



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 March 11, 2022.

ZONING ADMINISTRATOR ACTIONS MARCH 10, 2022

Item 1: Linos Residential Condominiums Tentative Parcel Map No. NP2021-017 (PA2021-299)
Site Address: 717 and 717 ½ Narcissus Avenue

Action: Approved by Resolution No. ZA2022-015 Council District 6

Item 2: Le Zinque Bar Limited Term Permit No. XP2021-041 and Coastal Development Permit No. CD2021-076 (PA2021-295)
Site Address: 3446 Via Oporto

Action: Approved by Resolution No. ZA2022-016 Council District 1

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

Item 1: Taco Bell Comprehensive Sign Program No. CS2021-004 (PA2021-124)
Site Address: 1400 West Coast Highway

Action: Approved Council District 3

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

RESOLUTION NO. ZA2022-015

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING TENTATIVE PARCEL MAP NO. NP2021-017 FOR TWO (2)-UNIT CONDOMINIUM PURPOSES LOCATED AT 717 AND 717 ½ NARCISSUS AVENUE (PA2021-299)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Michael Linos of SONIL, Inc. dba SONIL Construction (Applicant), with respect to property located at 717 and 717 ½ Narcissus Avenue, and legally described as the northeasterly 21 feet of Lot 17 and the southwesterly 15 feet of Lot 19 in Block 740 of the 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 under construction. The tentative parcel map would allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed.
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 on March 10, 2022, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the 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 project meets all identified criteria; therefore, it is eligible for 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 Section 19.12.070 (Required Findings for Action on Tentative Maps) of the NBMC:

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. The project site was previously developed with a duplex and has been cleared of existing improvements. A new duplex is under construction. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current RT General Plan Land Use category.
2. The subject property is not located within a specific plan area.
3. The project is conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the Narcissus Avenue frontage and alley as needed, as well as the undergrounding of utilities, consistent with the Title 19 (Subdivisions) of the NBMC.

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 a duplex because it is relatively flat and rectangular. It was also previously developed with a duplex.
2. The subject property is accessible from both Narcissus Avenue and the alley in the rear.
3. The site is adequately served by existing utilities, as the site was previously developed with a duplex that is being replaced resulting in no increase of density.

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. The property is located within an existing residential neighborhood that does not contain any sensitive vegetation or habitat on-site.
2. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines. Section 2 of this Resolution is hereby incorporated by reference.

Finding:

D. *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 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 Public Works Department has reviewed the proposed Tentative Parcel Map and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development because no public easements are located on the property.
2. There are no existing easements either through or adjacent to 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 site, developed for residential use, lies in the R-2 Zoning District, which is intended for and 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 Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City's 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 proposed duplex is consistent with the R-2 Zoning District, which allows up to 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 needs.

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 residential building under construction has been designed to have wastewater discharge into the existing sewer system and complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter 3 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. NP2021-017, 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 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 10th DAY OF MARCH, 2022.



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. After the recordation of the Parcel Map and prior to building permit final, the Applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." The development will not be condominiums until this description change permit is final.
3. The building permit for the new construction shall not receive final inspection until after recordation of the parcel map.
4. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Tentative 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 NBMC.
6. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Linos Residential Condominiums including, but not limited to, Tentative Parcel Map No. 2021-017 (PA2021-299)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

7. A Parcel Map shall be recorded. The map shall be prepared on the California coordinate system (North American Datum of 1983, NAVD83). Prior to recordation of the map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach, a digital-graphic file of said map in a manner described in Sections 7-9-

330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivisions Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**

8. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual Subarticle 18. Monuments (1-inch iron pipe with tag) shall be set **on each lot corner** unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be required for all work activities within the public right-of-way.
11. All damaged sidewalk panels, curb, gutter, and street along the Narcissus Avenue property frontage and any damaged concrete alley panels along the alley property frontage shall be reconstructed as determined by the Public Works Department.
12. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover.
13. All existing overhead utilities shall be undergrounded.
14. No above ground improvements will be permitted within the 5-foot rear alley setback. Smooth transitions between neighboring properties shall be provided.
15. The Applicant shall remove all existing private, non-standard improvements within the public right-of-way shall be removed, including but not limited to brick pavers and fencing.
16. The Applicant shall install new sod or low groundcovers of the type approved by the City throughout the Narcissus Avenue parkway fronting the development site.
17. The existing street tree along the Narcissus Avenue frontage shall be protected in place.
18. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
19. In case of damage done to public improvements surrounding the development site by private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

Building Division

20. Each unit shall be served by its own independent fire riser.

RESOLUTION NO. ZA2022-016

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING LIMITED TERM PERMIT NO. XP2021-041 AND COASTAL DEVELOPMENT PERMIT NO. CD2021-076 TO ALLOW AN EXPANDED OUTDOOR DINING AREA LOCATED AT 3446 VIA OPORTO (PA2021-295)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Le Zinc Bar, LLC, with respect to property located at 3446 Via Oporto, and legally described as Lot 1121 and Lot 1122 and a Portion of Lot 1123 Tract 907, requesting approval of a limited term permit and a coastal development permit.
2. The applicant proposes a 471-square-foot expanded dining area previously authorized through Emergency Temporary Use Permit No. UP2020-019 (PA2020-091) for Le Zinque Bar, for up to a one (1)-year term.
3. The subject property is designated Mixed-Use Water 2 (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water (MU-W2) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and it is located within the Mixed-Use Water (MU-W2) Coastal Zone District.
5. A public hearing was held on March 10, 2022, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303 under Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small Structures), respectively, 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 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 3 exemption includes a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 2,500 square feet in floor area or 10,000 square feet in floor area in urbanized areas zoned for

such use. The proposed scope of work is a maximum 471-square-foot expanded outdoor dining patio at an existing restaurant for a one (1)-year limited term and qualifies under the parameters of the Class 1 and Class 3 exemptions.

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.

Limited Term Permit

In accordance with Section 20.52.040.G (Limited Term Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The operation of the limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;*

Facts in Support of Finding:

1. The limited term permit will allow an extended and expanded outdoor dining patio for one-year term while the City reconsiders its parking requirements related to food service uses. The existing food service use is authorized through Conditional Use Permit No. UP2015-042 and Operator License No. OL2015-008 (PA2015-178) and includes 2,546 square feet of net public area.
2. The expanded dining area has not posed a hazard to the general welfare of persons residing in the area since it was placed during the COVID-19 pandemic in 2020 through an Emergency Temporary Use Permit. The operation of the expanded dining area is limited to one (1) year beginning March 10, 2022, through March 10, 2023, and has been reviewed and conditioned to preclude any detriment to the general welfare of the area.
3. Outdoor dining areas are common within the Lido Marina Village shopping area, have been used at the subject property during similar hours in the past, and the use has not proven detrimental. The permitted hours of operation for the interior of the restaurant are limited from 6:30 a.m. to 12:00 midnight, Monday through Thursday, and 6:30 a.m. to 1:00 a.m. Friday through Sunday. The permitted hours of operation for the existing outdoor dining patio are limited from 6:30 a.m. through 12:00 midnight, daily. The expanded outdoor

dining area would close by 10:00 p.m., Sunday through Thursday, and by 11:00 p.m., Friday and Saturday, consistent with the prior emergency temporary use permit.

4. The proposed dining area will not be covered and a condition of approval related to heaters is incorporated as Condition of Approval No. 26.
5. The proposed operation is conditioned to be accessible to all persons, including those with disabilities, in accordance with the Americans with Disabilities Act (ADA).
6. The permitted use shall adhere to applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the use. It is the responsibility of the permittee to implement and follow industry-specific guidance of the State of California and the Orange County Health Care Agency guidelines.
7. The permitted use must be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements.
8. The overall plan includes appropriate delineation of outdoor use spaces with a stanchion and rope barrier.
9. The expanded dining area will not impede pedestrian access to the waterfront. Conditions of approval require the expanded dining area to be located clear of the 6-foot lateral public access easement along the waterfront and the 6-foot wide vertical access between the buildings.

Finding:

- B. The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;*

Facts in Support of Finding:

1. The subject lot is approximately 0.29 acres in size and is a flat property adjacent to the water. The existing food service use with outdoor dining has operated at 3446 Via Oporto since its original approval in 2015. Based upon the site plan, there is adequate area to accommodate the expanded dining area without impacting pedestrian circulation and lateral/vertical coastal access.
2. The lot is bounded by Via Oporto to the east and Newport Harbor to the west. To the north and south are adjacent mixed-use properties within the Lido Marina Village development. An existing food service use with outdoor dining is located at this site, with adjacent office use. The expanded outdoor dining use will not impede use and enjoyment of the properties in the area and will instead add to the ambiance and quaint character of the Lido Marina Village.

3. The expanded dining area will not impede any parking spaces. No parking or traffic circulation issues are anticipated.

Finding:

- C. *The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;*

Facts in Support of Finding:

1. The subject lot is accessed from Via Oporto. A public parking structure is located across Via Oporto at 3434 Via Lido, where common parking for uses within Lido Marina Village are provided. The existing food service use, Le Zinque Bar, is located in a mixed-use area and proposes to operate all day and into the evening hours when surrounding retail and office uses are typically not operating. The parking structure has historically accommodated the mix of uses found within Lido Marina Village and no parking or traffic issues are anticipated with the continued use of the expanded dining area.
2. The property owner, DJM Arc Lido LLC, has applied for a conditional use permit to modify and expand allowed food service uses on a permanent basis within Lido Marina Village. This limited term permit would allow for some of these food services to operate in the interim while parking data for the use permit is refined and scheduled for Planning Commission review

Finding:

- D. *Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator; and*

Facts in Support of Finding:

1. The existing food service use with outdoor dining has operated at the subject property since 2015. The existing parking structure has historically accommodated the mix of uses located within Lido Marina Village per Conditional Use Permit No. UP2017-019 (PA2017-135). The existing parking structure at 3434 Via Lido is expected to accommodate the parking demand related to the temporary use.
2. The expanded dining area will not impede pedestrian access to the waterfront.

Finding:

- E. *The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.*

Facts in Support of Finding:

1. The General Plan land use designation for this site is MU-W2 (Mixed-Use Water 2). The MU-W2 designation is intended to provide for marine-related uses intermixed with buildings that provide residential on the upper floors. Permitted uses include those permitted in the CM (Recreational and Marine Commercial), CV (Visitor Serving Commercial), and MU-V (Mixed Use Vertical) designations. Free-standing residential shall not be permitted. Food service uses are consistent with nonresidential uses and are conditionally permitted in mixed-use zoning districts. The expanded outdoor dining use is accessory to the existing food service use with outdoor dining, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the MU-W2 designation.
2. The site is located in the Mixed-Use Water (MU-W2) Zoning District. The MU-W2 designation applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The expanded outdoor dining use is accessory to the existing food service use with outdoor dining, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the MU-W2 designation. The MU-W2 zoning district allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
3. The Limited Term Permit for expanded outdoor dining would complement and be consistent with the other commercial uses permitted within the MU-W2 Zoning District of Lido Marina Village in that it provides amenities that support visitors to the area and provides a social gathering place for those who live and work in the neighborhood, consistent with General Plan Land Use Element Goal LU 2, below. Additional benefits include providing opportunities for the continuation of local businesses that generate sales tax and provide opportunities for employment, which is consistent with General Plan Land Use Element Policy LU 2.4 (Economic Development), also copied below:

Goal LU 2 *A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.*

Policy LU 2.4 Economic Development *Accommodate uses that maintain or enhance Newport Beach's fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents. (Imp 1.1, 24.1)*

4. Council Policy D-9 recognizes the need to balance economic development objectives with protection of the environment and the health and safety of the community. The policy recognizes the need to provide effective and efficient structures for implementing economic programs, utilizing staffing to provide healthy, thriving businesses, and maintain a healthy economy while preserving the unique commercial villages in Newport Beach. The

proposed limited term permit would support a local business and its economic prosperity while maintaining the unique character of the Lido Village community.

5. The site is not located within a specific plan area.

Coastal Development Permit

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

Finding:

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

Facts in Support of Finding:

1. The project site is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoint is John Wayne Park and the site is only slightly visible as a small portion of a larger panoramic perspective from this vantage point. West Coast Highway is the nearest coastal view road and the project site is located across Newport Bay. However, the expanded outdoor dining area complies with all applicable Local Coastal Program (LCP) development standards and maintains an area consistent with the existing pattern of development in Lido Marina Village. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone. Instead, the expanded dining area adds to the visual interest and pedestrian-friendly atmosphere of the area.
2. The Property is located in the coastal zone and the proposed improvements require a coastal development permit in accordance with Newport Beach Municipal Code (NBMC) Section 21.52.035(C)(2) (Projects Exempt from Coastal Development Permit Requirements). The improvements are between the sea and the first public road and constitute an increase of ten (10) percent or more of the internal floor area of an existing structure or a lesser improvement that has previously been undertaken pursuant to California Public Resources Code Section 30610(a). The expanded outdoor dining area and barrier within the public walkway are minor detached structures. The location of these improvements does not pose a conflict to coastal resources, coastal access, or other adverse environmental effects.
3. Improvements are complementary to the area; the subject restaurant and adjacent neighbors have similar outdoor dining improvements within the walkways of Lido Marina Village.
4. The dining area stanchion and rope barrier is installed within the existing walkway. The barrier delineates the area dedicated for outdoor dining use and alcohol service from the public walkway. There are no existing City utilities within the expanded dining area.

5. Development authorized by this permit is not located in any environmentally sensitive habitat area and public access to the coast will not be blocked. Coastal access is increased by allowing commercial establishments to allow the public to visit coastal areas and provides an added amenity for visitors. The proposed operation does not contain environmentally sensitive habitat area (ESHA), wetlands, or sandy beach area;
6. Development authorized is not located in an area in which the California Coastal Commission retains direct permit review authority.

Finding:

- G. *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.*

Fact in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, lateral and vertical coastal access is provided via an existing 6-foot wide pedestrian easement along the waterfront and between the buildings. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access 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 15301 under Class 1 (Existing Facilities) and 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.
2. The Zoning Administrator of the City of Newport Beach hereby approved Limited Term Permit No. XP2021-041 and Coastal Development Permit No. CD2021-076, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the

City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF MARCH, 2022.



Jaime Murillo
Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The approval of this Limited Term Permit and Coastal Development Permit shall be effective from March 10, 2022, to March 10, 2023, unless an extension is granted by the Zoning Administrator in compliance with Municipal Code Sections 20.52.040.J (Extension of Limited Term Permit) and 21.54.060 (Time Limits and Extensions). The applicant shall be required to cease all permitted operations and remove any temporary improvements made to the outdoor spaces as part of this approval at the end of the effective period.
3. *The expanded dining area shall not exceed 471 square feet in area.*
4. *The 6-foot-wide lateral and vertical pedestrian easements at the boardwalk area shall always remain free and clear of any obstructions.*
5. *The existing allowed hours of operation of the establishment shall not be extended. The hours of operation of the expanded area as part of this approval shall not extend beyond 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday.*
6. *There shall be no use of amplified sound.*
7. *The applicant shall install and maintain a physical (stanchion and rope) barrier between any area used and adjacent common pedestrian walkways in accordance with the requirements of the State Department of Alcoholic Beverage Control.*
8. The Applicant shall obtain and maintain authorization from the State Department of Alcoholic Beverage Control (ABC) for all areas where the sale, service or consumption of alcohol is under the control of the applicant. The establishment shall abide by all applicable regulations of the State Department of Alcoholic Beverage Control.
9. The sale of alcohol "to go" to patrons that dine within the expanded outdoor patios shall be prohibited.
10. The establishment shall abide by all applicable Orange County Health Care Agency requirements.

11. The permittee shall provide adequate trash receptacles within the permitted patio shall and the operator shall provide for periodic and appropriate removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
12. The Community Development Director or designee may inspect the modified area at any time during normal business hours.
13. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
14. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this approval.
15. This Limited Term Permit and Coastal Development Permit 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.
16. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Limited Term Permit and Coastal Development Permit.
17. 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 this **Limited Term Permit No. XP2021-041 and Coastal Development Permit No. CD2021-076 (PA2021-295) for Le Zinque Bar**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

18. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.
 - a. A minimum 4-foot-wide accessible path to all functional area shall be provided.
 - b. Access to restrooms shall be provided at all times.

- c. Accessible parking stalls shall not be used for seating areas when onsite parking is provided.
 - d. At least one (1) accessible seating area shall be provided.
 - e. Detectable warnings are required when pedestrian paths cross or are adjacent to a vehicular way where no physical barrier are provided to separate the two (2).
19. All exiting paths shall be a minimum 36 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.

Fire Department

20. Parking, displays, seating, or other obstacles that interfere with emergency vehicles and personnel shall not be permitted in fire lanes.
21. Vehicles are permitted to stop in fire lanes awaiting service or delivery provided that the driver remains inside the vehicle and the vehicle is ready to move immediately upon orders from emergency personnel.
22. All Fire Department devices (fire hydrants, fire department connections, water valves, etc.) shall have a three (3)-foot clearance in all directions.
23. Fire Department devices shall not be covered, blocked or otherwise hidden from plain view.
24. All building exits shall remain free and clear of any obstacles that would impede exiting from a building or suite and accessing the nearest public right-of-way.
25. No tent or canopy shall be utilized as part of this limited term permit and coastal development permit.
26. Heat lamps or other heating elements shall comply with the following requirements in accordance with code section 3107.12 of the California Fire Code:
- a. Propane and other fuel-based heating elements (including but not limited to flammable/combustible gas, liquid, or solid materials) shall not be used within tents or canopies.
 - b. Electric heaters must be ul listed for use within tents and/or canopies.
 - c. Propane and other fuel-based heating devices with blowers may be permitted, with the heating element located a minimum of 10 feet from the edge of the tent or canopy.
 - d. All heating equipment installations shall be approved for the fire code official.

Public Works Department

27. There shall be a minimum of 5 feet of space around all overhead facilities, such as poles, and 15 feet of space around all underground facilities, such as vault lids, manholes, vent pipes, pad-mounted transformers, etc.

28. Seating or structures below overhead conductors and/or under the 'drip line' shall be prohibited.
29. Public eating/dining at tables shall not be situated on top of energized vault lids, energized underground structures, or next to vent pipes, etc.
30. Expanded outdoor dining areas shall adhere to the SCE clearance decal examples provided in Attachment No. ZA 4.



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200
www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Subject: Taco Bell Sign Program (PA2021-124)
▪ Comprehensive Sign Program No. CS2021-004

Site Location 1400 West Coast Highway

Applicant 3S Sign Services, Inc. dba PS Services

Legal Description Lots 48 through 53 and a portion of Lot 54, Tract 1210

On **March 9, 2022**, the Zoning Administrator approved Comprehensive Sign Program No. CS2021-004 allowing the establishment of a new comprehensive sign program for an existing fast food restaurant. This approval is in accordance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code (NBMC).

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** CG General Commercial
- **Zoning District:** CG Commercial General

SUMMARY

The comprehensive sign program includes:

- Three (3) wall-mounted signs
- One (1) existing nonconforming pole sign
- One (1) existing ground mounted menu board sign
- Various freestanding directional signs
- One (1) existing exempt mural painted on the south and east building elevations

A comprehensive sign program is required for this site because three or more nonexempt signs are proposed for a single-tenant development and because the site maintains a frontage along a public right-of-way totaling more than 300 lineal feet. The Comprehensive Sign Program will allow the following deviations from Chapter 20.42 of the NBMC:

1. More than one freestanding sign per site;
2. Freestanding signs set back less than a minimum of five (5) feet from a street or interior property line and a minimum of ten (10) feet from the edge of a driveway;
3. Letters on freestanding signs smaller than the minimum required letter size of six (6) inches;

4. Freestanding signs installed with less than the minimum of fifty (50) feet between them;
5. Freestanding signs without landscaping and automatic irrigation at the base;
6. Freestanding signs without an address plate identifying the subject property.

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

FINDINGS AND STANDARDS FOR APPROVED SIGNS

Finding

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

Fact in Support of Finding:

1. Class 11 exempts minor structures accessory to existing commercial facilities, including signs. The proposed Comprehensive Sign Program (hereafter “Program”) includes signs are incidental and accessory to the principal commercial use of the property and do not intensify or alter the use.

Standard

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

Facts in Support of Standard

1. A comprehensive sign program is required whenever three or more nonexempt signs are proposed for a single-tenant development and when there is a building with frontage along a public right-of-way totaling more than 300 lineal feet.
2. The purpose of a comprehensive sign program is to integrate all signage within a project site. A comprehensive sign program also provides means for the flexible application of sign regulations for projects that reasonably require multiple signs. As proposed, the Program will allow the installation of three (3) wall-mounted signs that are visible to motorists on West Coast Highway, the minimum necessary freestanding directional signs throughout the project site to ensure adequate wayfinding and efficient circulation, and the refacing of an existing nonconforming pole sign along the West Coast Highway frontage. The font, colors, and materials of all proposed signage are coordinated to complement

both the architecture of the building and colors used by the restaurant chain. There are no changes proposed to the existing menu board sign.

3. Approval of this Program includes multiple deviations to the standards for freestanding signs. The increase to the overall number of freestanding signs at the project site is necessary due to the nature of the business. The project site is a fast food restaurant with a drive through amenity accessed from a higher speed roadway. To help ensure site circulation is efficient and does not create an unsafe condition, the drive through operation requires multiple, low, freestanding signs to direct traffic to and through the drive through and parking lot. These signs are intended to be used only by motorists and are not intended to draw attention to the business or provide additional business identification. These signs cannot realistically be placed greater than ten (10) feet from the driveway, be separated by a minimum of fifty (50) feet, or have irrigated landscaping at the base and achieve their intended purpose of efficient circulation. These directional signs do not qualify as sign types exempt from the sign program per Chapter 20.42.100 (Procedures for Sign Approval, Exemptions, and Revocations) as they exceed the maximum size of three (3) square feet and exceed the total number of directional signs allowed per the aforementioned code section.
4. The Program also includes a freestanding menu board sign for motorists to order from while in the drive through. It is common practice within the industry to use freestanding menu board signs. It is not practical that all menu board copy has a minimum letter height of six inches nor should the copy be visible from the road, which is the intent of the standard. Additionally, the deviation to forgo the requirement that a freestanding sign contain an address plate is appropriate for the Program given the function of most of the freestanding signs is not to identify the subject property but rather to facilitate the land use.
5. The proposed wall signs comply with the regulations for permanent signs identified in Table 3-16 of Section 20.42.070 (Standards for Permanent Signs) of the NBMC.
6. The refacing of a nonconforming sign is allowed in accordance with Section 20.42.140 (Nonconforming Signs) of the NBMC.
7. A mural is defined in Chapter 20.42.040 (Definitions) of the NBMC as an artistic image or design painted or affixed to the exterior surface of a structure that does not contain a commercial or noncommercial text or message and is exempt from sign standards per Section 20.42.100 (Procedures for Sign Approval, Exemptions, and Revocations) of the NBMC. The current mural painted on the south and east building elevations contain no commercial or noncommercial text or messaging and is therefore considered exempt. Condition of Approval no. 5 requires either the revision of this Program or the processing of a new comprehensive sign program if any changes are made to the mural which add a commercial or noncommercial text or message.

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 project site is rectangular in shape and developed with a fast food restaurant and a large parking lot to serve the use. The project site is accessed from West Coast Highway and is located within the Mariners' Mile corridor, which is an area of Newport Beach with abundant signage. The Program has been designed to provide adequate identification of the business and harmonious operation of the business without signage being overly attention-grabbing and without allowing the unnecessary proliferation of signage.
2. All project signage has been designed to use a consistent color pallet. Illuminated signs feature acrylic material for the face and are not excessively illuminated. Section 20.42.060 (Provisions Applying to All Sign Types) allows the Community Development Director to dim the illumination if the signs prove to be detrimental to the surrounding uses.
3. The proposed locations for project signage are appropriate and take into consideration the architecture of the building. Wall signs are placed within the middle fifty (50) percent of the building frontage and are separated by a minimum of thirty (30) feet measured along the exterior walls of the building.

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 NBMC Chapter 20.42 (Sign Standards).

Standard

E. The sign program shall accommodate future revisions that may be required because of changes in use or tenants.

Fact in Support of Standard

1. The project site is developed with one building with one fast food operator. The Program provides adequate identification of the business from West Coast Highway and the necessary operational signage to support the business. Future operators at the project site should be able to utilize the sign program without substantial change to the Program. However, flexibility has been incorporated into the Sign Program Matrix to allow minor deviations from the proposed signs. Consistent with Chapter 20.42, 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].

Fact in Support of Standard

1. Fact 3 and 4 in Support of Finding B is hereby incorporated by reference.

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. While the Program contains a pole sign, which is a prohibited sign type, the pole sign was legally installed and is now considered a nonconforming sign. The continuation of a nonconforming sign is allowed subject to the provisions of Section 20.42.140 (Nonconforming Signs), which include refacing of the sign provided there is no change in the structure or its configuration.
2. The Program does not authorize the installation of any new prohibited signs.

Standard

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

Fact in Support of Standard

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

CONDITIONS OF APPROVAL
(project specific conditions are italicized)

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 Program shall be rendered nullified and a new comprehensive sign program shall be obtained in accordance the zoning code provisions in effect at the time the new development is approved.
3. *Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Attachment No. ZA 2.*
4. All signs shall be maintained in accordance with Section 20.42.170 (Maintenance Requirements) of the NBMC. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42 of the NBMC.
5. *Revisions to the mural which add commercial or noncommercial text or messages could cause the mural to lose its exempt status and become subject to the requirements of Chapter 20.42 of the NBMC. At such a time, the mural would no longer be considered artwork and would instead be considered a new sign requiring either a revision to this Program or the processing of a new comprehensive sign program. Additionally, the new sign could require a Modification Permit if it exceeds size limits allowed under Section 20.42.120 (Comprehensive Sign Program) of the NBMC.*
6. *Required landscaping at the base of the pole sign shall be maintained per 20.42.080 (Standards for Specific Types of Permanent Signs) until the pole sign is removed.*
7. *The nonconforming pole sign may be maintained and repaired in accordance with Section 20.42.140 (Nonconforming Signs). Any future modification to the nonconforming pole sign is subject to review by the Planning Division and could result in the required removal of the nonconforming sign.*
8. *In accordance with 20.42.060 (Provisions Applying to All Sign Types), each illuminated sign shall be subject to a thirty (30) day review period, during which time the Director may determine that a reduction in 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 of any illumination found to be excessively bright. The Director's determination will be made without regard to the message content of the sign.*
9. In accordance with Section 20.42.120(F) of the NBMC, the Community Development Director may approve minor revisions to the 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.

10. Prior to issuance of building permits, the applicant shall submit to the Planning Division 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.
11. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
12. A copy of the approval action letter, including conditions of approval and sign matrix, shall be incorporated into the City and field sets of plans 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.
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 the **Taco Bell Sign Program including, but not limited to Comprehensive Sign Program No. CS2021-004 (PA2021-124)** 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 No. 1 Vicinity Map
 ZA No. 2 Comprehensive Sign Program Matrix
 ZA No. 3 Project Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program No. CS2021-004
PA2021-124

1400 West Coast Highway

Attachment No. ZA 2

Comprehensive Sign Program Matrix

Taco Bell Sign Program

1400 West Coast Highway

Comprehensive Sign Program Matrix No. CS2021-004 (PA2021-124)

Frontages:

Primary Frontage:

- a) West Coast Highway (South)

Secondary Frontages:

- b) Parking Lot (West)
- c) 1240 West Coast Highway (East)

Sign Type		Frontage	Dimensions	Other Specifications
Sign Type A	Wall Sign	Secondary - Parking Lot	Maximum Number: 1 Maximum Sign Area: 14 sq. ft. Maximum Letter/Logo Height: 36"	
Sign Type B	Wall Sign	Secondary - 1240 West Coast Highway	Maximum Number: 1 Maximum Sign Area: 34 sq. ft. Maximum Letter/Logo Height: 36"	

Taco Bell Sign Program (PA2021-124)
Attachment No. ZA 2

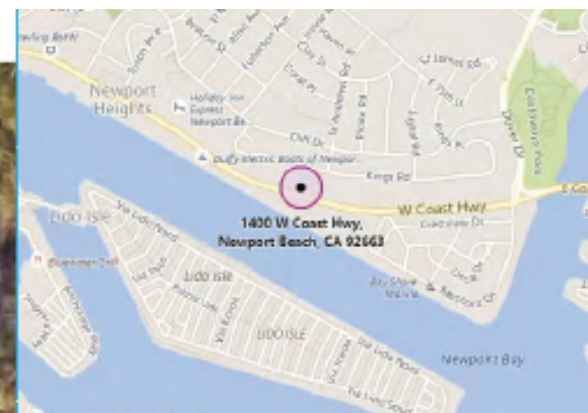
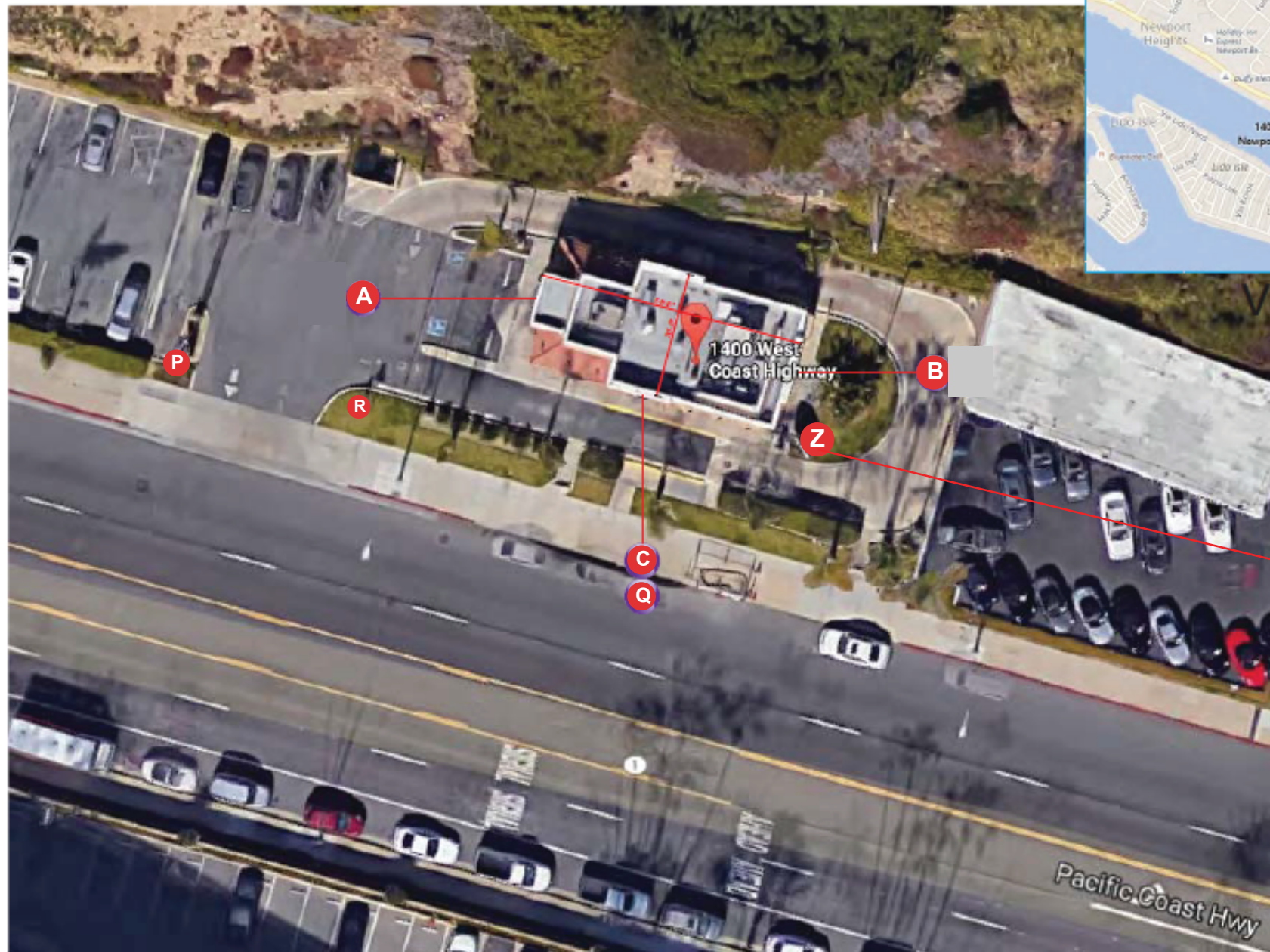
Sign Type C	Wall Sign	Primary – West Coast Highway	Maximum Number: 1 Maximum Sign Area: 132.5 sq. ft.	
Sign Type P	Pole sign	Primary – West Coast Highway	Maximum Number: 1 Maximum Sign Height: 25 feet Maximum Sign Area: 99.2 sq. ft.	- Nonconforming sign may only be altered in compliance with NBMC Section 20.42.140 (Nonconforming Signs).
Sign Type R	Freestanding ground sign (directional)	Various	Maximum Sign Area: 5 sq. ft.	- This Program allows the minimum necessary freestanding directional signs throughout the project site to ensure adequate wayfinding and efficient circulation
Sign Type Z	Freestanding ground sign	Primary – West Coast Highway	Maximum Number: 1 Maximum Sign Height: 8' 9" Maximum Sign Area: 44.50 sq. ft.	- Shall be on a timer

Notes/Requirements:

- a) Sign locations shall be as depicted on approved plans.
- b) Requirements for all signs per Newport Beach Municipal Code (NBMC) Chapter 20.42 (Sign Standards), except as provided in this sign matrix.
- c) Sign Designs shall be consistent with Citywide Sign Design Guidelines Manual.
- d) 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.
- e) Cabinet signs shall be designed such that the background is opaque and the only portion of the sign that appears as illuminated is the actual lettering and/or registered trademark or logo.

Attachment No. ZA 3

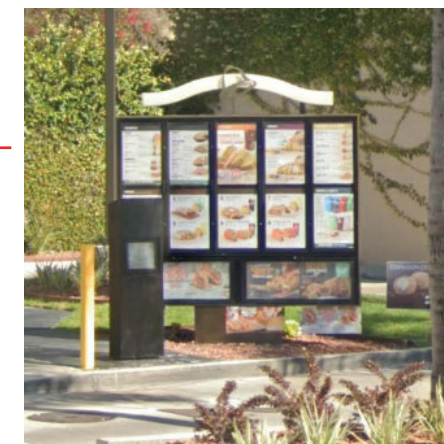
Project Plans



VICINITY MAP

QTY.	DESCRIPTION	SQ. FT.
A	1 SMALL SWINGING BELL W/10" LETTERS	13.8
B	1 MEDIUM SWINGING BELL W/12" LTRS.	33.2
C	1 LARGE SWINGING BELL	13.53
V	LED COPING	
P	2 P93 PYLON REPLACEMENT FACES	99.2
Q	1 CANOPY COVER - CUSTOM	
R	CUSTOM DIRECTIONAL FACE REPLACEMENTS	

Z EXISTING MENUBOARD



44 sq. ft.



TACO BELL 31512
1400 WEST COAST HIGHWAY
NEWPORT BEACH, CA



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

	DATE	BY	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____
Rev. #2	_____	_____	Rev. #5	_____
Rev. #3	_____	_____	Rev. #6	_____



DRAWING NO:
106502.08

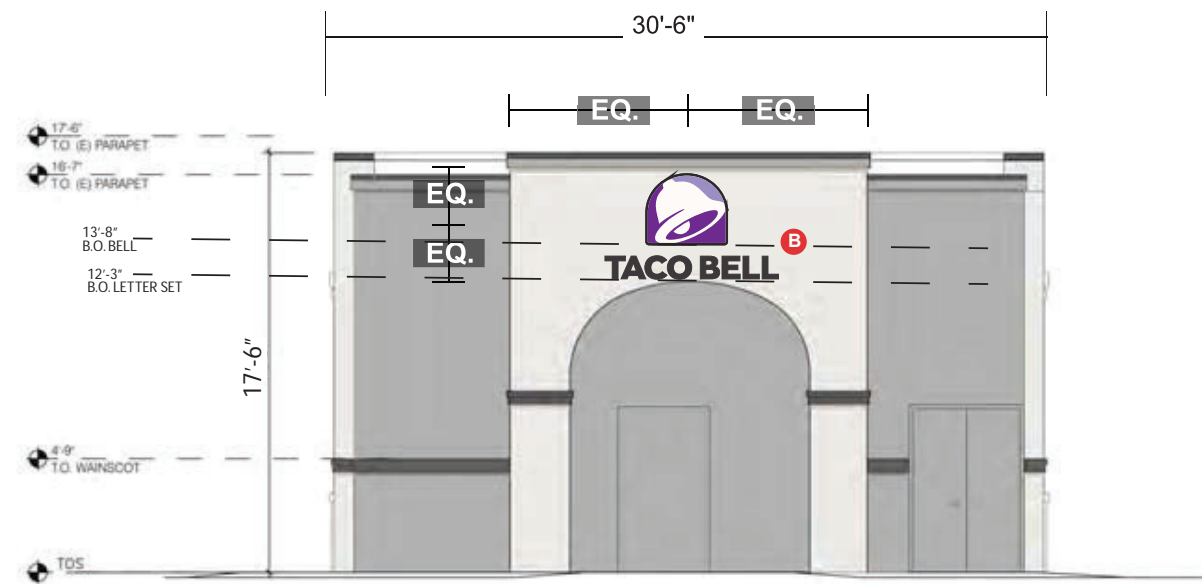
DATE: 3-1-2022

S. Hawke



West Elevation

scale: 1/8" = 1'-0"



East Elevation

scale: 1/8" = 1'-0"

QTY.	DESCRIPTION	SQ. FT.
1	SMALL SWINGING BELL W/10" LETTERS	13.8
1	MEDIUM SWINGING BELL W/12" LTRS.	33.2
1	LARGE SWINGING BELL	13.53
	LED COPING	
2	P93 PYLON REPLACEMENT FACES	99.2
1	CANOPY COVER - CUSTOM	
	CUSTOM DIRECTIONAL FACE REPLACEMENTS	

- A
- B
- C
- V
- P
- Q
- R

TACO BELL 31512
1400 WEST COAST HIGHWAY
NEWPORT BEACH, CA



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

	DATE	BY	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____
Rev. #2	_____	_____	Rev. #5	_____
Rev. #3	_____	_____	Rev. #6	_____



DRAWING NO:
106502.08

DATE: 3-1-2022

S. Hawke



North Elevation

scale: 1/8" = 1'-0"

QTY.	DESCRIPTION	SQ. FT.
A	1 SMALL SWINGING BELL W/10" LETTERS	13.8
B	1 MEDIUM SWINGING BELL W/12" LTRS.	33.2
C	1 LARGE SWINGING BELL	13.53
V	LED COPING	
P	2 P93 PYLON REPLACEMENT FACES	99.2
Q	1 CANOPY COVER - CUSTOM	
R	CUSTOM DIRECTIONAL FACE REPLACEMENTS	



existing wall mural - North Elevation



existing wall mural - South Elevation



South Elevation

scale: 1/8" = 1'-0"

TACO BELL 31512
1400 WEST COAST HIGHWAY
NEWPORT BEACH, CA



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

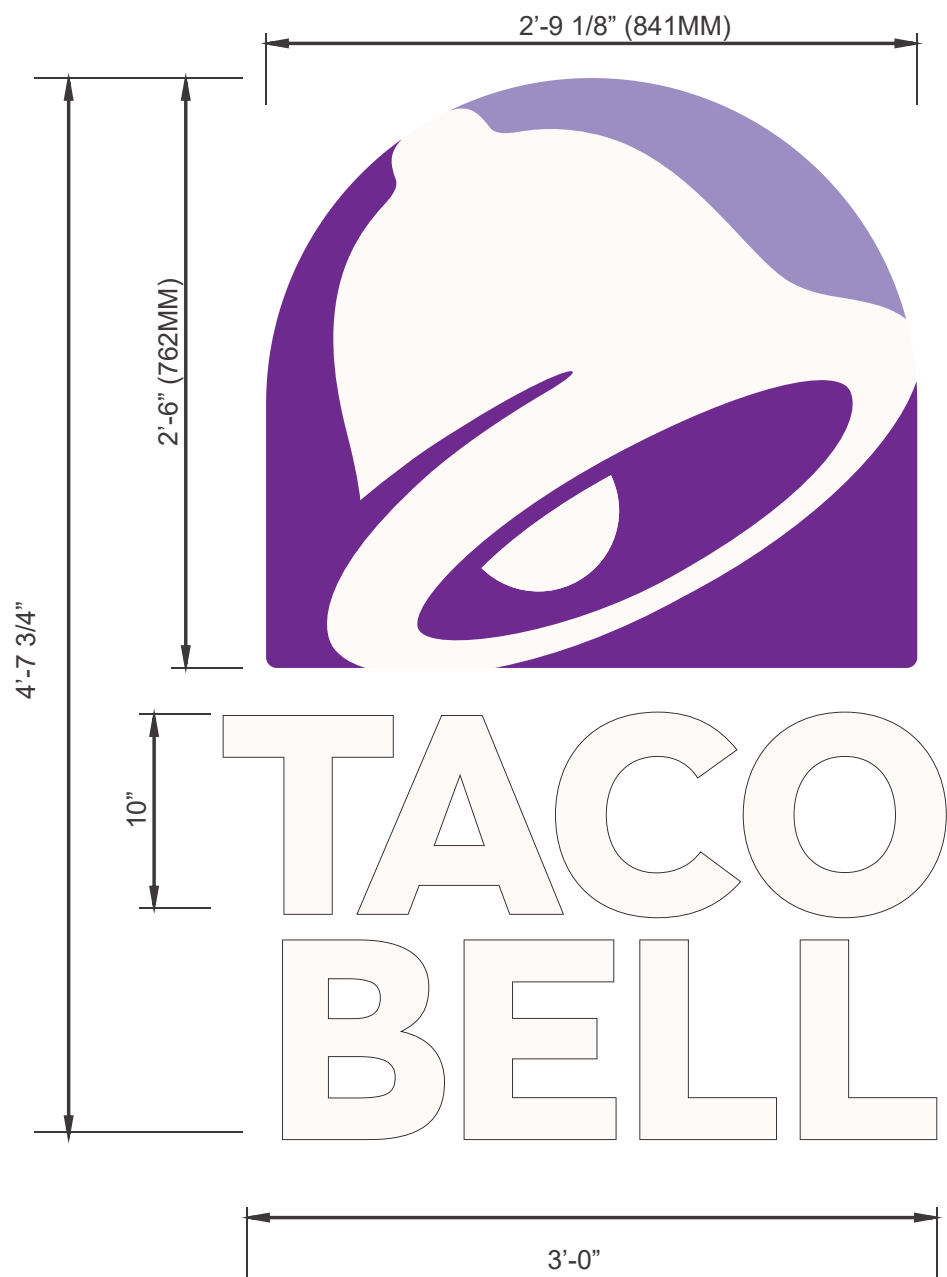
Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____	_____
Rev. #2	_____	_____	Rev. #5	_____	_____
Rev. #3	_____	_____	Rev. #6	_____	_____



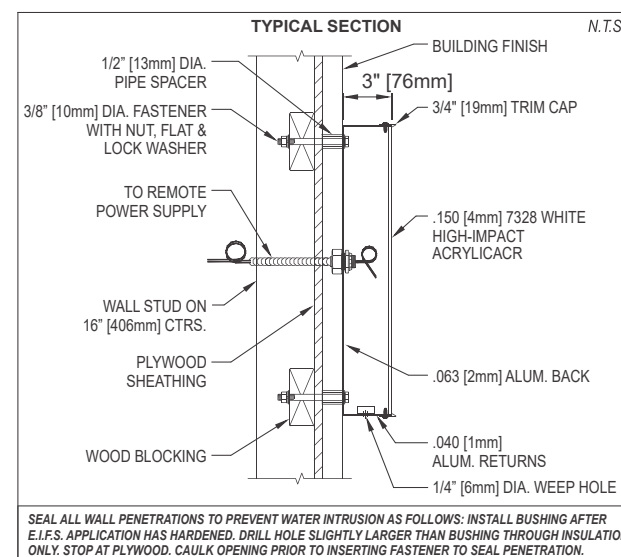
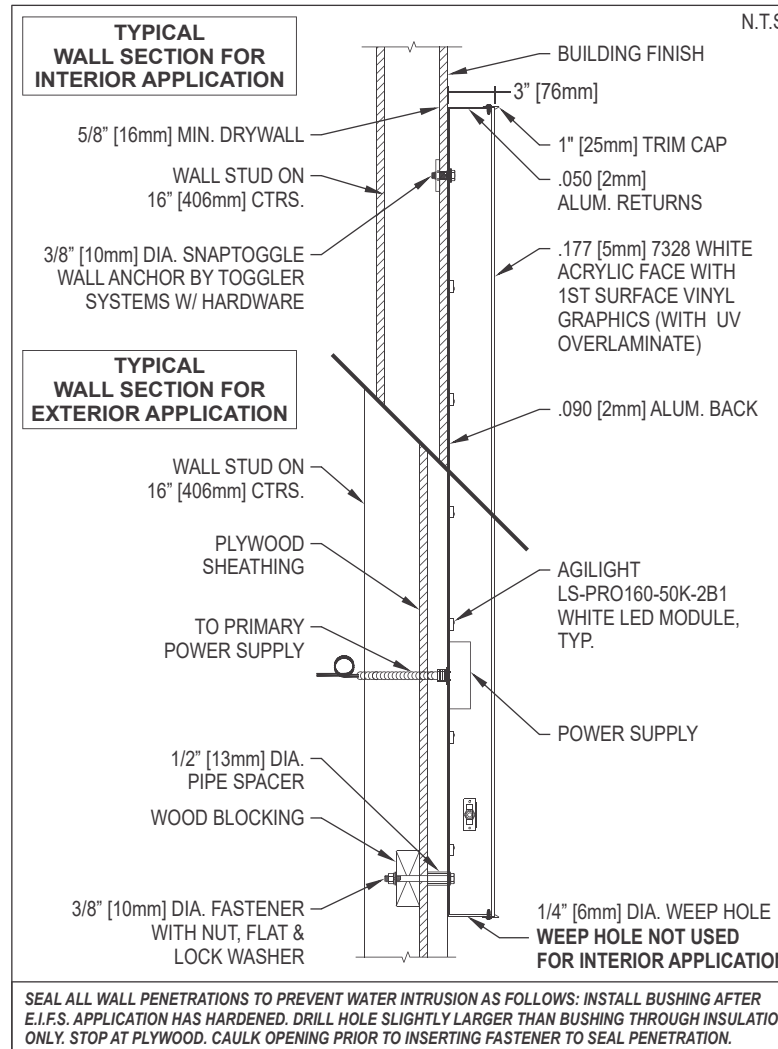
DRAWING NO:
106502.08

DATE: 3-1-2022
S. Hawke

A



13.8 sq. ft.



SPECIFICATIONS

Materials

- Cabinet: .050 [2mm] aluminum returns w/ black finish
- .090 [2mm] aluminum back
- 1\" [25mm] black trim cap
- Face: .177 [5mm] 7328 white acrylic with 1st surface vinyl graphics (with UV overlaminate)

ELECTRICAL/ PERFORMANCE SPECIFICATIONS

- UL & NEC approval required
- 12V, Class II UL approved system
- If alternate LED's are used:
 - 50,000 hour system where no greater than 30% lumen depreciation is experienced at 50K hours
 - Thermally managed surface mount devices (SMD)

LED(s): (22) AgiLight LS-PRO160-50K-2B1 White (5000K) LEDs (11 ft) or equivalent - pre-approval required
 Power Supply: (1) 12V/60W LED Power Supply @ 0.9 amps
 Total Load: 0.9 amps
 Circuits(s): (1) 20 amp-120V

LETTERS SPECIFICATIONS

Materials

- Cabinet: .040 [1mm] aluminum returns w/ black finish and .063 aluminum back
- 3/4\" [19mm] black trim cap
- Face: .150 [4mm] 7328 white acrylic
- Removable face

ELECTRICAL/ PERFORMANCE SPECIFICATIONS

- UL & NEC approval required
- 12V, Class II UL approved system
- If alternate LED's are used:
 - 50,000 hour system where no greater than 30% lumen depreciation is experienced at 50K hours
 - Thermally managed surface mount devices (SMD)

LED(s): AgiLight LS-PRO160-65K-2B1 White (6500K) LEDs (20 ft) or equivalent - pre-approval required
 Power Supply: (1) 12V/60W LED Power Supply @ 0.9 amps - Remotely Located
 Total Load: 0.9 amps
 Circuits(s): (1) 20 amp-120V

GRAPHIC & COLOR SPECIFICATIONS:			
COLOR	PANTONE	3M VINYL	PAINT
1 Dark Purple	PMS 2603C	3M 3630-9327	
2 Light Purple	PMS 2577C	3M 3630-9141	
3 Black	Pantone Black		
4 White	Pantone White	3M 3630-20	SW2123
5 TB Bronze Tiger	Drylac 49-66230 C33		
6 Status Bronze			SW7034
7 Urbane Bronze			SW7048

PART # 823-EN-30-BELL-PUR

PART # 823-18-CL10-TB-LN-WH



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE:

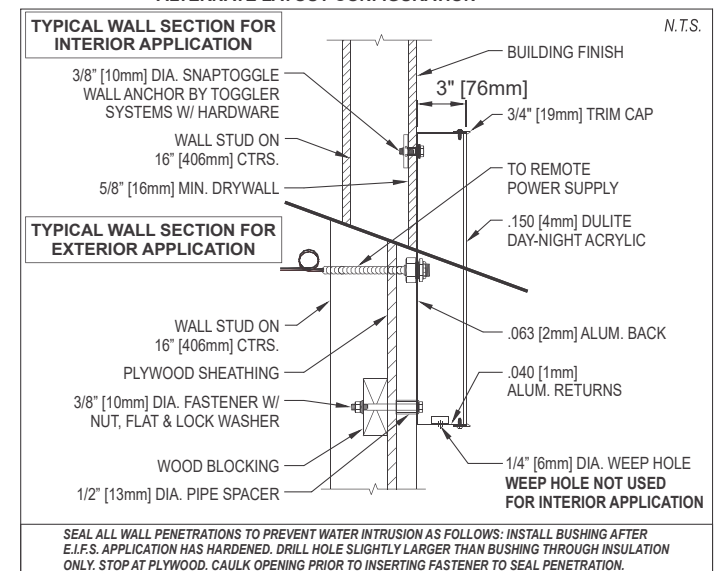
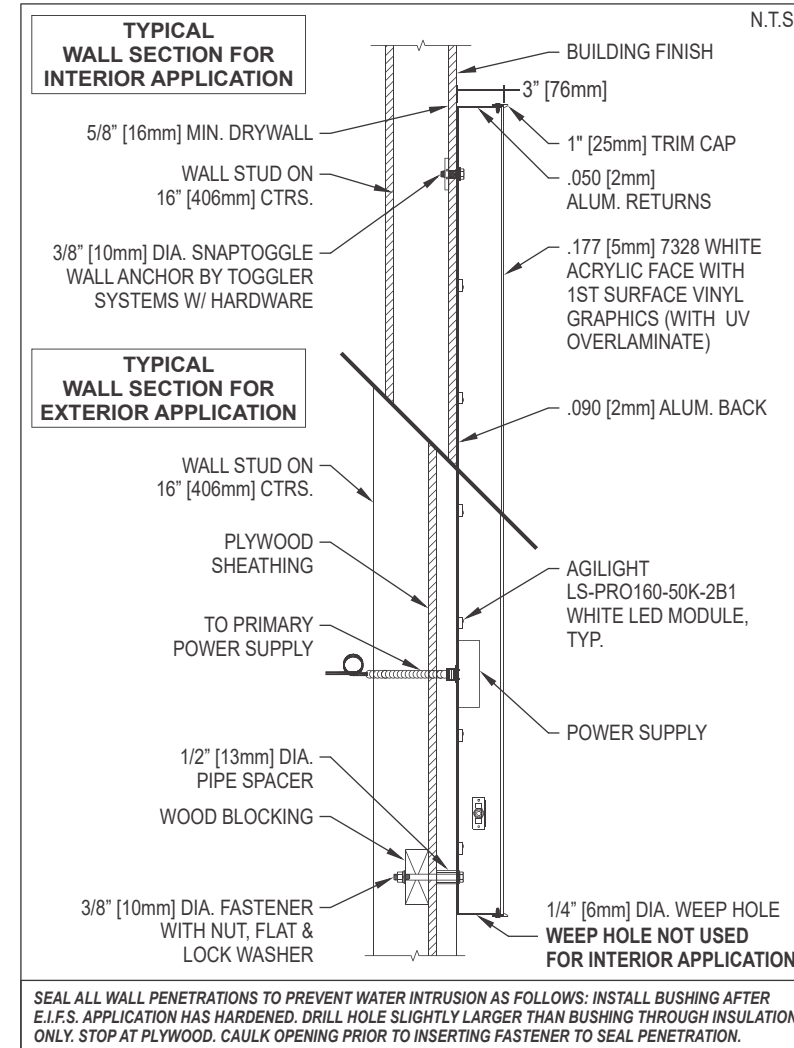
Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1			Rev. #4		
Rev. #2			Rev. #5		
Rev. #3			Rev. #6		



DRAWING NO:
105581.00C

DATE: 2-5-2021

S. Hawke



SPECIFICATIONS

Materials

- Cabinet: .050 [2mm] aluminum returns w/ black finish
- .090 [2mm] aluminum back
- 1" [25mm] black trim cap
- Face: .177 [5mm] 7328 white acrylic with 1st surface vinyl graphics (with UV overlaminate)

ELECTRICAL/ PERFORMANCE SPECIFICATIONS

- UL & NEC approval required
- 12V, Class II UL approved system
- If alternate LED's are used:
 - 50,000 hour system where no greater than 30% lumen depreciation is experienced at 50K hours
 - Thermally managed surface mount devices (SMD)

LED(s): (35) AgiLight LS-PRO160-50K-2B1 White (5000K) LEDs (18 ft) or equivalent - pre-approval required
 Power Supply: (1) 12V/60W LED Power Supply @ 0.9 amps
 Total Load: 0.9 amps
 Circuits(s): (1) 20 amp-120V

SPECIFICATIONS

Materials

- Cabinet: .040 [1mm] aluminum returns w/ black finish and .063 aluminum back
- 3/4" [19mm] black trim cap
- Face: .150 [4mm] DuLite Day-Night Acrylic
- Removable face

ELECTRICAL/ PERFORMANCE SPECIFICATIONS

- UL & NEC approval required
- 12V, Class II UL approved system
- If alternate LED's are used:
 - 50,000 hour system where no greater than 30% lumen depreciation is experienced at 50K hours
 - Thermally managed surface mount devices (SMD)

LED(s): (42) AgiLight LS-PRO160-50K-2B1 White (5000K) LEDs (21 ft) or equivalent - pre-approval required
 Power Supply: (1) 12V/60W LED Power Supply @ 0.9 amps - Remotely Located
 Total Load: 0.9 amps

GRAPHIC & COLOR SPECIFICATIONS:

COLOR	PANTONE	3M VINYL	PAINT
1 Dark Purple	PMS 2603C	3M 3630-9327	
2 Light Purple	PMS 2577C	3M 3630-9141	
3 Black	Pantone Black		
4 White	Pantone White	3M 3630-20	SW2123
5 TB Bronze Tiger Drylac	49-66230 C33		SW7034
6 Status Bronze			SW7048
7 Urbane Bronze			

33.2 sq. ft.

PART # 823-EN-36-BELL-PUR



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

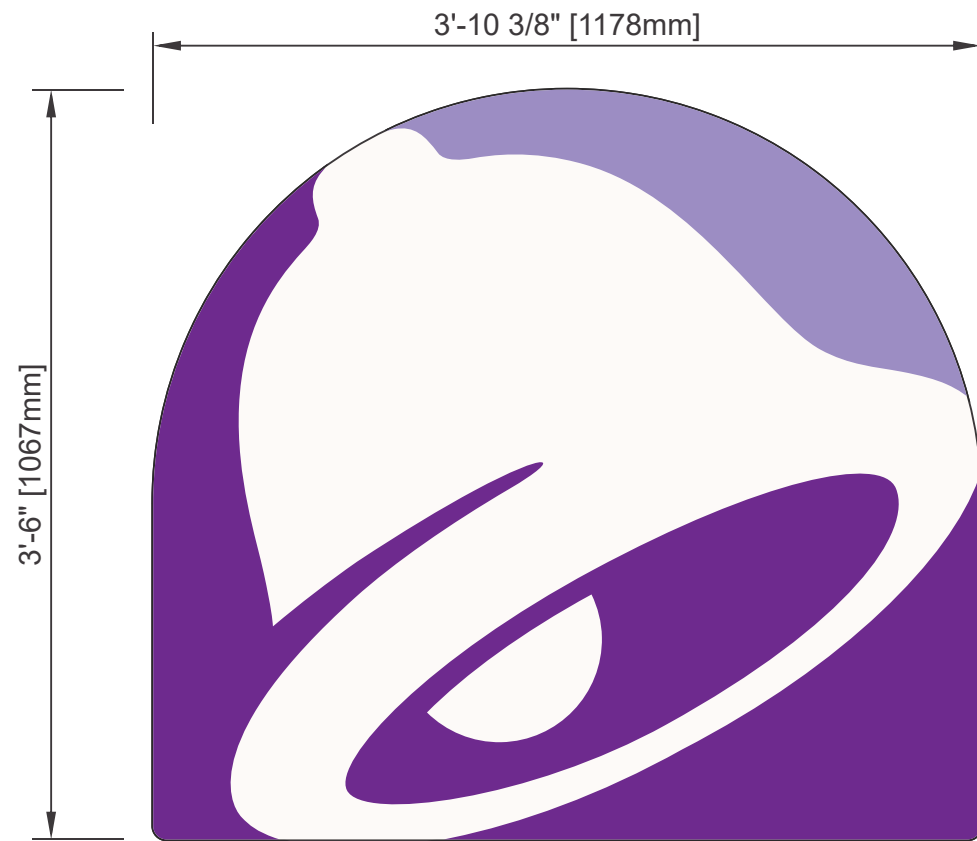
CUSTOMER APPROVAL: _____
 DATE: _____

Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____	_____
Rev. #2	_____	_____	Rev. #5	_____	_____
Rev. #3	_____	_____	Rev. #6	_____	_____

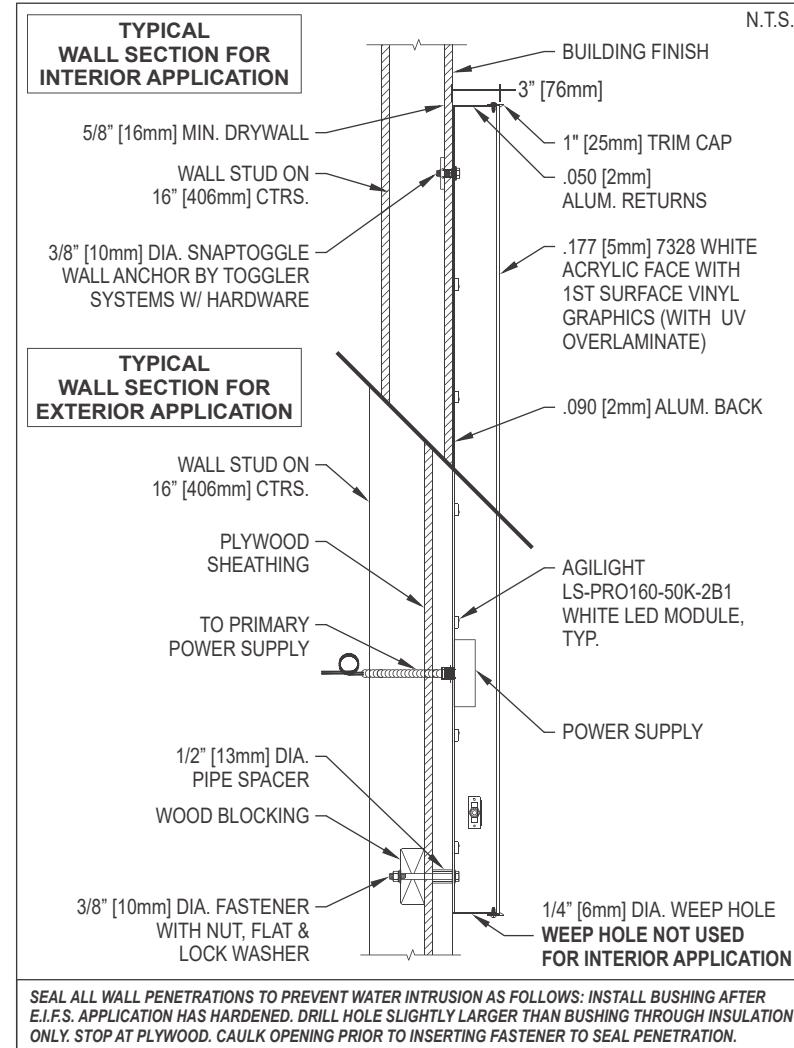


DRAWING NO: 105581.00B
 DATE: 2-5-2021
 S. Hawke

C



FRONT VIEW



SPECIFICATIONS	
DESIGN PARAMETERS	
<ul style="list-style-type: none"> Structural adequacy shall be the manufacturer's responsibility using the following criteria: 100 MPH 3 second gust wind speed per ASCE 7-05 (130 MPH - ASCE 7-10). Category II, Exposure C. Components & Cladding, Zone 5. Attachment may vary based on wall conditions. Compliant with national building codes and standards (IBC 2009, IBC 2015, AISC 14th Edition, ASCE 7-05, ASCE 7-10, ACI & Aluminum Design Manual). Refer to written documentation for material specifications. 	
Materials	
<ul style="list-style-type: none"> Cabinet: .050 [2mm] aluminum returns w/ black finish .090 [2mm] aluminum back 1" [25mm] black trim cap Face: .177 [5mm] 7328 white acrylic with 1st surface vinyl graphics (with UV overlaminate) 	
Area	
<ul style="list-style-type: none"> Squared: 13.53 sf Actual: 11.92 sf 	
ELECTRICAL/ PERFORMANCE SPECIFICATIONS	
<ul style="list-style-type: none"> UL & NEC approval required 12V, Class II UL approved system If alternate LED's are used: <ul style="list-style-type: none"> 50,000 hour system where no greater than 30% lumen depreciation is experienced at 50K hours Thermally managed surface mount devices (SMD) 	
LED(s): (49) AgiLight LS-PRO160-50K-2B1 White (5000K) LEDs (25 ft) or equivalent - pre-approval required	
Power Supply: (1) 12V/60W LED Power Supply @ 0.9 amps	
Total Load: 0.9 amps	
Circuits(s): (1) 20 amp-120V	

GRAPHIC & COLOR SPECIFICATIONS:			
COLOR	PANTONE	3M VINYL	PAINT
1 Dark Purple	PMS 2603C	3M 3630-9327	
2 Light Purple	PMS 2577C	3M 3630-9141	
3 Black	Pantone Black		
4 White	Pantone White	3M 3630-20	SW2123
5 TB Bronze Tiger	Drylac 49-66230 C33		
6 Status Bronze			SW7034
7 Urbane Bronze			SW7048

13.53 sq. ft

PART # 823-EN-42-BELL-PUR



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE:

Rev. #	DATE	BY	Rev. #	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____	_____
Rev. #2	_____	_____	Rev. #5	_____	_____
Rev. #3	_____	_____	Rev. #6	_____	_____



DRAWING NO:
105581.00A

DATE: 2-5-2021

S. Hawke

P



EXISTING



PROPOSED

SPECIFICATIONS

Cabinet

- Extruded aluminum frame, 10" [254mm] deep with 2" [51mm] retainer
- Aluminum painted fillers
- .177 [5mm] pan-formed clear SG polycarbonate face with debossed reinforcement at main ID face - 2nd surface vinyl decoration.
- .150 [4mm] pan-formed SG polycarbonate face at breakfast face
- Faces pinned into the retainer with mechanical fasteners as required
- Hingeable access for service

ELECTRICAL/ PERFORMANCE SPECIFICATIONS

- UL & NEC approval required.
- 12V, Class II UL approved system.
- If alternate LED's are used:
 - 50,000 hour system where no greater than 30% lumen depreciation is experienced at 50K hours.
 - Thermally managed surface mount devices (SMD).

Cabinet:

- LED(s): (8) AgiLight LS-RTRZ5-120-50K-G3 RetroRayz 500 Light Bars
 (1) AgiLight LS-RTRZ5-084-50K-G3 RetroRayz 500 Light Bar
 (1) AgiLight LS-RTRZ5-060-50K-G3 RetroRayz 500 Light Bar
- Power Supply: (10) 12V/60W LED Power Supplies @ 0.9 amps ea.
 Total Load: 9.6 amps
 Circuits(s): (1) 20 amp-120V

GRAPHIC & COLOR SPECIFICATIONS:

COLOR	PANTONE	VINYL	PAINT
Dark Purple	PMS 2603C	3M 3630-9327	
Black	Pantone Black		
White	Pantone White	3M 3630-20	SW2123



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

	DATE	BY	DATE	BY
Rev. #1	_____	_____	Rev. #4	_____
Rev. #2	_____	_____	Rev. #5	_____
Rev. #3	_____	_____	Rev. #6	_____

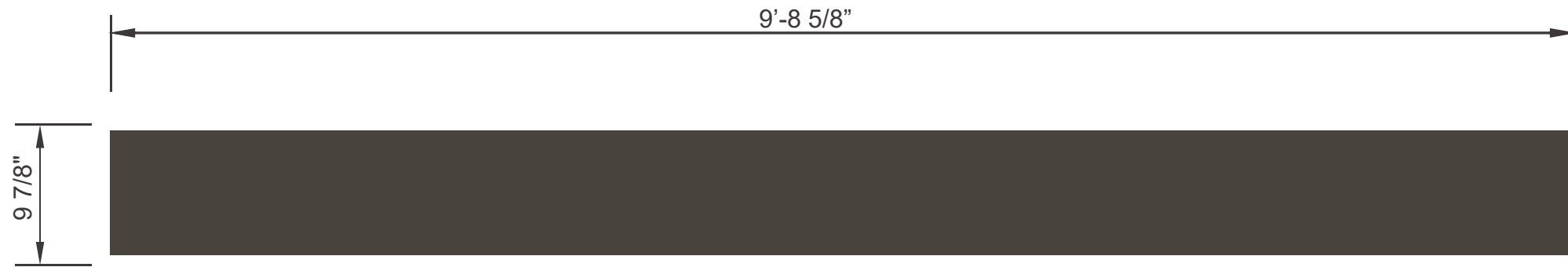


DRAWING NO:
106502.08P

DATE: 3-1-2022

S. Hawke

Q



ALUMINUM COVER TO MOUNT TO FACE OF EXISTING CANOPY TO COVER ROUTED OPENING.
 SIZE MAY NEED TO CHANGE DEPENDING ON INSTALLATION METHOD.
 SIZE SHOWN IS FACE SIZE ONLY - ANY ADDITIONAL MATERIAL REQUIRED TO BEND OVER THE TOP AND BOTTOM FOR MOUNTING T.B.D. BY MFG/ENGR.

 SW7033 BRAINSTORM BRONZE



EXISTING



PROPOSED

CUSTOMER APPROVAL:

DATE: _____

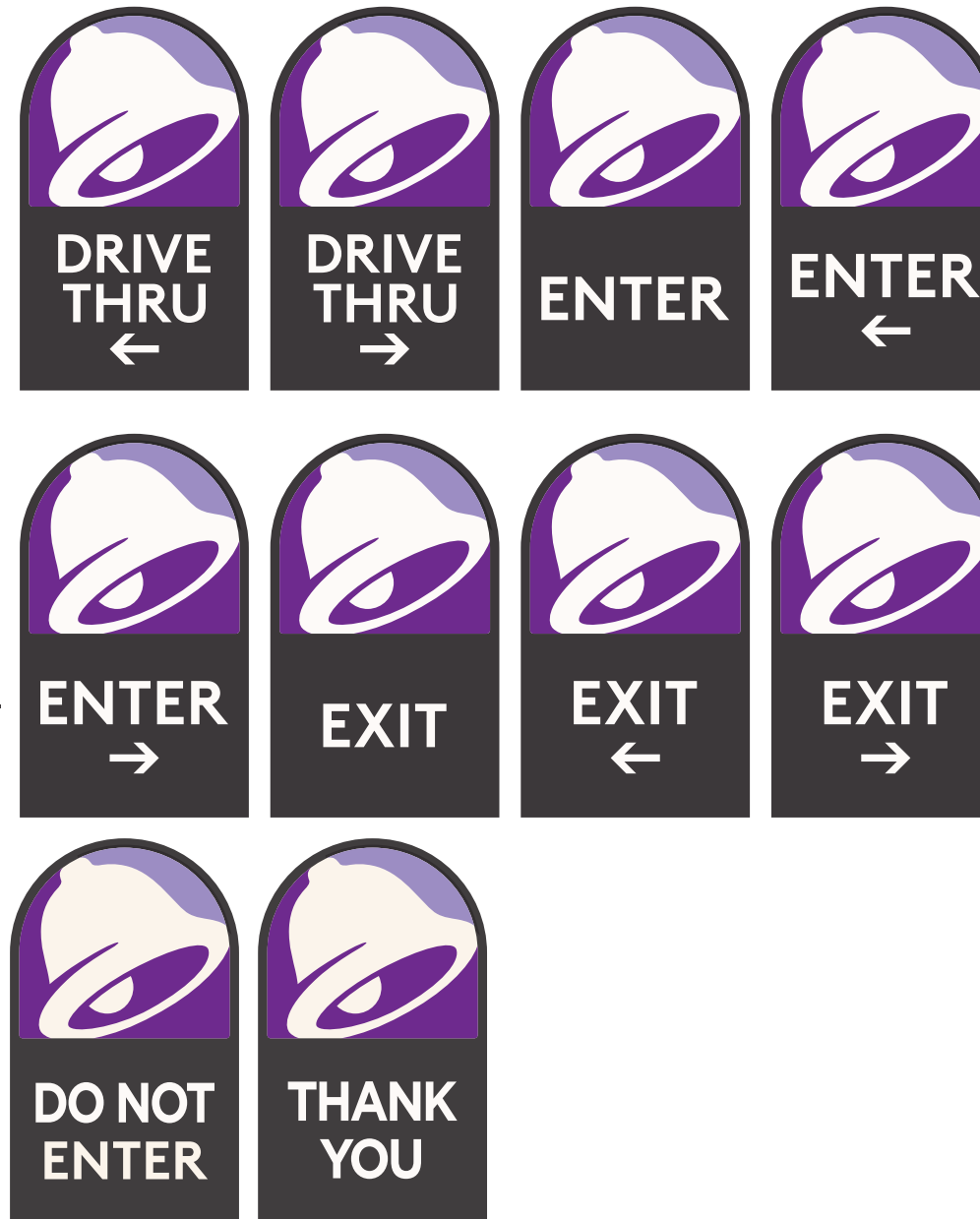
	DATE	BY
Rev. #1	_____	_____
Rev. #2	_____	_____
Rev. #3	_____	_____

	DATE	BY
Rev. #4	_____	_____
Rev. #5	_____	_____
Rev. #6	_____	_____

R



ALTERNATE COPY OPTIONS



SPECIFICATIONS	
Materials	
<ul style="list-style-type: none"> Extruded aluminum cabinet frame, 6" deep 3/16" [5mm] clear SG polycarbonate face with vinyl graphics Removable face for service 	

GRAPHIC & COLOR SPECIFICATIONS:			
COLOR	PANTONE	3M VINYL	PAINT
1 Dark Purple	PMS 2603C	3M 3630-9327	
2 Light Purple	PMS 2577C	3M 3630-9141	
3 Black	Pantone Black		
4 White	Pantone White	3M 3630-20	SW2123
5 TB Bronze Tiger	Drylac 49/66230 C33		
6 Statuary Bronze	Drylac 38/60080		Status Bronze - SW7034
7 Urbane Bronze			SW7048



THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS SIGNS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS SIGNS.

CUSTOMER APPROVAL:

DATE: _____

Rev. #	DATE	BY
Rev. #1	_____	_____
Rev. #2	_____	_____
Rev. #3	_____	_____

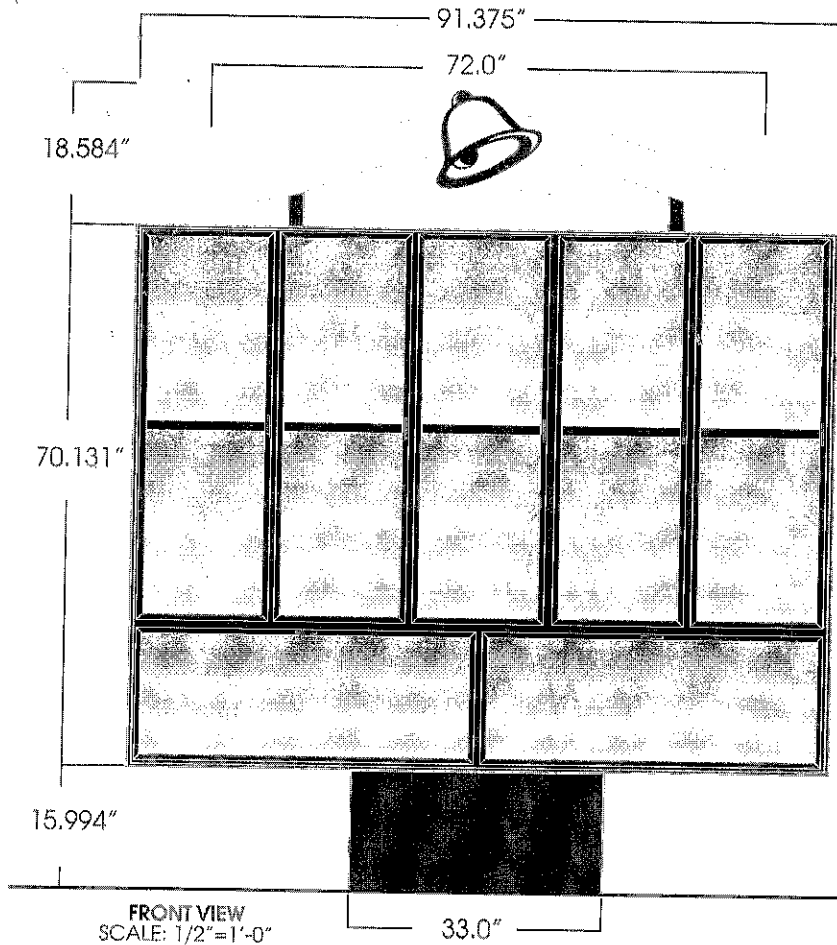
Rev. #	DATE	BY
Rev. #4	_____	_____
Rev. #5	_____	_____
Rev. #6	_____	_____



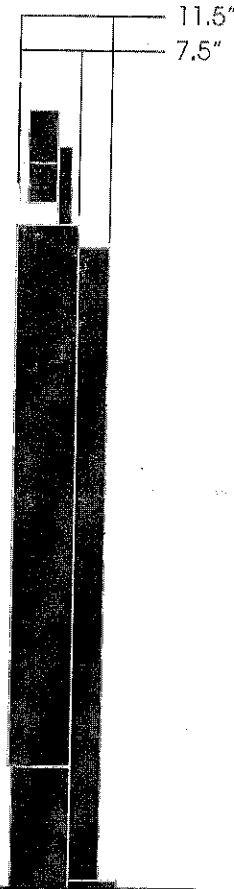
DRAWING NO:
106502.01R

DATE: 3-8-2021

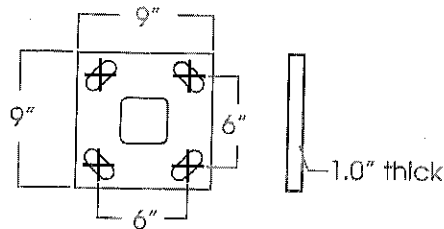
S. Hawke



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



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



BASE PLATE DETAIL
SCALE: 1"=1'-0"

GENERAL SPECIFICATIONS:

- Materials: Aluminum sheets & steel tubes
- Decoration: Powder coat Taco Bell Bronze & black
- Arch & Bell Area Squared: 9.29 Sq. Ft.
- Menu Board Area Squared: 44.50 Sq. Ft.
- Weight (Est.):
 - 745 lbs. (crated)
 - 595 lbs. (uncrated)

ELECTRICAL

- Illumination:
 - White LEDs
- Power Supplies:
 - (2) 062-00008 Electronic LED Power Supplies
- Line Load:
 - 1.92 amps @ 120 vac-60Hz
 - (1) 20 Amp circuit

COLORS:

- Exterior:
- Doors & Mullions: Powder coat Taco Bell Black
- Cabinet: Powder coat Taco Bell Bronze

These product sheets are the exclusive property of Everbrite LLC. Use of this property in any manner without express written permission of Everbrite LLC is prohibited. Drawings are for graphic purposes only and not intended for actual construction. For more specific manufacturing detail, please refer to engineering specifications and install drawings.



Everbrite LLC
4949 S 110th Street, Greenfield, WI 53220
Phone: 414-529-3500 • Fax: 414-529-7191
Website: www.everbrite.com

Part No: E003535P
Description: Drive Thru Evolution LED VE Menuboard with Arch

Project No: 291388-2
Date: 2/12/13
Drawn By: RB



TruSigns 846189

09/12/13