



## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

[www.newportbeachca.gov](http://www.newportbeachca.gov)

### CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

February 28, 2013

Agenda Item # 1

**SUBJECT:** 4590 MacArthur Boulevard Sign Modification - (PA2013-002)  
4590 MacArthur Boulevard  
▪ Modification Permit No. MD2013-001

**APPLICANT:** Carey Sign Corporation

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

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### ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC 15 (Koll Center Planned Community)
- **General Plan:** MU-H2 (Mixed-Use Horizontal)

### PROJECT SUMMARY

A request to approve installation of one (1) non-illuminated tenant wall sign on the southwest corner of an existing building on the second floor fascia (ROC Real Office Centers). The Modification Permit is required to permit signage on the second floor fascia where the Koll Center Planned Community District Regulations (PC text) limit the location of tenant wall signs to the ground floor fascia for ground floor tenants only.

### RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Modification Permit No. MD2013-001 (Attachment No. ZA 1).

### DISCUSSION

- An application was filed on behalf of a business use to locate a permanent wall sign on the second floor fascia of an existing multi-tenant commercial building in the PC 15 Zoning District (Koll Center Planned Community).



- The PC text specifies that individual business uses located on the ground floor in multi-tenancy buildings shall be limited to one (1) wall sign per frontage, a maximum sign area of 35 square feet, but no wall sign shall be located above the ground floor fascia.
- The subject business use is not located on the ground floor.
- Absent among the general sign requirements of the PC text is the allowance of a wall sign on the upper fascia for an above ground floor business use.
- Approval of this modification will allow the subject business use to display one (1) non-illuminated wall sign on the second floor fascia.
- The proposed sign is consistent with the wall sign location approved in conjunction with Modification Permit No. 3963 on January 28, 1992, with the exception of the sign area, which was previously approved at 11 square feet. Since the new sign is significantly larger (approximately 30 square feet), a new approval of a Modification Permit was required.
- Approval of this modification will not result in a change to any other sign standards established by the PC text, including but not limited to sign area, and number of signs per frontage.

### **ENVIRONMENTAL REVIEW**

The project has been reviewed, and qualifies for a Class 11 (Accessory Structures) categorical exemption 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). The Class 11 exemption allows construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs.

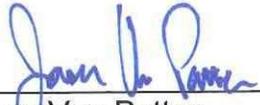
### **PUBLIC NOTICE**

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 prior to the decision date, 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 or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:

  
\_\_\_\_\_  
Jason Van Patten  
Planning Technician

JG/jvp

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

# **Attachment No. ZA 1**

Draft Resolution



**RESOLUTION NO. ZA2013-0##**

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-001 FOR A PERMANENT WALL SIGN ON THE SECOND FLOOR FASCIA OF A MULTI-TENANT BUILDING LOCATED AT 4590 MACARTHUR BOULEVARD (PA2013-002)**

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Carey Sign Corporation, with respect to property located at 4590 MacArthur Boulevard, and legally described as Parcel 1 of Resubdivision Number 567 requesting approval of a Modification Permit.
2. The applicant requests approval for installation of a permanent tenant wall sign on the second floor fascia of a multi-tenancy office building where the Koll Center Planned Community text specifies that ground floor business uses shall be limited to placement of wall signs on the ground floor fascia and that placement above the ground floor is prohibited.
3. That the proposed sign will be consistent with the wall sign location approved in conjunction with Modification Permit No. 3963 on January 28, 1992, with the exception of the sign area, which was previously approved at 11 square feet. Since the new sign is significantly larger (approximately 30 square feet), a new approval of a Modification Permit is required.
4. The subject business office use is not located on the ground floor.
5. The subject property is located within Commercial Site A of the Koll Center Planned Community (PC 15) Zoning District, and the General Plan Land Use Element category is Mixed-Use Horizontal (MU-H2).
6. The subject property is not located within the coastal zone.
7. A public hearing was held on February 28, 2013 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. 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 Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project has been reviewed, and qualifies for a Class 11 (Accessory Structures) categorical exemption 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).

2. The Class 11 exemption allows construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities, including but not limited to on-premise 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:

- A-1. The neighborhood is situated within the Koll Center Planned Community and is developed with commercial properties.
- A-2. The requested modification will allow the applicant to install a permanent wall sign on the second floor fascia of the South elevation of an existing building fronting MacArthur Boulevard.
- A-3. The location on the upper fascia (second floor) is consistent with tenant signage within the Zoning District and in the general vicinity.
- A-4. The proposed sign area does not modify or exceed any other sign requirements established by the Koll Center Planned Community text.

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:

- B-1. The sloped landscaping adjacent to the subject property presents a hindrance by precluding optimal visibility if signage is placed on the ground floor fascia.
- B-2. The sloped landscaping traverses the length of the lot creating a physical obstruction for identification by vehicles travelling northbound on MacArthur.

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:

- C-1. Although the sign is visible if placed on the ground floor, line of sight from MacArthur Boulevard is impaired due to the lower elevation of the existing building relative to the right-of-way, and by the location of landscape trees which line the street frontage.
- C-2. The general purpose and intent of the Zoning Code 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.
- C-3. A strict application of the Koll Center Planned Community sign standards will result in a less than optimal identification as a result of unique physical and practical difficulties created by building orientation and vertical landscape elements.
- C-4. There is no feasible method to providing maximum visibility of the sign if placed on the ground floor fascia without imposing detriment to the surrounding neighborhood and mature landscaping.

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:

- D-1. Section 20.52.050 (Modification Permits) of the Zoning Code specifies that a Modification Permit may be granted to increase the allowed height, number, and area of signs.
- D-2. The granting of the Modification Permit would allow the applicant to place a wall sign on the second floor fascia instead of on the code required ground floor fascia.
- D-3. Although placement of the wall sign on the ground floor fascia is possible, it would hinder optimal visibility from MacArthur Boulevard.
- D-4. In order to improve visibility of the sign on the ground floor fascia, the existing building would need to be elevated, or the landscape berm and vertical plantings reduced.

- D-5. Granting the modification would provide less detriment to the surrounding owners and occupants, the neighborhood, or the general public relative to any physical changes imposed on the site.

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:

- E-1. The proposed change to allow signage on the second floor fascia is negligible as it only affects the regulations for sign location, and does not result in a change to the sign area or the number of signs allowed.
- F-2. The signage as proposed will neither change the density or intensity of the existing commercial use nor affect the flow of light or air to adjoining residential properties.
- E-3. The granting of the modification to provide relief is consistent with past approvals for placement of a sign above the ground floor fascia 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. MD2013-001, 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 fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 28<sup>th</sup> DAY OF FEBRUARY, 2013.**

By:

\_\_\_\_\_  
Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved plans stamped and dated with the date of this approval (Except as modified by applicable conditions of approval).
2. All proposed signs shall be in conformance with the approved Sign Standards for the project site and provisions of the Koll Center Planned Community text (Except as modified by applicable conditions of approval).
3. The sign approved in conjunction with this application shall be limited in overall area to 30 square feet, including future changes in tenant name. Modification Permit No. 3963 shall be rendered null and void upon the effective date of this approval.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. A building permit shall be obtained prior to commencement of the construction.
6. 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.
7. This Modification Permit may be modified or revoked by the City Council or Planning Commission should they determine 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.
8. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
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 4590 MacArthur Boulevard Sign Modification including, but not limited to, Modification Permit No. MD2013-001 (PA2013-002). 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.

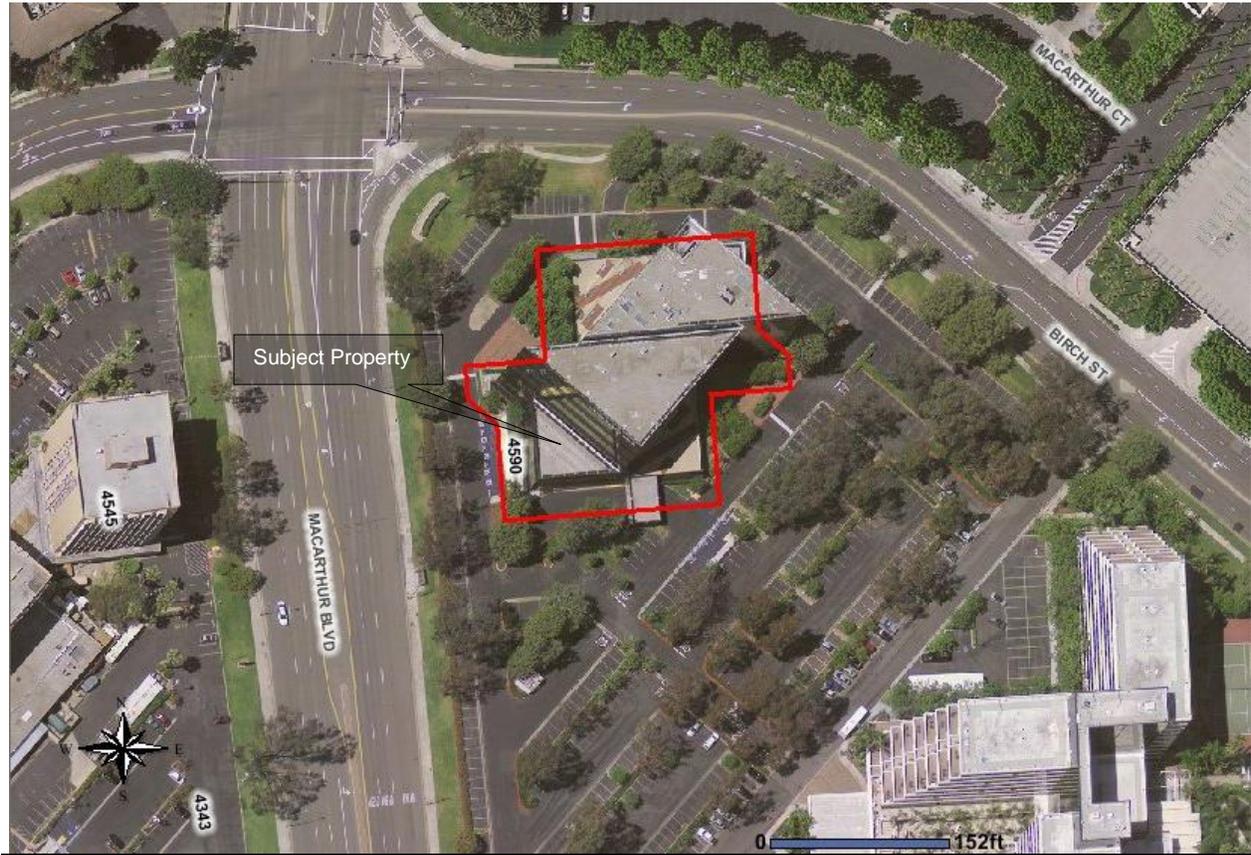
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# **Attachment No. ZA 2**

Vicinity Map



# VICINITY MAP



Modification Permit No. MD2013-001  
PA2013-002

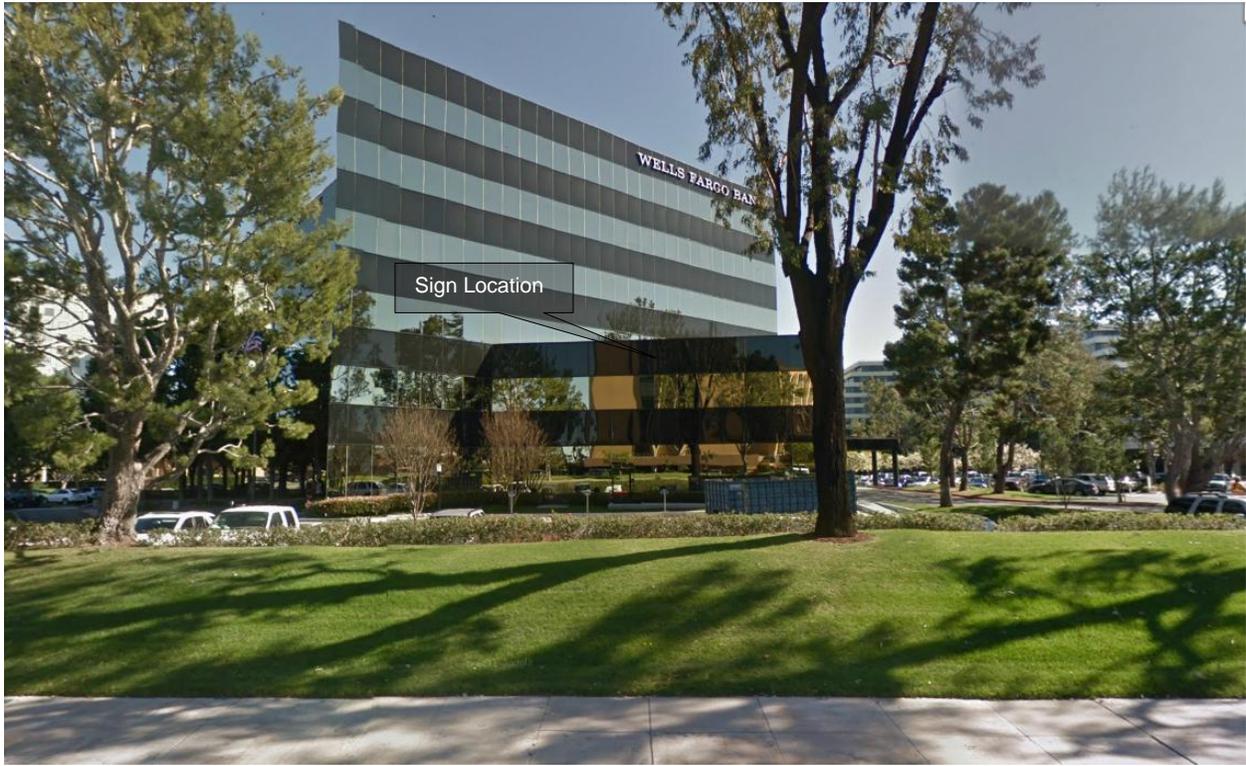
**4590 MacArthur Boulevard**



# **Attachment No. ZA 3**

Site Photo





PA2013-002  
Sign Modification



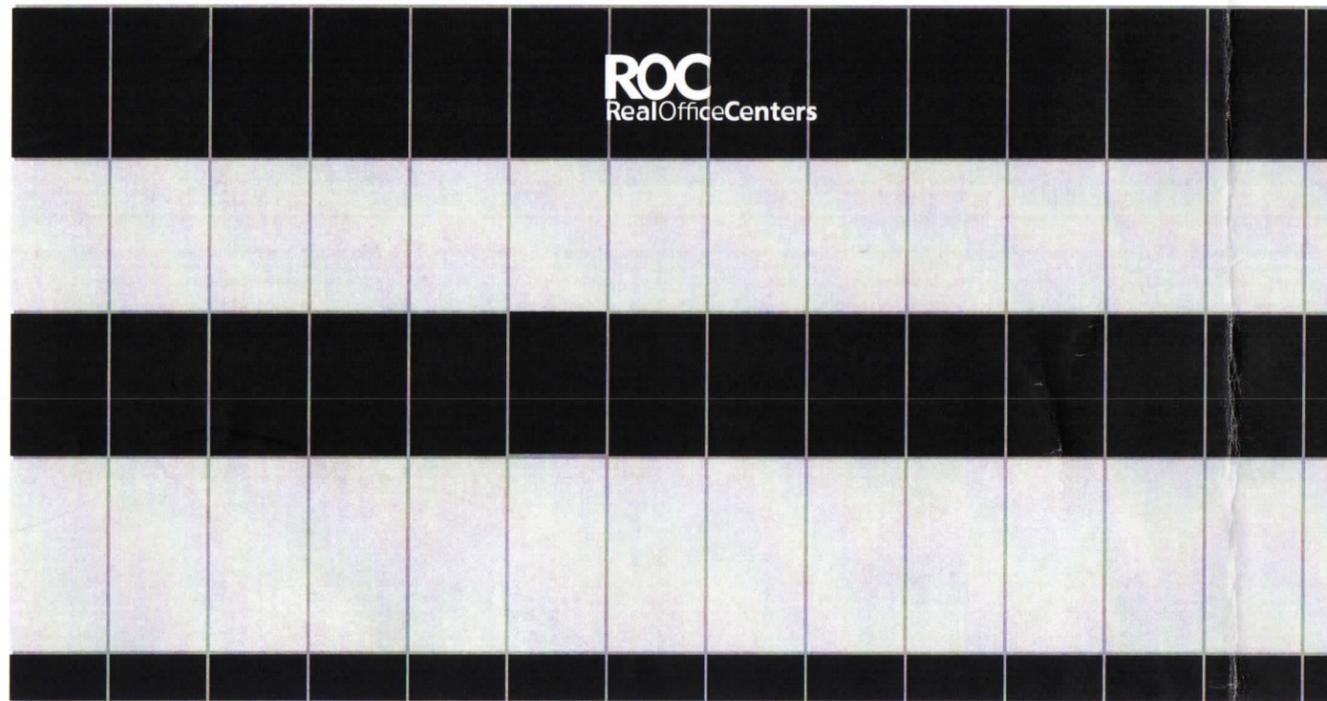
# **Attachment No. ZA 4**

Project Plans

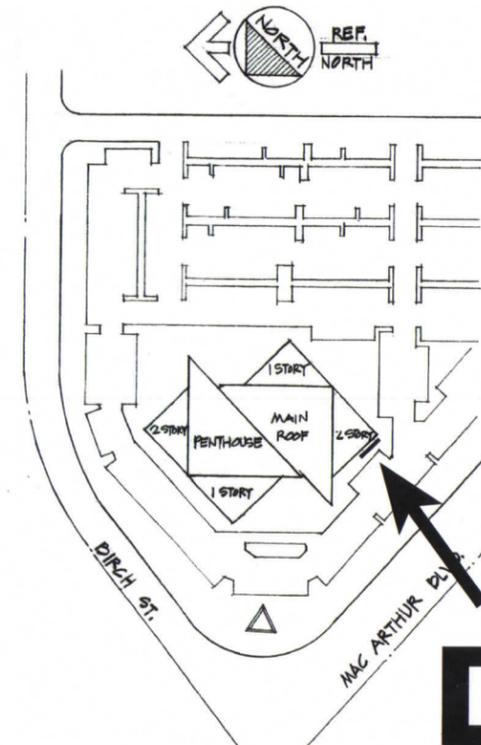




1/2" thick white acrylic  
double sided tape and silicone



32' center on segment



**DBC**  
Decisions By Choice  
SIGNS

Project: 4590 MacArthur, Newport Beach

Date: 10/16/12 Revision: 7

Changes, revisions  
subject to added  
charge.

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20911 Paseo Olma  
Lake Forest, CA  
92630-2258  
949/454.1628  
DBCSigns@cox.net  
www.DBCSigns.com