

**CITY OF NEWPORT BEACH
STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: David Lepo, Planning Director
SUBJECT: Report of actions taken by Planning Director, Zoning Administrator and/or Planning Department staff for the week ending March 13, 2009.

Item 1: CASigns on behalf of property owner Hoag Hospital – Staff Approval No. SA2009-001 (PA2009-009)
1 Hoag Drive

The Planning Director approved the applicants request for the construction of two temporary pole signs at the vehicular entrance to the Emergency Department. The poles signs shall be 16 feet tall with sign areas of 24 square-feet and 34-square-feet.

Approved – March 12, 2009

Council District 2

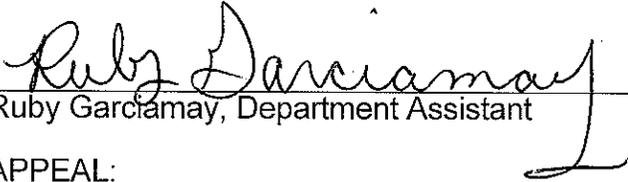
Item 2: Pilates Plus Newport Beach – Planning Director's Use Permit No. UP2009-003 (PA2009-015)
1220 Bison Avenue, Suite A-3

The Planning Director approved the applicants request to allow the establishment of a 1,200-square-foot Pilates fitness studio with a maximum of eight students and one instructor. Proposed hours of operation are Monday through Friday 6:00 a.m. to 10:00 a.m., 6:00 p.m. to 9:00 p.m., and Saturday and Sunday 9:00 a.m. to 11:00 a.m. The remaining hours on Monday through Friday will be used for private and semi-private classes consisting of a maximum of two students per class.

Approved – March 12, 2009

Council District 4

On behalf of David Lepo, Planning Director: -



Ruby Garciaamay, Department Assistant

APPEAL:

The decision of the Planning Director may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

c: David Lepo, Planning Director (*e-mail*)
Sharon Wood, Assistant City Manager (*e-mail*)
David Keely, Public Works Senior Civil Engineer (*e-mail*)
Code Enforcement Division (*e-mail*)



CITY OF NEWPORT BEACH

STAFF APPROVAL NO. SA2009-001
(PA2009-009)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3229

Staff Person: Chris Savan, 949-644-3253
Appeal Period: 14 days after approval date

Application: Staff Approval No. SA2009-001 (PA2009-009)
Applicant: CASigns on behalf of property owner Hoag Hospital
Site Address: 1 Hoag Drive
Legal Description: APN 423-011-30

Request as Approved:

Construction of two temporary pole signs at the vehicular entrance to the Emergency Department. The poles signs shall be 16 feet tall with sign areas of 24 square-feet and 34-square-feet. The property is located in the PC-38 (Hoag Hospital Planned Community) District.

Authority:

Section 20.93.060 A of the Newport Beach Municipal Code provides that the Planning Director may waive the requirement for a new modification permit application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval of Modification Permit No. 2005-091 (PA2005-200).

ACTION: APPROVED – MARCH 12, 2009

FINDINGS

1. The placement of the two additional signs are within the hospital project and will not adversely affect neighboring properties. The signs will not cause visual blight or encumber the property rights of any adjacent parcels.
2. The signs are necessary for efficient traffic circulation for vehicles en route to the Emergency Department while the subject area is under construction. The sign program (MD2005-091) allows for two 6-foot high monument signs at the subject location. The use of construction fencing obstructs the view of the permitted monument signs therefore necessitating taller signs in order to direct vehicles to the Emergency Department.

3. The waiver of the filing of a new modification application is appropriate in this case since the signs shall not adversely affect neighboring properties and shall be temporarily constructed until the construction of the subject area is completed.
4. The addition of the two signs is consistent with the previous sign program (MD2005-091) approvals insofar that it permitted directional signage for the Emergency Department.

CONDITIONS

1. The temporary signs shall be limited to the size and location as depicted on the approved plans that are made a part of the original sign program by action of this approval.
2. The two temporary pole signs shall be subject to approval of the Building Department and the Public Works Department for the provision of adequate sight distance.
3. The two temporary pole signs shall be permitted for up to 12 months effective the date of this approval letter. The temporary signs may be permitted for an additional 12-month period upon written request by the property owner or their representative. All temporary signs and their components shall be removed prior to the expiration of this staff approval.
4. The Planning Director may add to or modify the conditions of this staff approval, or revoke this permit upon a determination that the construction which is the subject of this approval causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

The decision of the Planning Director may be appealed by the applicant or any interested party to the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a filing fee of \$1,810.00.

On behalf of David Lepo, Planning Director

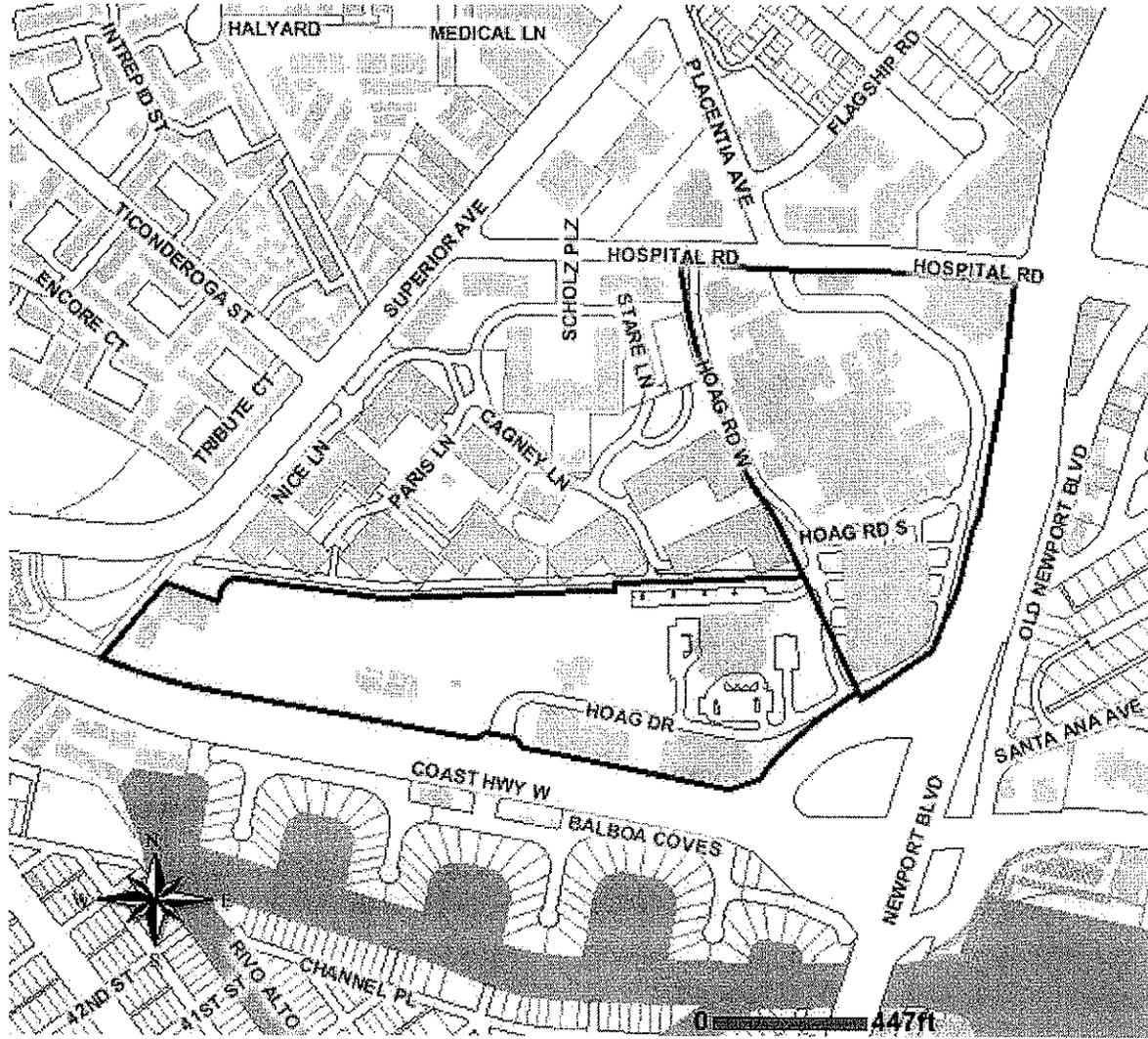
By:


James W. Campbell, Zoning Administrator

JWC/cms/rm

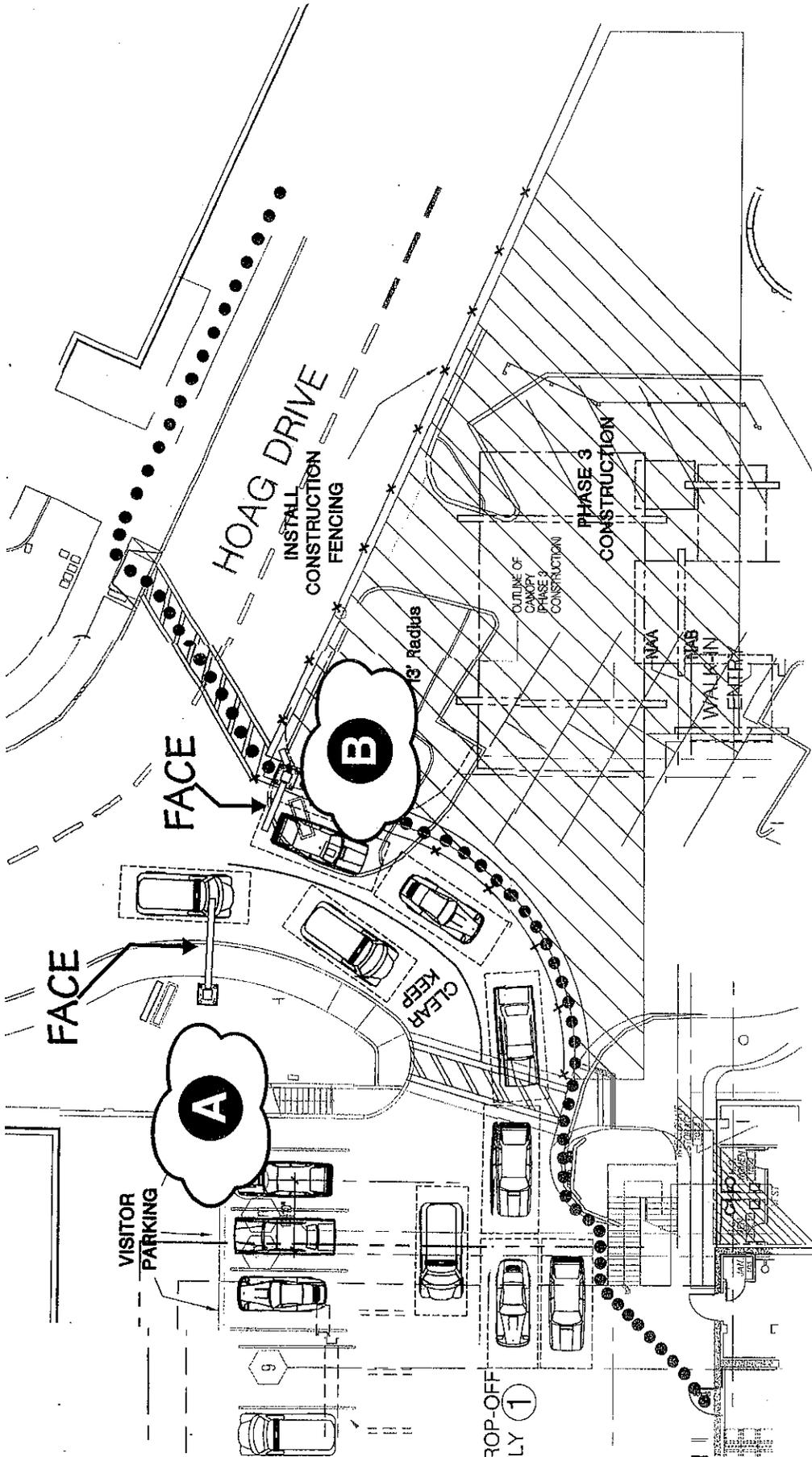
Attachments: Vicinity Map
Site Plan and Sign Details

VICINITY MAP



Staff Approval No. SA2009-001
(PA2009-009)

1 HOAG DRIVE



CASigns
 10280 Glenoaks Boulevard
 Pacoima, CA 91331-1604
 So. CA. FAX : 818-899-4499
 National FAX: 800-636-6696
 Telephone : 818-899-1888

Project: Kemp Bros Construction/ Hoag Hospital
 Date: 11/10/08
 Rev.: Δ Date: 11/17/08
 Scale: NTS

By: _____
 Date: _____

Client Approval:
 as submitted
 as noted
 resubmit

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Luis/MF

A.2



Planning Director's Use Permit No. UP2009-003
(PA2009-015)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92663
(949) 644-3200 FAX (949) 644-3229

Application No. Planning Director's Use Permit No. UP2009-003
(PA2009-015)

Applicant Pilates Plus Newport Beach

Site Address 1220 Bison Avenue, Suite A-3

Legal Description Lot 6, Tract 12309

On **March 12, 2009**, the Planning Director approved the application request to allow the establishment of a 1,200-square-foot Pilates fitness studio with a maximum of eight students and one instructor. Proposed hours of operation are Monday through Friday 6:00 a.m. to 10:00 a.m., 6:00 p.m. to 9:00 p.m., and Saturday and Sunday 9:00 a.m. to 11:00 a.m. The remaining hours on Monday through Friday will be used for private and semi-private classes consisting of a maximum of two students per class. The property is located in the PC-5 (North Ford) District, Commercial Area 3. The Planning Director's approval is based on the following findings and subject to the following conditions.

DIRECTOR'S ACTION: APPROVED – MARCH 12, 2009

Application Request

In approving this application, the Planning Director analyzed issues with regard to zoning compliance with the provisions of the North Ford Planned Community District Regulations. The Planning Director determined in this case that the use would not be detrimental to persons, property or improvements in the neighborhood. The Planning Director's Use Permit, as approved, would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code based on the findings and conditions below:

FINDINGS

1. The City's Land Use Element of the General Plan designates the site as General Commercial (CG); and Districting Map No. 58 of the Zoning Code designates the

site as PC-5 (North Ford), which designates the site for commercial uses. Health and fitness clubs are a commercial use consistent with the General Plan and the Zoning Code designations.

2. The project has been reviewed, and it qualifies for a categorical exemption pursuant to Section 15301 of the California Environmental Quality Act under Class 1 (Minor Alteration of Existing Structures) of the Implementing Guidelines of the California Environmental Quality Act. This exemption allows for the operation, repair, maintenance and minor alteration of existing buildings.
3. The proposed location of the health and fitness club operated under the conditions of this approval, is consistent with the General Plan and the purpose of the district in which the site is located, will not be detrimental to the public health, safety, peace, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the City, for the following reasons:
 - a. The health and fitness club will be located within a shopping center designated to include such development. The General Commercial (CG) designation of the General Plan allows health and fitness centers.
 - b. The Newport North shopping center abuts residential land uses to the North; however, the project site is separated from these and other uses by parking lots, roadways and other commercial uses. The health and fitness club has been conditioned to regulate exterior noise levels to limit the impact on neighboring land uses.
 - c. Adequate parking is provided within the Newport North Shopping Center. Two additional parking spaces are required for the increased parking demand of the health and fitness club. The Newport North Shopping Center provides the surplus parking spaces necessary to accommodate the additional demand. In addition, the health and fitness club has been conditioned to limit the hours, number of students, and number of instructors to regulate the parking demand on the shopping center.
4. The health and fitness club, pursuant to the conditions imposed by this Use Permit, complies with the provisions of the Zoning Code and the North Ford Planned Community District Regulations.

CONDITIONS

1. Use Permit No. UP2009-003 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, or an extension is otherwise granted.

2. The Planning Director may add to or modify conditions of approval to this Use Permit or revoke this Use Permit upon a determination that the operation, which is the subject of this Use Permit, causes injury, or is detrimental to the health, safety, peace, comfort, or general welfare of the community.
3. The project shall be in substantial conformance with the approved plot plan, floor plan and elevations dated February 19, 2009.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use will be cause for revocation of this Permit.
5. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of this health and fitness club that would attract large crowds, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
6. The operator of the facility shall be responsible for the control of noise generated by the subject facility. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

7. The reciprocal arrangement for ingress, egress and parking that applies to the subject property shall remain in effect for the duration of this health and fitness club.
8. All signs shall conform to the provisions of the North Ford Planned Community District regulations and Chapter 20.67 of the Newport Beach Municipal Code, where applicable.

9. Temporary signs shall be prohibited in the public right-of-way unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
10. The use shall be limited to a maximum of one instructor and eight students. A maximum of nine Pilates exercise machines shall be permitted on the premises.
11. A total of nine parking spaces shall be provided for the proposed health and fitness club.
12. The plans shall be revised to eliminate the metal fabric privacy screen (Note 10, Sheet A2.1) and storage area per the approval of the Building Department. Egress from the restroom is not permitted through the storage area.
13. The plans shall be revised to provide disabled access as needed including parking, path or travel, and the bathroom per the approval of the Building Department.
14. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit 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 Planning Director's Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

APPEAL PERIOD

The Planning Director's decision may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired. **A copy of the approval letter shall be incorporated into the Building Department set of plans prior to issuance of the building permits or issuance of revised plans.**

On behalf of Planning Director David Lepo,

By: _____

James Cambell
Zoning Administrator James Cambell

JSG: mkn

Attachments: Appendix
Vicinity Map
Site Plan and Floor Plans

Appeared in Opposition: None
Appeared in Support: None

APPENDIX

Overview & Background:

The Pilates Plus Newport Beach health and fitness club utilizes nine Pilates exercise machines located within the existing tenant space. Health and fitness clubs are a permitted use in the North Ford Planned Community District. The health and fitness club consists of 1,200 square feet. The operating hours are Monday through Friday 6:00 a.m. to 10:00 a.m., 6:00 p.m. to 9:00 p.m., and Saturday and Sunday 9:00 a.m. through 11:00 a.m. The remaining hours on Monday through Friday will be used for private and semi-private classes consisting of a maximum of two students per class. The applicant proposes to provide classes with a maximum of eight students and one instructor.

Parking:

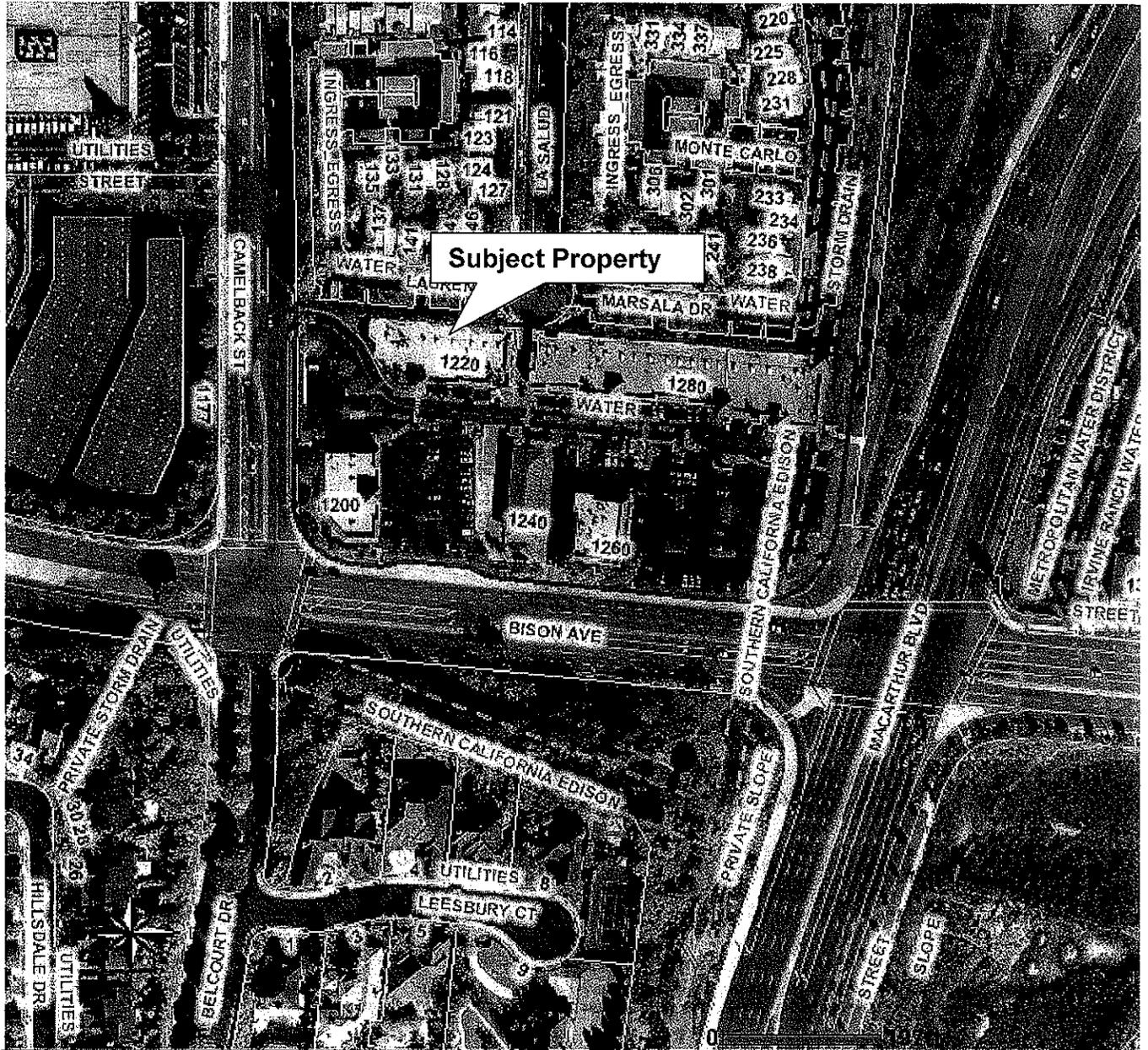
Parking for the health and fitness club is within the existing parking facilities for the Newport North Shopping Center. The Newport North Shopping Center is currently developed with 44,516 square feet total gross floor area for the entire center. A record of all floor area is maintained by the City, with assistance from the Irvine Company. According to the site plan provided by the Irvine Company, 286 parking spaces are provided on site. The number of total parking required for the shopping center based on the general commercial rate of one parking space per 250 square feet is 178 parking spaces ($44,516/250 = 178$ spaces).

Several of the existing uses on the property have additional parking requirements. First, 1260 Bison, Ste. D1, existing Use Permit No. 3367 for the Back Bay Café requires 23 additional parking spaces beyond the general commercial rate. Secondly, 1280 Bison, Ste. B8 requires eight additional parking spaces for a nail salon. All other uses in the Newport North Shopping Center are parked at the standard 1/250 general commercial rate.

Since the parking standard for health and fitness clubs is determined by use permit, staff contacted the Public Works Department to obtain general parking standards for health and fitness centers. Staff considers the standard provided by Public Works, 5.19 spaces per 1,000 square feet, to be reasonable in relation to the size and intensity of this particular proposed health and fitness club. Based on this calculation ($1,200$ square feet $\times .00519 = 6.23$) seven total parking spaces are required for the proposed use. The proposed health and fitness club creates an additional parking demand of two parking spaces compared to the parking standard for general commercial uses ($1,200$ square feet/ $250 = 5$ spaces). The Newport North Center currently has 77 surplus parking spaces. Therefore, the parking demand of two additional spaces can be accommodated by the surplus spaces on-site.

Since the shopping center provides ample surplus parking, the use has been conditioned to require nine parking spaces for the number of instructors and students proposed for the health and fitness center.

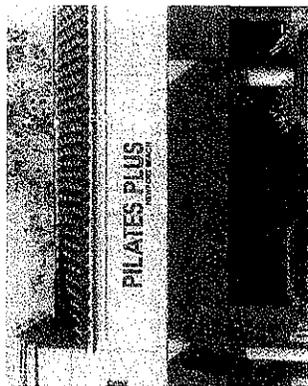
VICINITY MAP



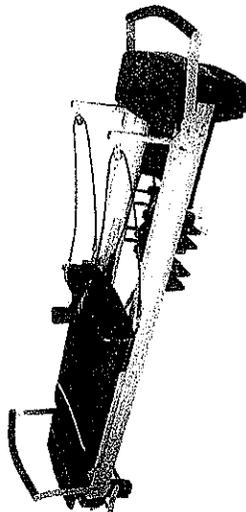
Planning Director's Use Permit No. UP2009-003
PA2009-015

1220 Bison Avenue, Suite A-3

Pilates Plus Newport Beach
1220 BISON AVENUE, SUITE A-3
PA2009-0015 for UP2009-003



PILATES PLUS NB



RECEIVED BY
PLANNING DEPARTMENT

FEB 10 2014

1114 BEACH ST STE A3
CITY OF NEWPORT BEACH



BUNDY
A R C H I T E C T S
FINELL

20334 IRVINE AVE STE 1
NEWPORT BEACH CA 92701
TEL 714 850 2376

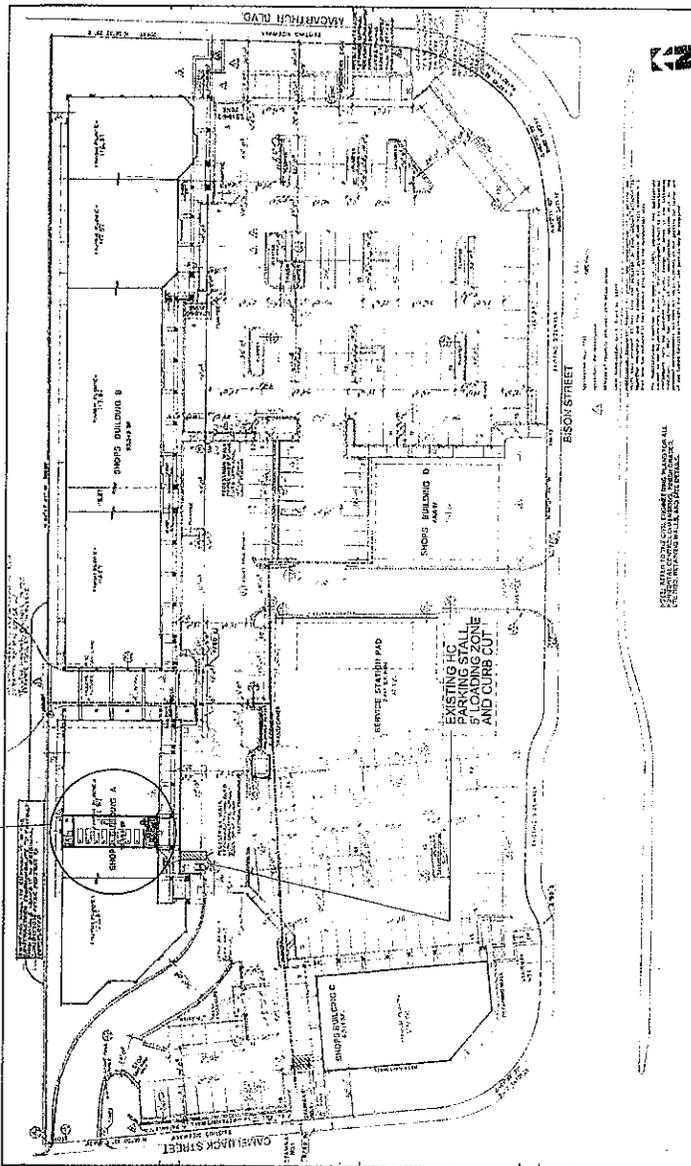


Newport North Center 1220 Bison Street, Ste. A3 Newport Beach, CA 92660

PILATES PLUS NB

Newport North
Center
1220 Bison Ave.
Ste. A-3
Newport Beach, CA
92660

SUITE A-3

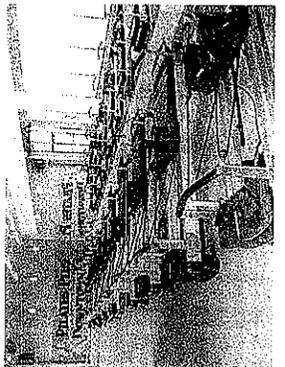
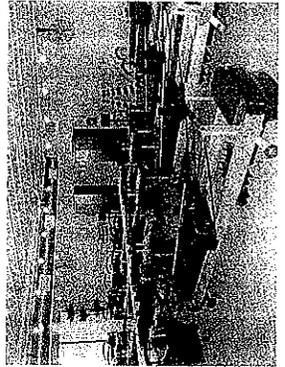
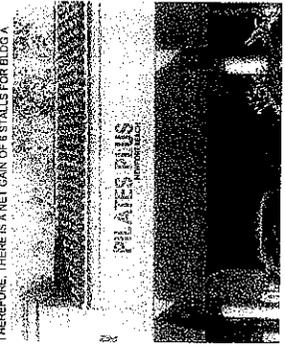
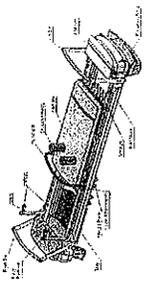


CENTER OVERALL SITE AREA: 47,358 S.F.
CENTER GROSS FLOOR AREA: 47,358 S.F.
TENANT IMPROVEMENT FLOOR AREA: 1,200 S.F.

BUILDING	AREA	STALLS REQ'D	PROV'D
SHOPS A	10,451 S.F.	42 @ 471000	45
SHOPS B	23,345 S.F.	93 @ 471000	100
SHOPS C	6,314 S.F.	26 @ 471000	45
SHOPS D	4,000 S.F.	10 @ 471000	85
GAS STA.	2,448 S.F.	8 REQ'D.	10
TOTAL	47,358 S.F.	187 + 8 = 195	284

BLDG A = 10,451 S.F. - 1,200 S.F. = 9,251 S.F.
BLDG A: (6,261 S.F. @ 471000 = 27) + (1,200 @ 71000 = 12) = 48 STALLS
THEREFORE, THERE IS A NET GAIN OF 6 STALLS FOR BLDG A

PARKING AND AREA CALCULATED ON DATA AS NOTED ON SITE PLAN DATED NOV. 1988. ONLY. NO STATEWORK IS PROPOSED WITH THIS TENANT IMPROVEMENT PROJECT.



SHEET TITLE
SITEPLAN

SHEET
A1.1

PROJECT NUMBER: 85B702000000

