

**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION
FROM: Kimberly Brandt, Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending October 14, 2011

ACTIONS TAKEN AT OCTOBER 12, 2011 ZONING ADMINISTRATOR HEARING

Item 1: Old Newport Boulevard Sign Program – Comprehensive Sign Program Permit No. CS2011-008 and Modification Permit No. MD2011-016 (PA2011-164)
349-365 Old Newport Boulevard

This item was approved.

Council District 2

On behalf of Kimberly Brandt, Community Development Director



Gregg Ramirez, Senior Planner

APPEAL PERIOD: The applicant or any interested party may appeal the decision of the Community Development Director and division staff to the Planning Commission by submitting a written appeal application to the Community Development Director in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
3300 Newport Boulevard, Building C, Newport Beach, CA 92663
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application Nos. **Modification Permit No. MD2011-016**
 Comprehensive Sign Program No. CS2011-008
 (PA2011-164)

Applicant **3-D Signs**

Site Address **349-361 Old Newport Blvd.**
 Old Newport Blvd Sign Program

Legal Description **Tract 27, Lot 24, Block 9 IRREG LOT IN LOT -INC POR OF**
 ABAN STS ADJ ON NW &

On **October 12, 2011**, the Zoning Administrator approved the following: A comprehensive sign program for an existing multi-tenant commercial building. Included in the application is a modification permit request to allow attachment of signage on top of the sloping roof on the frontage facing Old Newport Boulevard. The property is located in the OG (Office General) Zoning District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

Comprehensive Sign Program

Findings

1. The Land Use Element of the General Plan designates the site for CO-G (General Commercial Office) land use. The building contains commercial uses consistent with the CO-G land use designation and the signs are accessory to the primary use of the building.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures). This class exempts construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.
3. The proposed sign program is consistent with the legislative intent of Title 20, Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code (NBMC) with regard to the sign regulations based on the following reasons:

- Chapter 20.42 of the NBMC requires comprehensive sign programs for multi-tenant sites to establish a comprehensive and cohesive set of sign parameters while allowing flexibility to achieve a higher quality design presentation while avoiding inappropriate signage that could impact the neighborhood or City.
- The sign program as presented and approved is consistent with the purpose and intent of Chapter 20.42 of the NBMC.
- The property contains a two-story, multi-tenant building with two frontages visible from Newport Boulevard and Old Newport Boulevard. Due to the street visibility from two sides, additional tenant signs will provide enhanced convenience and visibility for visitors to or traveling near the property.
- The proposed sign program will not interfere with sight distance from any street, alley, or driveway as no freestanding signs are proposed in or adjacent to the public right-of-way.
- The approved Comprehensive Sign Program will integrate all the project's future signs into a single design theme that will create a unified architectural statement and limit the number, location and the overall size and area of signs on building wall facades. The architecture of the building coupled with the limited wall surface area creates unique circumstances that require the location of signage to be attached to the sloping face of the roof.
- There is a reasonable need for the number, location, type, and size of signs located on the indicated building frontages to provide adequate identification and to direct pedestrian and vehicular traffic to the property.

Modification Permit

Pursuant to NBMC Section 20.42.080.1.7 (Standards for Specific Types of Permanent Signs), signs attached to the sloping face of hipped/sloped roofs, mansard overhangs, or similar architectural features intended to resemble or imitate roof structures shall require approval of a modification permit.

In accordance with Section 20.52.050 E. (Required Findings, Modification Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of the finding for a Modification Permit are set forth:

Findings

1. **Finding:** The requested modification will be compatible with existing development in the neighborhood.

Facts in Support of Finding:

- The subject property is located in the OG (Office General) and is designated CO-G (General Commercial Office) by the Land Use Element of the General Plan. This area is intended to provide for areas appropriate for administrative, professional, and medical offices with limited accessory retail and service uses. The existing commercial development and existing and proposed signage is consistent with this land use designation. The proposed signage is accessory to the primary use.
- The neighborhood includes parcels with wall signs, nonconforming roof signs, and tenant signs that provide visibility from the public right-of-way.
- The illumination of signage is conditioned to prevent excessive glare spillage onto or visible from the adjacent right-of-way and any nearby properties.

2. **Finding:** 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:

- The existing two-story, multi-tenant commercial building was designed such that the roof overhang or drip line falls just above the window and doorframes; thus, impacting the placement and visibility of wall signage.
- The request is consistent with the intent and purpose of the Sign Code Chapter 20.42 that is intended to “protect public safety and property values through enhanced aesthetic appeal by proper sign control.” Given the architecture of the existing development on the site, allowing signage on top of the sloping roof on the frontage facing Old Newport Boulevard is reasonable in this particular case to provide greater visibility and uniformity for the design of signs.

3. **Finding:** 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:

- Due to the orientation and limited wall surface area of the subject building, the strict application of the sign standards result in limited building sign size and visibility for tenants that constitute a physical hardship inconsistent with the

intent of the Zoning Code, which is to provide adequate visibility while not creating visual clutter.

4. **Finding:** 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:

- Pursuant to NBMC Section 20.42.080.1.7 (Standards for Specific Types of Permanent Signs), a modification permit is required to attach a sign to the sloping face of a hipped roof. Without the approval of a modification permit, the proposed signage would not be permitted.
- The proposed signage is necessary due to the design and architecture of the existing building. It will not be detrimental to any surrounding owners and occupants, the neighborhood, or to the general public, and will be in scale with the existing development and comparable in size with signage utilized on neighboring properties.

5. **Finding:** 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:

- The existing signage has not proven to be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City,
- The signage is for a commercial use in a commercial district and is not in or adjacent to a residential district.

Conditions

1. New signs are limited to the designated building facades and/or street frontages and shall comply with the limitations specified in the 349-365 Old Newport Boulevard Sign Program Table Matrix.
2. The sign area shall be measured by two perpendicular sets of parallel lines that surround the proposed copy area of each sign.
3. Anything not specifically approved by this Comprehensive Sign Program is prohibited. Revisions to the program may be approved by the Planning Division if the intent of the original approval is not affected. Revisions that substantially

deviate from the original approval must be addressed in a separate and subsequent amendment to this Comprehensive Sign Program.

4. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or tenants of the building shall be reviewed and approved by the Planning Division, so long as the sign size, copy configuration and number of signs authorized by this approval does not substantially change or increase. The mandatory reduction or elimination of nonconforming signs shall be exercised as necessary.
5. A building permit shall be obtained prior to commencement of installation of the signs.
6. All existing, unpermitted signs placed on the balcony railing facing Newport Boulevard shall be removed.
7. The Community Development Director or the Zoning Administrator may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
8. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or Citywide, constitute a precedent for future approvals or decisions.
9. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060.A (Time limits) of the Newport Beach Municipal Code, unless an extension is approved prior to the expiration date of this approval, in accordance with Section 20.54.060.B (Extensions of time) of the Newport Beach Municipal Code.
10. 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 Old Newport Boulevard Sign Program, including, but not limited to, MD2011-016, CS2011-008 (PA2011-164). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant

shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

PUBLIC NOTICE

Notice of this application was 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 prior to the decision date, consistent with the provisions of the Municipal Code.

APPEAL PERIOD: Modification Permit and Comprehensive Sign Program applications do not become effective until 14 days following the date of action. Prior to the effective date the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

By: _____



Jaime Murillo, Zoning Administrator

JM/bmz

Attachments: ZA 1 Vicinity Map
 ZA 2 Sign Program Matrix
 ZA 3 Applicant Letter of Justification
 ZA 4 Sign Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Modification Permit No. MD2011-016
Comprehensive Sign Program No. CS2011-008
PA2011-164

349-361 Old Newport Blvd.

Attachment No. ZA 2

Sign Program Matrix



Comprehensive Sign Program Matrix

349 – 361 Old Newport Boulevard

Community Development Department
 Planning Division
 3300 Newport Boulevard, Newport Beach, CA 92663
 (949)644-3204 Telephone | (949)644-3229 Facsimile
www.newportbeachca.gov

Frontages: A Old Newport Boulevard
 B Newport Boulevard

(LF = Linear Feet / SF = Square Feet)

Type of Sign	Primary Frontage <i>Old Newport Boulevard</i>	Secondary Frontage <i>Newport Boulevard</i>
Slope-mounted Sign	Maximum Number of Signs: One per tenant, attached to the lower portion of the sloping roof face. Maximum Sign Area: 1.5 x LF of tenant space or 75 SF, whichever is less Maximum Letter Height: 36 inches	Not permitted.
Wall Sign	Not permitted	Maximum Number of Signs: One per tenant, affixed below the roof overhang. Maximum Sign Area: 50% of that allowed for primary frontage Maximum Letter Height: 36 inches
Window Sign	Maximum Sign Area: 20% maximum coverage of one window per tenant, total sign area for frontage cannot exceed 1.5 x LF of tenant space or 75 SF, whichever is less	Not permitted.

NOTES:

Sign area is the area measured by two perpendicular sets of parallel lines that surround the proposed logo and sign copy. All signs shall substantially conform to the approved set of plans stamped and dated October 12, 2011.

Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Attachment No. ZA 3
Applicant Letter of Justification

To whom it concerns,

The decision for request for sign program modification comes from the fact that this is a commercial retail building in the area were there is no other of the same. Currently the previous tenants as well as the current tenants have installed or had installed all sorts of roof, window, and wall signs all over the building with out regard to any criteria or city requirements. It is a none fact that if retail business is to be successful they must be allowed proper signage to advertise there business to potential customers. At this point the signage on the building is in such disarray the entire building brings a negative look to the city of Newport Beach.

If our requests for modification are granted then we can start with the new proposed tenant "SUBWAY" as the main anchor tenant and as soon as possible bring the other tenants signage up to the same standards of compliance. This will bring the look of the building up to a positive appearance to the neighborhood as well as helping potential growth in business to the existing tenants.

What we are proposing and hope to gain approval of is to be allowed to install a roof sign on the front of the building facing "Old NEW PORT blvd." that would be a set of channel letters that are mounted on a flat Di Bond panel that is then mounted on the roof with stainless steel hardware and galvanized framing. This will be illuminated by led lighting which is low voltage.

On the back of the building that faces "NEWPORT Blvd." we are proposing that a set of channel letters that would be mounted on a race way be installed direct to the wall above the window and under the eve of the roof. This as well would be illuminated with low voltage led. This vision will allow all the signage to be of low energy consumption as well as giving the ability to remove the irregular spot lighting that is all over the roof and back of the building.

Thank you for your consideration in these matters

Jerry Ohmer
3-D SIGNS
(949) 510-6249

Attachment No. ZA 4
Sign Plans

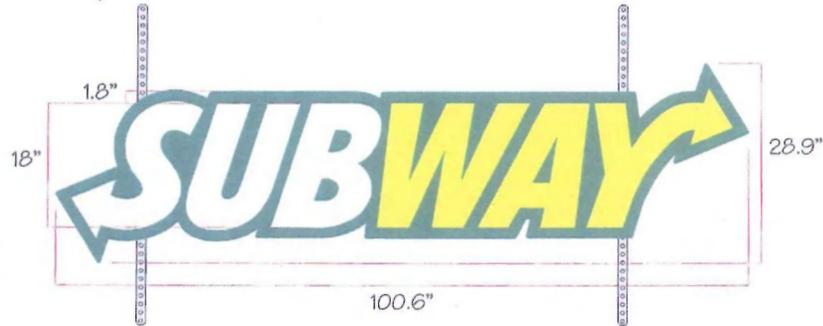
Before



After



18" Channel Letters
 Overall Panel Size: 28.9" x 100.6"
 Raceway Size: 8"h x 75"w
 20.1 Sq. Ft.



SPECIFICATIONS:

1 SET HALO AND FACE ILLUMINATED CHANNEL LETTERS WITH WHITE LED. CHANNEL LETTERS TO HAVE 3/16" WHITE AND YELLOW PLEX FACES WITH 5" BLACK RETURNS. CHANNEL LETTERS TO BE INDIVIDUALLY MOUNTED WITH 1 1/2" STAND-OFFS TO 1/8" DIBOND BACKPANEL. BACKPANEL PAINTED GREEN AND TO HAVE GREEN L.E.D. HALO. BACKPANEL TO BE MOUNTED FLUSH TO RACEWAY WITH RACEWAY MOUNTED TO 2" X 2" GALVANIZED ANGLE IRON FRAME.

JOB NAME: Subway	Date: 8/25/2011	Invoice: 11-????
ADDRESS: 349 Old Newport Blvd, Newport Beach, Ca 92660		
OWNER: Owner Name	PH: 123-456-7890	FAX: 123-456-7890 E-MAIL: Email Address
LANDLORD: Crista Quick	PH: 714-656-5455	E-MAIL: crista_z@hotmail.com
ADDRESS: 2549 Eastbluff Dr #228 Newport Beach, Ca 92660		
NOTES:		

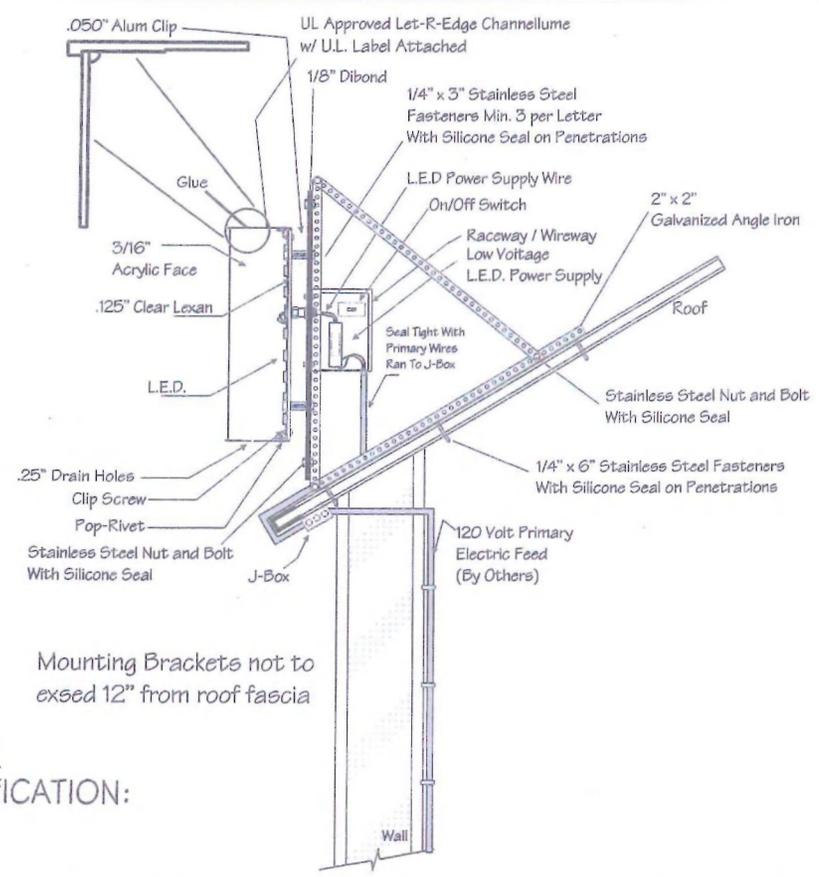
DESIGNED & DRAWN BY



Signs that stand out from the rest!
 23034 Lake Forest Dr. Suite C Laguna Hills, Ca 92653

PH: 949-770-9252
 FAX: 949-770-9319

PA2011-164 for MD2011-016
 349 Old Newport Blvd.
 3-D Signs



Mounting Brackets not to exceed 12\"/>

LETTER SPECIFICATION:



ELECTRICAL NOTES
 ALL ELECTRICAL COMPONENTS TO BE U.L. LISTED, APPROVED AND LABELED PER N.E.C. 600-4. Inspect and label in accordance with U.L. Standards using U.L. listed parts and methods of installation in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. Client is responsible to provide primary electrical feed to within six feet of sign location. 120V unless noted.

ELECTRICAL NOTES
 All electrical components to be U.L. listed, approved and labeled per N.E.C. 600-4. Inspect and label in accordance with U.L. Standards using U.L. listed parts and methods of installation in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. Client is responsible to provide primary electrical feed to within six feet of sign location. 120V unless noted.

Volts Req'd: _____ Total Amps: _____ Circuits Required: _____
 CLIENT to provide primary electric feed to within 6 feet of sign location.

JOB NAME: Subway	Date: 8/25/2011	Invoice: 11-????
ADDRESS: 349 Old Newport Blvd, Newport Beach, Ca 92660		
OWNER: Owner Name	PH: 123-456-7890	FAX: 123-456-7890 E-MAIL: Email Address
LANDLORD: Crista Quick	PH: 714-656-5455	E-MAIL: crista_z@hotmail.com
ADDRESS: 2549 Eastbluff Dr #228 Newport Beach, Ca 92660		
NOTES:		

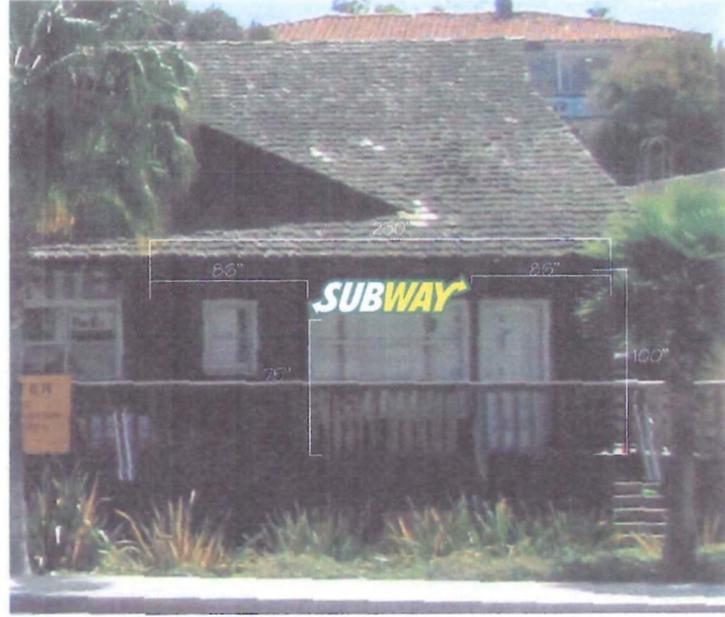
DESIGNED & DRAWN BY
3-D SIGNS
Signs that stand out from the rest!
 23034 Lake Forest Dr. Suite C Laguna Hills, Ca 92653
 PH: 949-770-9252
 FAX: 949-770-9319

Fascia 100" x 250" = 173 Sq. Ft.

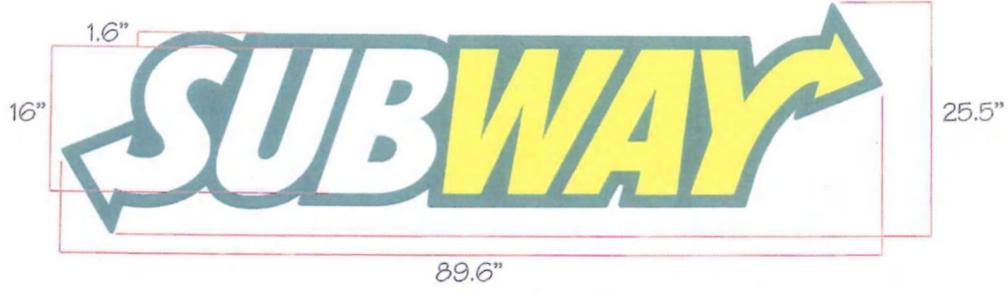
Before



After



16" Channel Letters
 Overall Panel Size: 25.5"h x 89.6"w
 15.8 Sq. Ft.

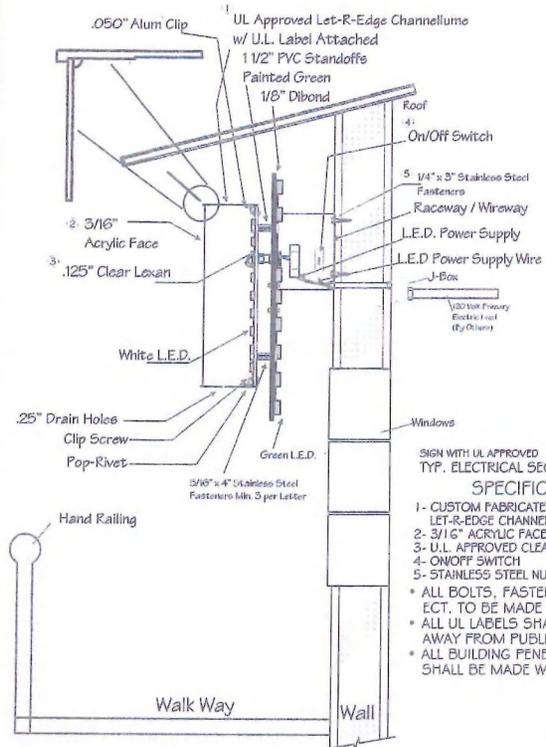


SPECIFICATIONS:

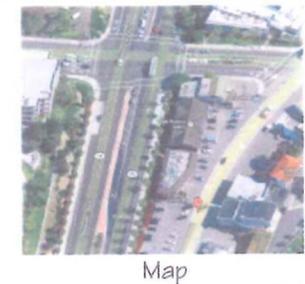
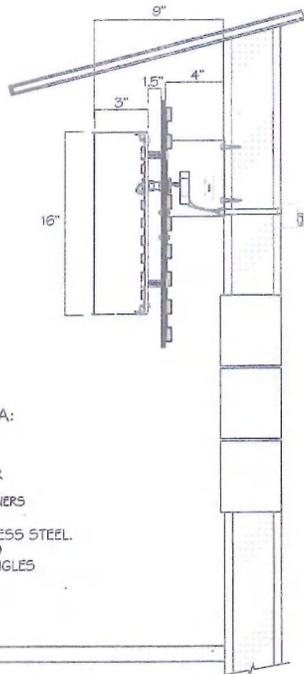
1 SET HALO AND FACE ILLUMINATED CHANNEL LETTERS WITH WHITE LED. CHANNEL LETTERS TO HAVE 3/16" WHITE AND YELLOW PLEX FACES WITH 5" BLACK RETURNS. CHANNEL LETTERS TO BE INDIVIDUALLY MOUNTED WITH 1 1/2" STAND-OFFS TO 1/8" DIBOND BACKPANEL. BACKPANEL PAINTED GREEN AND TO HAVE GREEN L.E.D. HALO. BACKPANEL TO BE MOUNTED FLUSH TO RACEWAY WITH RACEWAY MOUNTED TO FLUSH TO WALL.

JOB NAME: Subway	Date: 8/25/2011	Invoice: 11-????
ADDRESS: 349 Old Newport Blvd, Newport Beach, Ca 92660		
OWNER: Owner Name	PH: 123-456-7890	FAX: 123-456-7890 E-MAIL: Email Address
LANDLORD: Crista Quick	PH: 714-656-5455	E-MAIL: crist_a_z@hotmail.com
ADDRESS: 2549 Eastbluff Dr #228 Newport Beach, Ca 92660		
NOTES:		

DESIGNED & DRAWN BY
3-D SIGNS
Signs that stand out from the rest!
 23034 Lake Forest Dr. Suite C Laguna Hills, Ca 92653
 PH: 949-770-9252
 FAX: 949-770-9319



SIGN WITH UL APPROVED TYP. ELECTRICAL SECTION (NTS)
SPECIFICATION DATA:
 1- CUSTOM FABRICATED UL APPROVED LET-R-EDGE CHANNELLUME
 2- 3/16" ACRYLIC FACE
 3- U.L. APPROVED CLEAR LEXAN BACKER
 4- ON/OFF SWITCH
 5- STAINLESS STEEL NUT & BOLT FASTENERS
 • ALL BOLTS, FASTENINGS, CLIPS ECT. TO BE MADE FROM STAINLESS STEEL.
 • ALL UL LABELS SHALL BE PLACED AWAY FROM PUBLIC VIEWING ANGLES
 • ALL BUILDING PENETRATIONS SHALL BE MADE WATERPROOF



ELECTRICAL NOTES
 ALL ELECTRICAL COMPONENTS TO BE UL LISTED, APPROVED AND MARKED PER N.E.C. 600-4. Inspector and labeler in accordance with UL Standards using UL listed parts and methods of installation in accordance with the requirements of Article 650 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. Client is responsible to provide primary electrical feed to within six feet of sign location. 120V unless noted.
UL Underwriters Laboratories Inc.
ELECTRIC SIGN
 PRIMARIES AND FINAL CONNECTION TO SIGN BY CERTIFIED ELECTRICIAN
 Volts Req'd: _____ Total Amps: _____ Circuits Required: _____
 CLIENT to provide primary electric feed to within 6 feet of sign location.

JOB NAME: Subway	Date: 8/25/2011	Invoice: 11-????
ADDRESS: 349 Old Newport Blvd, Newport Beach, Ca 92660		
OWNER: Owner Name	PH: 123-456-7890	FAX: 123-456-7890 E-MAIL: Email Address
LANDLORD: Crista Quick	PH: 714-656-5455	E-MAIL: crista_z@hotmail.com
ADDRESS: 2549 Eastbluff Dr #228 Newport Beach, Ca 92660		
NOTES:		

DESIGNED & DRAWN BY
3-D SIGNS
Signs that stand out from the rest!
 23034 Lake Forest Dr. Suite C Laguna Hills, Ca 92653
PH: 949-770-9252
FAX: 949-770-9319

Proposed future signs of existing tenants

