
  - c. The highest flat roof elevation is less than 24 feet from the established grade (9.55 feet based on the North American Vertical Datum [NAVD88]), which complies with the maximum height requirements.
  - d. The project includes garage parking for a total of three (3) vehicles, complying with the minimum three (3)-car garage parking requirement for single-family residences with more than 4,000 square feet of habitable floor area.
  - e. A cantilevered deck will be reviewed separately through an Approval In Concept (AIC) and the design shall conform with Subsection 21.30C.050 of the NBMC, as well as all other applicable code requirements. Once an AIC is granted, this component will be reviewed by the California Coastal Commission.

2. The neighborhood is predominantly developed with two (2)-story single-family residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development consistent with applicable development standards.
3. The development fronts the Newport Bay and is protected by a bulkhead. A bulkhead conditions report was originally prepared by PMA Consulting, Inc. on December 8, 2020. The report concluded that while the bulkhead is in good condition with minor, repairable cracks, it should be reinforced through the installation of new tiebacks and new deadmen. The installation of the tiebacks and deadmen will occur after the demolition of the existing home is complete and prior to the construction of the new home. Once the bulkhead is reinforced in accordance with the enclosed drawings, no repair or replacement of the bulkhead is anticipated within the next 75 years.
4. A Coastal Hazards Report and Sea Level Rise Analysis was prepared for the project by PMA Consulting, Inc. on December 8, 2020. The current maximum bay water elevation is 7.7 feet NAVD88 and may exceed the existing bulkhead during high tide or storm events. The report analyzes future sea level rise scenarios assuming a 2.95-foot increase in the maximum water level over the next 75 years (i.e. the life of the structure). The sea level is estimated to reach approximately 10.65 feet NAVD88 (the likely range for sea level rise over 75-year design life of the structure based on low risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update). Once the existing bulkhead is reinforced and capped per the report's recommendations, flooding, wave runup, and erosion will not significantly impact this property over the proposed 75-year economic life of the development.
5. The project has been conditioned to raise the bulkhead to a minimum elevation of 10.9 feet NAVD88, with a design for adaptability elevation of 14.4 feet NAVD88, in compliance with the City of Newport Beach Waterfront Project Design Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities.
6. The finish floor elevation of the proposed single-family residence is at a minimum elevation of 10.53 feet (NAVD88), which complies with the minimum 9.00-foot (NAVD88) elevation standard.
7. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c) (General Site Planning and Development Standards). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
8. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC)

and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

9. As the property is adjacent to coastal waters, a Construction Pollution Prevention Plan (CPPP) was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived by construction chemicals and materials. The project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
10. Pursuant to NBMC Section 21.35.050, due to the proximity of the development to the shoreline and the development containing more than 75 percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP) is required. A preliminary WQHP was prepared for the project by Toal Engineering, Inc. dated December 13, 2020. The WQHP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of an LID approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs.
11. Proposed landscaping complies with NBMC Section 21.30.075. A condition of approval is included that requires drought-tolerant species. Prior to issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
12. The closest designated Public Viewpoint is located approximately 1,300 feet to the east of the property near the intersection of Bayside Drive and Harbor Island Drive. The proposed residence is also located to the south of Coast Highway and to the west of Bayside Drive, which are both Coastal View Roads, as designated in the Coastal Land Use Plan. The project is also within the viewshed of a designated Public View Point at Castaways Park, approximately 1,400 feet to the northwest of the project site. Due to the distance of the proposed development from the public viewpoints and the project's compliance with height and setback development standards, the project will not be overly visible from the aforementioned locations and will not result in impacts to coastal views or the degradation of coastal views. As a bayfront property, the west elevation of the new development will be visible from the water. The design complies with all required setbacks which minimizes the appearance of building bulk and the design uses architectural treatments which will enhance views from the water.

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. Linda Isle is a private, 107-lot, single-family residence community created in 1933 and developed in the 1960s. The community predates the California Coastal Act and does not provide public access to the bay or shore. A gated bridge connects the island to the mainland at Bayside Drive. While Bayside Drive is the first public road paralleling the sea and the project site is located between Bayside Drive and the Harbor, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.
2. Implementation Plan Section 21.30A.040 requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project replaces an existing single-family residence located on standard R-1 lot with a new single-family residence. The project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.
2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2020-155, 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 the Resolution is 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 NBMC. 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 15<sup>TH</sup> DAY OF APRIL, 2021.**



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Jaime Murillo  
Zoning Administrator



**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. *The existing seawall shall be capped to a minimum elevation of 10.90 feet (NAVD88), with a design adaptability of 14.4 feet NAVD88, in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities.*
3. *The existing seawall shall be reinforced in accordance with the recommendations provided in the Coastal Hazards Report and Sea Level Rise Analysis prepared by PMA Consulting, Inc, dated December 8, 2020.*
4. *The Applicant shall obtain approval from the California Coastal Commission in order to construct a new cantilevered deck and the deck shall be designed in compliance with NBMC 21.30C.050(G)(5).*
5. *Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices including the repair and maintenance, enhancement, reinforcement, or any other activity affecting the bulkhead, that results in any encroachment seaward of the authorized footprint of the bulkhead or other shoreline protective device. The agreement shall be binding against the property owners and successors and assigns.*
6. *Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development. This letter shall be scanned into the plan set prior to building permit issuance.*
7. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
8. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.

9. *This Coastal Development Permit does not authorize any development seaward of the private property.*
10. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds pursuant to MBTA:
  - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
  - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
11. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
12. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
13. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
14. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
15. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
16. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

17. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
18. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
19. Prior to the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
20. Prior to the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.
21. Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
22. Prior to issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.
23. Prior to issuance of building permits, the final WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall be in compliance with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.
24. Prior to the issuance of building permits, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.
25. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

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26. 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.
  27. 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.
  28. This Coastal Development Permit No. CD2020-155 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
  29. 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 Fanticola Residence, including, but not limited to, Coastal Development Permit No. CD2020-155 (PA2020-360). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

## **RESOLUTION NO. ZA2021-020**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2021-007 TO ALLOW FOR THE REMODEL AND ADDITION OF AN EXISTING SINGLE-FAMILY RESIDENCE WITH AN ATTACHED TWO (2)-CAR GARAGE AT 1410 WEST OCEAN FRONT. (PA2021-028)**

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

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

1. An application was filed by Brion Jeannette Architecture (Applicant), with respect to property located at 1410 West Ocean Front, requesting approval of a coastal development permit (CDP). The lot at 1410 West Ocean Front is legally described as Lot 6 in Block 14 of Tract 234.
2. The applicant proposes a remodel and addition of an existing 3,478-square-foot, two (2)-story, single-family residence with an attached 506-square-foot, two (2)-car garage. The proposed addition and remodel would result in a 3,615-square-foot, three (3)-story, single-family residence with an attached 527-square-foot, two (2)-car garage. The project includes new landscape, hardscape, and site walls and will utilize existing drainage facilities within the confines of the private property. The design complies with all applicable development standards and no deviations are requested.
3. The subject property is designated RT (Two-Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-D (Two-Unit Residential – [20.0 - 29.9 DU/AC]) and the property is located within the R-2 (Two-Unit Residential) Coastal Zone District.
5. A public hearing was held online on April 15, 2021, 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 categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities), because it has no potential to have a significant effect on the environment.

2. Class 1 exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed project consists of remodel and addition of an existing 3,478-square-foot, two (2)-story, single-family residence with an attached 506 square foot, two (2)-car garage. The proposed remodel and addition would result to a 3,615-square-foot, three (3)-story, single-family residence with an attached 527-square-foot, two (2)-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 proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - a. The maximum floor area limitation is 4,500 square feet and the proposed floor area is 4,142 square feet.
  - b. The proposed development will provide the minimum required setbacks, which are 10 feet along the front property line, 3 feet along each side property line, and 0 feet along the rear property line.
  - c. The highest ridge of the sloping roof is approximately 29 feet from established grade, which complies with the maximum height limitation of 29 feet for a sloping roof.
  - d. The project includes enclosed garage parking for two (2) vehicles, in compliance with the minimum parking requirement for single-family residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with one (1)-, two (2)-, and three (3)-story, single- and two (2)-unit residences. The proposed design, bulk, and scale of the

development will be consistent with the existing neighborhood pattern of development and expected future development.

3. The existing residence fronts the Pacific Ocean, but is separated from the shoreline by a very wide sandy beach (approximately 560-foot separation). The project site is not protected by a bulkhead.
4. The project involves an addition and remodel to an existing single-family residence. The neighborhood is predominantly developed with one (1), two (2), and three (3)-story, single- and two (2)-unit residences. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development and expected future development consistent with applicable development standards.
5. The project site is located adjacent to the public beach and the public Ocean Front boardwalk. Due to the project location, an initial evaluation of the potential impact to the viewshed or the scenic and visual qualities of the coastal zone was conducted pursuant to NBMC Section 21.30.100 (Scenic and Visual Quality Protection). Expansive views of the Newport Pier, Balboa Pier, Pacific Ocean, and public beach are afforded from the public sidewalk along West Ocean Front. However, the subject property is located landward of the public vantage points and not between public vantage points and these view features. Therefore, the project will not impact existing, nor provide an opportunity to enhance, public views along these vantage points.
6. A project-specific Coastal Hazards and Wave Runup Report was prepared by GeoSoils, Inc., dated March 10, 2021. The maximum bay water elevation is 7.7 feet North American Vertical Datum of 1988 (NAVD 88). The report analyzes future sea level rise scenarios assuming a 2.95-foot increase in the maximum water level over the next 75 years (i.e. the life of the structure). Therefore, the sea level is estimated to reach approximately 10.9 feet (NAVD88) (the likely range for sea level rise over 75-year design life of the structure based on low risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update).
7. The finished floor elevation of the existing single-family residence is 12.34 feet (NAVD 88), which complies with the minimum 9.0-foot (NAVD 88) elevation standard. The Coastal Hazards Report concludes that the bay water elevation (currently 7.7 feet NAVD 88) will not exceed the proposed finished floor elevation around the single-family residence at 12.34 feet (NAVD 88) for the anticipated 75-year life of the structure. The patio finished surface is at 12.01 feet (NAVD 88) which will serve as adequate elevation for flood protection of the site and surrounding properties.
8. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

9. Pursuant to Newport Beach Municipal Code (NBMC) Section 21.30.030(C)(3)(i)(iv) – (Natural Landform and Shoreline Protection), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c) – (Waterfront - Development Standards). Both requirements are included as conditions of approval that will need to be satisfied prior to final building inspection, and prior to the issuance of building permits, respectively.
10. An Erosion Control Plan prepared by Toal Engineering, dated February 1, 2021, provides recommendations for temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation, and to minimize pollution of runoff derived by construction chemicals and materials.
11. The existing residence is set back approximately 560 feet from coastal waters. Due to the scope of work being an addition and remodel to an existing residence, a Water Quality and Hydrology Plan is not required.
12. The project design addresses water quality with a construction erosion control plan and a post construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event run-off on-site. Any water not retained on-site is directed to the City's storm drain system.
13. New landscaping will be verified for compliance with NBMC Section 21.30.075 (Landscaping). A condition of approval is included that requires drought-tolerant, and prohibits invasive, species. Prior to issuance of the building permits, the final landscape plans will be reviewed to verify invasive species are not planted.

Finding:

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

Facts in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline; however, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.
2. Vertical access to the bay and beach is available east of the site at the intersection of West Ocean Front and 14th Street, and west of the site at the intersection of West Ocean Front and 15th Street. Lateral access is available along an existing 14-foot wide public boardwalk



in front of the project site. The project does not include any features that would obstruct access along these routes.

**SECTION 4. DECISION.**

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

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 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 Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2021-007 subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 15<sup>th</sup> DAY OF APRIL, 2021.**



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Jaime Murillo  
Zoning Administrator

**EXHIBIT "A"**

## CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The proposed second floor balcony encroachment of 3'-6" shall be revised to encroach up to a maximum of 36" to be consistent with Sections 20.30.110.D.5 and 21.30.110.D.5 (Balconies Abutting East Ocean Front and West Ocean Front) of the Newport Beach Municipal Code.
3. *The finished floor and site improvements at West Ocean Front shall be 10.9 feet (NAVD88) minimum in accordance with the recommendations provided in the report prepared by GeoSoils, Inc. on March 10, 2021 and as identified in the approved plans.*
4. *Waiver of Future Protection for Properties with No Bulkheads – 21.30.015.E.5 Prior to final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.*
5. *Acknowledgement of Hazards for Waterfront Development - 21.30.015.D.3(c) Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of development. This letter shall be scanned into the plan set prior to building permit issuance.*
6. 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.
7. Demolition beyond the approved scope of work requires planning division approval prior to commencement of work. Approval of revisions to project plans are not guaranteed. Any

changes in the current scope of work may require the entire structure to be demolished and redeveloped in conformance with the current Zoning Code Development Standards.

8. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
9. 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.
10. 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.
11. 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.
12. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
13. 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.
14. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.

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15. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
  16. 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.
  17. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
  18. *Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.*
  19. *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.*
  20. 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.
  21. *Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.*
  22. *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.*
  23. 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.
  24. 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.
  25. This Coastal Development Permit No. CD2021-007 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and

Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.

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 Cook Residence including, but not limited to, Coastal Development Permit No. CD2021-007 (PA2021-028). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages, which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.



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

**Subject:** **Balboa Grill (PA2020-328)**  
▪ Staff Approval No. SA2020-006

**Site Location** **320 Marine Avenue, Units A and B (1<sup>st</sup> Floor)**

**Applicant** **Magellan Architecture**

**Legal Description** **Lot 11, Block 14, Section 4, Balboa Island Tract**

On **April 16, 2021** the Community Development Director approved Staff Approval No. SA2020-006. This approval is based on the findings and subject to the following conditions.

**PROJECT SUMMARY**

A staff approval for a determination of substantial conformance with Planning Director's Use Permit No. UP2010-014 (PA2010-079) to allow the renovation of an existing eating and drinking establishment (formerly Picante Martin's Mexican Restaurant) on the ground floor of a mixed-use building. The proposed physical improvements include the following:

- Expansion of the kitchen into an existing 290-square-foot residential storage area along with an addition of 72 square feet.
- Conversion of the existing interior dining area to a fully covered exterior dining area with up to twelve (12) seats and 345-square-feet of net public area, consistent with existing operating conditions.
- Update of restrooms to meet accessibility standards.
- Upgrade of utilities and appliances.
- Exterior improvements to the façade and a new awning over the outdoor dining area.

The proposed renovation would increase the existing nonresidential gross floor area by 156 square feet, but is not space that would be accessible to patrons. Hours of operation would remain between 9:30 a.m. to 8:30 p.m., seven days a week. No alcohol service or late hours are requested.

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

**LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** Mixed-Use Water 2 (MU-W2)
- **Zoning District:** Mixed-Use Water (MU-W2)

- **Coastal Land Use Plan Category:** Mixed-Use Water Related (MU-W)
- **Coastal Zoning District:** Mixed-Use Water (MU-W2)

## **BACKGROUND**

Planning Director's Use Permit No. UP2010-014 (PA2010-079) was approved on November 10, 2010, to allow an existing take-out restaurant to change to a full-service, small-scale restaurant. Several conditions of approval were put in place with the approval of UP2010-014. Some of those include:

- Condition No. 10 requires the existing parking space located on site to be used for the parking of vehicles at all times.
- Condition No. 12 indicates the net public area is limited to 351 square feet in area.
- Condition No. 13 indicates that a maximum seating and/or stand-up counter space for no more than 15 customers shall be maintained at the establishment.
- Condition No. 18 indicates the hours of operation are from 9:30 a.m. to 8:30 p.m., seven days a week.

A full listing of the approved findings and conditions of approval under UP2010-014 is provided in Attachment No. CD 2.

## **PROPOSED CHANGES**

The applicant requests a staff approval for a determination of substantial conformance to allow the renovation of an existing eating and drinking establishment (formerly Picante Martin's Mexican Restaurant).

The proposed renovation would convert a residential storage area and includes a small addition to accommodate a kitchen expansion. The total net public area for the establishment decreases by 6 square feet with the project. The dining area would also be relocated from the inside to entirely outdoors. No portion of the project would extend onto the public right of way and all operations and improvements would continue to be within the private property. Proposed net public area is 345 square feet, whereas the existing is 351 square feet. The exterior elevations of the establishment would be updated, including a new awning to cover the outdoor patio area.

The establishment would adhere to the original operational characteristics and conditions of approval with a maximum net public area of 345 square feet and 15 outdoor dining seats. The restaurant's gross floor area would increase by 156 square feet for a total of 1,117 square feet, which is below the maximum allowed nonresidential floor area ratio of 0.5 (1,126 square feet). Because the proposed improvements to the restaurant do not increase the existing net public area, no additional parking is required. The establishment would maintain the existing operational characteristics and hours of operation from 9:30 a.m. and 8:30 p.m., seven days a week.

## **I. FINDINGS**

Pursuant to Section 20.54.070 (Changes to an Approved Project) of the Newport Beach Municipal Code (NBMC), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, or refer the requested change to the Zoning Administrator, without a public hearing, and waive the requirement for a new use permit application. The approval and waiver of a new use permit application is based on the following findings and facts in support of the findings.

### Finding:

*A. The changes are consistent with all applicable provisions of this Zoning Code.*

### Facts in Support of Finding:

1. Eating and drinking establishments are a permitted use in the MU-W2 zoning district, subject to approval of a use permit. The existing establishment received approval of UP2010-014 on November 10, 2010. The proposed changes are consistent with the operational characteristics and conditions allowed by UP2010-014, including net public area, seating, and parking.
2. The proposed gross floor area of the restaurant is 1,117 square feet, a 156-square-foot increase from the existing gross floor area. This added area is exclusive to non-customer area (kitchen, storage, etc.) and complies with the maximum nonresidential floor area limit of 0.5. Setbacks would be respected for the property with the new addition and awning improvements.
3. The property is in the coastal zone, but a coastal development permit is not required per Section 21.52.035 (Projects Exempt from Coastal Development Permit Requirements) of the NBMC. The subject structure and use are existing and the tenant improvement does not intensify the use of the structure, as there is no expansion to the number of seats or size of the dining area.

### Finding:

*B. The changes do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

### Facts in Support of Finding:

1. The prior approval was determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities), which exempts minor alterations to existing facilities involving negligible expansion of use beyond that existing at the time of the lead agency's determination. The proposed dental implant center will be located within an existing development with only minor alterations required to accommodate the use.



2. The proposed project involves the renovation of the existing establishment and qualifies for a categorical exemption from CEQA under Class 2, Replacement or Reconstruction. The Class 2 exemption includes the replacement or reconstruction of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

Finding:

- C. The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed changes do not involve a feature that was specifically addressed in staff report of UP2010-014. Conditions were intended to limit the size and operation of the business, so that parking supply would be adequate for the level of demand. The proposed remodel will not increase the overall net public area but will instead swap the interior net public area for outdoor dining patio area. The renovation's exterior seating areas does not exceed the existing number of seats. There is not a substantial change proposed by the project because the total net public area will not increase and additional off-street parking will not be required.
2. The project will comply with all existing conditions of approval under Use Permit no. UP2010-014 which limit net public area, seating, and hours of operation.
3. The proposed net public area is 345 square feet, which is within the allowed amount of 351 square feet.
4. The maximum number of seats is 15, which is identical to that currently allowed.
5. The hours and days of operation for the existing restaurant will remain the same (9:30 a.m. to 8:30 p.m., seven days a week), which limits any noise impacts on the neighboring residential uses. These hours of operation are the same as the existing restaurant approved under Use Permit No. UP2010-014

Finding:

- D. The changes do not result in an expansion or change in operational characteristics of the use.*

Fact in Support of Finding:

1. The remodel of the establishment to reconfigure an expanded kitchen an exterior dining area does not represent a substantial change in the operational characteristics of the existing eating and drinking establishment. The proposed restaurant is consistent with

the previously approved restaurant use as the existing number of seats and net public area are not exceeded. Additionally, there is no additional parking requirement. Therefore, the proposed changes do not result in an expansion or change in operational characteristics of the use.

## **II. DETERMINATION**

This Staff Approval has been reviewed and a determination has been made that the proposed change is minor in nature and in substantial conformance with the original approval.

## **III. CONDITIONS**

All previous conditions of approval of UP2010-014 shall remain in full force and effect as stated in Attachment No. CD 3. The following conditions are specific to this Staff Approval and do not serve to modify or amend those conditions of the original permit:

1. The development authorized by this staff approval shall be in substantial conformance with the approved project plans.
2. All previous conditions of approval of Use Permit No. UP2010-014 (PA2010-079) shall remain in force and effect.
3. A building permit shall be obtained prior to commencement of the construction. A copy of this approval letter shall be incorporated into both the Building Division and field sets of plans prior to issuance of the building permits.
4. Final washout area design shall ensure that site storm drainage will not be directed to the washout area drain that is connected to the sewer system.
5. Final design of trash enclosure exterior wall adjacent to the side property line shall be fire rated construction with no openings per CBC Table 602 & Table 705.8 and not attached to adjacent site wall located on other property.
6. The development shall comply with disabled access requirements.
7. Per California Fire Codes 304.3.3 and 304.3.4, trash enclosures within the building or within 5 feet of the building shall be protected with sprinklers.
8. All improvements shall be constructed as required by Ordinance and the Public Works Department.
9. No above ground improvements are permitted within the 5-foot alley setback area.
10. An encroachment permit is required for all work activities within the public right-of-way.

11. 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.
12. Staff Approval No. SA2020-006 shall expire unless exercised within 24 months from the end of the appeal period as specified in Section 20.64.020 (Appeals or Calls for Review) of the Newport Beach Municipal Code.
13. 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 Balboa Grill (PA2020-328) including, but not limited to, Staff Approval No. SA2020-006. 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 unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:



Patrick Achis  
Assistant Planner

BMZ/pda

Attachments: CD 1 Vicinity Map  
CD 2 UP2010-014 Conditions of Approval and Existing Plans  
CD 3 Proposed Project Plans

# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



Staff Approval No. SA2020-006  
(PA2020-328)

**320 Marine Avenue, Units A and B (1st Floor)**

# **Attachment No. CD 2**

UP2010-014 Conditions of Approval and  
Approved Plans





- The purpose of the RSC District is to provide areas which are predominantly retail in character, but which allow restaurant uses with approval of a use permit. The proposed full-service, small-scale use is allowed within the district with approval of a use permit by the Planning Director. The existing and proposed commercial uses on the subject site serve residents and visitors and are consistent with the purpose of the RSC District.
- Use permits enable the City to control certain uses that could have detrimental effects if not compatible with uses on adjoining properties and in the surrounding area. The property's Specialty Food Service Permit was approved in 1995, and the existing restaurant (Picante Martin's Mexican Restaurant) has been in existence since 1998. It has proven to be compatible with and complements the uses currently existing along Marine Avenue which include: other restaurants, ice cream and frozen yogurt shops, clothing boutiques, retail stores, hair salons, and coffee shops.

Finding:

2. That the proposed location of the Use Permit and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan and the purpose of the district in which the site is located; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the city.

Facts in Support of Finding:

- The project site is designated as Mixed Use Water related (MU-W2) by the Land Use Element of the General Plan. The proposed project is consistent with the MU-W2 land use category, which is intended to provide for marine-related uses including retail, restaurants, and visitor-serving uses with residential on the upper floors. The proposed use is a visitor-serving use that will serve part-time and full-time residents as well as visitors.
- The hours and days of operation for the existing restaurant will remain the same (9:30 a.m. to 8:30 p.m., seven days a week), which limits any noise impacts on the neighboring residential uses.
- The conditions imposed on the use will reduce any possible detriment to the community by ensuring continued consistency with the intent and purpose of Chapter 20.82 (Eating and Drinking Establishments) of the Municipal Code.

- The existing restaurant has operated in this location since 1998, and has not proven detrimental to the area.
- The Specialty Food Service Permit approved for the subject Suite "B" was considered to be retail in nature and would have required three (3) parking spaces. Suite "C" is a retail suite and requires two (2) parking spaces. Based on a retail parking rate of one (1) space for each 250 square feet of gross floor area, a total of five (5) parking spaces is required for the existing commercial uses on site.
- Pursuant to Chapter 20.66.030 (Off-street Parking and Loading Spaces Required) of the Municipal Code, a full-service small-scale restaurant requires one (1) space per each 75 square feet of net public area or 1 space per each three (3) seats. The proposed restaurant would consist of 351 square feet of net public area and have 15 seat (nine fixed stools at a counter area), and would require a total of 5 spaces ( $351/75$  sq. ft. net public area = 5 spaces and  $15 \text{ seats}/3 \text{ seats} = 5$  spaces).
- Pursuant to Municipal Code Section 20.62.050 (Nonconforming Structures and Uses – Nonconforming Parking), nonconforming uses in nonresidential districts may be continued or changed to a use requiring the same or less on-site parking. Although the subject property is nonconforming due to deficient off-street parking, the nonconforming status is not intensified by the proposed use because no additional off-street parking is required.

Finding:

3. That the proposed use will comply with the provisions of this Zoning Code, including any specific condition required for the proposed use in the district in which it would be located.

Facts in Support of Finding:

- Full-service, small-scale restaurants are a permitted use in the RSC-R Zoning District, subject to approval of a use permit. Because the total square footage of the building on site is not changing, and the parking requirements for the site would not increase, waiver of development standards pertaining to site requirements and parking will not be detrimental to the adjoining properties.
- The proposed conditions of approval ensure that all potential conflicts with surrounding land uses are eliminated or minimized to the greatest extent possible.

- The proposed hours of operation will not change. The hours of operation for the establishment are 6:00 a.m. to 7:00 p.m., daily.

Finding:

4. The proposed project is in compliance with the California Environmental Quality Act (CEQA).

Facts in Support of Finding:

- This project qualifies for an exemption from environmental review pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which exempts the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. The project proposal involves minimal construction including minor interior alterations.

**CONDITIONS OF APPROVAL** (*Project specific conditions are in italics*)

1. The development shall be in substantial conformance with the approved site plan and floor plan, dated May 6, 2010, except as noted in the following conditions.
2. This approval was based on the particulars of the individual case and does not in of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
3. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
4. 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 Department.
5. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
6. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. 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.

7. The applicant shall comply with 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. This Use Permit may be modified or revoked by the City Council or Planning Commission should they determine that the proposed use 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.
9. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this use permit or the processing of a new use permit.
10. *The existing parking space located on site shall be used for the parking of vehicles at all times.*
11. *Any addition of seats and/or stand-up counter space for customers shall be subject to the approval of an amendment to this use permit. Any patron seating or stand-up counter located outside of the facility on the subject property or on public property (including sidewalks, streets) is prohibited.*
12. *The net public area shall be limited to a maximum of 351 square feet.*
13. *The number of seats shall be limited to a total of 15: six (6) seats located at three (3) tables, six (6) fixed-in-place counter stools, and three (3) stools at the lower counter area which can be moved to provide a handicapped accessible eating location.*
14. A covered wash-out area (36 inches wide by 36 inches deep by 6 feet high) for refuse containers and kitchen equipment shall be provided and shall drain directly into the sewer system, unless otherwise approved by the Building Director, Planning Department, and Public Works Director in conjunction with the approval of an alternative drainage plan. The washout area shall be specifically shown on the construction drawings submitted for building permits.
15. The facility shall be designed to meet exiting and fire protection requirements as specified by the California Building Code and shall be subject to review and approval by the Building Department.
16. The project shall comply with State Disabled Access requirements.
17. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Department.

18. *The hours of operation shall remain the same as the existing restaurant operation and are limited to between the hours of 9:30 a.m. to 8:30 p.m., seven days a week; and any increase in the hours of operation shall be subject to the approval of an amendment to this use permit.*
19. Live entertainment and dancing shall be prohibited as a part of the regular operation, unless an amendment to this use permit or other required application is first approved in accordance with the provisions of the Municipal Code.
20. No outside paging or sound system shall be utilized in conjunction with this food service establishment.
21. No background music shall be allowed in the dining areas, or waiting areas.
22. 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 and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
23. On-sale alcoholic beverage service is not permitted. The establishment of on-sale alcoholic beverage service shall require the approval of an amendment to this Use Permit, approval by the Police Department, and the approval from the State Department of Alcoholic Beverage Control.
24. All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets, and shall be sound attenuated in accordance with Chapter 10.26 of the Municipal Code, Community Noise Control.
25. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal code.
26. The exterior of the establishment shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
27. Trash receptacles for patrons shall be conveniently located both inside and outside of the proposed facility; however, they shall not be located on or within any public property or right-of-way.

28. The operator of the food service use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
29. All trash shall be stored within the building or within public dumpsters provided for the convenience of businesses in the area, or otherwise screened from view of neighboring properties except when placed for pick-up by refuse collection agencies. The trash dumpsters shall have a top which shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency. Pick-up of trash from the dumpsters shall occur at least once daily, or more as deemed necessary by the Planning Department.
30. The applicant shall maintain the trash dumpsters or receptacles so as to control odors which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department. Trash generated by the establishment shall be adequately contained in sealed plastic bags to control odors prior to placement in the trash dumpster. 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).
31. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Planning Director, and may require an amendment to this Use Permit.
32. Storage outside of the building shall be prohibited.
33. All signs and displays must conform to the City Municipal Code requirements.
34. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the proposed eating and drinking establishment, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code.
35. Temporary signs shall be prohibited in the public right-of-way, unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
36. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of this restaurant business 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 Newport Beach Municipal Code to require such permits.
37. The facility shall comply with the provisions of Chapter 14.30 of the Newport Beach Municipal Code for commercial kitchen grease disposal, as determined by the Building department and the Utilities Department.

38. Should the business, subject to the Use Permit conditioned herein, be sold or otherwise come under different ownership or a change in operators, any future owners, operators, or tenants shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
39. The applicant shall comply with all federal, State, and local laws. Material violation of any of those laws in connection with the use will be cause for revocation of this permit.
40. This Use Permit may be modified or revoked by the City Council or Planning Commission should they determine 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.
41. *Use Permit No. UP2010-014 shall expire unless exercised within 24 months from the end of the appeal period as specified in Section 20.91.050 of the Newport Beach Municipal Code.*
42. *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 Picante Martin Mexican Restaurant including, but not limited to, the Use Permit No. UP2010-014 (PA2010-079). 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.*

This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.

**APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$4,280.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of James W. Campbell, Acting Planning Director

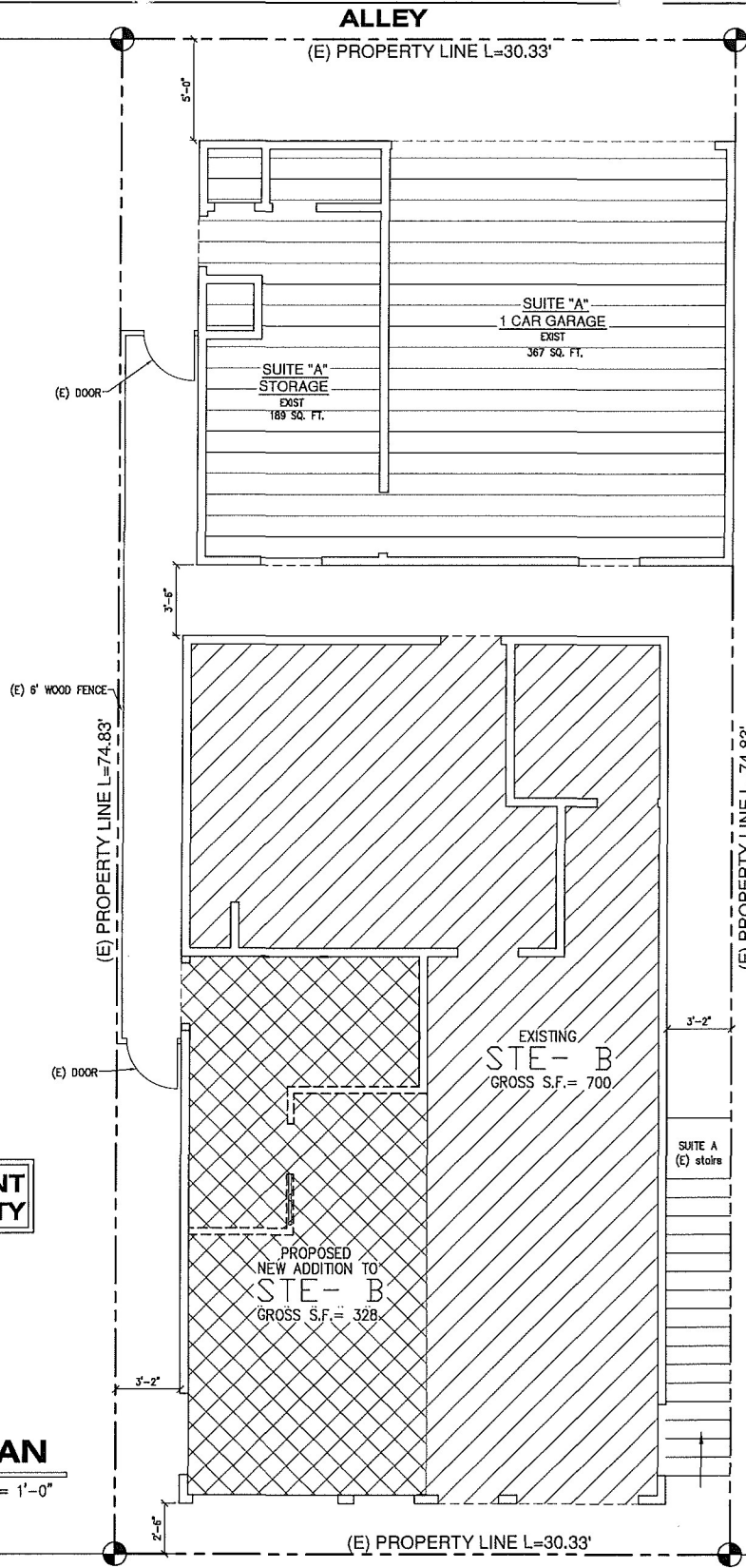
By: 

Patrick J. Alford, Planning Manager

JWC/ks

Attachments: PD 1 Vicinity Map  
PD 2 Plans  
PD 3 Photos  
PD 4 Applicant's Project Description and Sample Menu





ADJACENT PROPERTY

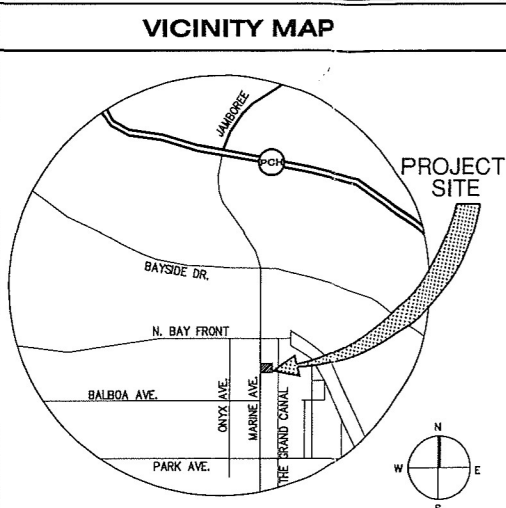
ADJACENT PROPERTY

**PLOT PLAN**  
1/4" = 1'-0"

RECEIVED BY  
PLANNING DEPARTMENT

NOV 8, 2010

CITY OF NEWPORT BEACH MARINE AVE.

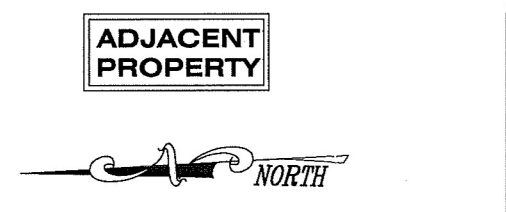


**SCOPE OF WORK**

1) CONVERT EXISTING SUITE "C" INTO NEW PROPOSED SUITE "B" BY REMOVING EXISTING INTERIOR PARTITION WALL AND COMBINING BOTH AREAS AS NEW PROPOSED SUITE "B". ADDING SUITE "C" TO EXISTING SUITE "B" WILL GIVE A NEW GROSS TOTAL FOR SUITE "B" OF 1,028 SQ. FT. REMODEL DINING ROOM AREA AND ADDING NEW BAR, STOOLS AND TABLES. REMODEL AND EXPANSION TO EXISTING SERVICE AREA.

**REQUIRED NOTE:**  
1. THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED, NO SOLID WASTE, PETROLEUM BYPRODUCTS, SOIL PARTICULATE, CONSTRUCTION WASTE MATERIALS, OR WASTE WATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED, CONVEYED OR DISCHARGED INTO THE STREET, GUTTER OR STORM DRAIN SYSTEM.  
2. ALL WORK FOR THIS CONSTRUCTION SHALL COMPLY WITH 2007 C.B.C. AND ALL LOCAL CODES.  
-CONTRACTOR IS TO CALL IN FOR INSPECTIONS AS REQUIRED BY CITY REQUIREMENTS, AND SHALL PASS INSPECTION BEFORE WORK CAN BE CONTINUED.  
-BUILDER IS TO FINISH ALL WORK, UNTIL FINAL INSPECTION IS OBTAINED.

GROSS SQ. FOOTAGE	
(E) SUITE "A"	962 S.F.
(E) SUITE "A" GARAGE & STORAGE AREA	556 S.F.
(E) TOTAL GROSS SUITE "A"	1,518 S.F.
(E) SUITE "B"	700 S.F.
NEW ADDITION TO SUITE "B"	328 S.F.
NEW TOTAL GROSS SUITE "B"	1,028 S.F.



# PICANTE MARTIN'S TENANT IMPROVEMENT

For:  
**PICANTE MARTIN'S LLC.**

LOCATION:  
320 MARINE AVE. # B, BALBOA ISLAND NEWPORT BEACH, CA. 92662

**CONTACT:**  
ANDREW MOLLE  
7151 BEL AIR ST.  
CORONA, CA. 92881  
(714) 860-8022

**OWNER:**  
PICANTE MARTIN'S LLC.  
MARTIN DIAZ  
320 MARINE AVE. #B  
NEWPORT BEACH, CA.  
(949) 735-8894

**PROJECT SUMMARY**

1) TYPE OF OCCUPANCY GROUP PER CBC (07): B	2007 CALIFORNIA BUILDING CODE (07 CBC).
2) TYPE OF CONSTRUCTION PER CBC (2007): V-B (NONE FIRE SPRINKLERED)	2007 CALIFORNIA PLUMBING CODE (07 CPC).
3) TOTAL AREA: 113 SF. DINNING, 49 SF. RESTRM.	2007 CALIFORNIA MECHANICAL CODE (07 CMC).
4) BUILDING STORES: 2	2007 CALIFORNIA ELECTRICAL CODE (07 CEC).
5) CODES APPLIED:	6) CURRENT ZONING DISTRICT: RSO-R
	7) LEGAL DESCR: BALBOA ISLAND SEC 4 LOT 11 BLK 14 E 75 F.

**HEALTH DEPT. NOTES:**

- ALL EQUIPMENT SHALL MEET NATIONAL SANITATION FOUNDATION DESIGN AND INSTALLATION REQUIREMENTS TO ITS EQUIPMENT.
- LIGHT FIXTURES IN FOOD PREPARATION, OPEN FOOD STORAGE AND UTENSILWASHING AREAS ARE TO BE PROTECTED AGAINST BREAKAGE THROUGH THE USE OF PLASTIC SHIELDS, PLASTIC SLEEVES, SHATTERED PROOF BULBS AND/OR OTHER APPROVED DEVICES.
- EXTERIOR DOORS SHALL BE SELF-CLOSING AND FIT TO A MAXIMUM 1/4" AT THE BASE AND SIDES.
- PROVIDE PERMANENTLY MOUNTED SINGLE SERVICE SOAP AND TOWEL DISPENSERS AT ALL HAND WASH BASINS.
- TOILET ROOMS AND DRESSING ROOM DOORS SHALL BE SELF-CLOSING.
- SEAL ALL CRACKS AND CREVICES IN COUNTERS, CABINETS, AROUND METAL FLASHING, SINK BACKSPLASHES AND AROUND PIPES AND CONDUITS WITH NONE-HARDENING SILICONE SEALANT.
- PROVIDE ALL AREAS OR CABINETS FOR STORAGE OF CLEANING EQUIPMENT AND SUPPLIES AWAY FROM PREPARATION, UTENSIL WASHING AND FOOD STORAGE AREAS.
- A ROOM, INCLOSURE, OR DESIGNATED AREA, SHALL BE PROVIDED WHERE EMPLOYEES MAY CHANGE AND STORE CLOTHES.
- PRIOR TO STARTING CONSTRUCTION, SUBMIT OF YOUR LOCAL BUILDING AND SAFETY DEPARTMENT FOR REVIEW, APPROVAL AND NECESSARY PERMITS.
- A HEALTH PERMIT MUST BE OBTAINED PRIOR TO OPERATION. FAILURE TO OBTAIN A HEALTH PERMIT IS A MISDEMEANOR VIOLATION. PLEASE CONTACT YOUR PLAN CHECKER TO ARRANGE AN APPOINTMENT FOR SIGHT EVALUATION APPROVAL PRIOR TO STOCKING FOOD ON THE PREMISES.

**CONTRACTOR NOTES**

- BEFORE SUBMITTING THE BID, THE CONTRACTOR SHALL CAREFULLY EXAMINE THE PLANS TO THIS WORK, CONTRACTOR SHALL VISIT THE SITE AND FULLY INFORM AS TO ALL CONDITIONS AND LIMITATIONS AND APPLYING TO THIS WORK HE SHALL ESTIMATE AND INCLUDE IN THIS BID A SUM SUFFICIENT TO COVER THE COST OF ALL LABOR AND MATERIALS TO ACCOMPLISH THE INTENT OF THESE PLANS, AND NO SUBSEQUENT ALLOWANCE WILL BE MADE TO THIS CONTRACTOR BECAUSE OF HIS NEGLIGENCE IN COMPLYING WITH THESE REQUIREMENTS.
- THE CONTRACTOR SHALL OBTAIN ALL PERMITS AS REQUIRED BY THE GOVERNING AUTHORITIES FOR CONSTRUCTION.
- ELECTRICAL, MECHANICAL, AND PLUMBING SYSTEMS SHALL BE DONE BY THE CONTRACTOR.
- THE CONTRACTOR SHALL PROCURE IN THE OWNER'S NAME, AND CHARGES FOR INSTALLATION OF THE WATER AND GAS METER AND ALL PIPING FROM MAIN TO SAID METER.
- THE CONTRACTOR SHALL SEND PROPER NOTICES, MAKE ALL NECESSARY ARRANGEMENTS AND PERFORM ALL SERVICES REQUIRED IN THE MAINTENANCE OF ALL PUBLIC UTILITIES.
- THE CONTRACTOR SHALL REQUIRE SUCH COOPERATION OF THE VARIOUS TRADES AS WILL BE NECESSARY TO COMPLETE EACH AND EVERY PART OF THE WORK EVEN THOUGH NOT SPECIFICALLY INDICATED, NOTED OR DETAILED ON THE DRAWINGS OR SPECIFICATIONS.
- DIMENSIONS AND CONDITIONS AT THE JOB SITE SHALL BE VERIFIED BY THE CONTRACTORS, DISCREPANCIES IN THE DRAWINGS OR BETWEEN THE DRAWINGS AND ACTUAL FIELD CONDITIONS OR CODE REQUIREMENTS SHALL BE REPORTED TO THE ARCHITECT. CORRECTED DRAWINGS OR INSTRUCTIONS SHALL BE ISSUED BY THE ARCHITECT PRIOR TO THE INSTALLATION OF ANY WORK.
- NO PENETRATIONS BY TENANT CONTRACTOR OF ANY STRUCTURAL MEMBER, SHEAR WALL, FOOTINGS, AND GRADE BEAMS. ANY REQUIREMENT TO MAKE ANY STRUCTURAL MODIFICATIONS MUST BE DONE BY A LICENSED STRUCTURAL ENGINEER, APPROVED BY THE CITY AND LANDLORD.

**FIRE DEPT. NOTE:**

- EXIT DOORS SHALL SWING IN THE DIRECTION OF EXIT TRAVEL WHEN SERVING ANY HAZARDOUS AREA OR WHEN SERVING AN OCCUPANT LOAD OF 50 OR MORE.
- EXIT DOOR SHALL BE OPENABLE FROM THE INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
- WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS TO COMPLY WITH TITLE 24, 1009.3.1.5.
- EXITS SHALL BE ILLUMINATED AT ANY TIME THE BUILDING IS OCCUPIED, WITH A LIGHT HAVING AN INTENSITY OF NOT LESS THAN ONE FOOT-CANDLE AT FLOOR LEVEL.
- EXIT SIGN SHALL BE PER TITLE 24, CBC 1003.2.B.
- FIRE EXTINGUISHER REQUIREMENTS SHALL BE DETERMINED BY FIELD INSPECTOR.
- BUILDING ADDRESS AND NUMBERS TO BE PROVIDED ON THE FRONT OF ALL BUILDINGS AND SHALL BE VISIBLE AND LEGIBLE FROM STREET FRONTING THE PROPERTY. SAID NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND.
- COMMERCIAL DUMPSTERS OR CONTAINERS WITH AN INDIVIDUAL CAPACITY ON 15 CUBIC YARDS OR GREATER SHALL NOT BE STORED OR PLACED WITHIN FIVE FEET OF COMBUSTIBLE WALLS, OPENINGS, OR COMBUSTIBLE ROOF DRAVE LINES UNLESS AREAS CONTAINING DUMPSTERS ARE PROTECTED BY AN APPROVED SPRINKLER SYSTEM.
- SEPARATION OF EXITS OR EXIT-ACCESS DOORWAYS SHALL COMPLY WITH UBC CHA 10, 1004.2.4.
- AN APPROVAL FIXED FIRE EXTINGUISHER SYSTEM FOR THE KITCHEN HOOD, DUCTS, AND COOKING SURFACES SHALL BE HANDLED BY THE LICENSED FIRE PROTECTION COMPANY.
- THE LICENSED FIRE PROTECTION CO. IS RESPONSIBLE FOR THE UL APPROVAL SYSTEM NUMBER, THE SUBMISSION UL APPROVAL SCHEMATIC DRAWING TO AREA INSPECTION UNIT.
- INTERIOR FINISH SHALL BE PROVIDED IN ACCORDANCE WITH U.B.C. CHA 9, TABLE 9-4A.3.
- ALL DRAPES, HANGINGS, CURTAINS, DROPS AND ALL OTHER DECORATIVE MATERIALS SHALL COMPLY WITH U.B.C. CHA 9, FIRE CODE CHAPTER 11.
- THE MODIFICATION OF FIRE SPRINKLER SYSTEM WILL BE SEPARATELY SUBMITTED FOR PLAN CHECK AND PERMIT BY A LICENSED FIRE PROTECTION CO.
- PLACEMENT OF PORTABLE FIRE EXTINGUISHERS SHALL BE DETERMINED BY THE FIRE INSPECTOR. EQUIPMENT SHALL BE MOUNTED BEFORE CONSTRUCTION FINAL.
- THE FIRE DEPARTMENT MUST BE NOTIFIED A MINIMUM OF 1-2 DAYS IN ADVANCE TO SCHEDULE AN INSPECTION. A WIRING (ROUGH) INSPECTION IS REQUIRED IN ADDITION TO THE FINAL TESTING.
- AN APPROVED, STAMPED, SET OF DRAWINGS ARE REQUIRED TO BE AVAILABLE TO THE FIRE INSPECTOR ON THE JOB SITE.
- CONSTRUCTION SAFETY SHALL CONFORM TO UFC, ARTICLE 87 AND UBC, CHAPTER 33.
- INTERIOR FINISHES TO HAVE A MAX. FLAME SPREAD CLASSIFICATION PER 1997 UBC TABLE 8-A.

APPROVED BY:



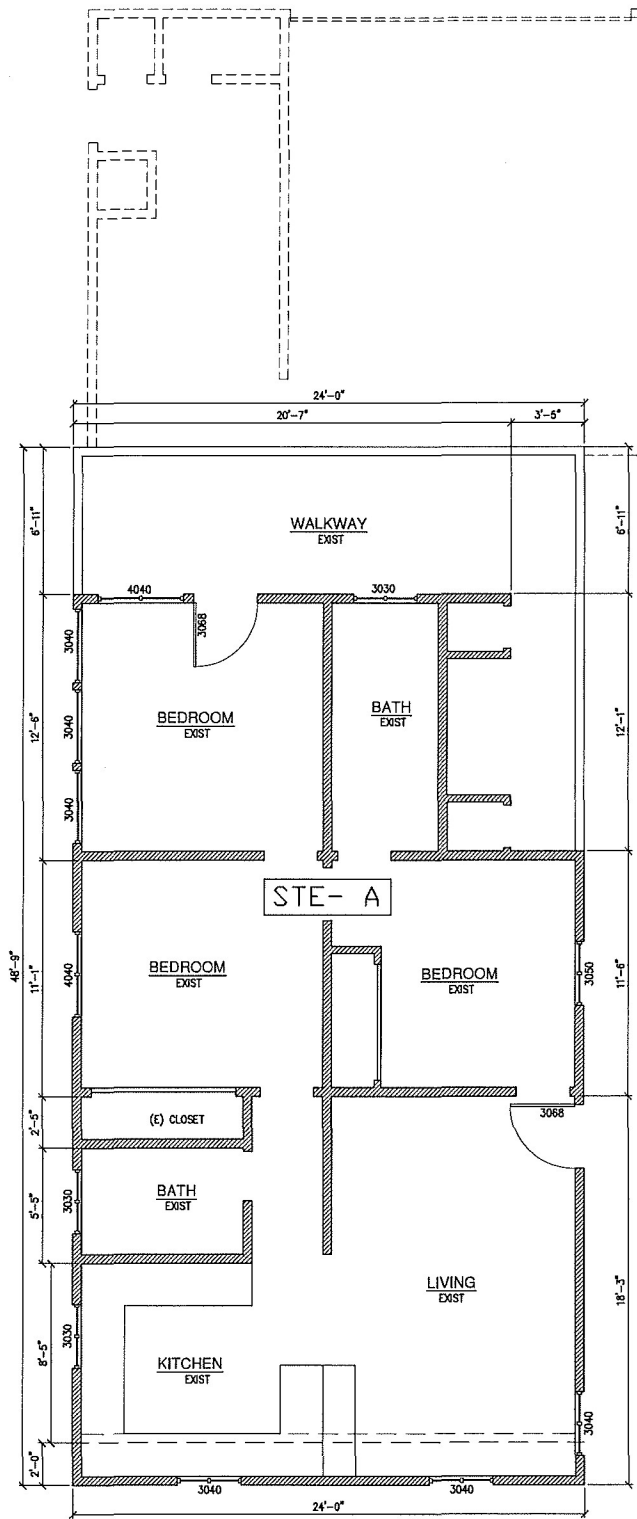
A.3 NORTH ELEVATION  
PLUMBING PLAN  
MECHANICAL PLAN  
S.1 FOUNDATION / DETAILS  
S.2 FRAMING / DETAILS  
SM1 STRUCTURAL NOTES

<b>REVISIONS</b>	
<b>PROJECT / TITLE</b> PICANTE MARTIN'S TENANT IMPROVEMENT	<b>SHEET TITLE</b> SITE PLAN GENERAL NOTES
<b>OWNER/DESIGNER</b> MARTIN DIAZ 320 MARINE AVE. # B BALBOA ISLAND NEWPORT BEACH, CA. 92662	<b>PROJECT LOCATION</b> 320 MARINE AVE. # B BALBOA ISLAND NEWPORT BEACH, CA. 92662

<b>DATE</b> 11/07/10
<b>DRAWN</b> A.M.R.
<b>SCALE</b> AS SHOWN
<b>PROJECT</b> 10-011
<b>DRAFTER</b> JUAN H. REYES 3715 VERDE ST. RIVERSIDE, CA (951) 876-8534

**SHEET**  
**C1**

APPROVED BY: *Jan Campbell*  
 Planning Director  
 Planning Commission  
 As Submitted  
 Resolution  
 Approval Letter  
 City Council  
 As Modified  
 Refer to: # of Pgs Approved: 4  
 Date: 11/10/10

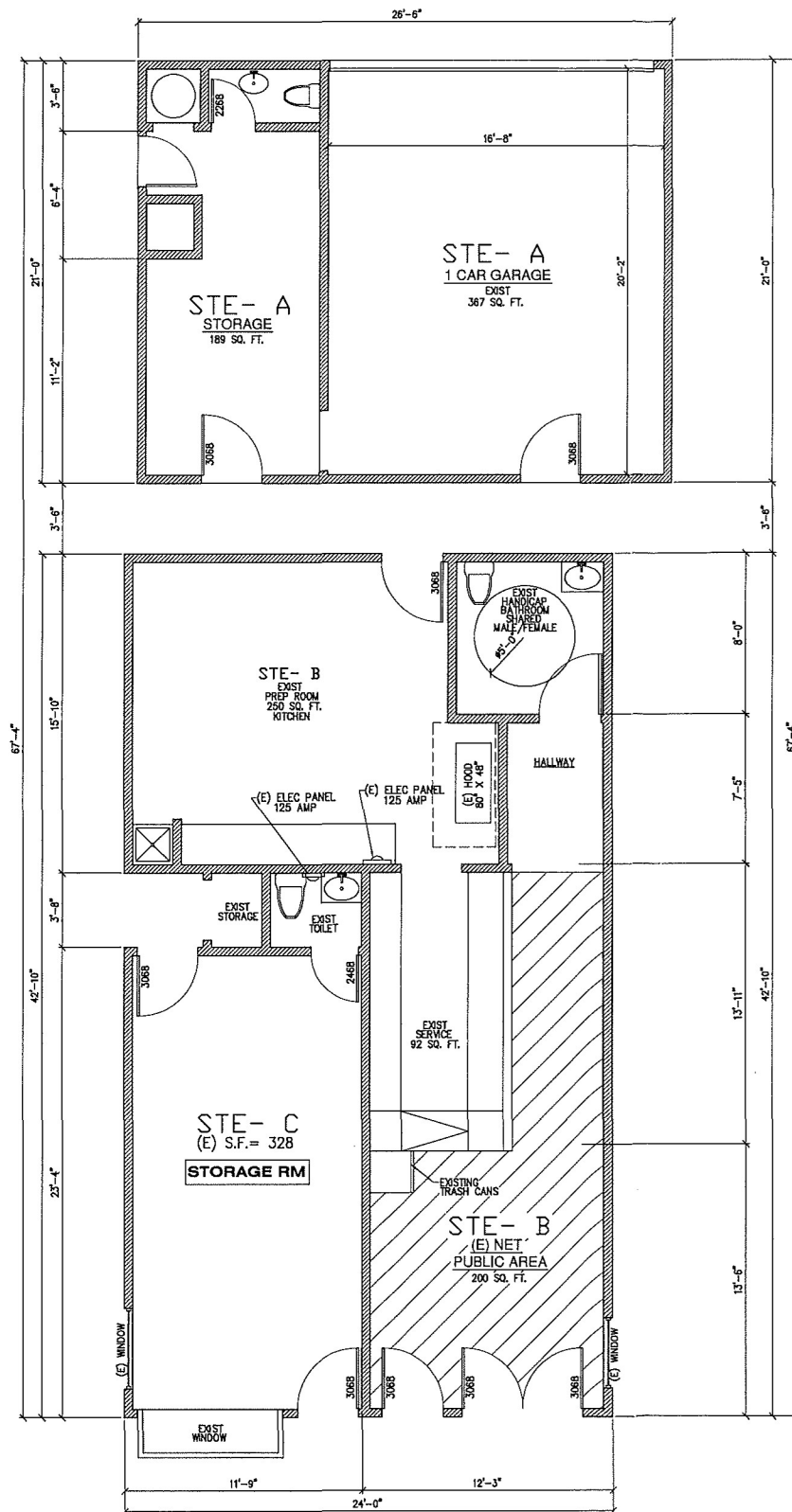


**(E) 2nd FLOOR PLAN**

1/4" = 1'-0"

RECEIVED BY  
PLANNING DEPARTMENT

NOV 8 2010



**(E) 1st FLOOR PLAN**

1/4" = 1'-0"

NET PUBLIC AREA		
(E) SUITE "B" NET PUBLIC AREA	200	S.F.
PROPOSED NEW NET PUBLIC AREA	151	S.F.
<b>TOTAL NEW SUITE "B" NET PUBLIC AREA</b>	<b>351</b>	<b>S.F.</b>

**FORCED AIR UNIT**

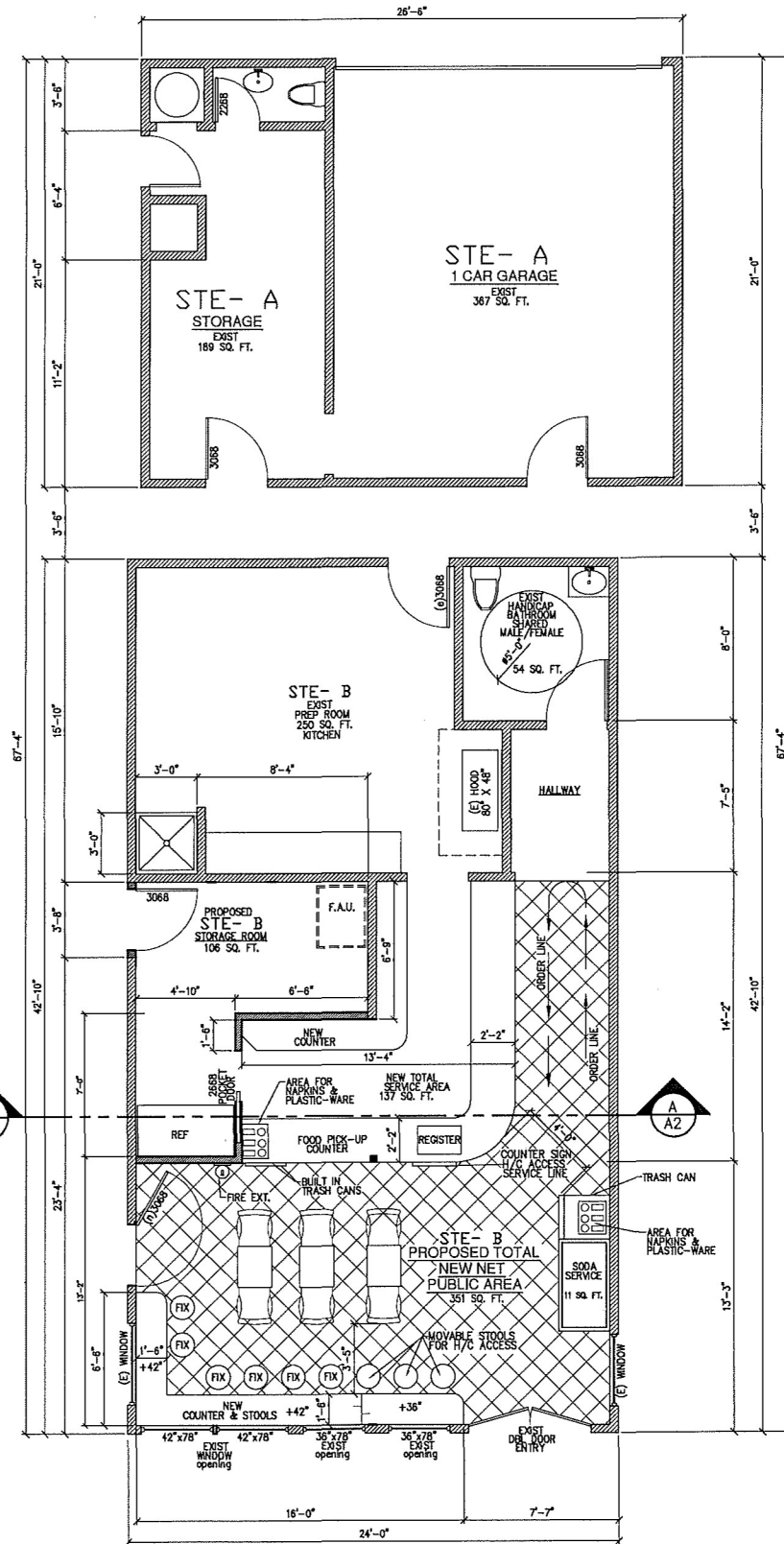
UNIT: YORK AFFINITY SERIES MODEL # csh04811  
4 TON, SPLIT HEAT PUMP (48,000 BTU COOLING)  
(50,000 BTU HEATING)

**WALL LEGEND**

- EXIST. WALLS TO REMAIN
- NEW CONSTRUC. WALL TO MATCH EXIST.
- (E) EXISTING
- (N) NEW

**PUBLIC AREA LEGEND**

- EXISTING NET PUBLIC AREA
- PROPOSED NEW NET PUBLIC AREA



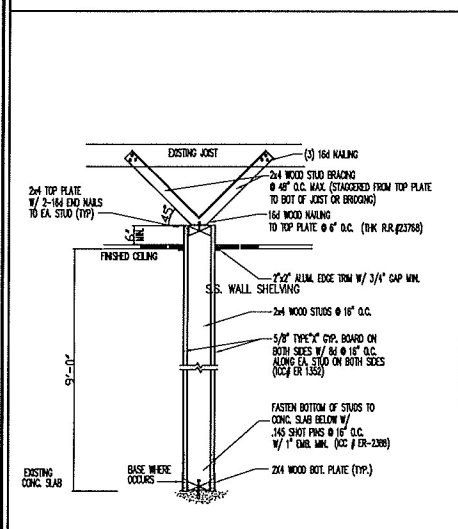
**NEW 1st FLOOR PLAN**

1/4" = 1'-0"

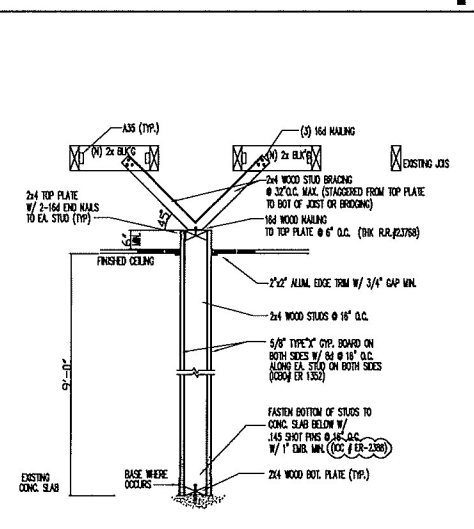
REVISIONS	
PROJECT / TITLE	PICANTE MARTIN'S TENANT IMPROVEMENT
OWNER/DESIGNER	MARTIN 320 MARINE AVE. # B BALBOA ISLAND NEWPORT BEACH, CA. 92662
PROJECT LOCATION	# B 320 MARINE AVE. BALBOA ISLAND NEWPORT BEACH, CA. 92662
DATE	11/07/10
DRAWN	J.M.R.
SCALE	AS SHOWN
PROJECT	10-011
DRAFTER	JUAN M. REYES 3715 VERDE ST. SUNBURST, CA. (951) 870-8534

**SHEET**

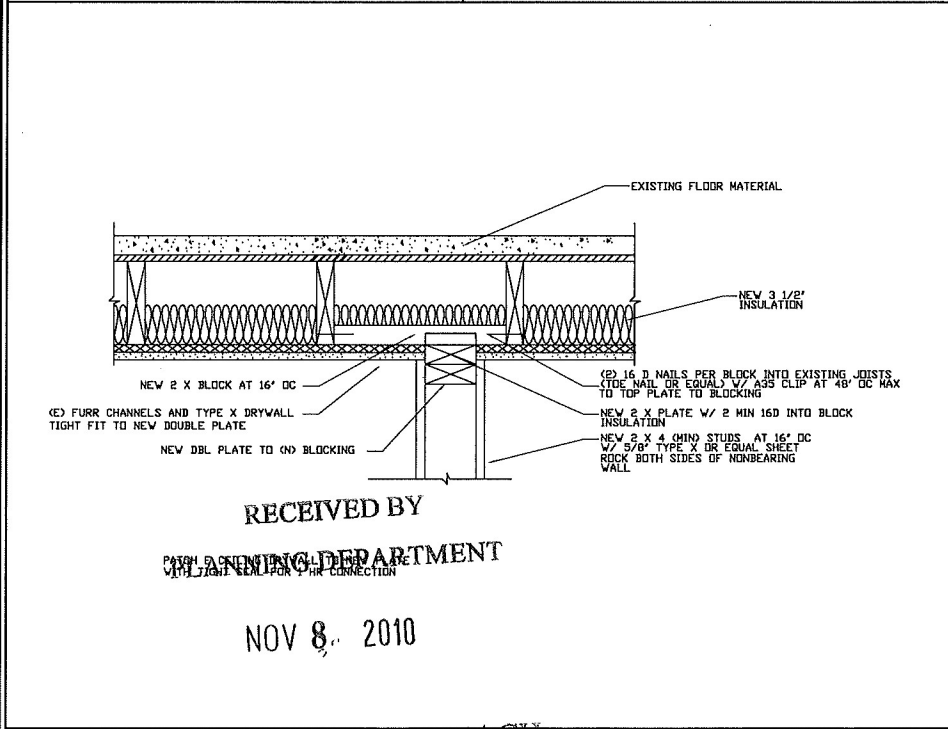
**A1**



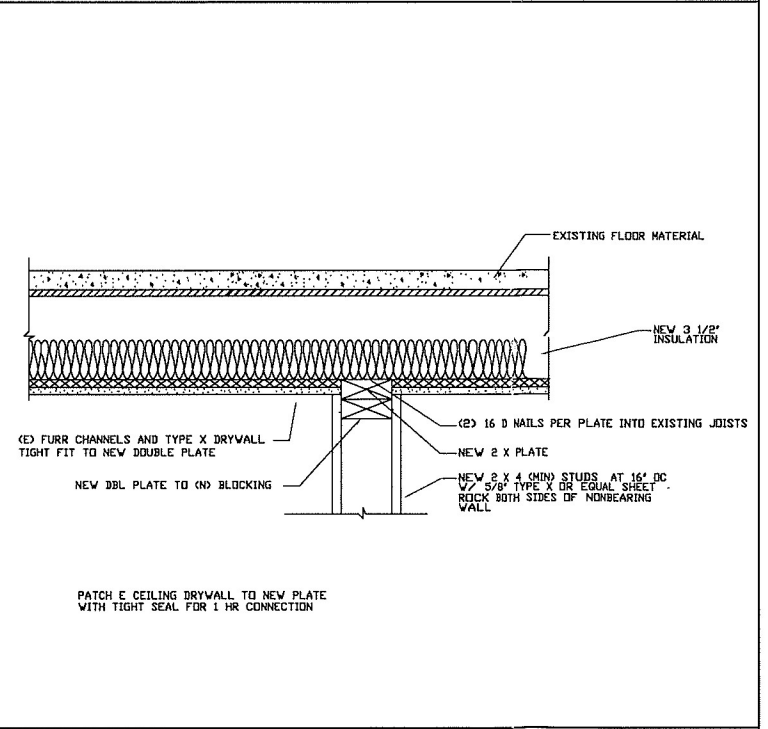
TYP. CERAMIC OR 2



TYP. CERAMIC OR 3

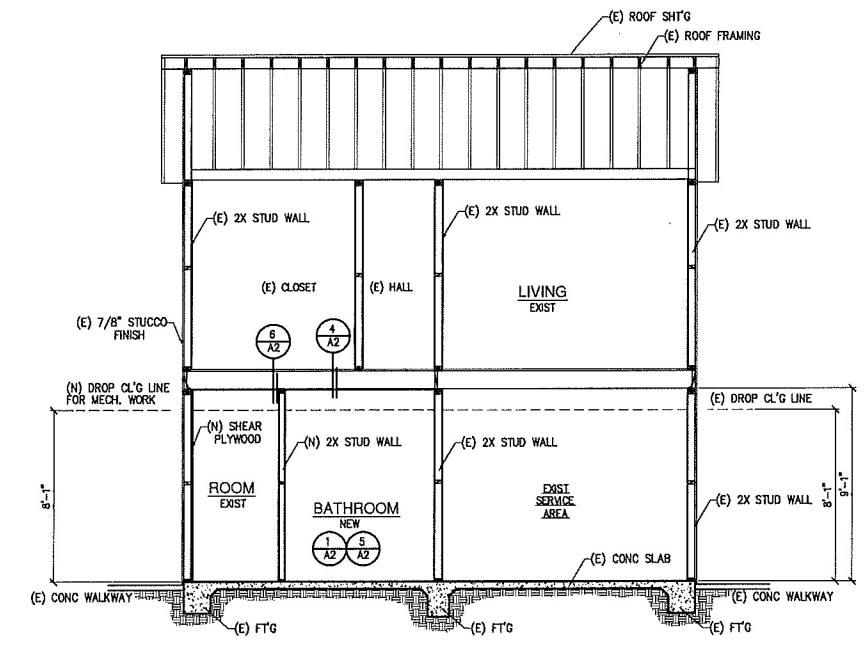
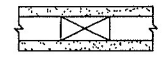


CITY OF NEWPORT BEACH  
NONBEARING WALL SUPPORT DETAIL  
PLATE PARALLEL TO JOISTS N.T.S. 4



CITY OF NEWPORT BEACH  
NONBEARING WALL SUPPORT DETAIL  
PLATE PERPENDICULAR TO JOISTS N.T.S. 6

GA FILE NO. WP 3640	GENERIC	1 HOUR FIRE
<b>GYPSON WALLBOARD, WOOD STUDS</b>		
One layer 5/8" type X gypsum wallboard or gypsum veneer base applied parallel or at right angles to each side of either 2 x 3 or 2 x 4 wood studs, turned flatwise, 24" o.c. with 6d cement-coated nails, 1 7/8" long, 0.0915" shank, 1/4" heads, 7" o.c. (NLB)		
Thickness:	2 7/8"	
Approx. Weight:	7 psf	
Fire Test:	UL, 9-12-96, UL Design U338	



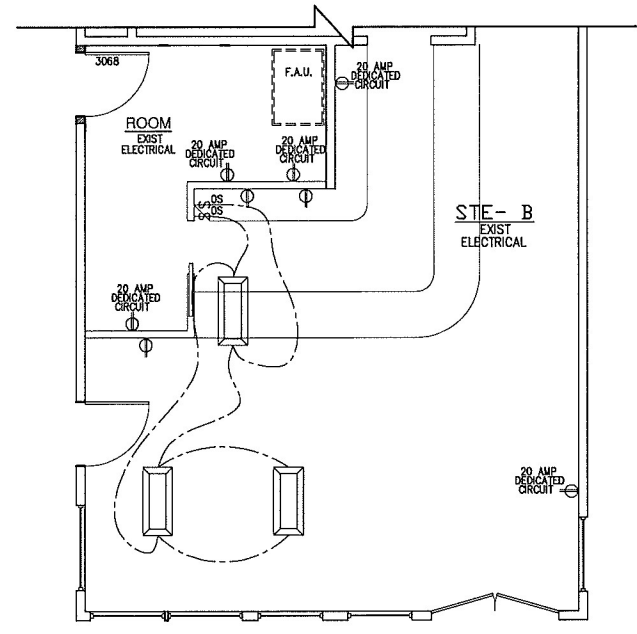
**SECTION A-A**  
1/4" = 1'-0"

**RESTAURANT NOTES:**

- TYPE OF RESTAURANT SHALL BE: A DINNER RESTAURANT
- ALL WALKWAYS TO BE MIN 36" WIDE FOR HANDICAP ACCESS
- ALL TABLES WILL BE MOVABLE AND WILL NOT BE ANCHORED.
- 1 COUNTER SPACE, & 1 TABLE INSIDE & 1 SPACE OUTSIDE SHALL BE HANDICAP
- ALL DOOR THRESHOLD WILL BE HANDICAP APPROVED. 1/2" max.
- ALL PATHWAYS TO TABLES TO BE HANDICAP APPROVED.
- PLUMBING TO CONNECT TO EXISTING PLUMBING FIXTURES FROM REMOVED RESTROOM

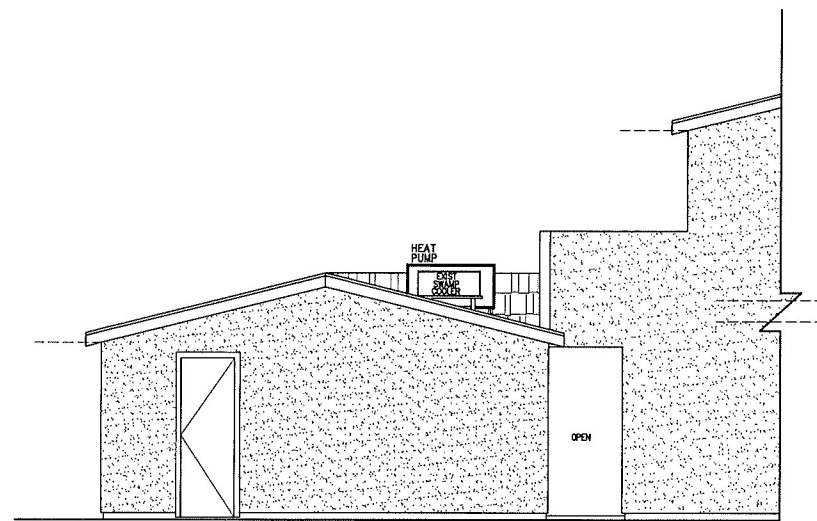
**ELECTRICAL LEGEND**

- ⊙ RECESSED CAN LIGHT
- ⊙ SMOKE DETECTOR TO 110 V W/ BATTERY BACK-UP
- ⊙ WALL MOUNTED INCANDESCENT 2 BULB 150 WATTS
- ⊙ SINGLE POLE SWITCH
- ⊙ LEVITON PIR S-P DECORA WALL SWITCH OCCUPANCY SENSOR
- ⊙ GROUND FAULT INTERRUPTER
- ⊙ 40 LUM. LIGHT FIXTURE & FAN, (EIGHT AIR CHANGES PER HOUR).
- ⊙ FLOURESCENT TUBE CEILING LIGHT FIXTURE SURFACE MOUNTED W/ ACRYLIC LENSE COVER, LITH 2618432A12MVB2 FIXTURE



**ELECTRICAL PLAN**  
1/4" = 1'-0"

<b>REVISIONS</b>	
1.	
<b>OWNER/DRAWN</b>	<b>PROJECT/TITLE</b>
MARTIN 370 MARINE AVE. # B BALBOA ISLAND NEWPORT BEACH, CA. 92662	PICANTE MARTINS TENANT IMPROVEMENT
<b>PROJECT LOCATION</b>	<b>SHEET TITLE</b>
370 MARINE AVE. # B BALBOA ISLAND NEWPORT BEACH, CA. 92662	HANDICAP DETAILS FIRE RATED DETAILS
<b>DATE</b>	<b>DRAWN</b>
11/07/10	L.M.R.
<b>SCALE</b>	<b>AS SHOWN</b>
	PROJECT
	10-011
<b>DRAFTER</b>	
JUAN M. REYES 3715 VERDE ST. SUNVIELE CA (951) 870-8534	
<b>SHEET</b>	
<b>A2</b>	



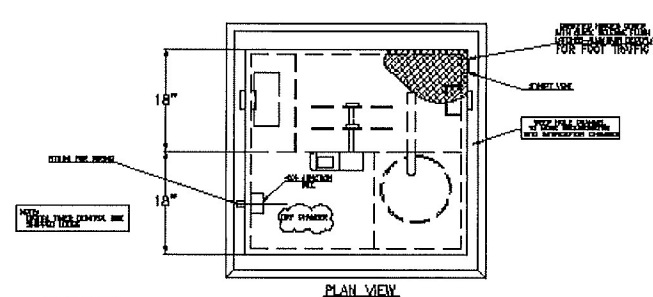
**NORTH ELEVATION**

1/4" = 1'-0"

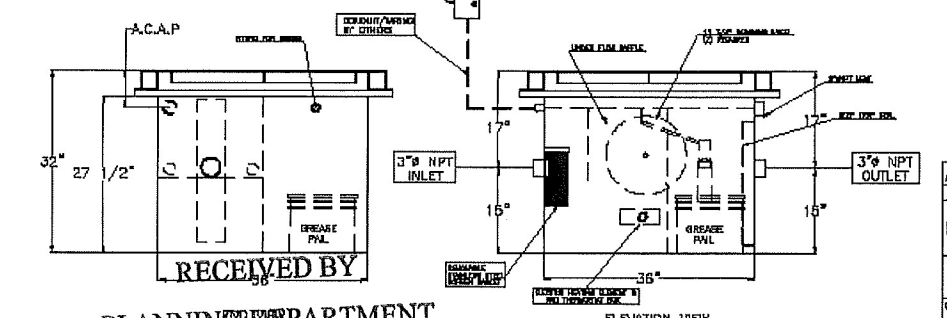
NOTE: ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN FEET AND INCHES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NEWPORT BEACH AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES PRIOR TO CONSTRUCTION.

**GENERAL SPECIFICATIONS**

NO. REQ'D: 1  
 MODEL: AGI 35 AUTOMATIC GREASE INTERCEPTOR  
 MATERIAL: 304 STAINLESS STEEL, 2-B FINISH  
 GAUGE OR THICKNESS OF MATERIAL: 12 ga. THROUGHOUT  
 APPROVED LABELS: PFI #101  
 APPROX. WEIGHT: 210 lbs.  
 STATIC WATER CAPACITY: 30 GALLONS  
 GREASE HOLDING CAPACITY: 102.08 lbs.



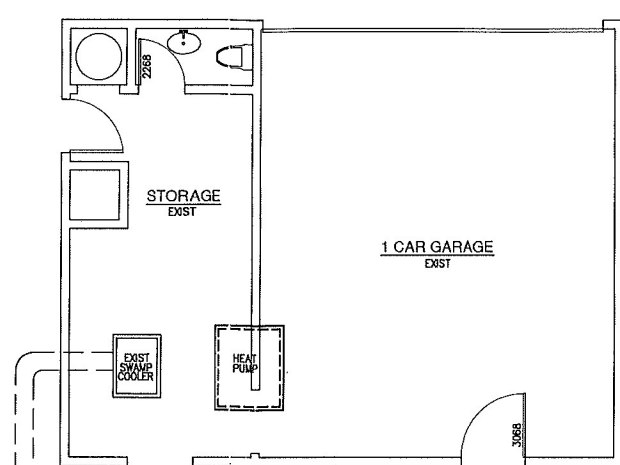
PLAN VIEW



ELEVATION VIEW

RECEIVED BY  
 PLANNING DEPARTMENT

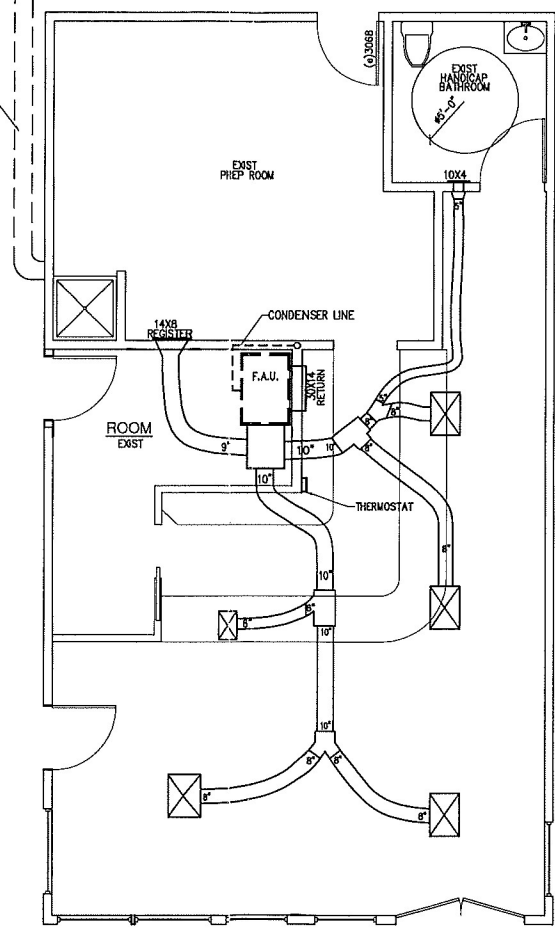
NOV 8 2010



STORAGE EXIST

1 CAR GARAGE EXIST

12" SWAMP COOLER

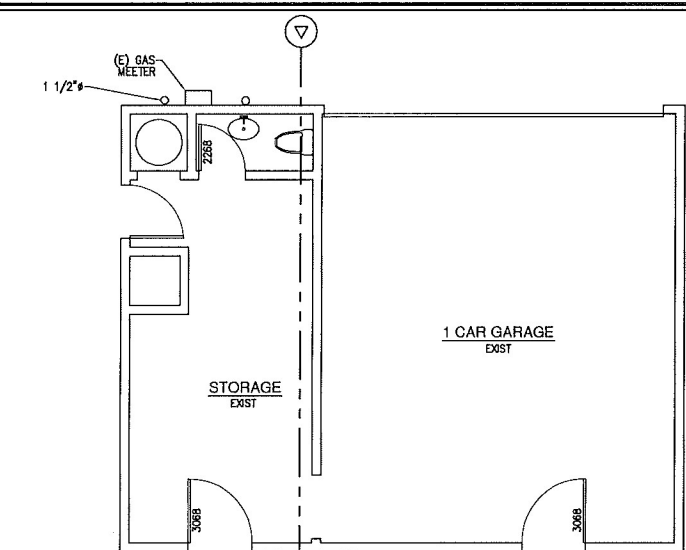


**MECHANICAL PLAN**

1/4" = 1'-0"

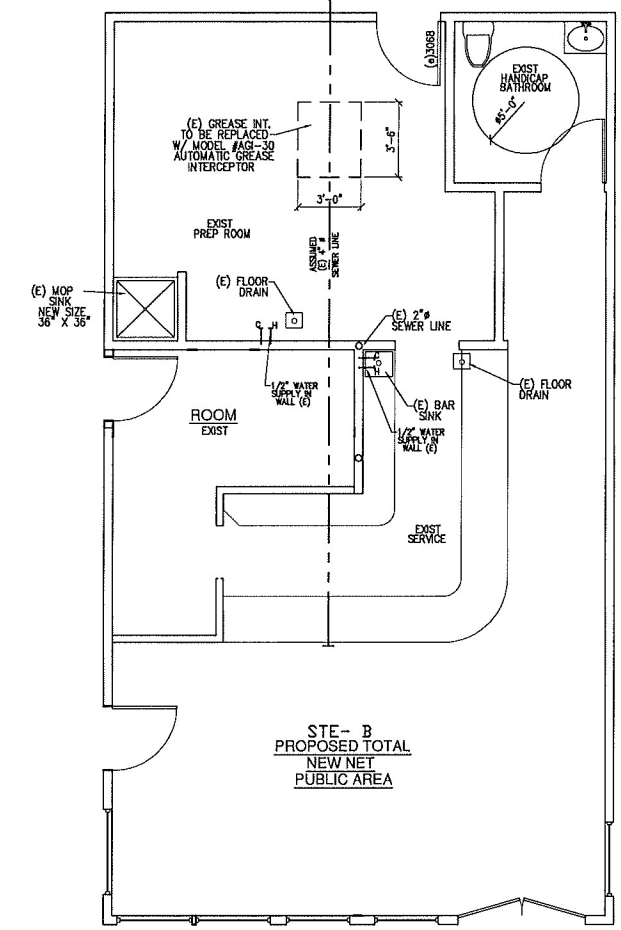
**FORCED AIR UNIT**

UNIT: YORK AFFINITY SERIES MODEL # czh04811  
 4 TON, SPLIT HEAT PUMP (48,000 btu COOLING)  
 (50,000 btu HEATING)  
 NO GAS LINE REQUIRED FOR THIS UNIT



STORAGE EXIST

1 CAR GARAGE EXIST



**PLUMBING PLAN**

1/4" = 1'-0"

<b>REVISIONS</b>	
1.	
<b>PROJECT / TITLE</b>	PICANTE MARTIN'S TENANT IMPROVEMENT
<b>OWNER/DESIGNER</b>	MARTIN 320 MARINE AVE. # B BALEBOA ISLAND NEWPORT BEACH, CA. 92662
<b>PROJECT LOCATION</b>	320 MARINE AVE. # B BALEBOA ISLAND NEWPORT BEACH, CA. 92662
<b>SHEET TITLE</b>	ELEVATION PLUMBING PLAN MECHANICAL PLAN
<b>DATE</b>	11/07/10
<b>DRAWN</b>	J.M.R.
<b>SCALE</b>	AS SHOWN
<b>PROJECT</b>	10-011
<b>DRAFTER</b>	JUAN M. REYES 3915 VERDE ST. RIVERSIDE, CA. (951) 870-8534
<b>SHEET</b>	
<b>A3</b>	

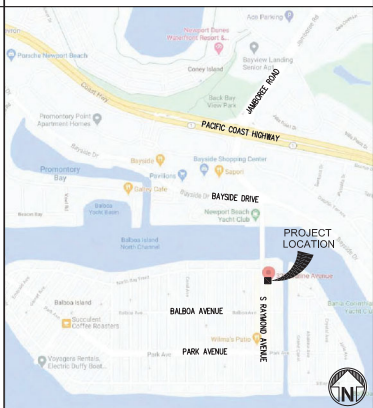
# **Attachment No. CD 3**

Project Plans

## GENERAL NOTES

- REFER TO BASIC BUILDING SPECIFICATIONS, REQUIREMENTS AND STANDARDS FOR EXISTING SHELL AND CORE CONSTRUCTION. ALL WORK IS TO BE COMPATIBLE WITH EXISTING CONSTRUCTION.
- ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL GOVERNING BUILDING CODES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK THAT HAS BEEN PERFORMED WHICH DOES NOT MEET THESE CODES AND REGULATIONS.
- ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE TO THE ARCHITECT'S CONSTRUCTION DOCUMENTS. THE CONTRACTOR IS RESPONSIBLE FOR REPORTING IMMEDIATELY TO THE ARCHITECT ANY DISCREPANCIES OR DETAILS WHICH DO NOT MEET BUILDING CODES AND CONSTRUCTION STANDARDS.
- THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IN THE EVENT OF CONFLICTS OR CHANGES BETWEEN DETAILS, OR BETWEEN THE PLANS AND SPECIFICATIONS, THE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY.
- THE CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES AND PIPING BEFORE BEGINNING WORK.
- THE GC SHALL COORDINATE ALL OPERATIONS WITH THE OWNER, INCLUDING AREA FOR WORK, MATERIALS STORAGE, AND ACCESS TO AND FROM THE WORK. SPECIAL CONDITIONS OR NOISY WORK, TUNING OF WORK AND INTERRUPTION OF MECHANICAL AND ELECTRICAL SERVICES, NOISY OR DISRUPTIVE WORK SHALL BE SCHEDULED AT LEAST ONE (1) WEEK IN ADVANCE OF THE TIME WORK IS TO COMMENCE.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE HIGHEST STANDARD OF WORKMANSHIP IN GENERAL AND WITH SUCH STANDARDS AS ARE SPECIFIED.
- GC SHALL SUBMIT SAMPLES OF ALL FINISHES OF SUCH SIZE AND NUMBER THAT THEY REPRESENT A REASONABLE DISTRIBUTION OF COLOR RANGES AND PATTERN PRIOR TO INSTALLATION FOR ARCHITECT'S APPROVAL. GC SHALL PROVIDE SHOP DWGS AND PRODUCT DATA FOR ARCHITECT'S APPROVAL ON ALL SPECIAL ITEMS REQUIRING CUSTOM FABRICATION (SHALL INCLUDE RATED FIRE DOORS AND HARDWARE).
- ALL MATERIALS INDICATED TO MATCH EXISTING SHALL DO SO WITH RESPECT TO SIZE, SHAPE, COLOR, TEXTURE, PATTERN, QUALITY AND METHOD OF INSTALLATION INsofar AS PRACTICABLE AND SHALL BE APPROVED BY THE ARCHITECT BEFORE USE.
- THE FLOORS MAY BE OCCUPIED DURING CONSTRUCTION. THE GC SHALL PROTECT ALL PERSONNEL, PASSENGERS OR VISITORS TO THE SITE FROM HARM AND INJURY. BARRIERS SHALL BE INSTALLED AS REQUIRED TO PROTECT EQUIPMENT INSTALLED DURING CONSTRUCTION, CAREFULLY MAINTAIN AND PROTECT MONUMENTS, BENCH MARKS AND THEIR REFERENCE POINT FROM BEING DESTROYED OR DISTURBED; REPLACE AS REQUIRED.
- EXISTING WORK DAMAGED AS A RESULT OF WORK DONE UNDER THIS CONTRACT SHALL BE REPAIRED TO ORIGINAL CONDITION AND FINISHED TO MATCH ADJACENT FINISHES, SUBJECT TO ARCHITECT'S APPROVAL, AND AT NO ADDITIONAL COST TO THE OWNER. ALL REPLACEMENT MATERIALS REQUIRED TO MATCH EXISTING MATERIALS SHALL DO SO WITH RESPECT TO TYPE, PATTERN, TEXTURE, SIZE, SHAPE, COLOR AND METHOD OF INSTALLATION INsofar AS PRACTICABLE, AND SHALL BE APPROVED BY THE ARCHITECT AND OWNER PRIOR TO INSTALLATION.
- MATERIALS, ARTICLES, DEVICES AND PRODUCTS ARE SPECIFIED IN THE DOCUMENTS BY LISTING ACCEPTABLE MANUFACTURERS OR PRODUCTS, BY REQUIRING COMPLIANCE WITH REFERENCED STANDARDS, OR BY PERFORMANCE SPECIFICATIONS FOR ITEMS SPECIFIED BY NAME. SELECT ANY PRODUCT NAMED FOR THOSE SPECIFIED BY REFERENCE STANDARDS OR BY PERFORMANCE SPECIFICATIONS SELECT ANY PRODUCT MEETING OR EXCEEDING SPECIFIED CRITERIA FOR APPROVAL OF AN ITEM NOT SPECIFIED, SUBMIT REQUIRED SUBMITTALS PROVIDING COMPLETE BACK-UP INFORMATION FOR PURPOSES OF EVALUATION, WHERE BUILDING STANDARD ITEMS ARE CALLED FOR, NO SUBSTITUTE WILL BE ACCEPTED.
- INSTALLATION OF MECHANICAL, ELECTRICAL AND STRUCTURAL SYSTEMS WILL REQUIRE OPENING OF SOME EXISTING WALLS, CEILING OR FLOOR CAVITIES. THE GC SHALL BE RESPONSIBLE FOR THE REPAIR OF THESE OPENINGS TO MATCH EXISTING EXCEPT WHERE NOTED OTHERWISE. FILL ALL HOLES AND VOIDS IN FLOORS WALLS AND CEILING WHICH RESULT FROM INSTALLATION OF WORK, AND REMOVAL OF EXISTING MATERIALS AND EQUIPMENT REQUIRED BY THIS CONTRACT. PATCHED AREAS SHALL MATCH THE MATERIALS, FINISHES, AND LEVELS ADJACENT, OR SHALL BE PUT IN THE PROPER CONDITION TO RECEIVE THE FINISH INDICATED.
- OPENINGS REQUIRED FOR NEW WORK THAT PENETRATES EXISTING STRUCTURE SHALL BE COORDINATED WITH OWNER PRIOR TO COMMENCING THE WORK. ANY OPENING OVER 2" IN DIAMETER SHALL BE REVIEWED AND APPROVED BY OWNER. THROUGH CONCRETE SLABS OR WALLS, OR MASONRY WALLS, ALL ROUND HOLES SHALL BE CORE DRILLED WITH A DIAMOND DRILL AND ALL RECTANGULAR OPENINGS SHALL BE CUT WITH A DIAMOND SAW. IN NO CASE SHALL ANY STRUCTURAL MEMBER BE CUT. USE CARBIDE-TIPPED DRILLS FOR GYPSUM WALLBOARD PARTITIONS. KEEP OVER CUTTING TO A MIN. MAINTAIN CONTINUITY AND INTEGRITY OF FIRE SEPARATION AT ALL TIMES. GROUT AROUND CONDUITS PASSING THROUGH CONCRETE WALLS AND FLOORS AND MASONRY WALLS. MAKE PATCHES WITH NEAT, TRIMMED EDGES. MATCH ADJACENT EXISTING WORK.

## VICINITY MAP

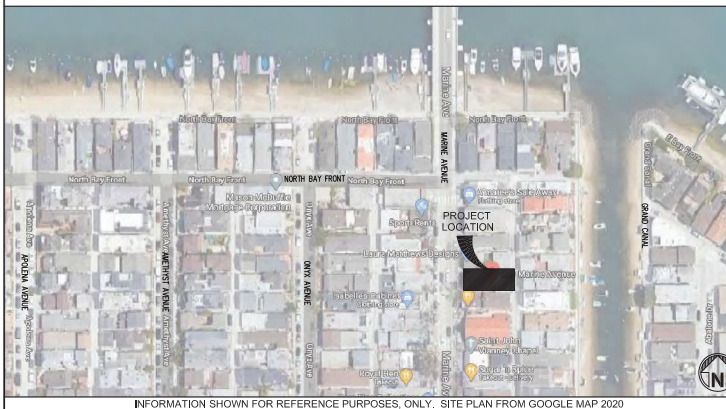


# BALBOA GRILL TENANT IMPROVEMENT

## EXISTING RESTAURANT RE-DESIGN

### 320 MARINE AVENUE, SUITE B NEWPORT BEACH, CA 92656

## REFERENCE SITE PLAN



INFORMATION SHOWN FOR REFERENCE PURPOSES, ONLY. SITE PLAN FROM GOOGLE MAP 2020

## PROJECT DATA

**SITE INFORMATION:**

PARCEL NUMBER: 050-151-09  
 LEGAL DESCRIPTION: LOT 11, BLK 14, SEC 4  
 JURISDICTION: CITY OF NEWPORT BEACH  
 ZONING/GENERAL USER: MU-102

**STORIES/BLDGS-ON-SITE:** 2-STORIES, 1-BLDG.

**OCCUPANCY GROUP CLASSIFICATION:** B  
**CONSTRUCTION TYPE/CLASS:** ~B

**LOT SIZE:** 2,254 SF  
**PROPOSED GROSS FLOOR AREA:** 1,117 SF (NON-RESIDENTIAL)  
 1,172 SF (RESIDENTIAL)  
 2,164 SF (TOTAL)

**FLOOR AREA RATIO:** MIN. 0.35 AND MAX 0.5 (NON-RES)  
 MAX 0.75 (RESIDENTIAL)

**EXISTING AREA CALC. AND CONDITIONS:**  
 NON-RESIDENTIAL: 982 SF  
 RESIDENTIAL: 1,272.8 SF

**ALTERATIONS TO SQUARE FOOTAGE (SEE WALL LEGEND A2.1):**  
 • 289.5 SF CONVERTED FROM RESIDENTIAL TO NON-RESIDENTIAL  
 • 71.5 SF ADDED TO NON-RESIDENTIAL SPACE  
 • 37 SF REMOVED FROM NON-RESIDENTIAL FOR EXIT REQUIREMENTS  
 • 345 SF CONVERTED TO OUTDOOR DINING SPACE & REMOVED FROM NON-RESIDENTIAL

**PROPOSED AREA CALC. AND CONDITIONS:**  
 NON-RESIDENTIAL: 961.1 SF  
 RESIDENTIAL: 983.3 SF

**PROPOSED NET FLOOR AREA TOTAL:** 1,944.4 SF

**EXISTING NET PUBLIC AREA:** 351 SF (MAX ALLOWED 351 SF)  
**NEW NET PUBLIC AREA:** 345 SF

**HOURS OF OPERATION:** 9:30 AM - 8:30 PM 7 DAYS/WEEK  
**MAXIMUM SEATING:** 95 PERSONS  
 \*ALCOHOL SALES OR SERVICE IS PROHIBITED.  
 \*SIGNS UNDER SEPARATE REVIEWS AND PERMITS.

## SHEET INDEX

**ARCHITECTURAL:**

A0.1 COVER SHEET  
 A0.6 PREVIOUS PERMIT SET PA2010-079  
 A1.0 SITE PLAN & ROOF PLAN  
 A1.1 SITE DETAILS  
 A2.0 3RD FLOOR PLAN  
 A2.1 NEW FLOOR PLAN  
 A3.1 EXTERIOR ELEVATION

## ABBREVIATIONS

A.B.E.	AVG. BUILDING ELEVATION	ENCL	ENCLOSURE	M.B.S.	METAL BUILDING SUPPLIER
A.C.	AIR CONDITIONER	EQ	EQUIPMENT	MCT	MARBLE/COMPOSITE TILE
ADJ.	ADJUSTABLE	EXH	EXHAUST	MECH	MECHANICAL
ADJ.	ADJUSTABLE, ADJACENT	EXST	EXISTING	MEZZ	MEZZANINE
ADMIN	ADMINISTRATION	EXP	EXPANSION	MTL	METAL
A.F.F.	ABOVE FINISH FLOOR	EXT	EXTERIOR	MFG	MANUFACTURING
ALUM	ALUMINUM	F.C.I.	FURNISH BY CONTRACTOR	MFR	MASONRY
ANOD	ANODIZED	INT	INSTALL BY CONTRACTOR	M.H.	MANHOLE
ANSI	AMERICAN NATL. STDS INST.	F.D.	FLOOR DRUM	MIN.	MINIMUM
APPROX	APPROXIMATE	FDN	FOUNDATION	MISC	MISCELLANEOUS
ASR	AUTOMATIC SPRINKLER RISER	F.F.	FIBER INSTALLED BY CONTRACTOR	M.O.	MASONRY OPENING
AVC	AVERAGE	F.H.S.	FLAT HEAD SCREW	MUR	MURRESISTANT
BD	BOARD	F.I.C.	FURNISHED & INSTALLED BY OWNER	MULL	MULLION
BLDG	BUILDING	F.O.P.	FROST PROOF HOSE BIBB	MOUNT	MOUNTED
BLK	BLOCK	F.P.	FURNISHED BY OWNER	MTG	MOUNTING
BLU	BLOCKING	F.R.	FIBER REINFORCED PANEL(S)	N.I.C.	NOT IN CONTACT
BM	BEAM	FRP	FIBER REINFORCED PANEL(S)	NOM	NOMINAL
B.C.	BOTTOM OF	FTG	FOOTING	NTP	NOT TO SCALE
B.T.W	BETWEEN	G.A.	GAUGE	O.C.	ON CENTER
CB	CATCH BASIN	GALV	GALVANIZED	O.A.	OVERALL
C.I.	CAST IRON	G.L.	GYPHUM LATH & PLASTER	O.C.	ON CENTER
C.I.A.	CAST IN PLACE	G.W.	GYPHUM WALLBOARD	O.H.	OVERHEAD
C.J.	CONTROL JOINT	H.B.	HOLLOW METAL	O.P.	OPENING
CLG	CENTER LINE	H.R.	HORIZONTAL	O.P.P.	OPEN PATTERN
CLM	COLUMN	HZ	HORIZONTAL	PTN	PARTITION
CLC	CONCRETE MASONRY UNIT	HT	HEATER	PERP	PENETRANULAR
CONC	CONCRETE	HTR	HEATER	PL	PLATE, PROPERTY LINE
CONSTR	CONSTRUCTION	HTL	HOLLOW LATH & PLASTER	PLYM	PLYWOOD
CONTR	CONTRACTOR	HTJ	HEATER JOINT	PLMB	PLUMBING
CONT	CONTINUOUS	HTL	HOLLOW LATH & PLASTER	PNL	PANEL, PANELING
CNT	CORNER	L	LONG, LENGTH	PRJ	PROJECT
C.T.	CERAMIC TILE	LAM	LAMINATE, LAMINATED	PRV	PRESSURE REDUCING VALVE
DBL	DOUBLE	L.F.	LINEAR FOOT, LINEAL FOOT	PROJ	PROJECT
D.L.	DETAIL	L.G.	LIGHT WEIGHT	Q.T.	QUARRY TILE
D.D.	DRINKING FOUNTAIN	L.H.	LINEAR FOOT, LINEAL FOOT	Q.T.	QUARRY TILE
D.S.	DOWNSPOUT	L.W.	LIGHT WEIGHT	R	RADIUS
DWG	DRAWING	LWT.	LIGHT WEIGHT	R.D.	ROOF DRAIN
EA	EACH	LEV	ELEVATION	RAN	RAIN LEADER
ELEV	ELEVATION, ELEVATOR	LEV	ELEVATION	R	RADIUS
ELEC	ELECTRICAL	LEV	ELEVATION	R.C.D.	RAIN LEADER
		LEV	ELEVATION	REF	REFRIGERATOR, REFERENCE

## LEGEND OF SYMBOLS

	REVISION NO. (TITLE BLOCK SHOWS REV. DATE)		WINDOW SCHEDULE KEY
	INDICATES REVISED AREA		ROOM NAME - ROOM NAME
	DETAIL NO. DESIGNATION		ROOM NO. - ROOM AREA
	SHEET THAT DETAIL IS SHOWN		FINISH SCHEDULE KEY
	SHEET THAT SECTION IS SHOWN		EQUIP. SCHEDULE KEY
	CASEWORK DETL. NO.		INSULATION KEY
	WALL TYPE NO.		WALL TYPE LETTER
	WALL SECTION NO.		DATUM POINT
	SHEET THAT SECTION IS SHOWN		CEILING HEIGHT
	INTERIOR ELEV. NO.		FINISH CEILING TYPE
	SHEET THAT INTERIOR ELEV. IS SHOWN		GRID DESIGNATION
	TRUE NORTH		ROOM SLOPE AND DIRECTION KEY
	PROJECT NORTH		BREAK LINE SYMBOL
	SHEET KEY NOTE		MATCH LINE
	DOOR SCHEDULE KEY (CORRESP. TO ROOM NO. WHERE DOOR OCCURS)		

## PROJECT TEAM

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 TBD EMAIL

## SCOPE AND CODE

**SCOPE OF WORK SUMMARY:**

TENANT IMPROVEMENT AND REDESIGN OF KITCHEN SPACE FOR A NEW MEDITERRANEAN RESTAURANT TO TAKE THE PLACE OF EXISTING MEXICAN RESTAURANT. CONVERSION OF EXISTING SUITE A - STORAGE AREAS INTO KITCHEN AREA. FIRST FLOOR EXTERIOR WALL & WINDOWS TO BE REMOVED TO CREATE OPEN OUTDOOR PATIO DINING SPACE. STRUCTURAL COLUMNS & BEAMS TO BE ADDED UPON STRUCTURAL REVIEW OF THE BUILDING. A WALK UP ORDERING COUNTER AREA WILL BE ADDED, AN ACCESSIBLE DOOR TO THE REAR OF THE SPACE & RESTROOM WILL BE UPGRADED FOR CUSTOMERS. INTERIOR & SOME EXTERIOR FINISHES WILL BE UPGRADED. A TRASH ENCLOSURE WILL BE CONSTRUCTED TO CITY CODE COMPLIANCE IN THE SIDE ALLEY. NO CHANGES TO SECOND FLOOR. APARTMENTS.

**DESIGN CODES**

2019 CALIFORNIA BUILDING CODE (CBC)  
 2019 CALIFORNIA FIRE CODE (FC)  
 2019 CALIFORNIA MECHANICAL CODE (CMC)  
 2019 CALIFORNIA ELECTRICAL CODE (CEC)  
 2019 CALIFORNIA PLUMBING CODE (CPC)  
 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGS)

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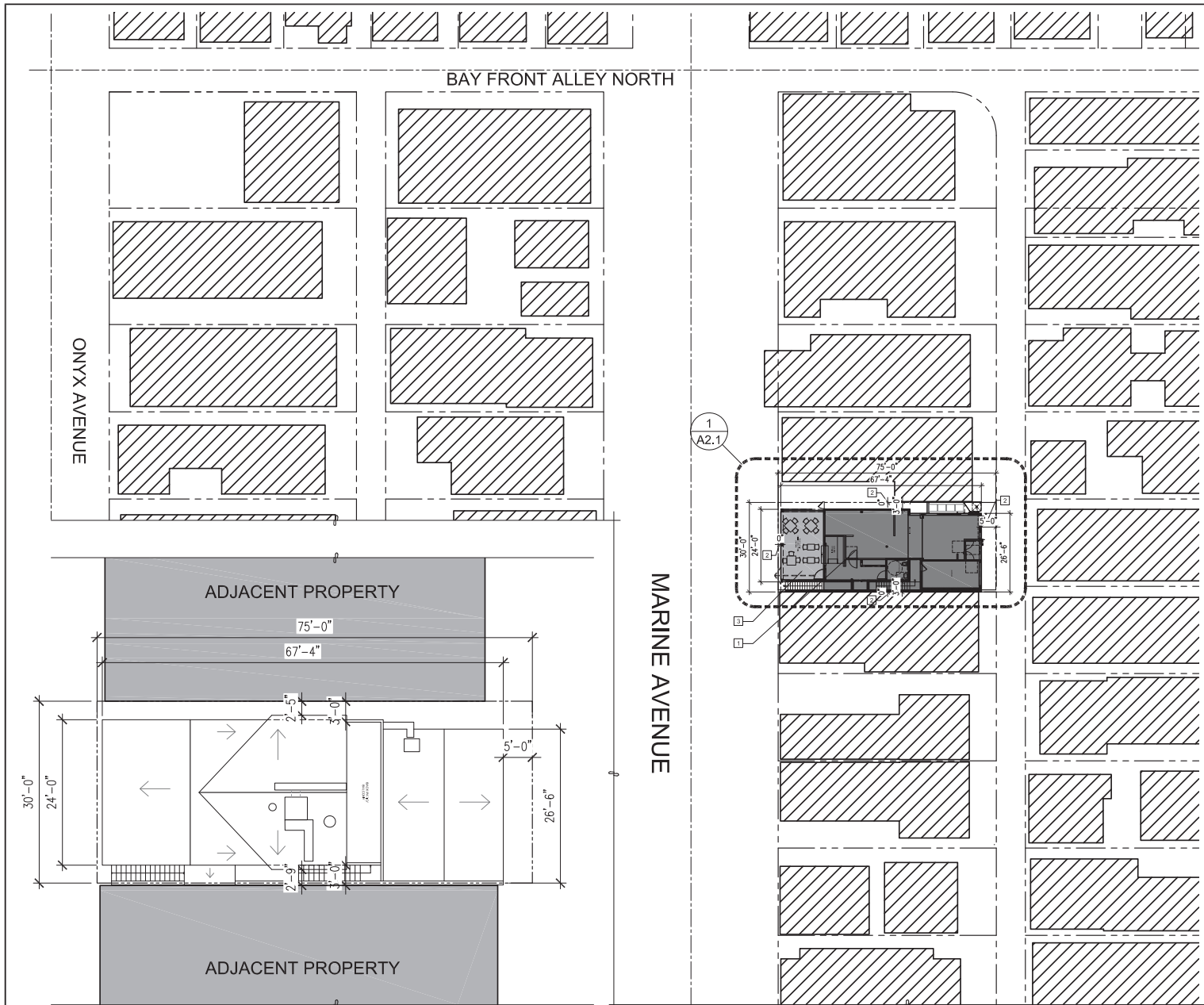
**BALBOA GRILL  
 TENANT IMPROVEMENT**  
 EXISTING RESTAURANT REMODEL  
 320 MARINE AVENUE, SUITE B  
 NEWPORT BEACH, CA 92656

REVIEWS		
NO.	DATE	BY

ISSUE DATES	
DESIGN APPROVAL:	
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DRAWN:	
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COVER SHEET  
**A0.1**





**1** ROOF PLAN  
SCALE: 1/8" = 1'-0"

**2** SITE PLAN  
SCALE: 1/32" = 1'-0"

**KEY NOTES**

- 1 EXISTING PICANTE MARTIN'S RESTAURANT TO BE REMODELED AND CONVERTED TO MEDITERRANEAN RESTAURANT.
- 2 EXISTING SETBACK DIMENSIONS.
- 3 OPEN OUTDOOR DINING AREA.

**LEGEND**

- (E) BUILDING IN SCOPE
- (E) BUILDINGS NOT PART OF SCOPE
- PROPERTY LINE
- EXISTING EGRESS PATH

**SIGNING & STRIPING GENERAL NOTES**

1. SIGNING AND STRIPING SHALL CONFORM TO PART 2 SIGNS & PART 3 MARKINGS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND MUTCD 2003 CALIFORNIA SUPPLEMENT DATED MAY 20, 2004, AND ANY ADDENDUMS THERE TO OR LATEST EDITION, THESE PLANS AND SPECIAL PROVISIONS.
2. PAVEMENT LEGENDS SHALL MATCH THE CITY STENCILS (MARKING STENCILS OR EQUIVALENT).
3. ALL STRIPING AND PAVEMENT MARKINGS SHALL BE REFLECTORIZED AND APPLIED IN TWO COATS. A MINIMUM OF SEVEN DAYS SHALL BE PROVIDED BETWEEN FIRST & SECOND COATS.
4. ALL CONFLICTING STRIPINGS, PAVEMENT MARKINGS, AND CURB PAINT SHALL BE REMOVED BY HOT SANDBLASTING OR OTHER APPROVED METHOD PRIOR TO INSTALLATION OF NEW STRIPING. ALL CONFLICTING RAISED PAVEMENT MARKERS SHALL BE REMOVED.
5. PAVEMENT THAT IS DAMAGED DUE TO REMOVAL OF MARKERS OR STRIPING SHALL BE REPAIRED TO THE SATISFACTION OF THE CITY INSPECTOR.
6. THE CONTRACTOR SHALL CONTACT THE CITY OF NEWPORT BEACH INSPECTION SERVICES FOR INSPECTION 48 HOURS PRIOR TO BEGINNING OF CONSTRUCTION.
7. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING WORK.
8. ALL WORK SHALL CONFORM TO THE PLANS AND SPECIFICATIONS IN ALL RESPECTS AND SHALL BE SUBJECT TO APPROVAL BY THE CITY ENGINEER.
9. ALL TRAFFIC CONTROL WORK FOR CONSTRUCTION SHALL CONFORM TO PART 6 - TEMPORARY TRAFFIC CONTROL OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND MUTCD 2003 CALIFORNIA SUPPLEMENT DATED MAY 20, 2004 - ANY ADDENDUMS THERE TO OR LATEST EDITION AND ALL OSHA REQUIREMENTS.
10. THE CONTRACTOR SHALL HAVE ALL TRAFFIC CONTROL CONSTRUCTION SIGNS, DELINEATORS, ETC., TO ENSURE PROPER FLOW AND SAFETY OF TRAFFIC WHILE WORKING IN THE STREET.
11. THE CONTRACTOR SHALL MAINTAIN ALL TRAFFIC CONTROL SIGNS, DELINEATORS, ETC. TO ENSURE PROPER FLOW AND SAFETY OF TRAFFIC WHILE WORKING IN THE STREET.
12. ADDITIONAL TRAFFIC CONTROL DEVICES MAY BE REQUIRED IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL TRAFFIC CONTROL DEVICES REQUIRED BY THE CITY INSPECTOR/ REPRESENTATIVE TO ASSURE PUBLIC SAFETY AT ALL TIMES.
13. THE CONTRACTOR SHALL UTILIZE A FLAGMAN DURING CONSTRUCTION WORK AS DEEMED NECESSARY BY THE CITY INSPECTOR.
14. ARROW BOARDS SHALL BE USED ON ANY LANE CLOSURE ON ARTERIAL STREETS.
15. ALL SIGN FACE REFLECTIVE SHEETING SHALL BE HIGH INTENSITY GRADE WITH PROTECTIVE OVERLAY FILM.
16. BLUE RAISED REFLECTIVE PAVEMENT MARKER SHALL BE INSTALLED ADJACENT TO ALL EXISTING FIRE HYDRANTS IN ACCORDANCE WITH MUTCD 2003 CALIFORNIA SUPPLEMENT.
17. CONTRACTOR TO USE CITY CERTIFIED CONSTRUCTION WASTE HAULER.

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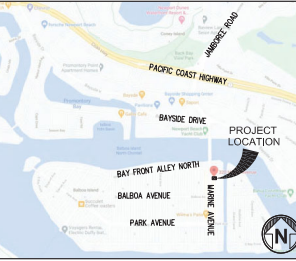
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TENANT IMPROVEMENT  
EXISTING RESTAURANT REMODEL**  
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NO.	DATE	BY

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CONSTR. DOCS:

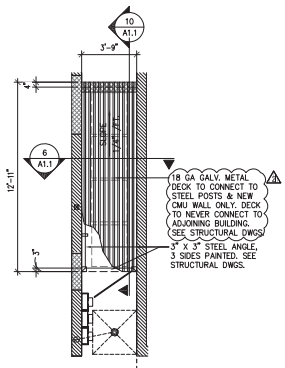
**VICINITY MAP**



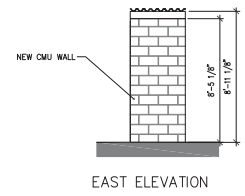
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PLOT DATE: 2021-03-23  
JOB REF:  
JOB NUMBER: 20-029  
CHECKED:  
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SITE PLAN & ROOF PLAN  
**A1.0**

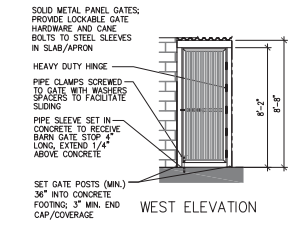




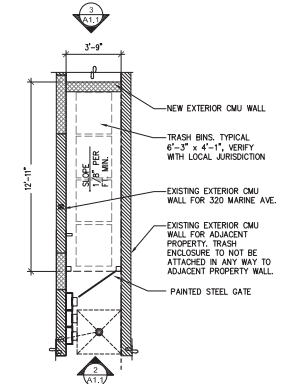
4 TRASH ENCLOSURE ROOF PLAN  
SCALE: 1/4" = 1'-0"



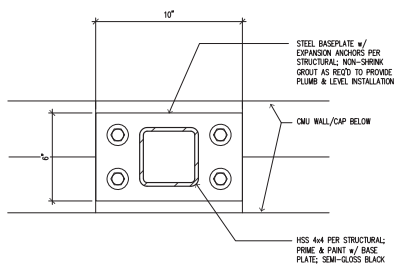
3 TRASH ENCLOSURE ELEVATION  
SCALE: 1/4" = 1'-0"



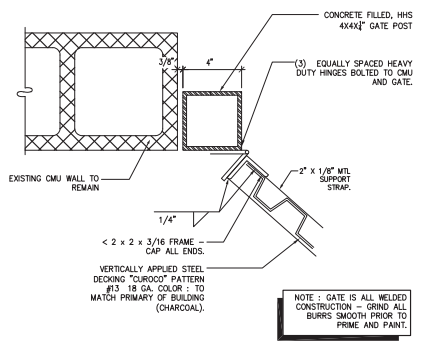
2 TRASH ENCLOSURE ELEVATION  
SCALE: 1/4" = 1'-0"



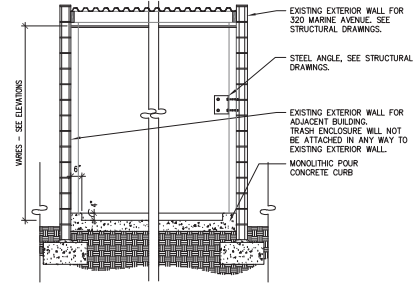
1 TRASH ENCLOSURE PLAN  
SCALE: 1/4" = 1'-0"



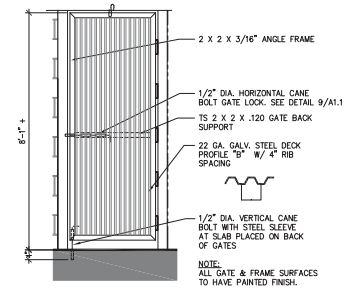
8 POST & BASE DETAIL  
SCALE: 3" = 1'-0"



7 TRASH ENCLOSURE GATE POST  
SCALE: 3" = 1'-0"



6 TRASH ENCLOSURE SECTION  
SCALE: 3/8" = 1'-0"

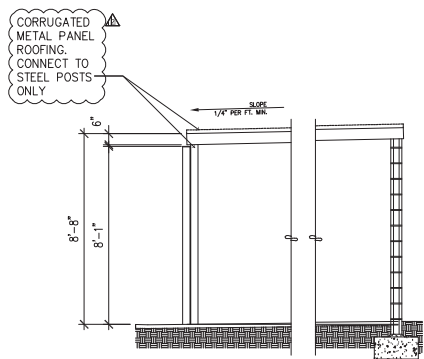


5 TRASH ENCLOSURE GATE  
SCALE: 1/2" = 1'-0"

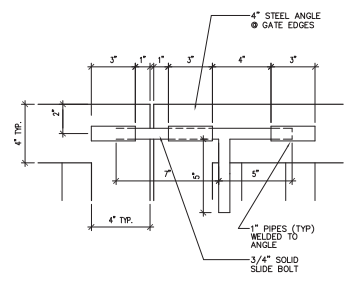
- NEWPORT BEACH MUNICIPAL CODE FOR TRASH ENCLOSURES (NBC 20.30.120)**
- DEVELOPMENT STANDARDS FOR NONRESIDENTIAL AND MULTI-UNIT PROJECTS, SOLID WASTE STORAGE AREA(S) SHALL:
1. COMPLY WITH THE DIMENSION, CAPACITY, AND NUMBER REQUIREMENTS IN THIS SUBSECTION AND SHALL BE ADEQUATE IN DISTRIBUTION TO SERVE THE DEVELOPMENT PROJECT;
  2. INCLUDE AN ADEQUATE NUMBER OF BINS AND CONTAINERS LOCATED WITHIN THE ENCLOSED STORAGE AREAS TO ALLOW FOR THE COLLECTION AND LOADING OF SOLID WASTE AND RECYCLABLE MATERIALS GENERATED BY THE DEVELOPMENT PROJECT;
  3. INCLUDE A SIGN THAT IS PERMANENTLY POSTED OR PAINTED ON EACH CONTAINER CLEARLY IDENTIFYING THE CONTAINER TYPE AND THE NAME AND TELEPHONE NUMBER OF THE COMPANY RESPONSIBLE FOR MAINTAINING THE CONTAINERS;
  4. BE APPROPRIATELY LOCATED, ENCLOSED, HAVE A SOLID ROOF, AND BE SCREENED FROM PUBLIC ROADS-OF-WAY AND/OR PUBLIC PROPERTY AS SEEN FROM A POINT SIX FEET ABOVE GROUND LEVEL. SCREENING SHALL CONSIST OF SOLID MASONRY WALLS, METAL GATES, AND LANDSCAPING;
  5. BE COMPATIBLE WITH THE SURROUNDING STRUCTURES AND LAND USES;
  6. BE PROPERLY SECURED TO PREVENT ACCESS BY UNAUTHORIZED PERSONS, WHILE ALLOWING AUTHORIZED PERSONS ACCESS FOR DISPOSAL OF MATERIALS;
  7. PROVIDE A CONCRETE PAD WITHIN THE FENCED OR WALLED AREA(S) AND A CONCRETE APRON, WHICH FACILITATES THE HANDLING OF THE INDIVIDUAL BINS OR CONTAINERS;
  8. PROTECT THE AREAS AND THE INDIVIDUAL BINS OR CONTAINERS PROVIDED WITHIN FROM ADVERSE ENVIRONMENTAL CONDITIONS THAT MIGHT RENDER THE COLLECTED MATERIALS UNMARKETABLE; AND
  9. COMPLY WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AND REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) REQUIREMENTS.

**CONDITION OF APPROVAL:**

IF THE TRASH ENCLOSURE HOLDS A DUMPSTER (1.5 CUBIC FEET) AND IS ATTACHED OR WITHIN 5 FEET OF A BUILDING, THE TRASH ENCLOSURE HAS TO BE PROTECTED BY A FIRE SPRINKLER.



10 TRASH ENCLOSURE SECTION  
SCALE: 3/8" = 1'-0"



9 STEEL GATE BOLT LOCK  
SCALE: 3" = 1'-0"

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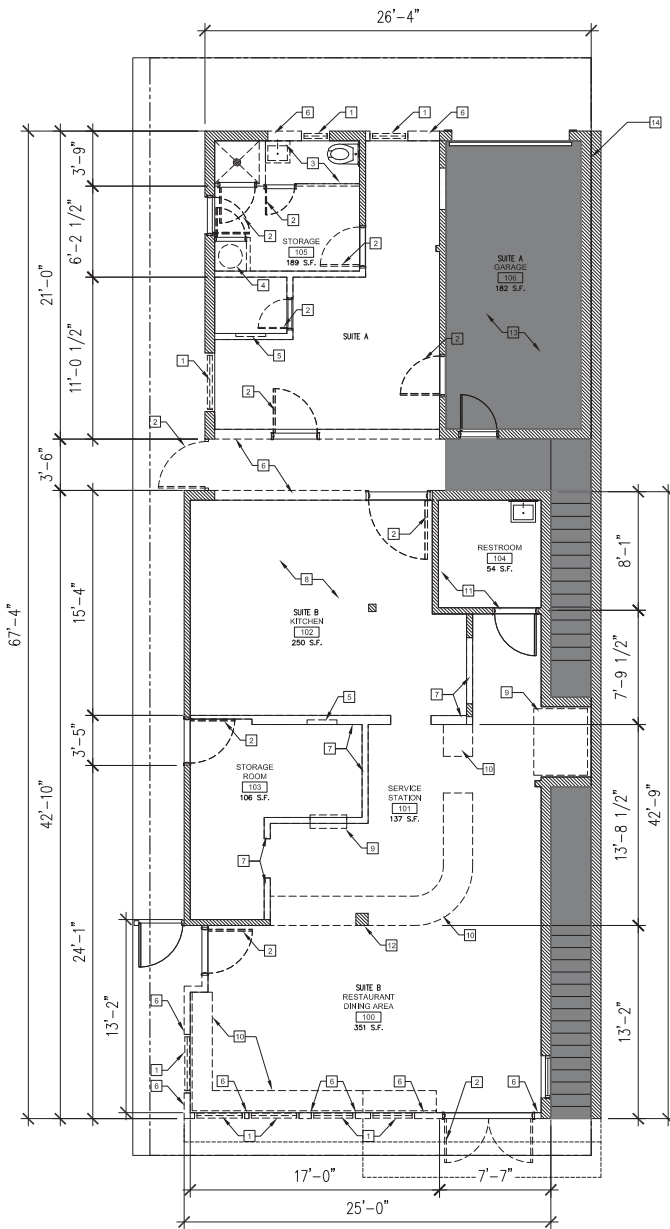
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SITE DETAILS  
**A1.1**



**1 DEMO FLOOR PLAN- GRADE LEVEL 1 (RESTAURANT)**  
SCALE: 1/4" = 1'-0"

**KEY NOTES**

- 1 DEMO EXISTING WINDOW.
- 2 DEMO EXISTING DOOR.
- 3 DEMO BATHROOM AND ALL WALLS & FIXTURES.
- 4 DEMO WATER HEATER.
- 5 DEMO ELECTRICAL BOX.
- 6 DEMO PORTION OF EXISTING EXTERIOR WALL.
- 7 DEMO INTERIOR WALL AS SHOWN.
- 8 DEMO EXISTING KITCHEN COMPLETE.
- 9 DEMO EXISTING SOFT DRINK MACHINES.
- 10 DEMO EXISTING COUNTER.
- 11 EXISTING FOOTPRINT OF RESTROOM REMAINS. FF&E TO BE UPGRADED. SEE SCHEDULES.
- 12 EXISTING COLUMN TO REMAIN.
- 13 NOT PART OF SCOPE- EXISTING TO REMAIN.
- 14 EXISTING SETBACKS TO REMAIN. ALL SETBACKS SHALL BE MEASURED TO FACE OF FINISH.

**DEMOLITION NOTES**

- A. OBTAIN DEMOLITION PERMITS AND INCLUDE ALL COSTS OF SAME IN CONTRACT PRICE.
- B. FURNISH ALL LABOR AND MATERIALS/EQUIPMENT TO COMPLETE DEMOLITION AND REMOVAL OF ALL ITEMS AS INDICATED.
- C. GC SHALL KEEP CONSTRUCTION AREA FREE OF DUST AND DEBRIS FOR THE DURATION OF CONSTRUCTION.
- D. IF ANY QUESTIONS ARISE AS TO THE REMOVAL OF ANY MATERIAL, CLARIFY THE POINT IN QUESTION WITH THE ARCHITECT BEFORE PROCEEDING.
- E. AT COMPLETION OF DEMOLITION WORK, THE CONSTRUCTION AREAS SHALL BE LEFT IN "BROOM CLEAN" CONDITION. ALL DEBRIS AND MISCELLANEOUS MATERIAL SHALL BE REMOVED.
- F. ALL DEBRIS REMOVAL SHALL BE PERFORMED IN ACCORDANCE WITH BUILDING MANAGEMENT REQUIREMENTS AND PROCEDURES.
- G. AS DIRECTED BY BUILDING MANAGEMENT, ALL DOORS, FRAMES, HARDWARE, MECHANICAL ITEMS, PLUMBING FIXTURES, LIGHT FIXTURES (INCLUDING DOWNSPOUTS AND FLUORESCENTS), AND SPECIAL EQUIPMENT SHOWN TO BE REMOVED, SHALL BE CLEAN AND FREE OF DEFECTS, PROTECTED, SAVED AND REUSED AS DIRECTED HEREIN, OR RETURNED TO BUILDING STOCK.
- H. IN PARTITIONS TO BE REMOVED, REMOVE AND CAP ALL OUTLETS, SWITCHES, WIRES, THERMOSTATS, ETC., TO THEIR SOURCE.
- I. GC SHALL BE RESPONSIBLE FOR PATCHING AND/OR REPAIRING ANY DAMAGE CAUSED BY HIM OR HIS SUBS TO EXISTING CONSTRUCTION PUBLIC CORRIDORS, RESTROOMS OR TENANT SPACES. REFINISH TO MATCH EXISTING ADJACENT FINISH, OR AS NOTED HEREIN.
- J. NO EXISTING SMOKE DETECTOR, PUBLIC ADDRESS SPEAKER, FIRE ALARM BOX OR SIMILAR DEVICE, INCLUDING THE ASSOCIATED WIRING SHALL BE DAMAGED DURING DEMOLITION AND SUBSEQUENT CONSTRUCTION. RELOCATION OF SMOKE DETECTORS, PUBLIC ADDRESS SPEAKERS AND FIRE ALARM EQUIPMENT, NECESSITATED BY NEW CONSTRUCTION, SHALL BE ACCOMPLISHED AS A FIRST PRIORITY, AND PER THE PLANS, NO ACTIVE SMOKE DETECTOR SHALL BE COVERED OR OTHERWISE REMOVED OR USED FOR OTHER THAN ITS INTENDED PURPOSE.
- K. REMOVAL OF ANY EQUIPMENT, CABLING SWITCHES, AND CONDUIT PERTAINING TO DATA/COMMUNICATIONS AND TELEPHONE SHALL BE PERMITTED WITH TELEPHONE COMPANIES AND TENANT.
- L. REMOVE ALL EXISTING MATERIALS, WHICH WOULD CAUSE RISES OR DEPRESSIONS IN NEW FLOORING SURFACE, SUCH AS FASTENERS, OUTLET CORES, COVER PLATES, RESIDENT FLOOR COVERINGS, CARPET, CARPET PAD, FLASH PATCH, CONCRETE FILL, PLYWOOD, ETC.
- M. DEMOLITION IS NOT NECESSARILY LIMITED TO WHAT IS SHOWN ON DWGS. THE INTENT IS TO INDICATE THE GENERAL SCOPE OF DEMOLITION REQUIRED TO COMPLETE THE WORK IN ACCORDANCE WITH THE CONTRACT DWGS.
- N. RATED WALLS SHALL NOT BE PENETRATED UNLESS THE RATING IS MAINTAINED.
- O. ALL FLOORS SHOULD BE LEVEL AND NOT VARY MORE THAN 1/4" IN 10'-0". THE GC SHALL NOTIFY ARCHITECT OF ANY CONDITIONS THAT DO NOT MEET THIS STANDARD.

**DEMO LEGEND**

- AREA NOT PART OF SCOPE.
- EXISTING INTERIOR WALLS, DOORS, RELITES, CABINETS AND SHELVING TO BE REMOVED (SHOWN DASHED), INCLUDING ELECTRICAL ITEMS ATTACHED TO WALLS. REFER TO FLOOR PLAN FOR EXTENT AND DIMENSIONS. RE-USE ITEMS IN EXCELLENT CONDITION, OR RETURN TO OWNER FOR STORAGE.
- EXISTING CONSTRUCTION TO REMAIN.
- EXISTING DOOR TO REMAIN.
- EXISTING B/S FULL HT. RELITE TO REMAIN.
- EXISTING B/S PARTIAL HT. RELITE TO REMAIN.

**LEGEND NOTE:**  
1. REFER TO REFLECTED CEILING PLAN FOR FIXTURE RELOCATION INFORMATION.

\*DIMENSIONS WERE FIELD VERIFIED BY ARCHITECT

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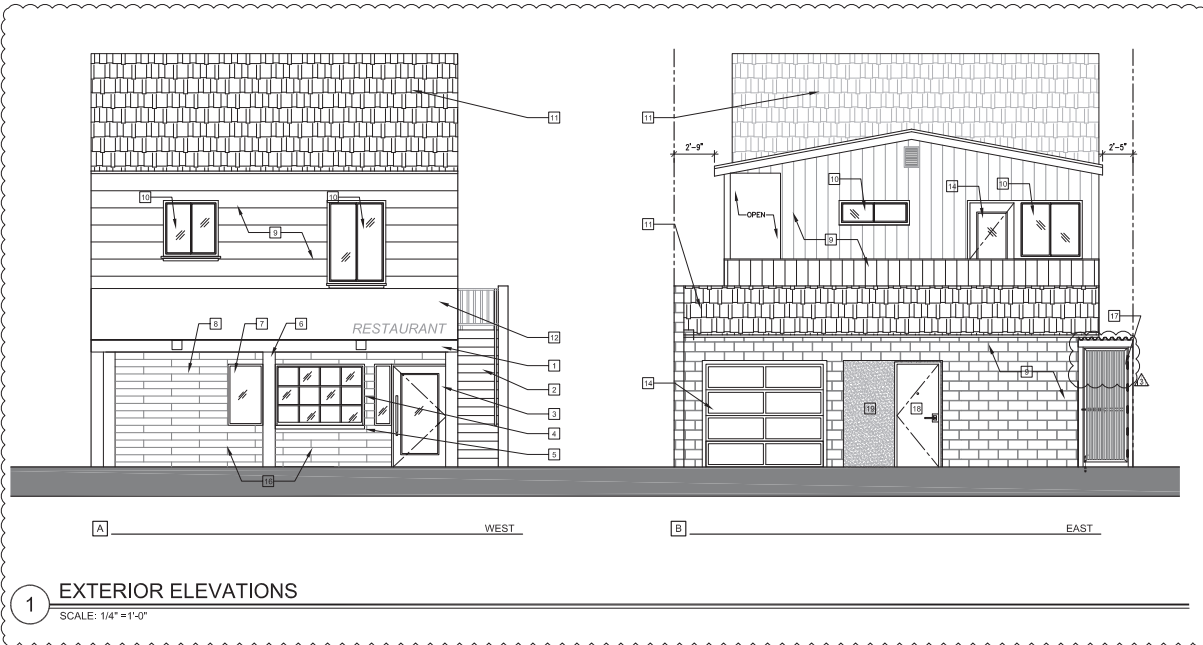
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NO.	DATE	BY

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CONSTR. DOCS:

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DRAWN:  
STATUS: FOR PERMIT SUBMITTAL

DEMO FLOOR PLAN  
**A2.0**





### KEY NOTES

- 1 NEW FAUX BEAMS ON CEILING. SEE CEILING DETAILS AS.4.
- 2 EXISTING EXTERIOR STAIRS AND RAILING TO REMAIN.
- 3 NEW STOREFRONT DOOR WITH GLASS SIDE LITE. SEE FINISH PLAN A2.3.
- 4 NEW WINDOW OPENING WITH ROLL-UP FOR SECURITY.
- 5 NEW WALK-UP COUNTERTOP. HEIGHT OF COUNTERTOP TO BE ADA COMPLIANT. SEE FINISH PLAN A2.3.
- 6 NEW CENTER COLUMN AT EXTERIOR FACE OF BUILDING.
- 7 NEW WINDOW TO ALIGN WITH HEIGHT OF COUNTERTOP WINDOW.
- 8 NEW WALL FINISH. SEE FINISH PLAN A2.3.
- 9 EXISTING EXTERIOR WALL FINISH TO REMAIN.
- 10 EXISTING EXTERIOR WINDOWS AT APARTMENT LEVEL TO REMAIN.
- 11 EXISTING ROOF TO REMAIN.
- 12 EXTERIOR AWNING.
- 13 EXTERIOR CEILING MOUNTED SPACE HEATERS.
- 14 EXTERIOR ENTRY DOOR TO APARTMENT TO REMAIN.
- 15 EXTERIOR GARAGE DOOR TO REMAIN.
- 16 PATIO SHALL REMAIN OPEN AND UNENCLOSED AT ALL TIMES.
- 17 LOCATION FOR NEW TRASH ENCLOSURE. SEE SHEET A1.1 FOR DETAILS.
- 18 NEW EXTERIOR EXIT DOOR.
- 19 NEW EXTERIOR STUCCO WALL.

### PLAN NOTES

- A. DO NOT SCALE DIMS. WRITTEN DIMENSIONS GOVERN. ALL PARTITION LOCATIONS SHALL BE AS SHOWN ON PARTITION PLAN. IN CASE OF CONFLICT NOTIFY ARCHITECT. PARTITION PLAN BY ARCHITECT TAKES PRECEDENCE OVER ALL OTHER PLANS.
- B. ALL GYPSUM BOARD PARTITIONS SHALL BE TAPED, SPACKLED AND SANDED SMOOTH WITH NO VISIBLE JOINTS. PATCH AND REPAIR SURFACES TO MATCH ADJACENT OR ADJOINING SURFACES WHERE REQUIRED. ALL SURFACES SHALL BE ALIGNED.
- C. ALL PARTITIONS ARE DIMENSIONED FROM FINISH FACE OF GWB TO FINISH FACE OF GWB UNLESS OTHERWISE NOTED. ALL DIMENSIONS MARKED "CLEAR" OR "CLR" SHALL BE MAINTAINED AND SHALL ALLOW FOR THICKNESSES OF ALL WALL FINISHES. U.O.N.
- D. DIMENSIONS MARKED ± MEAN A TOLERANCE NOT GREATER NOR SMALLER THAN 2 INCHES FROM INDICATED DIMENSION. U.O.N. VERIFY FIELD DIMENSIONS EXCEEDING TOLERANCE WITH THE ARCHITECT. SECURE ARCHITECT'S APPROVAL.
- E. NOTIFY ARCHITECT IN WRITING OF ANY DISCREPANCIES OR CONFLICTS IN THE LOCATION(S) OF NEW CONSTRUCTION. UPON COMPLETION OF PARTITION LAYOUT, NOTIFY ARCHITECT. VERIFICATION OF THE LAYOUT TO BE PROVIDED BY THE ARCHITECT PRIOR TO PARTITION INSTALLATION.
- F. REFER TO SHEET A0.1 FOR ADDITIONAL NOTES, LEGENDS, SYMBOLS, ABBREVIATIONS, AND SCHEDULES.
- G. DIMENSIONS LOCATING DOORS ARE TO THE INSIDE EDGE OF JAMB, U.O.N.
- H. "ALIGN" MEANS TO ACCURATELY LOCATE FINISHED FACES IN THE SAME PLANE.
- I. MODIFY EXISTING SUBSTRATE AS REQUIRED TO RECEIVE NEW FLOORING MATERIALS, THUS PREVENTING NOTICEABLE LUMPS OR DEPRESSIONS.
- J. ALL WORK SHALL BE ERECTED AND INSTALLED PLUMB, LEVEL, SQUARE AND TRUE.
- K. REFER TO MILLWORK SHOP DWGS FOR SPECIFIC DETAILS OF COORDINATION BETWEEN DRYWALL/MILLWORK CONDITIONS.
- L. ALL EXISTING AND NEW FLOOR PENETRATIONS FOR PIPING SHALL BE FULLY PACKED AND SEALED IN ACCORDANCE WITH THE APPLICABLE BUILDING AND FIRE CODES.
- M. ALL MILLWORK TO BE FASTENED TO THE PARTITION. PROVIDE NON-COMBUSTIBLE BLOCKING FOR ALL MILLWORK NOT SUPPORTED BY FLOOR OR ABOVE 4'-0" HT. ALL CONCEALED LUMBER & BLOCKING TO BE FIRE TREATED.
- N. GC TO PROVIDE SHOP DWGS FOR CASEWORK.
- O. ALL INTERIOR FINISH MATERIALS APPLIED TO WALLS & CEILINGS SHALL BE TESTED AS SPECIFIED IN CBC 2016 SECTION 903.

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**BALBOA GRILL  
 TENANT IMPROVEMENT**  
 EXISTING RESTAURANT REMODEL  
 320 MARINE AVENUE, SUITE B  
 NEWPORT BEACH, CA 92656

REVISIONS		
NO.	DATE	BY
▲		
▲		
▲		
▲		
▲		
▲		
▲		
▲		
▲		

ISSUE DATES

DESIGN APPROVAL:

PERMIT SUBMITTAL: 03-19-2021

PERMIT RECEIVED:

BID DOCS:

CONSTR. DOCS:

24x36" SCALE:	AS NOTED
PLOT DATE:	2021-03-23
CDR FILE:	
JOB NUMBER:	20-029
CHECKED:	
DRAWN:	
STATUS:	FOR PERMIT SUBMITTAL

EXTERIOR  
 ELEVATIONS  
**A3.1**



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
949-644-3200  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**ZONING ADMINISTRATOR ACTION LETTER**

**Subject:** Port Plaza Comprehensive Sign Program (PA2021-030)  
▪ Comprehensive Sign Program No. CS2021-001

**Site Location** 2865 E Coast Highway

**Applicant** Cogent Signs

**Legal Description** Tract 323 Lot 6 Block F and Corona Del Mar Lots 1/3/5 Block 534

On **April 16, 2021**, the Zoning Administrator approved Comprehensive Sign Program No. CS2021-001 allowing a change to the illumination parameters authorized by the previously approved Sign Program No. CS2010-006 (PA2010-171) for the multi-tenant Port Plaza Building. No additional signage is proposed. This approval is in accordance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code (NBMC) as demonstrated below. Once effective, Comprehensive Sign Program No. CS2021-001 shall supersede Comprehensive Sign Program No. CS2010-006, which will be rendered null-and-void.

**LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** CC (Corridor Commercial)
- **Zoning District:** CC (Commercial Corridor)
- **Coastal Land Use Plan Category:** CC-B (Corridor Commercial) - (0.0 - 0.75 FAR)
- **Coastal Zoning District:** CC (Commercial Corridor)

**SUMMARY**

The existing Comprehensive Sign Program contains the following signage:

- Three (3) wall-mounted signs for a combination of both building identification and tenant identification
- One (1) legal nonconforming projecting sign for tenant identification
- Eleven (11) awning signs for tenant identification
- Incidental door decal signs and vehicle-oriented directional signs within the parking lot

The requested amendment allows the wall-mounted sign on the façade of the building fronting East Coast Highway to be illuminated whereas the previous approval only allowed for a nonilluminated wall-mounted sign.

The Comprehensive Sign Program (hereafter “the Program”) is required for this site because signage is located above the second-story level of a multi-story building, as well as to allow the following deviations from the Zoning Code:

1. The identification of multiple tenants in addition to building identification;
2. Multiple signs per tenant that may include a combination of a wall sign and/or an awning sign, and/or identification on the existing nonconforming projecting sign;
3. The installation of wall signs above two (2)-story windows;
4. Wall sign placement outside of the middle fifty (50) percent of the building or tenant frontage; and
5. The installation of a tenant identification wall sign for a second story tenant that does not have an exterior entrance.

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

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

#### Finding

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

#### Fact in Support of Finding:

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

#### Standard

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

#### Facts in Support of Standard:

1. The Program complies with the purpose and intent of Chapter 20.42 (Sign Standards) because it provides the building tenants with adequate identification while guarding against the excessive proliferation of signs.
2. The property contains a multi-story, multi-tenant building with three (3) visible frontages. Due to the amount of visibility on multiple sides, additional project identification and tenant signs will provide greater convenience and ease of direction for visitors to the property.

3. The purpose of a comprehensive sign program is to integrate all a project's signs into a single design theme that will create a unified architectural statement and limit signage and the overall size of signs on building wall facades and awnings. The unique architecture of the building coupled with the window placement limits the location of signage to areas such as the valance of existing awnings on the exterior of the first floor. The Program as designed will unify the awnings into a single sign type while creating standards for a major tenant wall sign, building identification signs and the nonconforming projecting sign.
4. A condition of approval has been included in The Program requiring the illuminated signs to be installed and maintained in compliance with 20.42.060.H (Provisions Applying to All Sign Types) which will ensure the illumination does not become disruptive, unsafe, or a nuisance.

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 for use by multiple commercial tenants and the signage design has been integrated with the design and character of the building.
2. The surrounding development along East Coast Highway is commercial uses within multi-tenant buildings. The surrounding signage is eclectic and includes the use of wall, roof, pylon, window, awning and pole signs. The Program does not appear out of place and is harmonious with surrounding development and signage.
3. The adjacent use to the rear of the project site is residential; however, no illuminated signage is proposed along the rear façade of the property.

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 project site is for the use of multiple commercial tenants and has been designed to be effective for such uses.
2. It is not anticipated that future revisions to the program will be necessary to accommodate normal changes in tenants or uses. However, flexibility has been incorporated into the Program's Matrix (Attachment No. ZA 2) to allow minor deviations from the proposed signs.
3. Consistent with Chapter 20.42 (Sign Standards), the Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Standard

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

Facts in Support of Standard:

1. The Program proposes deviations to the number of signs, placement of signs, and the ability for second story tenants with no exterior access to have signage. These deviations will enhance the identification and visibility of the commercial tenants from East Coast Highway and adjacent streets.
2. Allowing the installation of wall signs above the second-story windows is appropriate given the multi-story design of the building with different tenants occupying the various floors and due to the building's location within the commercial corridor of Corona del Mar that is more retail in nature.
3. The Program allows for wall signage that falls outside of the middle fifty (50) percent of the building and/or tenant frontage. The façade of the building is treated with brickwork between windows along East Coast Highway, which limits where wall signs can be placed, and the proposed locations are an adaptation to the unique architecture of the building.

Standard

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



Facts in Support of Standard:

1. The Program acknowledges the existence of a nonconforming projecting sign. The nonconforming sign can only be altered in compliance with NBMC Section 20.42.140 (Nonconforming Signs).
2. 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**

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 and any applicable sight distance provisions of NBMC Chapter 20.42 (Sign Standards) or required by the Public Works Department.
4. Any future awnings with sign copy are to be located directly above a door or window and shall not exceed the width of said door or window and shall adhere to Section 20.42.080.A (Standards for Specific Types of Permanent Signs) of the NBMC.
5. Each illuminated sign be installed and maintained in compliance with Section 20.42.060.H (Provisions Applying to All Sign Types). Any new sign shall be subject to a thirty (30) day review period, during which time the Director may determine that a reduction in illumination or turning off of illumination is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Director may order the dimming or turning off any illumination found to be excessively bright. The Director's determination will be made without regard to the message content of the sign.

6. 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.
7. In accordance with Section 20.42.120(F) – (Revisions to Comprehensive Sign Programs) of the NBMC, the Community Development Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected. This may include deviations on the tenant configurations, such as combining or dividing suites.
8. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the 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.
9. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
10. 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 the building permits for the freestanding signs, and the initial wall sign installations to identify this approval as the authority for location, size and placement.
11. 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 *Port Plaza Comprehensive Sign Program* including, but not limited to Comprehensive Sign Program No. CS2021-001 (PA2021-030) 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:

Approved by:



Joselyn Perez  
Assistant Planner



Jaime Murillo  
Zoning Administrator

BMZ/jp

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

# **Attachment No. ZA 1**

Vicinity Map

# VICINITY MAP



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Comprehensive Sign Program No. CS2021-001  
PA2021-030

**2865 E Coast Highway**

# **Attachment No. ZA 2**

Comprehensive Sign Program Matrix

**Port Plaza Building**  
**2865 East Coast Highway**

**Comprehensive Sign Program Matrix No. CS2021-001 (PA2021-030)**

**Frontages:**

- a) East Coast Highway (North)
- b) Parking Lot (South)
- c) Heliotrope Avenue (East)

Sign Type		Frontage	Dimensions	Other Specifications
<b>Sign Type 1a Tenant ID</b>	Wall Sign	Coast Highway	Maximum Number: 1 Maximum Sign Area: 75 sq. ft. Maximum Letter/Logo Height: 36"	- Internal illumination is permitted only if the sign background is opaque and only the portion of sign that appears as illuminated is the actual lettering and/or logo
<b>Sign Type 1b Building ID</b>	Wall Sign	Parking Lot	Maximum Number: 1 Maximum Sign Area: 30 sq. ft. Maximum Letter/Logo Height: 36"	- Illumination not permitted
<b>Sign Type 2 Tenant ID</b>	Projecting Sign	Coast Highway	Maximum Number: 1 Maximum Sign Area: 132.5 sq. ft.	- Nonconforming sign may only be altered in compliance with NBMC Section 20.42.140 (Nonconforming Signs).

Port Plaza Comprehensive Sign Program (PA2021-030)  
Attachment No. ZA 2

<b>Sign Type 3 Tenant ID</b>	Wall Sign	Parking Lot	Maximum Number: 1  Maximum Sign Area: 25 sq. ft. per sign  Maximum Letter/Logo Height: 36"	- Illumination not permitted
<b>Sign Type 4 Tenant ID</b>	Awning Sign	Coast Highway, Heliotrope, Parking Lot	Maximum Number: 11	- Not to exceed letter height of 11"  - Limited to 60 percent of entire awning width  - Sign copy only permitted on the lower valance
<b>Sign Type 5 Door Decals</b>		Various		- Not to cover more than 20 percent of the total of each window or door area
<b>Sign Type 6 Parking Signs</b>		Parking Lot	Maximum Sign Area: 4 sq. ft.	- Not to exceed 5'-6" in overall posted height

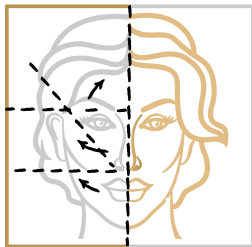
**Notes/Requirements:**

- a) Sign locations shall be as depicted on approved plans.
- b) Wall signs shall be constructed of individual channel letters and attached per mounting details depicted on approved plans.
- c) Requirements for all signs per Newport Beach Municipal Code (NBMC) Chapter 20.42 (Sign Standards), except as provided in this sign matrix.
- d) Sign Designs shall be consistent with Citywide Sign Design Guidelines Manual.
- e) Pursuant to NBMC Section 20.42.120(F), 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**

Project Plans



ZARRABI MD

FACIAL COSMETIC &  
MAXILLO-FACIAL SURGERY

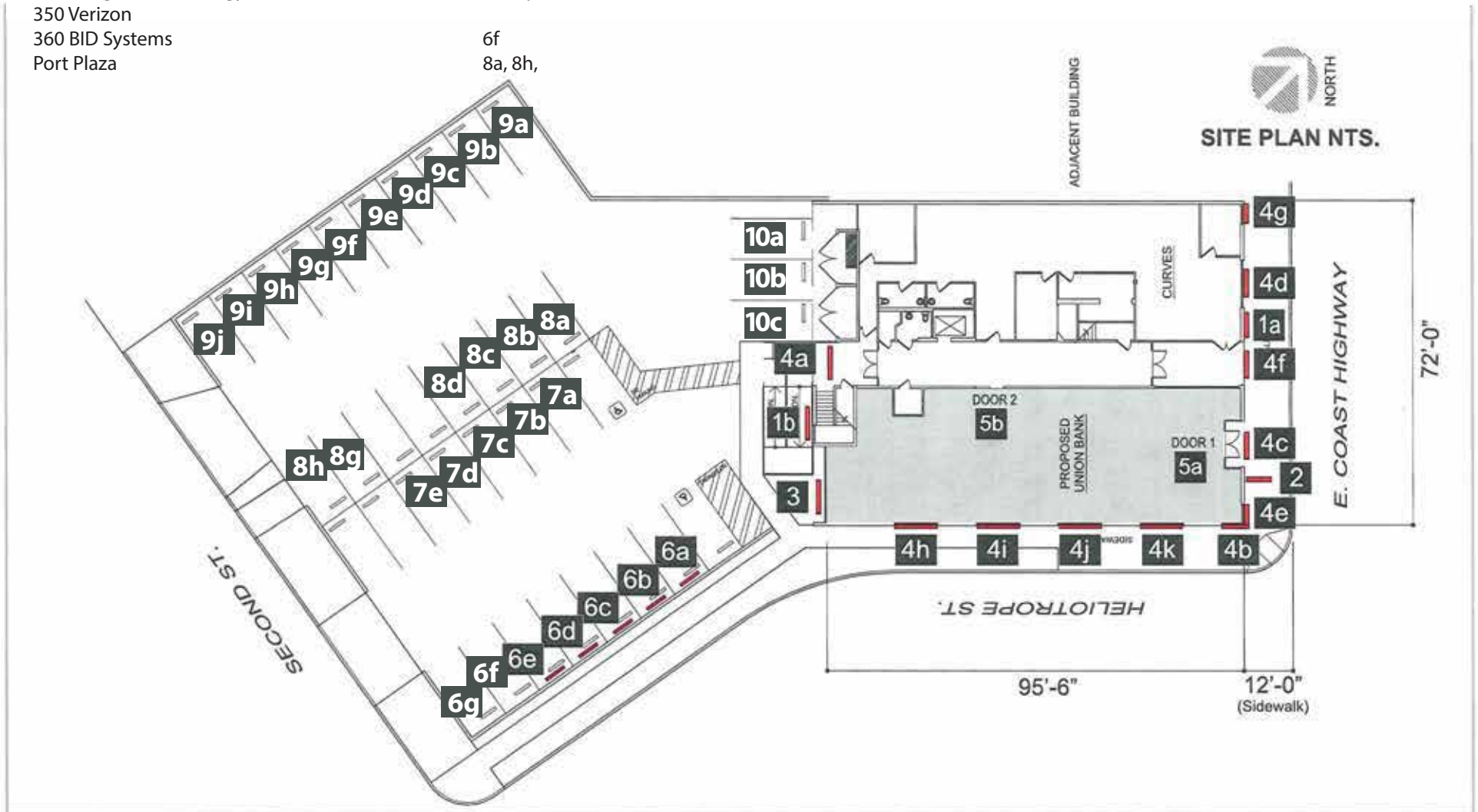
2865 East Coast Highway Corona Del Mar, CA

**COGENT**  
SIGNS & GRAPHICS  
INC.  
23011 Moulton Pkwy. B-12 Laguna Hills CA 92653  
714-930-7740 info@cogentsigns.com

**Suite**

- 100 Union Bank
- 150 CDM Drugs
- 200 Integrated Oncology Network
- 300 Zarrabi MD
- 340 Integrated Oncology Network, LLC
- 350 Verizon
- 360 BID Systems
- Port Plaza

- 6a - 6e
- 10a - c
- 8b, 8c, 8d
- 6g, 7a - e
- 9a - 9j
  
- 6f
- 8a, 8h,



DATE  
2/15/2021

PROJECT NAME  
Zarrabi MD

ADDRESS  
2865 East Coast Highway  
CITY/STATE  
Corona Del Mar, CA

CLIENT APPROVAL

NO. DATE REVISION

PROPERTY OWNER APPROVAL

**COGENT**  
SIGNS & GRAPHICS  
23011 Moulton Pkwy, B-12 Laguna Hills CA 92653  
714-930-7740 info@cogentsigns.com



SIGN #	SIGN DESCRIPTION EXISTING SIGNS	ELEVATION
1a	CENTER BUILDING ID - PORT PLAZA	NORTH
1b	CENTER BUILDING ID - PORT PLAZA / NON ILLUM.	SOUTH
2	D/F BLADE SIGN FOR TWO MAJOR TENANTS / ILLUMINATED	NORTH
3	MAJOR TENANT WALL SIGN / NON ILLUM. LETTERS	SOUTH
4a	CENTER I.D. BLACK AWNING WITH PAINTED WHITE COPY	SOUTH
4b	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	EAST
4c	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	NORTH
4d	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	NORTH
4e	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	NORTH
4f	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	NORTH
4g	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	NORTH
4h	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	EAST
4i	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	EAST
4j	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	EAST
4k	BLACK AWNING WITH PAINTED WHITE COPY / NON ILLUM.	EAST
5a	DOOR DECALS	N/A
5b	DOOR DECALS	N/A

OVERALL VIEW

3 OF 14  
PAGE NUMBER

DATE: 2/15/2021  
 PROJECT NAME: Zarrabi MD  
 SCALE: Shown  
 ADDRESS: 2865 East Coast Highway  
 BUILDING ID #: -  
 CITY/STATE: Corona Del Mar, CA

CLIENT APPROVAL: \_\_\_\_\_ NO. DATE REVISION  
 PROPERTY OWNER APPROVAL: \_\_\_\_\_

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 714-930-7740 info@cogentsigns.com



**A NORTH BUILDING ELEVATION**

4 OF 14  
PAGE NUMBER

DATE: 2/15/2021  
 PROJECT NAME: Zarrabi MD  
 SCALE: Shown  
 ADDRESS: 2865 East Coast Highway  
 BUILDING ID #: -  
 CITY/STATE: Corona Del Mar, CA

CLIENT APPROVAL	NO.	DATE	REVISION
PROPERTY OWNER APPROVAL			

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**B SOUTH BUILDING ELEVATION**

5 OF 14  
PAGE NUMBER

DATE: 10-22-10  
 SCALE: SHOWN  
 BUILDING ID #: -  
 PROJECT NAME: 2/15/2021  
 ADDRESS: 2865 East Coast Highway  
 CITY/STATE: Corona Del Mar, CA

CLIENT APPROVAL

NO. DATE REVISION

PROPERTY OWNER APPROVAL

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**C EAST BUILDING ELEVATION**

PAGE NUMBER  
6 OF 14

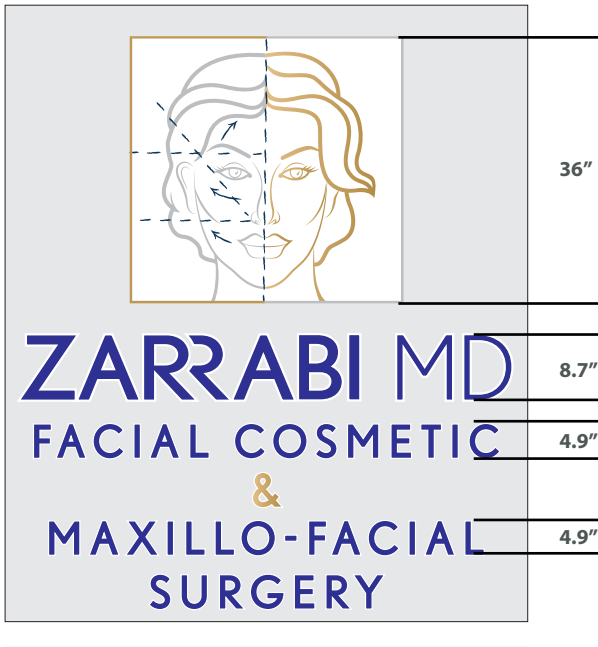
DATE  
2/15/2021  
SCALE  
Shown  
BUILDING ID #  
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PROJECT NAME  
Zarrabi MD  
ADDRESS  
2865 East Coast Highway  
CITY/STATE  
Corona Del Mar, CA

CLIENT APPROVAL \_\_\_\_\_ NO. DATE REVISION \_\_\_\_\_  
  
PROPERTY OWNER APPROVAL \_\_\_\_\_

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714-930-7740 info@cogentsigns.com

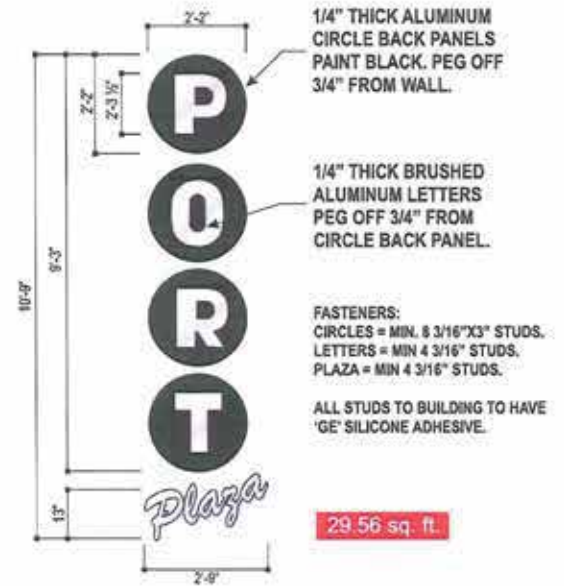
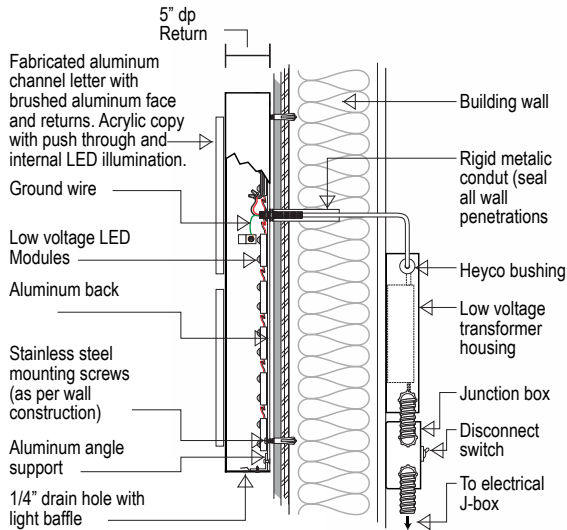
85"



72"

1a ILLUMINATED SIGN

1b EXISTING



1/4" THICK ALUMINUM CIRCLE BACK PANELS PAINT BLACK. PEG OFF 3/4" FROM WALL.

1/4" THICK BRUSHED ALUMINUM LETTERS PEG OFF 3/4" FROM CIRCLE BACK PANEL.

FASTENERS:  
CIRCLES = MIN. 8 3/16"X3" STUDS.  
LETTERS = MIN 4 3/16" STUDS.  
PLAZA = MIN 4 3/16" STUDS.

ALL STUDS TO BUILDING TO HAVE 'GE' SILICONE ADHESIVE.

29.56 sq. ft.

1a ILLUMINATED SIGN

1b CENTER NAME SIGN  
3/8"=1'-0"

PAGE NUMBER  
7 OF 14

DATE  
2/15/2021  
SCALE  
Shown  
BUILDING ID #  
-

PROJECT NAME  
Zarrabi MD  
ADDRESS  
2865 East Coast Highway  
CITY/STATE  
Corona Del Mar, CA

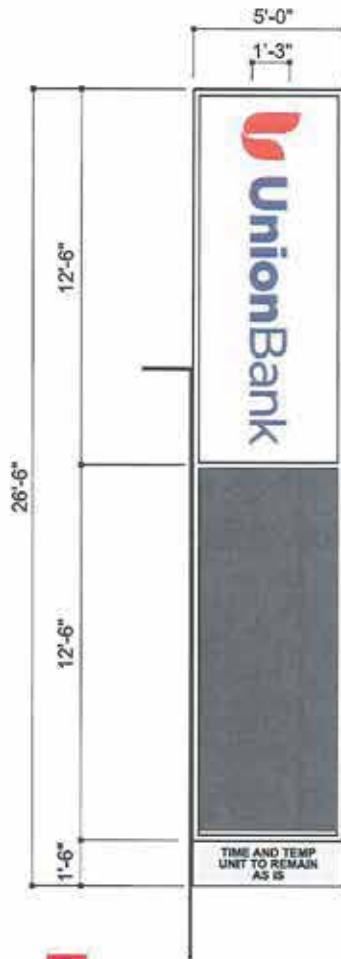
CLIENT APPROVAL

NO. DATE REVISION

PROPERTY OWNER APPROVAL

23011 Moulton Pkwy, B-12 Laguna Hills CA 92653  
714-930-7740 info@cogentsigns.com





**SPECIFICATIONS:**  
 REMOVE EXISTING FACES. MFR. AND INSTALL (2) NEW FACES.  
**BACKGROUND:**  
 WHITE LEXAN W/ 3M WHITE #3630-20 VINYL (opaque bkgd.)  
**LOGO:**  
 ARLON RED #2500-073 VINYL.  
**COPY:**  
 ARLON BLUE #2500-557 VINYL.

**132.5 SQ. FT. (2) TENANTS**

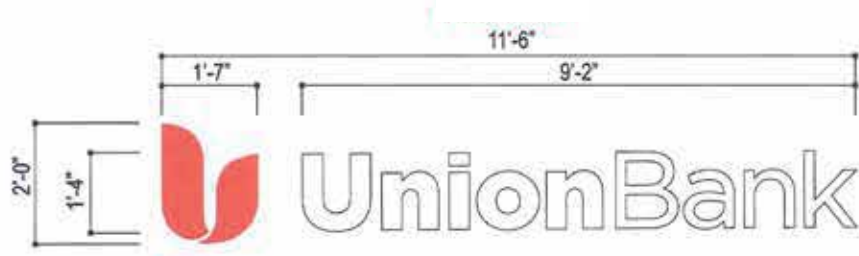
**2** DOUBLE FACE BLADE SIGN (2) TENANTS



**2** EXISTING D/F BLADE SIGN

PAGE NUMBER <b>8</b> OF <b>14</b>	DATE	PROJECT NAME	CLIENT APPROVAL	NO.	DATE	REVISION
	2/15/2021	Zarrabi MD				
	SCALE	ADDRESS	PROPERTY OWNER APPROVAL			
	Shown	2865 East Coast Highway				
BUILDING ID #	CITY/STATE					
	Corona Del Mar, CA					

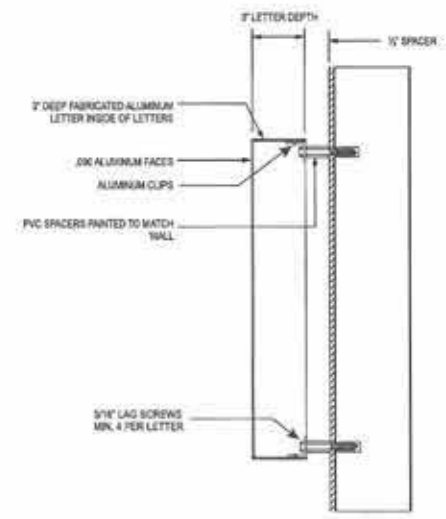
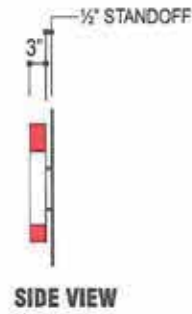
23011 Moulton Pkwy. B-12 Laguna Hills CA 92653  
 714-930-7740 info@cogentsigns.com



**3 REVERSE CHANNEL LETTERS / WHITE / NON ILLUMINATED**  
 3/4" = 1'-0"  
**23 Sq. Ft.**

**SPECIFICATIONS:**  
 MANUFACTURE AND INSTALL (1) ONE SET OF FABRICATED ALUMINUM REVERSE CHANNEL LETTERS. NON ILLUMINATED.

**FACES:** ALUMINUM WITH PAINTED FINISH.  
**LOGO:** ALUMINUM PAINTED RED PMS #1797, SATIN FINISH. RED RETURNS  
**COPY:** ALUMINUM PAINTED BLUE PMS #2738, SATIN FINISH. WHITE RETURNS



**Typical Mounting Detail**



**SOUTH (REAR) BUILDING ELEVATION / NTS**

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DATE 2/15/2021	PROJECT NAME Zarrabi MD	CLIENT APPROVAL	NO.	DATE	REVISION
SCALE Shown	ADDRESS 2865 East Coast Highway	PROPERTY OWNER APPROVAL			
BUILDING ID # -	CITY/STATE Corona Del Mar, CA				

**COGENT**  
 SIGNS & GRAPHICS  
 23011 Moulton Pkwy, B-12 Laguna Hills CA 92653  
 714-930-7740 info@cogentsigns.com



**3** PARTIAL SOUTH ELEVATION / NON ILLUM. CHANNEL LETTERS

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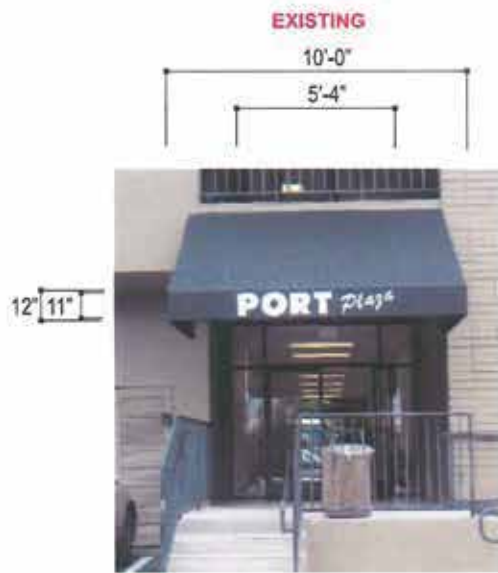
DATE	PROJECT NAME
2/15/2021	Zarrabi MD
SCALE	ADDRESS
Shown	2865 East Coast Highway
BUILDING ID #	CITY/STATE
-	Corona Del Mar, CA

CLIENT APPROVAL

NO. DATE REVISION

PROPERTY OWNER APPROVAL

**COGENT**  
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**4a**

AWNING WITH WHITE TENANT COPY.



**4b**

AWNING WITH WHITE TENANT COPY.

**3.44 Sq. Ft.**



**4c**

AWNING WITH WHITE TENANT COPY.

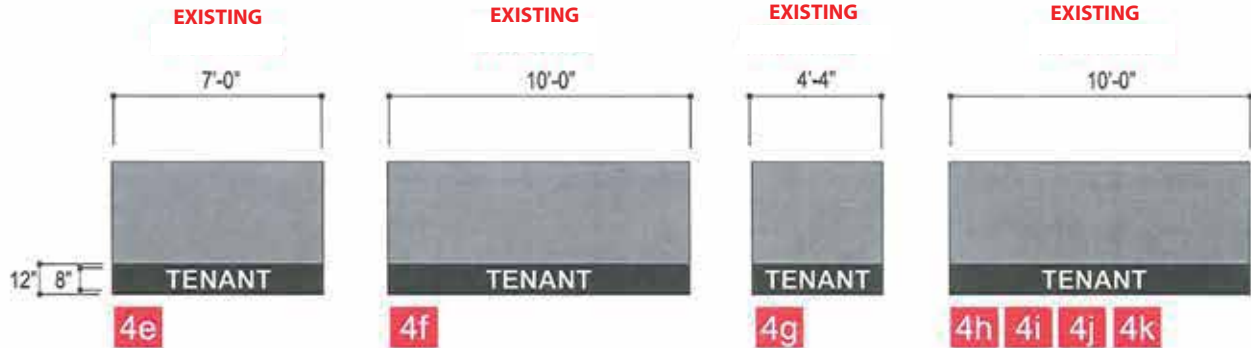
**3.44 Sq. Ft.**

DATE	PROJECT NAME	CLIENT APPROVAL	NO.	DATE	REVISION
2/15/2021	Zarrabi MD				
SCALE	ADDRESS	PROPERTY OWNER APPROVAL			
Shown	2865 East Coast Highway				
BUILDING ID #	CITY/STATE				
-	Corona Del Mar, CA				



4d

AWNING WITH WHITE TENANT COPY.



BLACK AWNINGS WITH WHITE TENANT COPY.

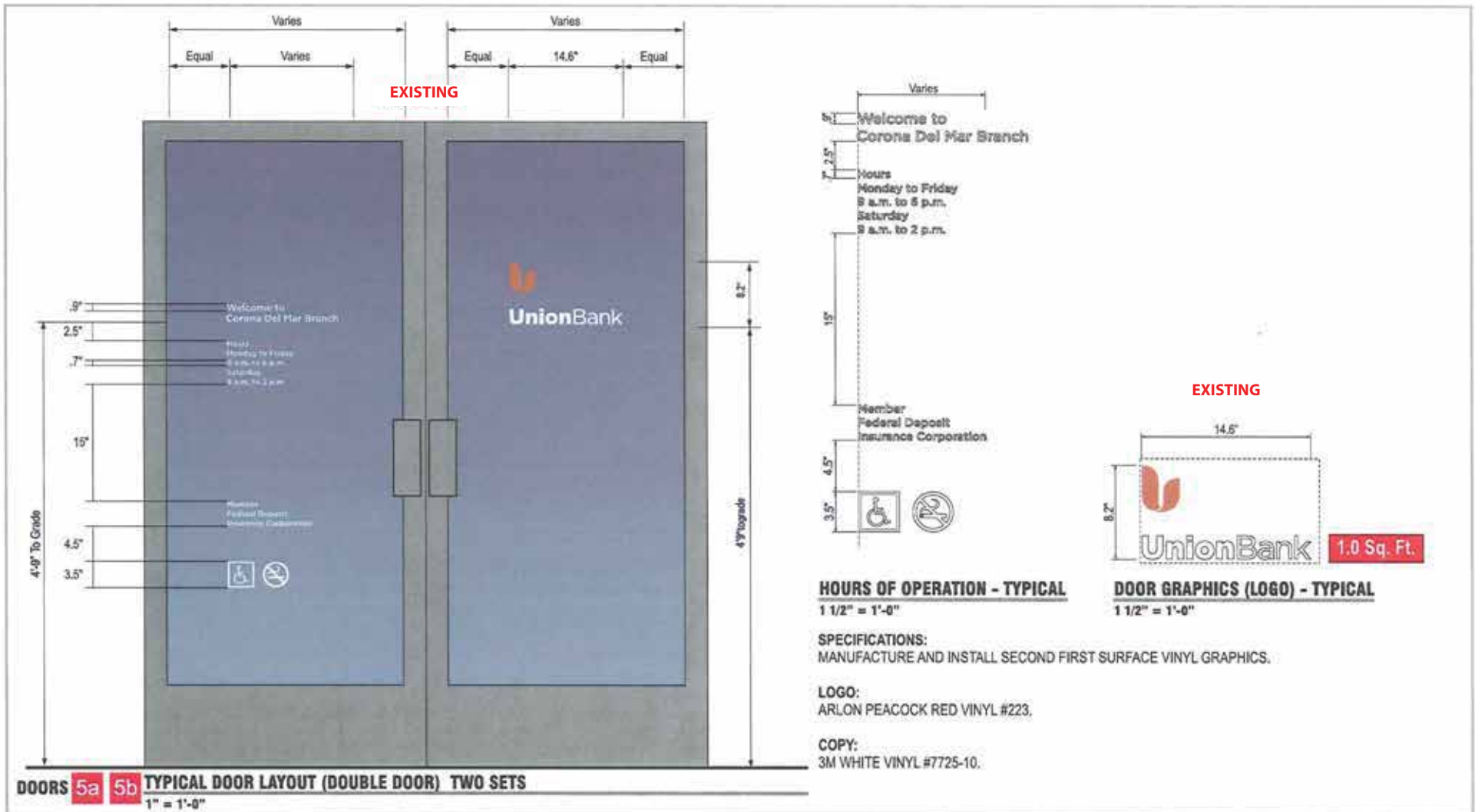
PAGE NUMBER  
12 OF 14

DATE: 10-22-10  
PROJECT NAME: 2/15/2021  
SCALE: Shown  
ADDRESS: 2865 East Coast Highway  
BUILDING ID #: -  
CITY/STATE: Corona Del Mar, CA

CLIENT APPROVAL  
  
PROPERTY OWNER APPROVAL

NO. DATE REVISION

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13 OF 14

DATE: 2/15/2021  
PROJECT NAME: Zarrabi MD  
SCALE: Shown  
ADDRESS: 2865 East Coast Highway  
BUILDING ID #: -  
CITY/STATE: Corona Del Mar, CA

CLIENT APPROVAL: \_\_\_\_\_ NO. DATE REVISION \_\_\_\_\_  
PROPERTY OWNER APPROVAL: \_\_\_\_\_

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EXISTING



**6a** thru **6e** **NEW S/F NON-ILLUMINATED DIRECTIONAL SIGN**

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

**SPECIFICATIONS:**

MANUFACTURE & INSTALL (5) NEW .125" ALUMINUM PANELS PAINTED METALLIC SILVER #281-342 W/ VINYL COPY, MOUNT ON NEW 2" SQUARE TUBE PAINTED METALLIC SILVER #281-342.

COPY: ARLON SAPPHIRE BLUE #17 VINYL  
LOGO: ARLON PEACOCK RED #223 VINYL

NOTE:  
LOCATIONS TO BE DETERMINED.

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14 OF 14

DATE	PROJECT NAME
2/15/2021	Zarrabi MD
SCALE	ADDRESS
Shown	2865 East Coast Highway
BUILDING ID #	CITY/STATE
-	Corona Del Mar, CA

CLIENT APPROVAL	NO.	DATE	REVISION
PROPERTY OWNER APPROVAL			

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