



**Corona del Mar Business Improvement District  
Board Meeting Minutes  
July 25, 2013  
CdM Chamber of Commerce Offices**

**Board Members Present:**

Bernie Svalstad, Scott Palmer, Scott Laidlaw, Jim Walker, Tom Nicholson and Keith Dawson

**Board Members Absent:**

None (one open seat)

**Guest(s):**

Nancy Gardner, Ed Selich, Ron Yeo, Linda Leonhard, Jim Mosher, Jessica Prause, Amy Senk, Mary Locey (BID Coordinator - City of Newport Beach) and Karen Tringali (Residents' Association)

1. **Call to Order at 7:30 a.m.**
2. **Roll Call**

The Chairman called the roll and determined that a quorum was in place. Those present introduced themselves.

3. **Public Comments**

Jim Mosher stated that the members of the BID advisory board are required to take the oath of office that is required of public officials and that the members of the BID advisory board should participate in ethics training. Bernie stated that the City Attorney had advised him that the oath of office is not required of unpaid volunteers such as the members of the BID advisory board.

4. **Approval of Minutes**

**Minutes of the May 23, 2013 Meeting, as amended**

**MOTION:**

Tom Nicholson moved to approve the Minutes of the May 23, 2013 meeting as amended. Scott Laidlaw seconded and the Motion was approved by unanimous vote.

---

## **Minutes of the June 27, 2013 Meeting**

Jim Mosher noted that the word “contract” should be “contracts” in 5.C., Village Maintenance, Street Furniture Maintenance & Updates of Newspaper Racks and Bike Racks. He added that the meeting was adjourned despite the lack of a quorum such that the word “not” should be deleted from Section 7, Adjournment.

### **MOTION:**

Jim Walker moved to approve the Minutes of the June 27, 2013 meeting as corrected. Scott Palmer seconded and the Motion was approved by unanimous vote.

---

## **5. Current Business**

### **A. City Council Report**

Ed Selich reported that the pocket park project is proceeding on schedule. Ed reported that the City is reviewing the local coastal plan and that a request to move the location of the coastal zone boundary line will be made to the Coastal Commission so that zoning requirements will be the same on both sides of PCH. Ed added that a meeting is scheduled for September 25, 2013 and that the BID should have a board member participate in discussions regarding the adjustment of the LCP boundary. Ed announced that the next City Council meeting is scheduled for August 13, 2013.

### **B. Administration & Financial Report**

#### **BID Board Officer Elections**

**Office of Chairman** - Scott Palmer nominated Bernie Svalstad to serve as Chairman for the term beginning July 1, 2013. Keith Dawson seconded the nomination and the BID Board approved the nomination by unanimous acclamation.

**Office of Vice Chairman** - Jim Walker nominated Tom Nicholson to serve as Vice Chairman for the term beginning July 1, 2013. Scott Laidlaw seconded the nomination and the BID Board approved the nomination by unanimous acclamation.

**Office of Treasurer** - Jim Walker nominated Scott Palmer to serve as Treasurer for the term beginning July 1, 2013. Scott Laidlaw seconded the nomination and the BID Board approved the nomination by unanimous acclamation.

**Office of Secretary** - Jim Walker nominated Keith Dawson to serve as Secretary for the term beginning July 1, 2013. Scott Palmer seconded the nomination and the BID Board approved the nomination by unanimous acclamation.

**Open Seat Discussion** - Bernie announced that the BID board members should consider possible appointees for the open position on the BID Board. A general discussion followed concerning possible appointees. Bernie indicated that anyone interested in serving on the BID Board should complete an application which is available on the City's website.

**BID Financial Reports** - Matt Lenton was not present. In Matt's absence, Bernie reviewed the financial report for the fiscal year ending June 2013 and noted that there is presently \$96,214.95 cash on hand. Bernie then reviewed the report comparing actual to budgeted expenses and noted that the BID has approximately \$27,000 more income than was projected. Bernie commented that the City is looking into whether \$10,000 that was not expended in connection with the merge lane project can be reallocated to fund the parking study. Jim Mosher inquired if a check register showing checks written can be included in the financial report. Scott Palmer indicated that he will ask Matt Lenton about Mr. Mosher's inquiry.

**MOTION:**

Tom Nicholson moved to approve the financial report for fiscal year ending June 30, 2013. Jim Walker seconded and the Motion was approved by unanimous vote.

---

**Collections & Receivables Letter & Council Request for Amnesty for Penalties and Interest** - A discussion took place regarding whether or not to waive penalties for non-paying BID members as an incentive to bring membership assessments current, and if so, what the terms of the waiver should be.

**MOTION:**

Jim Walker moved to approve an amnesty of the penalties assessed for non-payment of BID assessments as an incentive to bring unpaid assessments current and that a letter be prepared offering the amnesty. Tom Nicholson seconded and the Motion was approved by unanimous vote.

---

The Board next considered how long the amnesty period should remain open during which late penalties would be waived in exchange for payment of BID assessments. A general discussion followed. Keith Dawson suggested that the amnesty period should be no longer than 30 days. Scott Palmer commented that long periods within which to accept account settlement offers are not normally effective.

**MOTION:**

Scott Palmer moved that a 30-day limit be placed on amnesty offers. Jim Walker seconded and the Motion was approved by unanimous vote.

---

Jim Walker then commented that delinquent penalties should only be waived if the BID member remains current and that waived penalties should be reinstated if the BID member whose penalties were waived again becomes delinquent.

**MOTION:**

Jim Walker moved that the letter to delinquent BID members offering amnesty from penalties in exchange for payment of past due assessments should state that the penalties will be reinstated if the delinquency reoccurs. Keith Dawson seconded the motion. With a vote of 2 yeas and 4 nays, the motion failed.

A discussion followed regarding whether or not to include in the letter offering amnesty that BID members who do not bring their BID assessments current will be sent to a collection agency.

**MOTION:**

Jim Walker moved that the letter offering a penalty amnesty to delinquent BID members who do not bring their BID assessments current will be sent to a collection agency, subject to the approval of the City Attorney's office. Scott Palmer seconded and the Motion was approved by unanimous vote.

**Board Member Meeting RSVP** - Bernie commented on the importance of BID board members attending monthly BID meetings because of the need for a quorum and asked all BID board members to advise him whether or not they will be in attendance at all upcoming meetings.

Linda Leonard then requested approval of an invoice from Decralite to install/remove street light banners announcing the Coastline Car Classic in the amount of \$1,800. She indicated that the invoice amount is included in the annual Decralite contract which was approved by the BID Board but which is presently in the RFP process.

**MOTION:**

Scott Palmer moved to approve payment of the Decralite invoice in the amount of \$1,800 for the installation of street light banners announcing the Coastline Car Classic. Scott Laidlaw seconded and the Motion was approved by unanimous vote.

**C. City Request for Proposals for BID Support and Services**

**BID Administrator Support Services** - Bernie reported that the City has requested that the BID Board appoint one of its board members to assist the City with the review and selection of a BID Administrator. After a brief discussion, Scott Laidlaw recommended the appointment of Scott Palmer. Scott Palmer was appointed by unanimous acclamation of the BID Board to assist the City with the review and appointment of a BID Administrator.

**BID Holiday Décor Program** - Bernie reported that the City has requested that the BID Board appoint one of its board members to assist the City with the review and selection of a vendor to provide the BID's holiday décor program. After a brief discussion, Jim Walker recommended the appointment of Tom Nicholson. Tom Nicholson was appointed by

unanimous acclamation of the BID Board to assist the City with the review and selection of a vendor to provide the BID's holiday décor program.

**BID Landscape Maintenance Services** - Bernie reported that the City has requested that the BID Board appoint one of its board members to assist the City with the review and selection of a vendor to provide the BID's landscape maintenance services. After a brief discussion, Scott Palmer recommended the appointment of Scott Laidlaw. Scott Laidlaw was appointed by unanimous acclamation of the BID Board to assist the City with the review and selection of a vendor to provide the BID's landscape maintenance services.

#### **D. Village Maintenance Items**

**Sidewalk Steam Cleaning** - Scott Laidlaw reported that the results of the steam cleaning of the sidewalks were somewhat disappointing in that some areas look better than others and black spots left from gum are still present. Scott indicated that he had made inquiry to the vendor via e-mail and that payment of the vendor's invoice should be withheld until the issue is resolved.

**Street Furniture Maintenance & Updates on Newspaper Racks , Bike Racks, Etc.** Ron Yeo circulated a report addressing street furniture maintenance needs , the possible location of 6-gang units for newspaper racks and bike rack configurations. In addition, Ron's report included a copy of the City's ordinance pertaining to newspaper racks and stands. Ron's report is attached in its entirety to these Minutes. A general discussion followed regarding the cost of the 6-gang newspaper rack units and whether advertising should be permitted, which Ed Selich noted is prohibited by the code. Jim Walker asked what the return on investment would be if advertising is permitted. Mary Locey added that the location of the racks would be a matter for the public works department.

#### **MOTION:**

Scott Palmer moved for BID Board's support for Ron Yeo to continue his pursuit of the placement of gang-type newspaper racks in CDM with the public works department and to research revising/restructuring the code regarding advertising so long as any permitted advertising is within the BID Board's discretion. The Motion was approved by acclamation .

---

A discussion followed concerning the need to have the trash can enclosures refinished. Ron Yeo indicated that 30 trash can enclosures need refinishing. Mary Locey indicated that the refinishing project would have to be put out to bid.

#### **MOTION:**

Scott Palmer moved to request a bid for the removal, refurbishment and reinstallation of 30 trash can receptacles. Keith Dawson seconded and the Motion was approved by unanimous vote.

---

A discussion followed concerning the installation of bicycle racks . Nancy Gardner suggested contacting Tony Petros to get the issue on the Bicycle Committee agenda.

#### **E. Revitalization /Vision Report**

**PCH/Entry Project Update.** Ron Yeo presented conceptual proposal from BGB, Inc. for certain improvements at PCH and Marguerite. A copy of BGB, Inc.'s proposal is attached to these Minutes.

#### **MOTION:**

Scott Laidlaw moved for the BID Board's support for Ron Yeo to pursue BGB, Inc.'s conceptual plan with the City. Scott Palmer seconded and the Motion was approved by unanimous vote.

---

A discussion followed concerning the PCH Entry project and the need to involve the Residents' Association for input. Bernie questioned whether the Coastal Commission needs to be involved in the process. Bernie suggested that the PCH Entry Project should be included within the scope of the parking study.

**Signal Work Coordination with City.** The on-going replacement of the traffic signals and the need to match the décor of the new signals with the existing décor was discussed. Nancy Gardner indicated that Dave Webb is aware that the décor of the new signals must match the existing décor.

**Project Goals & Priorities for FY 2013/2014.** Linda Leonhard presented a listing of projects and priorities for fiscal year 2013/2014, a copy of which is attached to these Minutes. A brief discussion followed concerning each project and who on the BID Board would assist with the project. Mary Locey indicated that Park West did not submit a bid for landscaping and that the City had awarded the contract to Pinnacle. She added that the BID will need to obtain bids for landscaping in the village. Scott Laidlaw suggested that a master calendar be created describing the projected time to complete each of the projects. BID board members responsible for the projects are to advise Linda of the projected time to complete each project so that a timeline can be created.

#### **F. Parking Sub-Committee Report.**

**Parking Study Discussion.** Jim Walker reported that he spoke with Mike Sinacori regarding the Big Canyon Water Main Project who recommended a community outreach for businesses and residents who will be impacted by the project and suggested August 19<sup>th</sup> at 5:00 p.m. as a tentative date/time for the outreach program. Karen Tringali indicated that a combined meeting to consider the PCH Entry Project and the Big Canyon Water Main Project had been discussed.

Jim Walker reported that the parking subcommittee meeting with Nelson/Nygaard that took place on July 22<sup>nd</sup> was productive. He presented a revised schedule showing the

timetable for the traffic study, which is projected to be completed in six months. The next meeting with Nelson/Nygaard is scheduled for September 23<sup>rd</sup> which will include a to-date report. Jim added that the traffic study is projected to be completed by February 2014. Tom Nicholson reported that a traffic study done in Santa Monica in the early 80's might have useful information for CDM's parking study. Nancy Gardner commented that the Santa Monica study recommendations may not work in CDM because of the mix between commercial and residential. Jim added that Nelson/Nygaard would be considering the Walker parking study for any useful information that it may contain and that walk-in customer studies would be considered.

**G. Marketing / Administration Report .**

**Billing Updates.** See Collections & Receivables Letter & Council Request for Amnesty for Penalties and Interest under Administration & Financial Report, above.

**Website & Marketing Update.** Linda Leonhard reported that a meeting was scheduled with Gary Sherwin of Visit Newport regarding the updating of the website. Linda asked if there were any nominations for the beautification award. Hearing none, possible nominees should be suggested at the next meeting.

**H. CDM Chamber of Commerce Report.** Linda reported that the Coastline Car Classic car show is the final planning stages with a deadline of August 1<sup>st</sup> to get marketing materials out. She indicated that sponsorships are still available. Linda announced that a Chamber mixer is scheduled for July 30<sup>th</sup> at Sherman Gardens and that a combined mixer involving the CDM, Laguna Beach and Irvine Chambers is planned for August at 7 Degrees in Laguna Beach.

**6. CORONA DEL MAR BID ANNOUNCEMENTS - FUTURE AGENDA ITEMS**

None.

**7. ADJOURNMENT**

The meeting was adjourned at 9:18 a.m.

Next meeting: August 22, 2013

## VILLAGE REVITALIZATION / VISION REPORT

MEMO to Corona del Mar Business Improvement Board July 22, 2013

From: Ron Yeo, FAIA Architect, Scott Laidlaw, AIA

### STREET FURNITURE

The Village street furniture is comprised of Benches, Trash Receptacles, News paper vending units (racks), Bus Stop Canopies, a variety of signs & potentially Bike Racks.

### NEWSPAPER "RACKS" VENDING UNITS

As of the count in April, there are 64 news racks in CdM Village. About 15 to 20% are not maintained properly – rusted, dirty, peeling paint, obscure & broken view windows.

CdM Newspapers

Pay	Free	Off R/W
LA Times	Newport Beach Independent	Riviera
OC Register	OC Weekly	Bask
USA Today	Apartment finder	
OC Business Journal	The Current	
	OC Magazine LIVE	
	Distinctive Homes	
? Daily Pilot ??	Rental Living	
	Dream homes mag	



## **NEWS RACK STATUS**

### **First Phase**

The City staff is in the process of "red tagging" the racks that do not conform to Chapter 5.70 of the Municipal Code. They give the owner 15 days to request a hearing regarding the possible removal of the news racks.



## **RECOMMENDATIONS**

### **Second Phase recommendation**

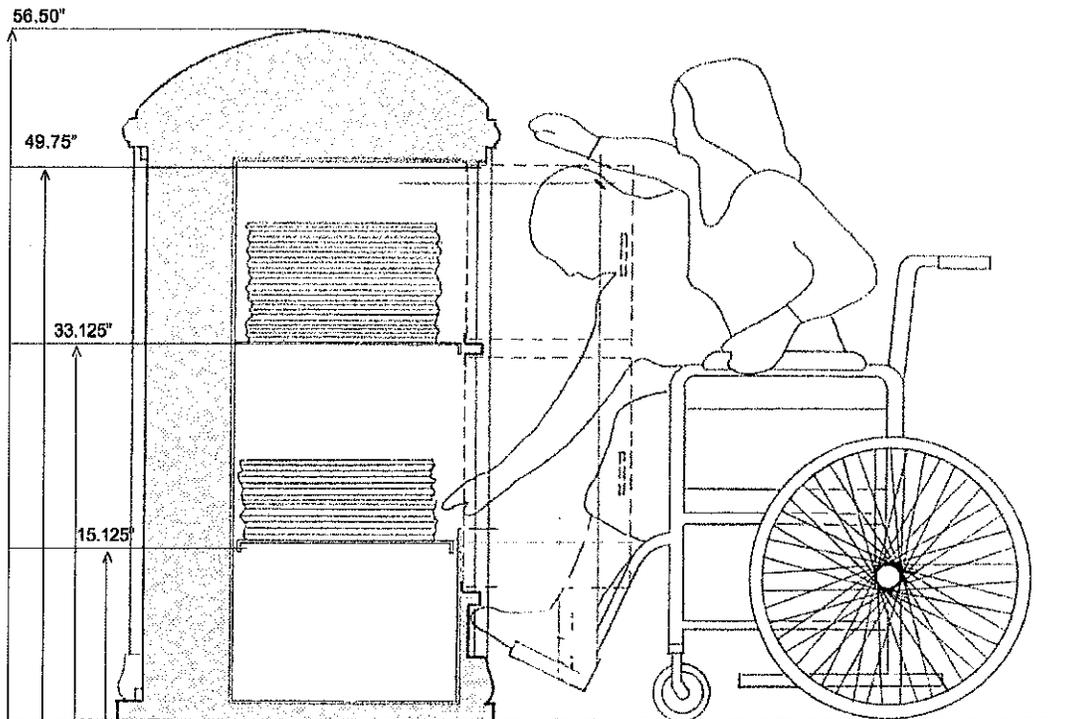
The number of the racks should be reduced & replaced from the 13 existing locations to 6 new six gang units. They should be distributed along the village and placed near activity centers, café & coffee shops where they will potentially sell the most papers and are easily re-stocked. Explore options to either purchase the rack units @ \$6,500 each or allow advertising to cover the cost.

### **Third Phase recommendation**

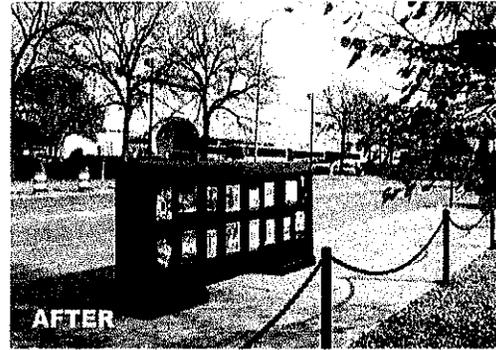
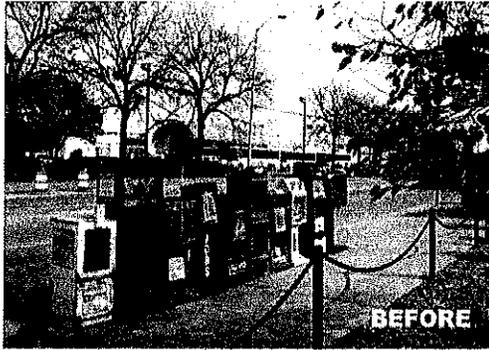
The City code chapter 5.70 for newspaper racks regulates the stands for Marine Avenue on Balboa Island. East Coast Highway in Corona del Mar should be added to this Chapter 5.70.010 & a new section 5.70.031 for CdM added.

## PROPOSED NEWS RACK LOCATIONS

1. Ruby's  
Replace in the existing location along Acacia
2. New York Pizza, Thai del Mar, Summer House  
Adjust street parking areas for an expanded red zone or to allow for a "pop out" curb in order to provide a better "non conflicting" area for the racks
3. Bruegger's / Starbucks  
Replace the existing racks at Bruegger's on Goldenrod (red curb)  
Remove the racks & one bench at Starbucks to allow room for bike racks
4. The Coffee Bean  
Replace at existing location (red curb)
5. Rose's Bakery Cafe  
Install along Orchid on the brick. Paint the curb red.
6. Pan du Monde  
Replace the existing racks along Poinsettia (extend the red curb)  
All existing racks to be removed. New units to conform to ADA.  
<http://www.citynewsracks.com> Randall Zartman <rizartman@usa.net>



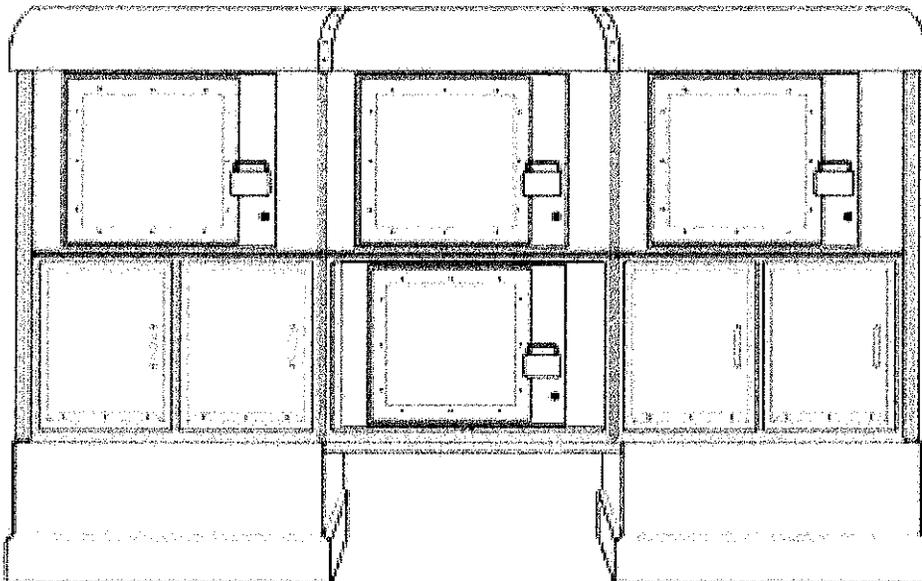
Recommended unit size... 4 Pay & 4 free.



City Solutions can replace long, unsightly rows of individual newsracks at no cost to municipal governments (or publishers)... with pieces of beautiful street furniture - maintained in, as new, perfect condition.



The program, including hardware, installation and maintenance can be completely funded by ad panels on the newsracks...or can be completely owned and operated by the community without third party advertising.



In order to provide additional aesthetic elements the racks and bus benches should have colorful potted plants adjacent to them.



## **EXISTING TRASH RECEPTACLES**

There are 35 trash receptacles along the highway  
3 look new and just need some wiping off the dirt. (This should be part of a monthly maintenance program)  
2 are in reasonably fair shape  
30 have paint peeling and need to be refurbished

There is a concrete receptacle at Union Bank that should be removed as non-conforming

There is a black receptacle at Bank of America that is off of the public R/W.

The appropriate City staff should be contacted to obtain bids for the refurbishment.

## **EXISTING BENCHES**

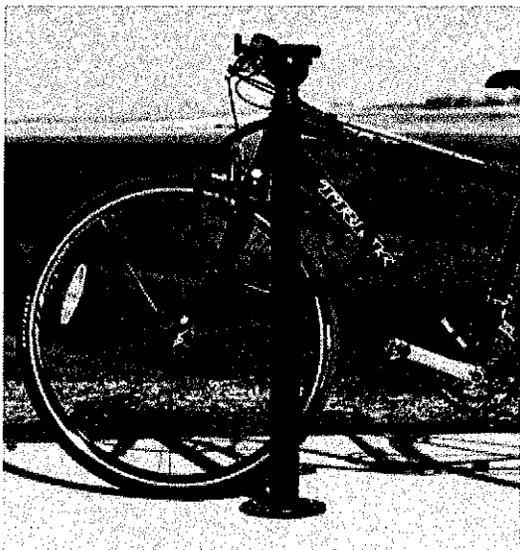
In our opinion, all of the benches are in reasonably good condition except for the one @ the south/east town entry bus stop (Serra Way)

There are several non-conforming "bootleg" benches within the R/W.

## **BIKE RACKS**

Individual business should be encouraged to provide space within their property (like Bruegger's). Otherwise, coordinate with the City on potential locations for installation. Explore the possibility of allowing bike racks to replace one of the required off street parking stalls within the zoning code.

New or attach to existing street signs.



## Chapter 5.70 □ NEWSPAPER RACKS AND STANDS\*

### Sections:

- 5.70.010 Intent and Purpose.
- 5.70.015 Definitions.
- 5.70.020 Newsrack Permits.
- 5.70.025 Requirements and Duties.
- 5.70.030 Special Requirements for Newsracks Along Marine Avenue on Balboa Island.
- 5.70.035 Display of Certain Matter Prohibited.
- 5.70.040 Display of Harmful Matter.
- 5.70.045 Costs.
- 5.70.050 Removal of Newsracks.
- 5.70.055 Appeals.
- 5.70.060 Severability; Supplemental Provisions.

\* Prior ordinance history: 1684, 83-14, 86-18 and 86-29.

### **5.70.010 Intent and Purpose.**

The City Council of the City of Newport Beach hereby finds that newsracks, stands, containers and similar newspaper and vending devices have proliferated and increased in certain areas of the City of Newport Beach to the extent that in some instances they constitute a threat to public health, safety and welfare by impeding pedestrian traffic and interfering with ingress and egress to and from buildings, vehicles and public modes of transportation.

The City of Newport Beach finds Marine Avenue, on Balboa Island, to be an extremely popular tourist destination with unusually high pedestrian and vehicular traffic volumes in the summer months and holidays. There is a proliferation of newsracks along Marine Avenue on Balboa Island resulting in undue interference with pedestrian and traffic circulation and increased safety hazard. Due to unique problems along Marine Avenue on Balboa Island, it is necessary to specifically limit the number of locations and

spaces for newsracks.

The purpose of this chapter is to promote the public health, safety, and welfare through the regulation of placement, appearance, number, size, and servicing of newsracks on public rights-of-way so as to:

- A. Provide for pedestrian and driving safety and convenience;
- B. Insure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles;
- C. Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs or signals, hydrants, mailboxes, and access to locations used for public transportation services;
- D. Reduce visual blight on the public rights-of-way, and protect the aesthetics of store window displays, public landscaping and other improvements;
- E. Maintain and protect the value of surrounding properties;
- F. Reduce exposure to the City to personal injury or property damage claims and litigation;
- G. Protect the right to distribute information protected by State and Federal constitution through the use of newsracks.

It is not the intent of this chapter to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any newspapers. (Ord. 88-20 § 1 (part), 1988)

#### **5.70.015 Definitions.**

- A. Newsracks. "Newsracks" shall mean any type of self-service or coin-operated box, container, storage unit or other dispenser placed upon any public rights-of-way for the vending or free distribution of newspapers, periodicals or other printed material.
- B. Public Right-of-Way. "Public right-of-way" shall mean any public property, such as public streets, highways, roadways, sidewalks, parkways or alleys, used or intended for use, by the travelling public, whether vehicular or pedestrian, located within the City of Newport Beach.
- C. City Manager. "City Manager" shall mean the City Manager or his or

her designee. (Ord. 88-20 § 1 (part), 1988)

### **5.70.020 Newsrack Permits.**

A. Permit Required. A newsrack permit issued in accordance with this chapter shall be required prior to the installation, placement or maintenance of any newsrack which in whole or in part rests upon, in or over any public right-of-way.

A new newsrack permit shall not be required for any newsrack that complies with the provisions of this chapter and has a valid permit in effect on the adoption date of the ordinance codified in this chapter.

B. Application. A written application for a newsrack permit shall be filed with the City Manager, or his or her designee, and shall contain the following information:

1. The name, address, and telephone number of the applicant and owner of the newsrack.
2. The name, address, and telephone number of a representative or other responsible person whom the City may notify or contact at any time concerning the applicant's newsrack.
3. The number of newsracks at the street address of the proposed location of each as shown on a scaled drawing of the proposed location.
4. A diagram of the location proposed for the installation of the newsrack(s).
5. Names of newspapers or periodicals to be contained in each newsrack.
6. Type or brand of newsrack, including description of the newsrack and mount, if other than K-Jack Style Mount Model 100.

C. Fee. Each application for a newsrack permit shall be accompanied by an application fee as established by resolution of the City Council.

D. Issuance and Denial. Upon a finding the applicant is in compliance with the provisions of this chapter, the City Manager shall issue a newsrack permit at a location approved by the Traffic Engineer. If a permit is denied, the applicant shall be notified in writing of the specific cause of such denial by the City Manager and the right to appeal in accordance with Section 5.70.055 of this chapter.

E. Conditions for Approval. An application for a newsrack permit shall be approved unless:

1. The proposed newsrack projects onto, into or over any part of the roadway or public street, or which rests, wholly or in part, upon, along or over any portion of the roadway or public street;
2. The proposed newsrack is to be installed in whole or in part, in or over any sidewalk or parkway; and
  - a. The newsrack, in its proposed location, would endanger the safety of persons or property; or
  - b. The proposed location is used for public utility purposes, public transportation purposes or other public use; or
  - c. The proposed newsrack would unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects present at or near said location; or
  - d. The proposed newsrack would interfere with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery. (Ord. 88-20 § 1 (part), 1988)

#### **5.70.025 Requirements and Duties.**

A. Any newsrack which, in whole or in part, rests upon, in or over any sidewalk, shall substantially comply with the following:

1. Newsracks located near a curb shall be placed not less than eighteen (18) inches nor more than twenty-four (24) inches from the edge of the curb. Newsracks placed adjacent to the rear of the sidewalk shall be placed parallel to the wall and at least six inches from the wall.
2. Newsracks shall not be chained, bolted or otherwise attached to any private property without the consent of the property owner.
3. Newsracks may be attached to one another. Each group of attached newsracks shall be separated by eighteen (18) inches or more. The Traffic Engineer shall determine the number of newsracks that can be bolted, attached or grouped on a location by location

basis.

4. Newsracks shall not be placed, installed, used or maintained:

- a. Within fifteen (15) feet of any marked crosswalk;
- b. Within twenty (20) feet of the curb return of any unmarked crosswalk;
- c. Within ten feet of any fire hydrant, fire call box, police call box or other emergency facility;
- d. Within ten feet of any driveway;
- e. Within ten feet ahead, and forty (40) feet to the rear of any sign marking a designated bus stop;
- f. Within ten feet of any bus bench;
- g. At any location whereby the clear space for the passageway of pedestrians is reduced to less than four feet;
- h. Within one hundred (100) feet of another newsrack containing the same newspaper or news periodical except where separated by a street or corner, or except where one a newspaper demonstrates that there is insufficient room in one machine for the newspapers which may be sold in one day, or two where a newspaper demonstrates that it publishes more than one edition of the newspaper for sale at the same time;
- i. Facing another newsrack, divided only by the width of a public sidewalk or public pedestrian wall.

B. The name, address, and telephone number of a responsible person who may be contacted at any time concerning the newsrack shall be displayed on the hood of a newsrack in such manner as to be readily visible to and readable by a prospective customer.

C. Newsracks shall carry no advertising except:

1. The name of the newspaper or periodical being dispensed on the bottom one-third of the plastic hood; and
2. Advertising rack cards contained in card pans which are attached to and located on the front of the newsrack and do not exceed fifteen (15) inches in height and twenty-two (22) inches in length. The rack

cards shall be limited to the display, sale or purchase of the newspaper or periodical being dispensed.

D. Newsracks shall be kept clean and maintained in good working order at all times, freshly painted and with unbroken hoods.

E. Frames and racks for newsracks shall be K-Jack Style Mounts Model 100 or approved equal with a height not to exceed forty (40) inches. Mounts shall be bolted in place in accordance with specifications provided by the City.

F. Newsracks shall have woodgrain panels or be painted brown on all sides and the mount shall be painted gloss black.

G. No person, association, firm or corporation shall place, locate or maintain a newsrack on the public right-of-way unless there is on file with the City Manager, or his or her designee, in full force and effect at all times, a document issued by an insurance company authorized to do business in the State of California evidencing that the permittee or owner is insured under a liability insurance policy providing minimum coverage of five hundred thousand dollars (\$500,000.00) for injury or death to one person arising out of the location, placement or operation of the newsrack on the public right-of-way.

H. Every permittee of a newsrack located upon the public right-of-way must comply with the provision of Newport Beach Municipal Code, Business Licenses and Regulations, Section 5.04.020. (Ord. 88-20 § 1 (part), 1988)

### **5.70.030 Special Requirements for Newsracks Along Marine Avenue on Balboa Island.**

In addition to all other applicable provisions of this chapter, the following rules shall apply to newsracks along Marine Avenue on Balboa Island;

A. Newsracks shall be permitted at only four locations: 201 Marine Avenue (Location One); 206 Marine Avenue (Location Two); 300 Marine Avenue (Location Three); and northern twenty-five (25) percent of 301 Marine Avenue and 305 Marine Avenue (Location Four).

B. Each location shall accommodate up to a maximum of eight newsrack spaces. The eight newsrack spaces shall be divided into two groups with a maximum of four newsrack spaces in each group. Each group shall be separated by forty-eight (48) inches or more. Newsrack space is defined as that surface area in the public right-of-way sufficient to accommodate a

newspaper rack.

C. In the event that the newsracks proposed to be placed at any one location violate the provisions of Section 5.70.020(E) or 5.70.030(A), (B), priority shall be given as follows:

1. Within ninety (90) days after the adoption of the ordinance codified in this chapter:
  - a. First priority shall be given to vending machines used for the sale of daily publications (those published on five or more days in a calendar week) of general circulation in Orange County that otherwise comply with the provisions of this chapter.
  - b. Second priority shall be given to vending machines used for sale of weekly publications (those published on at least one day, but less than five days in a calendar week) of general circulation in Orange County that otherwise comply with the provisions of this chapter.
  - c. Third priority shall be given to vending machines used for sale of daily publications (those published on five or more days in a calendar week) not of general circulation in Orange County that otherwise comply with the provisions of this chapter.
  - d. Fourth priority shall be given to vending machines used for the sale of weekly publications (those published on at least one day, but less than five days in a calendar week) not of general circulation in Orange County that otherwise comply with the provisions of this chapter.
  - e. Fifth priority shall be given to all other vending machines on the basis of first-come, first-served. In the event that an applicant disagrees with the City's priority category for such publication, it shall have the right to appeal in accordance with Section 5.70.055 of this chapter.
2. Commencing ninety (90) days after the adoption date of the ordinance codified in this chapter, priority shall be given on a first-come, first-served basis. (Ord. 88-20 § 1 (part), 1988)

### **5.70.035 Display of Certain Matter Prohibited.**

Any publication offered for sale in a newsrack placed or maintained on a public sidewalk or public right-of-way shall not be displayed or exhibited in

a manner which exposes to public view, from any public place, any of the following:

A. Any statement or word describing explicit sexual acts, sexual organs or excrement where such statements or words have as their purpose or effect, sexual arousal, gratification or affront; or

B. Any picture or illustration of genitals, pubic hair, perineums, anuses or anal regions of any person where such picture or illustration has as its purpose of effect sexual arousal, gratification or affront; or

C. Any picture or illustration depicting explicit sexual acts where such picture or illustration has as its purpose or effect, sexual arousal, gratification or affront.

For the purpose of this section the term "explicit sexual acts" means the depiction of sexual intercourse, oral copulation, anal intercourse, oral-anal copulations, bestiality, sadism, masochism, or excretory functions in conjunction with sexual activity, masturbation or lewd exhibition of the genitals, whether any of the above is depicted or described as being performed alone or between members of the same or opposite sex, or between humans and animals, or other act of sexual arousal involving any physical contact with a person's genitals, pubic region, pubic hair, perineum, anus or anal region. (Ord. 88-20 § 1 (part), 1988)

#### **5.70.040 Display of Harmful Matter.**

A. Definitions. For the purposes of this section, the terms "harmful matter," "matter," "person," "distribute," "knowingly," "exhibit," and "minor" shall have the meanings specified in Section 3.31 of the Penal Code of the State of California. For the purposes of this chapter, the term "blinder rack" shall mean opaque material placed in front of, or inside, the newsrack and which prevents exposure to public view.

B. Prohibition. No person shall knowingly exhibit, display, or cause to be exhibited or displayed, harmful matter in any newsrack located on a public sidewalk or public place from which minors are not excluded, unless blinder racks have been installed so that the lower two-thirds of the matter is not exposed to public view. (Ord. 88-20 § 1 (part), 1988)

#### **5.70.045 Costs.**

The costs of installation, maintenance, replacement, removal, and relocation of newsracks shall be at the sole expense of the permittee or owner. Upon removal of any newsrack, the permittee or owner shall, at his or her sole expense, cause the public right-of-way to be repaired to a

condition in conformity to the surrounding area. Upon failure of the permittee or owner to make such repairs, the work may be done by the City and charged to the permittee or owner. (Ord. 88-20 § 1 (part), 1988)

#### **5.70.050 Removal of Newsracks.**

A. Commencing ninety (90) days after the adoption date of the ordinance codified in this chapter, any newsrack in violation of any provision of the ordinance codified in this chapter will be deemed nonconforming.

B. In the event that the City Manager determines that a newsrack does not comply with the provisions of this chapter, he or she shall provide written notice of such determination to the permittee or owner. The notice shall specify the nature of the violation, the location of the newsrack which is in violation, the intent of the City Manager to remove the nonconforming newsrack in the event a hearing is not requested, and the right of the permittee to request a hearing, before the City Manager, within fifteen (15) days from the date of the notice. If the newsrack is one which has not been authorized by the City Manager and ownership is not known, nor apparent after inspection, a notice complying with this section shall be affixed to the newsrack.

C. In the event that a hearing is held pursuant to this section, the City Manager shall render a decision, in writing, within ten days from the date of the hearing, and the decision shall advise the permittee or owner of his or her right to appeal to the City Council, pursuant to the provisions of Section 5.70.055. Notice of the decision shall be mailed to the permittee or owner and shall be considered effective on the date mailed provided that the notice is properly addressed and placed in the U.S. Mail with first-class postage prepaid.

D. The City Manager may take possession of a newsrack and, upon the expiration of thirty (30) days, dispose of the newsrack as required by law, if:

1. No hearing is requested by the permittee or owner within fifteen (15) days as provided in Section 5.70.050(B); or
2. The appeal period specified in Section 5.70.055 has expired; or
3. In the event that an owner or permittee fails to remove the rack within ten days from the date of the decision of the City Council, that the newsrack is not in compliance with the rules, regulations and standards established by this chapter.

E. The City Manager shall inspect any newsrack reinstalled after removal pursuant to this chapter. The permittee of the newsrack shall be charged a fee for this reinspection as established by resolution of City Council.

F. In the event that any newsrack is abandoned, the City Manager may remove it pursuant to the procedures set out in this section. For the purposes of this section, the term "abandonment" shall mean no publication has been displayed in the newsrack for a period of fifteen (15) consecutive days, no prior written notice has been given by the permittee to the City Manager specifying the reason(s) for nonuse, and the condition of the rack and related circumstances indicate it will not be actively used within a reasonable period of time. (Ord. 88-20 § 1 (part), 1988)

#### **5.70.055 Appeals.**

The City Council shall have the power to hear and decide appeals based upon the enforcement or interpretation of the provisions of this chapter. Any permittee or owner who is aggrieved by any decision of the City Manager may appeal that decision by submitting a written notice of appeal to the City Clerk within twenty-one (21) days of the date on which notice of the decision was mailed. The City Council may preside over the hearing on appeal or may designate a hearing officer to take evidence and submit a proposed decision together with findings, within fifteen (15) days from the date of the hearing. The City Council shall, within thirty (30) days from the date of the hearing, render its decision on the appeal, together with findings. The decision of the City Council shall be final. (Ord. 88-20 § 1 (part), 1988)

#### **5.70.060 Severability; Supplemental Provisions.**

If any provision of this chapter as herein enacted or hereafter amended, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect the other provisions or applications of this chapter (or any section or portion of section hereof) which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are, and are intended to be, severable.

The provisions of this chapter are intended to augment and be in addition to other provisions of the Municipal Code. Whenever the provisions of this chapter impose a greater restriction upon persons, premises, or practices than is imposed by other provisions of this Municipal Code, the provisions of this chapter shall control.

If any sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not effect the

validity of the remaining provisions of this chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each sentence, clause, and phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid. (Ord. 88-20 § 1 (part), 1988)



**The Newport Beach Municipal Code is current through Ordinance 2013-13, passed May 28, 2013.**

Disclaimer: The City Clerk's Office has the official version of the Newport Beach Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.newportbeachca.gov/> □ City Telephone: (949) 644-3005  
[Code Publishing Company](#) □ [eLibrary](#)

ENCROACHMENTS ON PUBLIC SIDEWALKS

Newport Beach sidewalks are a desirable place to walk, stroll and jog and it is, therefore, the policy of the City that public sidewalks are to provide unobstructed passage whenever possible.

Sidewalks shall be reserved for public use and the rights of the public shall not be diminished by the installation of benches, planters, bicycle racks, etc., by private entities nor by the installation of facilities by public utilities or other public agencies.

In addition to the provisions of Chapter 5.70 of the Newport Beach Municipal Code dealing with newspaper racks and in conformance with Council Policy L-6, it is the policy of the City that encroachments on public sidewalks shall be subject to the following:

A. General.

1. They shall not reduce the sidewalk width available for normal pedestrian movement.
2. Encroachments may be located in areas between tree wells or other existing improvements as long as they do not interfere with pedestrian travel.
3. They shall be located at least 18" from the curb face. In areas where vehicles do not park or otherwise extend over the sidewalk, this setback may be reduced.
4. They shall not be located within 36" of a parking meter or street light, nor shall they be located where they will interfere with the normal use of other facilities.
5. Encroachments shall not block access from parked cars.
6. They shall not be located within 10' of a crosswalk, fire hydrant or driveway.
7. Encroachments may not be chained or otherwise anchored to any tree, streetlight, parking meter or other property.

8. Applicant shall pay all costs for CalTrans permit processing where necessary.
9. Applicant shall pay all costs associated with the installation of encroachments by the City or private installer.

B. Benches.

1. When applying the above requirements to benches, allowance shall be made for the space required for a person sitting on the bench.
2. Benches to be installed in an area where there is a theme or bench style shall conform to that theme or style.

C. Bicycle Racks.

1. Bicycle racks shall be located to allow bicycles to extend 5' from the center of the rack and comply with the above requirements.

**Adopted - January 11, 1993**  
**Reaffirmed - January 24, 1994**  
**Amended - February 26, 1996**

**Formerly L-18**



July 18, 2013

Ron Yeo, FAIA  
500 Jasmine  
Corona del Mar, CA 92625

Re: Marguerite/PCH Intersection

Ron:

The following are ideas related to improvements at the above intersection, based on the on-site meeting with you on June 28.

The potential improvements to the sidewalk/parkway would be beneficial and relatively easy to construct at minimal cost. I feel that our role would be most efficient to the City as design advisors. The scope of improvements (excluding the crosswalk graphics) is minimal and therefore I feel could be accomplished by either City Public Works crews or a small independent contractor on a time and material basis. To prepare final Bid Documents for these improvements seems like unnecessary cost to the City that could be avoided. If the City required engineering plans, we would need to have a civil engineering consultant (unless in-house City engineers could prepare the necessary documents). This could be determined at the on-site meeting (#1 above). Accordingly, we propose the following:

1. Meeting on-site with City staff (Public Works and Planning), business representatives, Ron Yeo, and BGB principals Bob Borthwick and Art Guy. Each corner would be discussed, evaluated, and brainstormed as to specific design solution for each location. Estimated meeting duration 1-2 hours. (BGB fee: \$600.00)
2. BGB to draw preliminary plan for each corner location, with material call-outs, sufficient for construction by City crews or independent contractor. Base map provided by City. (BGB fee, \$1000.00)
3. Quantities will be provided for preliminary estimate of probable construction costs. (BGB fee: \$200.00)
4. Final Engineering plans (if required): TBD

Regarding the potential of intersection graphics in the street, this concept can also be discussed at on-site meeting #1. We have product information that we will distribute to the attendees. Until the feasibility and methodology is determined, we cannot propose a design fee for this part of the proposed improvements.

Our firm has designed streetscape improvements for many municipalities, and we are familiar with ADA codes and related requirements. Our office is located in Irvine, and Principal Art Guy is a lifetime CdM resident.

Please give me a call if further questions.

Sincerely,

Bob Borthwick, ASLA  
Senior Principal

B O R T H W I C K G U Y B E T T E N H A U S E N I N C  
2 4 4 4 D u p o n t D r i v e • I r v i n e , C a l i f o r n i a • 9 2 6 1 2  
9 4 9 - 4 7 6 - 8 6 1 6 T 9 4 9 - 4 7 6 - 8 7 0 7 F [www.bgb-inc.com](http://www.bgb-inc.com)

Suggestions for Marguerite potential improvements - CdM



- 1 Flower Pots
- 2 Grafic Art emulsion (artist competition??)
- 3 Remove "non functional drive" & provide new landscaping ( 8'x30')





**CORONA DEL MAR BID**  
**2013/2014 FY**  
**REVITALIZATION IMPROVEMENT PROJECTS & PRIORITIES**  
**TASK / ACTION - As of July 2013**

Project	Description	Board Member (s)	Action
<b>Gateway Improvement (MacArthur &amp; PCH)</b>	The CDM BID will be working with the City on continued improvements to the gateway entrance at MacArthur & PCH with a modified plan to widen the sidewalk an additional 8 ft, add dramatic landscape improvements and relocate 8 parking spaces.	Bernie Svalstad	
<b>Parking Project</b>	Parking in the Village needs to be addressed further, especially in light of past studies and to address concerns of both business owners and residents alike. The BID has been working with parking consultant Nelson/Nygaard and City staff to obtain a more inclusive parking study that would address the long-term parking issues of the village.	Jim Walker / Bernie	
<b>Marguerite Project</b>	The Board seeks to develop various improvements in landscaping, streetscape, and other items to continue creating a sense of identity for the Village at the intersection of Marguerite and Coast Highway.	Ron Yeo	
<b>Street Furniture Maintenance &amp; New Features</b>	The BID will continue to maintain and refurbish existing street furniture, trash receptacles, benches and bus stops to ensure quality aesthetics. In addition, the BID will be evaluating the condition and placement of Newspaper stands. The BID will be working with the City's Bike Committee for unique and efficient placement of bike racks within the village for the first time.	Ron Yeo / Scott Laidlaw	
<b>Signal Arm Modifications</b>	The BID will be working with the City during the upcoming signal modification work to replace signal arms with matching arms to the previously updated Heritage street lights in the village.		
<b>Sidewalk Steam Cleaning</b>	The BID recently had the sidewalks steam cleaned in the district boundaries. Steam cleaning will remove all gum and debris accumulated over years. Ongoing cleaning will be evaluated and discussed further with the City.	Scott Laidlaw	
<b>Tree Wells</b>	The BID will continue to provide maintenance through a landscape agreement to assure the proper care and cultivation of 180 tree well area.	Scott Laidlaw / Bernie	
<b>Plaza Upkeep</b>	According to the Memorandum of Understanding with the City of Newport Beach, the BID is responsible for long-term maintenance of the facilities at the Centennial Plaza at Coast Highway and Marguerite. The BID will repair and replace various elements of the Plaza as needed.	Bernie	
<b>Landscaping</b>	The BID will continue to provide oversight of overall landscaping in the village working closely with the City. The BID will also pay for the upkeep and repair of the irrigation backflow valves that water the street trees.	Bernie / Scott Laidlaw	
<b>Pocket Park</b>	The BID will assist the coordination of the development of a new "Pocket Park" by Hobie Surf Shop to serve as a village green space incorporating decorative landscaping, art and seating for pedestrian's passing thru	Ed Selich	
<b>2020 Vision Plan</b>	The Board continues to reevaluate and revise the 2020 Vision Plan. Subcommittee meetings to develop new objectives will continue to be held. Efforts will continue to inform business and residential communities of the findings of the board.		