



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

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**
June 26, 2014
Agenda Item No. 3

SUBJECT: Petco Sign Modification - (PA2014-085)
1280 Bison Avenue, Suite B15
▪ Modification Permit No. MD2014-004

APPLICANT: Irvine Company

PLANNER: Jason Van Patten, Planning Technician
(949) 644-3234, jvanpatten@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC-5 (North Ford)
- **General Plan:** CG (General Commercial)

PROJECT SUMMARY

A modification permit to allow a second identification wall sign on the Bison Avenue frontage where the Planned Community regulations limit each individual business to one identification sign per street frontage. Petco's existing identification wall sign fronting Bison Avenue will remain unchanged. No other deviations are proposed.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Modification Permit No. MD2014-004 (Attachment No. ZA 1).

DISCUSSION

- The subject property is located within the North Newport Shopping Center which is within Commercial Area 3 of the North Ford Planned Community (PC-5) Zoning District.

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- The applicant proposes a second wall sign on the Bison Avenue frontage for the purpose of identifying pet grooming services offered by Petco, where the Planned Community regulations limit each individual business to one identification sign per street frontage. Petco's existing identification sign fronting Bison Avenue will remain unchanged.
- The proposed wall sign measuring 16.75 square feet is consistent with other signage in the shopping center and complies with the general sign standards under the North Ford Planned Community.
- The property provides two separate building entrances for retail sales and pet grooming. Each entrance is recessed and located beneath matching architectural tower projections. The existing wall sign fronting Bison Avenue identifies the retail sales entrance. The proposed wall sign would call attention to the pet grooming entrance which is not as readily apparent to visitors of the shopping center.
- The addition of a second wall sign will not detract from the building's exterior but will maintain visual continuity with existing Petco signage and other storefronts in the shopping center. The new wall sign will be located above the pet grooming entrance in an area that suggests placement of a sign. The proposed sign will use colors consistent with existing Petco signage and will be made of durable materials.
- To provide for future flexibility, the project is conditioned limiting the wall sign to a maximum of 28.5 square feet in area (one and one-half square feet of sign for each lineal foot of the architectural tower projection).

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15311, of the State CEQA (California Environmental Quality Act) Guidelines - Class 11 (Accessory Structures). Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to signs.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Jason Van Patten
Planning Technician

JM/jvp

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Site Photographs
	ZA 4	Project Plans

Attachment No. ZA 1

Draft Resolution

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RESOLUTION NO. ZA2014-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2014-004 FOR A SECOND IDENTIFICATION WALL SIGN LOCATED AT 1280 BISON AVENUE, SUITE B15

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the Irvine Company, with respect to property located at 1280 Bison Avenue, Suite B15 and legally described as Lot 6 in Tract No. 12309 requesting approval of a modification permit.
2. The applicant proposes a second identification wall sign on the Bison Avenue frontage for the purpose of identifying pet grooming services offered by Petco, where the Planned Community regulations limit each individual business to one identification sign per street frontage. Petco's existing identification wall sign fronting Bison Avenue will remain unchanged. No other deviations are proposed.
3. The subject property is located within the North Ford Planned Community (PC-5) Zoning District and the General Plan Land Use Element category is General Commercial (CG).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on June 26, 2014, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15311, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 11 (Accessory Structures).
2. Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to signs.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050 (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The subject property is located within the North Newport Shopping Center which is within Commercial Area 3 of the North Ford Planned Community (PC-5) Zoning District. The proposed wall sign will be accessory to the existing commercial uses in the shopping center.
2. The proposed wall sign, measuring 16.75 square feet, is consistent with other signage in the shopping center and complies with the general sign standards under the North Ford Planned Community.
3. The location of the proposed wall sign above an entrance is compatible with signage in the shopping center that are similarly placed above entrances.

Finding:

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

Facts in Support of Finding:

1. The frontage of the property extends 164 feet 2 inches which is significantly larger than other tenant frontages in the shopping center.
2. The property provides two separate building entrances for retail sales and pet grooming. Each entrance is recessed and located beneath matching architectural tower projections. The existing wall sign fronting Bison Avenue identifies the retail sales entrance. The proposed wall sign is necessary to identify the pet grooming entrance, which is not as readily apparent to visitors of the shopping center.
3. The parking lot adjacent to the building frontage is expansive, and the proposed wall sign will help to identify the separate entrances to visitors approaching from MacArthur Boulevard and Bison Avenue.

Finding:

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

Facts in Support of Finding:

1. The general purpose and intent of the North Ford Planned Community as it pertains to signs is to provide each sign user with an opportunity for adequate identification while guarding against the excessive and confusing proliferation of signs.
2. A strict application of the sign standards established by the North Ford Planned Community would limit the business to one wall sign per street frontage. This would result in inadequate identification due to the physical scale of the existing building frontage.
3. The proposed wall sign will identify each entrance to the business which are at opposite ends of the building.

Finding:

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

Facts in Support of Finding:

1. The alternative would be to maintain the existing sign configuration; however, the additional wall sign will provide positive benefit to pedestrians and visitors to the site by providing increased visibility for each building entrance.
2. Section 20.52.050 (Modification Permits) of the Zoning Code specifies that a modification permit may be granted to increase the allowed number of signs. The lineal footage of the building fronting Bison Avenue warrants the increase in quantity of signs and will not detract from the building's exterior.
3. The proposed wall sign will provide additional visual direction for the public from the surrounding public roadways and from a greater distance without detracting from the development's overall aesthetic.

Finding:

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

Facts in Support of Finding:

1. Approval of the application to allow a second wall sign on the Bison Avenue frontage does not change the density or intensity of the existing use. The proposed sign will provide adequate identification to the major tenant that provides two separate

entrances. Due to the size of the building frontage, a second wall sign measuring 16.75 square feet will not adversely affect or be detrimental to persons, property, or improvements in the shopping center or surrounding neighborhood.

2. The addition of a wall sign fronting Bison Avenue will not impact residential properties located behind the property.
3. The granting of the modification to provide relief is consistent with past approvals regarding number of signs for other major tenants in the shopping center that have demonstrated no detriment to the public health, safety, or welfare of occupants of the property, nearby properties, the neighborhood, or the City.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2014-004, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 26TH DAY OF JUNE, 2014.

By:

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. This Modification Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
4. The wall sign shall not exceed an area equal to 28.5 square feet.
5. This Modification Permit shall become null and void should the tenant space be subdivided into two smaller suites.
6. The applicant is required to obtain all applicable permits from the City's Building Division. The construction plans must comply with the most recent, City-adopted version of the California Building Code.
7. A copy of the Resolution, including conditions of approval (Exhibit "A") shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
8. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.
9. 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 Petco Sign Modification including, but not limited to, the MD2014-004 (PA2014-085). 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.

DRAFT

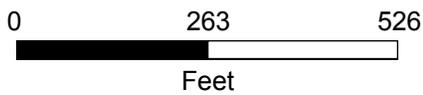
Attachment No. ZA 2

Vicinity Map

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Newport
Beach
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

5/20/2014

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Attachment No. ZA 3

Site Photographs

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Proposed Sign Location

04/30/2014 07:08

PHOTO 1



Pet Grooming Entrance

04/30/2014 07:09

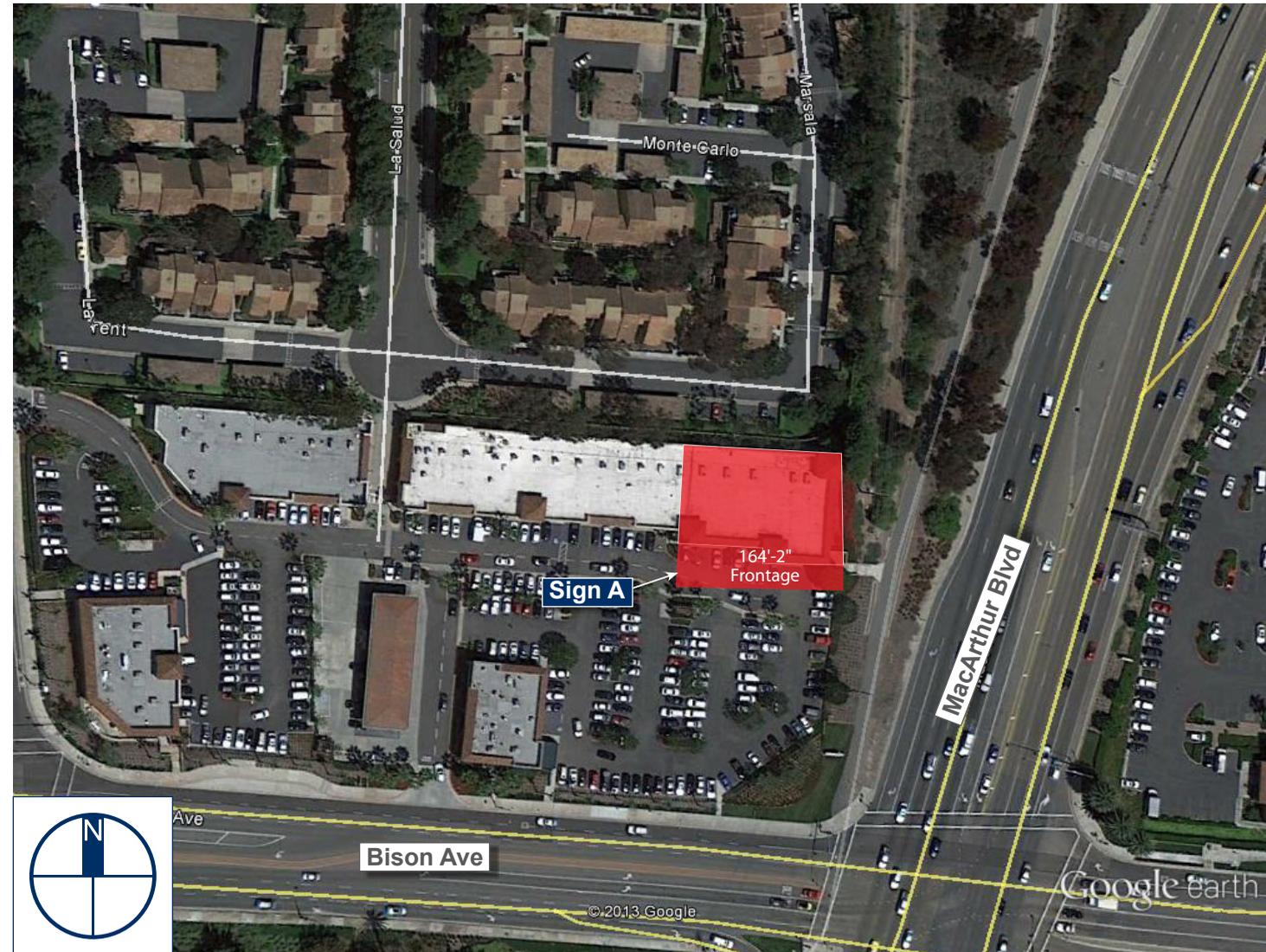
PHOTO 3

Attachment No. ZA 4

Project Plans

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SIGN A	18" Grooming
Type:	Individual Channel Letters on a Raceway
Illumination:	Internally Illuminated LED
Square Footage:	16.75
To Grade:	Top of sign to grade = 18'-10 1/2" Bottom of sign to grade = 17'-4 1/2"



REVISION INFO	02/05/2014	Original Rendering	JD
	05/14/2014	post sets for approval	SB

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Front Elevation (South)

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



Allowable Square Footage this Elevation:	TBD
Formula:	
Actual Square Footage this Elevation:	16.75



Client:	Petco
Site #:	PC-523
Address:	1280 Bison Avenue Newport Beach, CA 92660-4205 Newport North (CA)

REVISION INFO	02/05/2014	Original Rendering	JD
	05/14/2014	post sets for approval	SB

This rendering is the property of Anchor Sign, Inc. It is for the exclusive use of Anchor Sign, Inc. and the party which requested the rendering. It is an unpublished original drawing not to be distributed, reproduced or exhibited without the consent of Anchor Sign, Inc. Please contact your account manager with questions regarding this statement.



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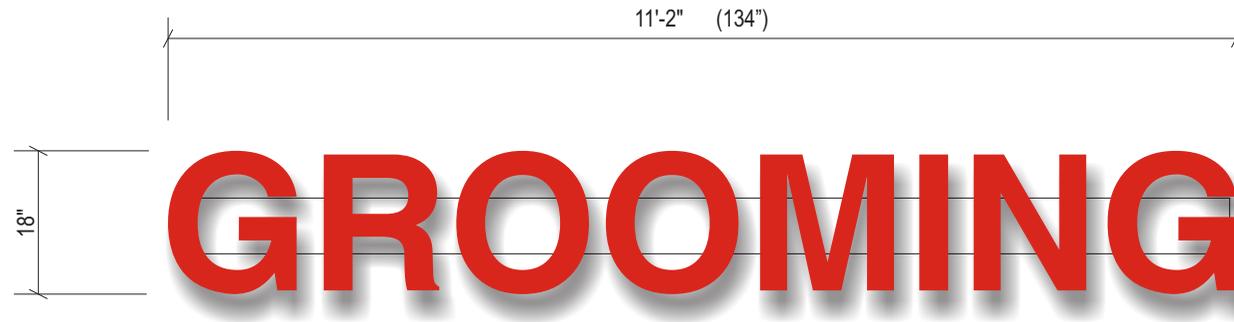


Front Elevation (South)

Scale: N.T.S.

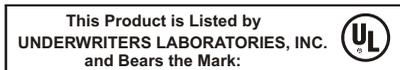
	Client: Petco	REVISION INFO	02/05/2014	Original Rendering	JD	This rendering is the property of Anchor Sign, Inc. It is for the exclusive use of Anchor Sign, Inc. and the party which requested the rendering. It is an unpublished original drawing not to be distributed, reproduced or exhibited without the consent of Anchor Sign, Inc. Please contact your account manager with questions regarding this statement.
	Site #: PC-523		05/14/2014	post sets for approval	SB	
Address: 1280 Bison Avenue						
Newport Beach, CA 92660-4205						
Newport North (CA)						

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Illumination:	Internally Illuminated LED
Square Footage:	16.75
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Sign Layout Detail

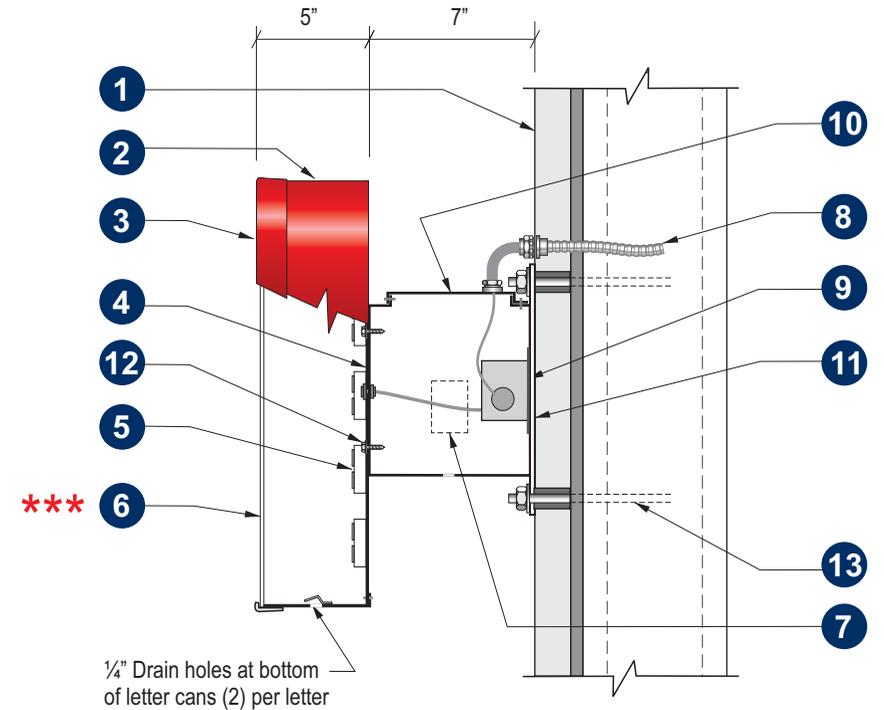
Scale: 1/2" = 1'-0"



Electrical Detail:
AGILIGHT Sign Rayz LED's Red - "GROOMING" letters (1) 60w transformer @ 0.85 each Total Amps = 0.85

General Notes:
This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.
1) Grounded and bonded per NEC 600.7/NEC 250
2) Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps
3) Sign is to be UL listed per NEC 600.3
4) UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer*
*For multiple signs, a disconnect is permitted but not required for each section

Specifications: Channel Letters
1. Existing Facade: EIFS/ Plywood/ Metal Studs
2. 0.040" Aluminum letter returns painted to match Wrisco Red
3. 1" trim cap to match Red
4. 3mm Signabond Lite composite backs (interior of sign can painted white for maximum illumination)
5. Red LEDs
6. 3/16" Red #2793 acrylic face
7. Waterproof disconnect switch per NEC 600-6
8. Primary electrical feed
9. Transformers
10. 0.080" Aluminum raceway painted to match the facade
11. 15" x 2" x 0.1875" Aluminum mounting tabs welded to raceway - Maximum 6" from each end and every 48" o.c.
12. #12 x 1" TEC screws with 11/4" fender washers
13. Mounting hardware to suit



Section @ LED Channel Letter Raceway (Center)
Scale: N.T.S.



Client:	Petco
Site #:	PC-523
Address:	1280 Bison Avenue Newport Beach, CA 92660-4205 Newport North (CA)

REVISION INFO	02/05/2014	Original Rendering	JD
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AnchorSign
1.800.213.3331
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June 26, 2014, Zoning Administrator Agenda Comments

Comments submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item II: Approval of Minutes (June 12, 2014)

Suggested changes:

1. Page 2, paragraph 4: "... he lives in the neighborhood and is familiar with the ~~CC and R's~~ **CC&R's** and look of the community."
2. Page 2, paragraph 3 from end: "One member of the public, Mr. Jim Mosher, spoke and inquired on the previous use of the suite and stated that the City's non-conforming parking **rule** was ambiguous."
3. Page 3, last sentence: "She made the following changes to the Resolution: addition to Condition No. 7 restricting the maximum number of outdoor seats to 8, addition to Condition No. 11 to state that amplified music shall not be allowed in the outdoor areas, and addition ~~to~~ **of** Conditions No. 4 and No. 11 from the Police Department Report to the Resolution."

Item No. 2. Rutter Lot Line Adjustment (PA2014-081)

I believe that any kind of subdivision change within the Coastal Zone, including a lot line adjustment, requires a Coastal Development Permit or a waiver of that requirement. To the best of my knowledge, the City's Categorical Exclusion Order does not exempt lot changes.

Item No. 3. Petco Sign Modification (PA2014-085)

I am unable to view the staff report from home because NovusAgenda terminates downloads after a little under two minutes and my internet connection is too slow to download the item in that time.

From what I recall of the printed staff report I saw in the Planning Division lobby, I am strongly opposed to this modification permit request as I see no need for a second identification sign.

A single sign on the fascia-like horizontal element of the building between the entry towers would, I suspect, be consistent with the existing sign standards, more tasteful, and entirely adequate. Surely visitors to the shopping center do not need two signs to find the Petco building, and having found the building do not need a sign on each tower to figure out how to get in.

In short, I see no need to deviate from what I assume are the existing sign standards and I feel allowing a proliferation of unnecessary signs is not in the best interests of the community.