



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**

December 12, 2013
Agenda Item No. 2:

SUBJECT: Macy's Sign Modification - (PA2013-207)
101 Newport Center Drive
Modification Permit No. MD2013-020

APPLICANT: Irvine Company

PLANNER: Makana Nova, Assistant Planner
(949) 644-3249, mnova@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC-56 (North Newport Center)
- **General Plan:** CR (Regional Commercial)

PROJECT SUMMARY

A modification permit to add two major tenant signs to existing wall signage for a total of four wall signs for Macy's within Fashion Island, where the North Newport Center Planned Community Development Plan allows one sign per building elevation in areas that are visible from the public right-of-way. Two wall signs will be located on the south building elevation and two will be located on the east building elevation. Each wall sign will comply with the maximum 10-foot height limitation established by the North Newport Center Planned Community for major tenant signs.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Modification Permit No. MD2013-020 (Attachment No. ZA 1).

DISCUSSION

- The site is occupied by Macy's and is characterized by a total of four existing wall signs on the south and east elevations facing Newport Center Drive. Each building

frontage has one larger wall sign (10 feet in height) at the corner of the building and one smaller wall sign (1-foot 6 inches) located above the entrance to the building. A modification permit is requested to increase the wall sign height of the two wall signs above the entry along each building elevation.

- Only wall signs that are visible from the public right-of-way are regulated in the Fashion Island Sub-Area of the North Newport Center Planned Community. The existing wall signs above each entry are comprised of a maximum letter/logo height of 1-foot 6 inches and would be increased to 4 feet 3 inches in height. The two new wall signs would be proportional to the building entry and would have an overall sign height of 6 feet 10 inches. The existing 1-foot 6-inch wall signs above the entry are currently not regulated under the North Newport Center Planned Community because they are not visible from the adjacent right-of-way.
- The proposed signage will allow pedestrians and drivers coming from the direction of the primary arterial, Newport Center Drive, and surrounding parking areas within Fashion Island to easily identify and locate the major tenant of the site.
- The size of the signage is consistent with other signage in the vicinity and the 10-foot maximum letter/logo height allowed for major tenant signs under the North Newport Planned Community.
- The increased size of the signs will not detract from the building's exterior. The new wall signs will be located in a recessed area above each entry to the store. The background of each sign will be opaque and will be painted to match the exterior of the building.
- Approval of the application to increase the size of wall signs does not change the density or intensity of use.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15311, of the State CEQA (California Environmental Quality Act) Guidelines - Class 11 (Accessory Structures).

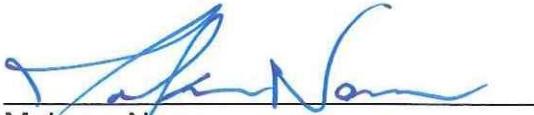
PUBLIC NOTICE

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:



Makana Nova
Assistant Planner
GR/mkn

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Site Photos
	ZA 4	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. MD2013-020 FOR TWO ADDITIONAL WALL SIGNS LOCATED AT 101 NEWPORT CENTER DRIVE (PA2013-207)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Shawna Schaffner of CAA Planning, Inc., representing the property owner, The Irvine Company, with respect to property located at 101 Newport Center Drive, and legally described as Lot Q, Tract 6015 in the City of Newport Beach, County of Orange, California being a subdivision of portions of Blocks 55 and 93 of Irvine's subdivision per map thereof recorded in Book 1, Page 88 of Miscellaneous Record Maps, Records of Orange County, California, requesting approval of a modification permit.
2. The applicant proposes a modification permit to add two major tenant signs to existing wall signage for a total of four wall signs for Macy's within Fashion Island, where the North Newport Center Planned Community Development Plan allows one sign per building elevation in areas that are visible from the public right-of-way. Two wall signs will be located on the south building elevation and two will be located on the east building elevation. Each wall sign will comply with the maximum 10-foot height limitation established by the North Newport Center Planned Community for major tenant signs.
3. The subject property is located within the Fashion Island Sub-Area of the PC-56 (North Newport Center) Zoning District and the General Plan Land Use Element category is CR (Regional Commercial).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on December 12, 2013, 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. 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 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).

2. The proposed signs are incidental and accessory to the principal commercial use of the property and do not intensify or alter the use.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050.E (Required Findings, 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 Fashion Island Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District and is developed with a 3-story department store, Macy's, that encompasses 1.76 acres of land and has two building frontages facing Newport Center Drive.
2. The requested modification will allow the applicant to replace permanent wall signs at two sign locations. Only signs visible from the right-of-way are regulated in Fashion Island. Two wall signs are located above the entry to Macy's along the south and east building frontages. The existing 1-foot 6-inch wall signs above the entry are currently not regulated under the North Newport Center Planned Community because they are not visible from the adjacent right-of-way. The increased size and height of the signage at these locations will provide for added visibility in compliance with the letter/logo height limitations identified in the North Newport Center Planned Community.
3. The location of the existing wall signage at the store entry locations is consistent with signage in this Zoning District and in the general vicinity. Fashion Island is the only regional shopping center in Newport Beach and the proposed signage will be appropriate in scale to the larger building facades within this center.
4. The two additional major tenant signs are intended to call attention to the building entrances for pedestrians.

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 building entrances are recessed and located behind pillars. The existing signage is smaller and not as readily visible to pedestrians. The larger scale signage will assist in way-finding and call attention to the entrances.
2. The parking lot that is adjacent to the building frontages is expansive, and the wall signs help to identify the store entrance to guests who have parked in this lot or are approaching along Newport Center Drive.
3. Due to the location of and the height of the existing wall signs, an increase in letter height and sign area is appropriate to provide adequate site identification and visibility.

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. A strict application of the sign standards established by the North Newport Center Planned Community would limit each building frontage to one wall sign. This would result in a less than optimal identification as a result of the physical scale of the existing buildings.
2. The general purpose and intent of the North Newport Center 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.
3. The sign copy location for the proposed wall signs have been designed to accent the wall. The entries are recessed and signs must be sized to provide adequate visibility from parking areas and walkways. Enlarging the letter size above the entries is consistent with the intent and purpose of the regional shopping center in providing accessibility and visibility to surrounding owners, occupants, and the general public.
4. Signage on-site is limited to the approved signs. The approved signs will therefore prevent a proliferation of signage on-site.

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. The proposed signs will provide positive benefit to pedestrians to more easily identify the building entrances.
2. 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. The size of the building warrant the increased size of the existing signs and will not detract from the building's exterior.
3. All signs will be channel letters attached to existing walls and will be "halo" or back-lit, thereby eliminating any direct-illumination from the sign.
4. The increased size of the wall signs will provide better 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*
1. Approval of the application to increase the size of wall signs does not change the density or intensity of use. The signs will provide for adequate way-finding for customers and visitors to Fashion Island. Due to the size of the development and the street presence of the existing building, the presence of four wall signs, two per frontage, with new signage up to 6 feet 10 inches in height will not adversely affect or be detrimental to persons, property, or improvements in the neighborhood.
 2. There are no residential properties adjoining the subject property.
 3. The granting of the modification to provide relief is consistent with past approvals for size and placement of signs at similar locations 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. MD2013-020, 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 12th DAY OF DECEMBER, 2013.

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

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

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. Modification No. MD2013-020 (PA2013-207) shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
5. The overall letter/logo height of the new wall signs shall be limited to 6 feet 10 inches in height and the background shall be painted in a color to match the exterior building color.
6. 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.
7. Any expansion in area, or other modification to the approved plans, shall require an amendment to this Modification Permit or the processing of a new modification permit.
8. 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.
9. Prior to issuance of building permits, the applicant shall submit to the Planning Division 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 Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

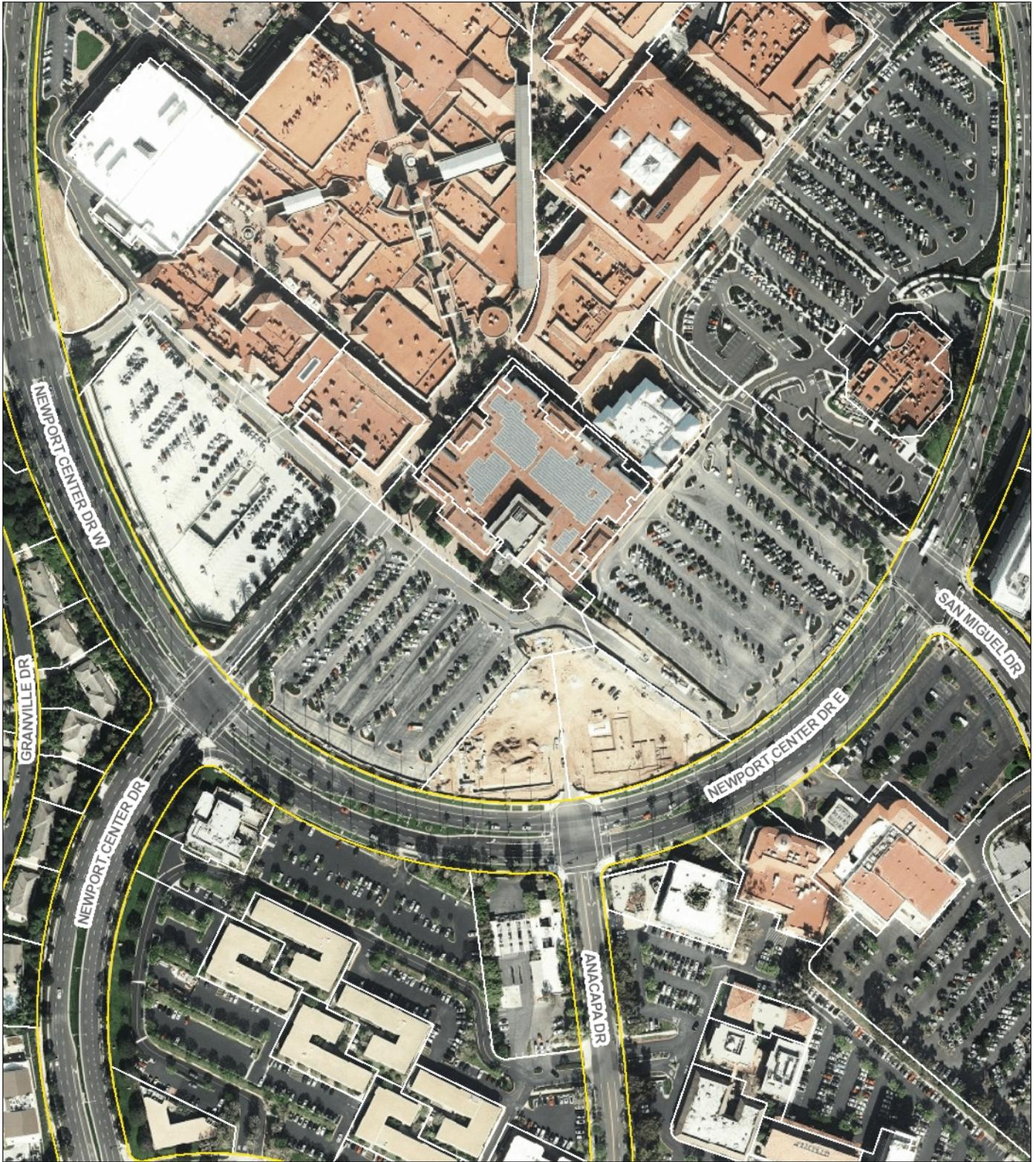
10. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
11. This approval shall expire and become void unless exercised within 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.
12. 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 Macy's Sign Modification including, but not limited to, the Modification Permit No. MD2013-020 (PA2013-207). 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.

Building Division Conditions

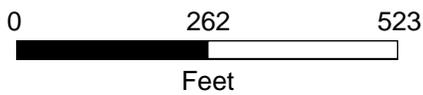
13. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.

Attachment No. ZA 2

Vicinity Map



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: 2009-2012 photos provided by Eagle Imaging www.eagleaerial.com

11/22/2013

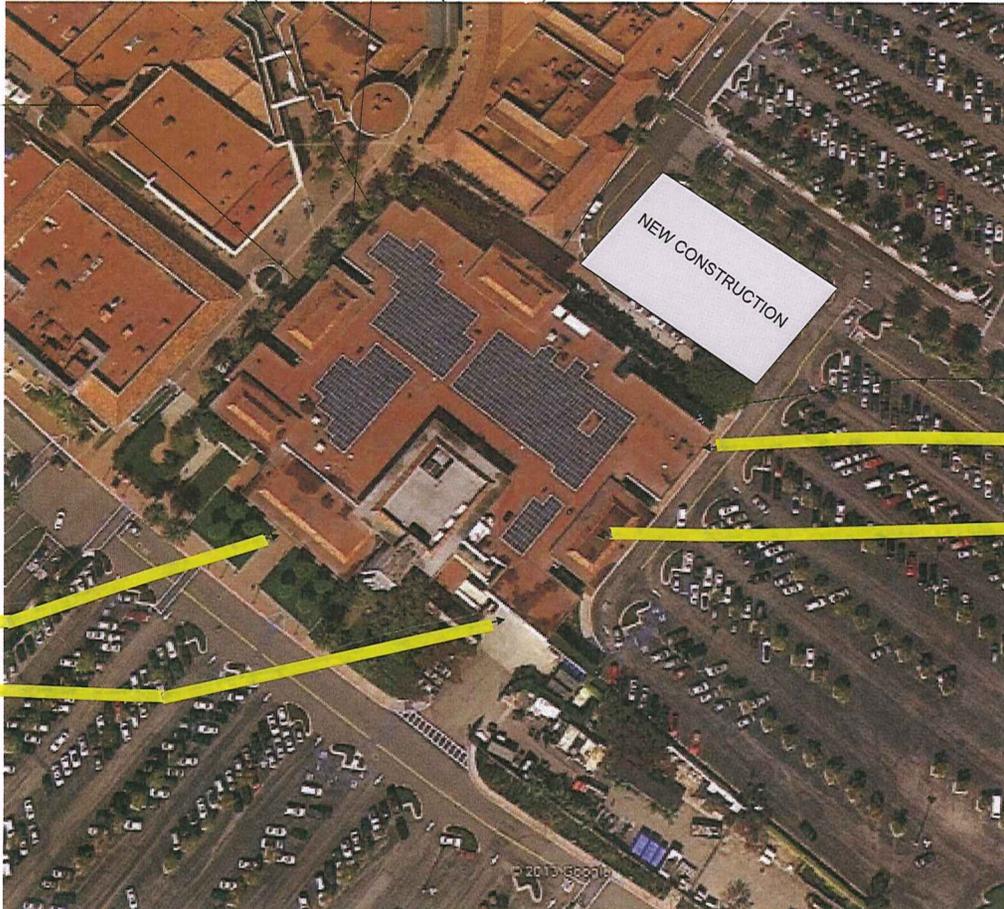
Attachment No. ZA 3

Site Photos



Attachment No. ZA 4

Project Plans



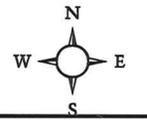
SOUTH ELEVATION
NEW 4'-0" LETTERS
AT ENTRY
(SEE PG. 3)

EXISTING 6'-0" SET OF
LETTERS TO REMAIN

NEW CONSTRUCTION

EXISTING 6'-0" SET OF
LETTERS TO REMAIN

EAST ELEVATION
NEW 4'-0" LETTERS
AT ENTRY

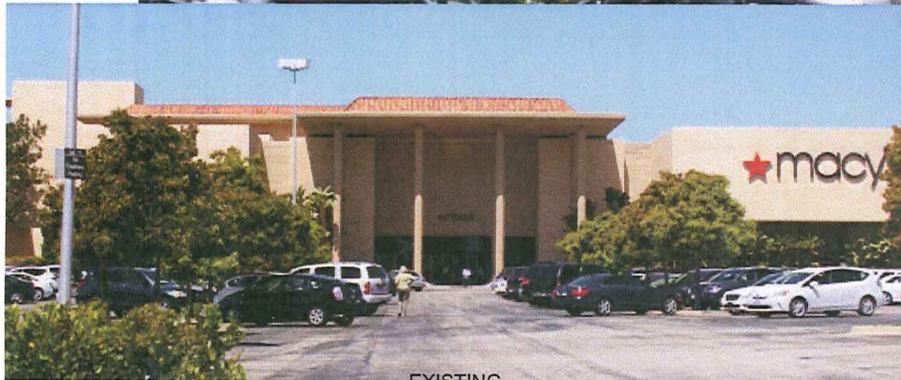


1 LOCATION MAP

BRITELITENEON
corporation

5514 SATSUMA AVENUE
NORTH HOLLYWOOD, CA 91601
PHONE 818.763.4798
FAX 818.763.5758

JOB NAME: ★ macy's	DATE: 4-15-13	DRAWING #: 2
ADDRESS: FASHION ISLAND NEWPORT BEACH, CA	DRAWN BY: AK	APPROVED BY:
	REVISED:	



EXISTING

EAST ELEVATION

NEW 4'-0" HIGH FACE-LIT LETTERS MOUNTED
 NEW EIFS BACKGROUND.
 REMOVE EXISTING 1'-6" NON-ILLUM. LETTERS

BRITELITENEON
 corporation

5514 SATSUMA AVENUE
 NORTH HOLLYWOOD, CA 91601
 PHONE 818.763.4798
 FAX 818.763.5758

JOB NAME: 	DATE: 4-15-13	DRAWING #: 4 OF 9
ADDRESS: FASHION ISLAND NEWPORT BEACH, CA	DRAWN BY: AK	APPROVED BY:
	REVISED:	



EXISTING

SOUTH ELEVATION
 NEW 4'-0" HIGH FACE-LIT LETTERS MOUNTED
 NEW EIFS BACKGROUND.
 REMOVE EXISTING 1'-6" NON-ILLUM. LETTERS

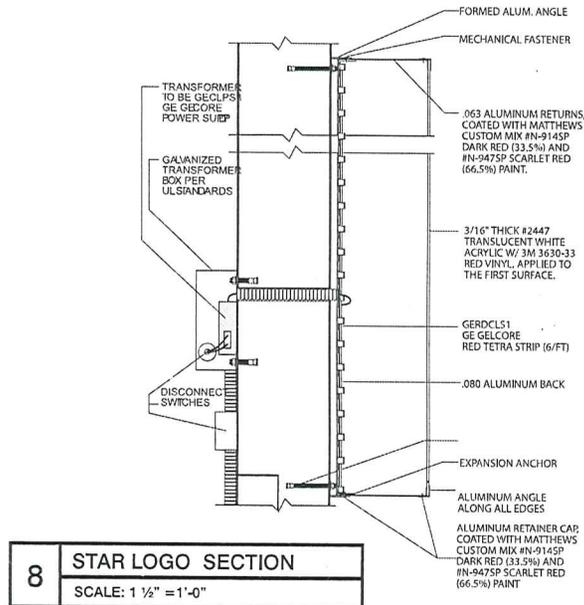
BRITELITENEON
 corporation

5514 SATSUMA AVENUE
 NORTH HOLLYWOOD, CA 91601
 PHONE 818.763.4798
 FAX 818.763.5758

JOB NAME: ★ macy's	DATE: 4-15-13	DRAWING #: 3 OF 9
ADDRESS: FASHION ISLAND NEWPORT BEACH, CA	DRAWN BY: AK	APPROVED BY:
	REVISED:	



LAYOUT OF SIGN ON NEW EIFS BACKGROUND
TYPICAL FOR ALL 4 ENTRIES



STAR LOGO

7" DEEP FABRICATED .063 ALUMINUM RETURNS WELDED TO .080 ALUMINUM BACKS.

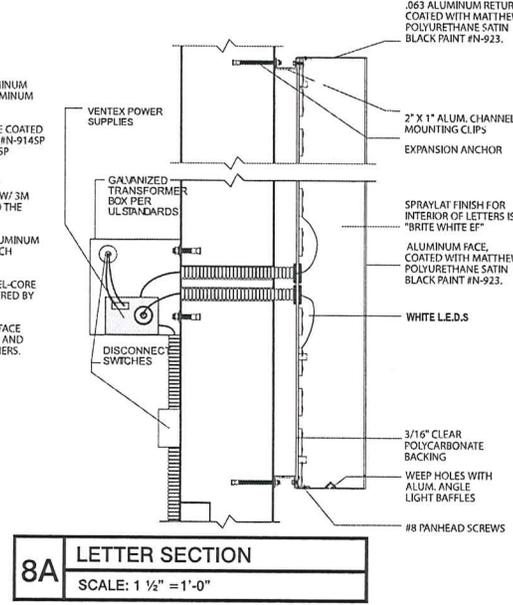
ALL EXPOSED ALUMINUM TO BE COATED WITH MATTHEWS CUSTOM MIX #N-9145P DARK RED (33.5%) AND #N-9475P SCARLET RED (66.5%) PAINT.

FACES TO BE 3/16" THICK #2447 TRANSLUCENT WHITE ACRYLIC W/ 3M 3630-33 RED VINYL, APPLIED TO THE FIRST SURFACE.

LOGO TO HAVE FABRICATED ALUMINUM RETAINER CAP PAINTED TO MATCH RETURNS.

ILLUMINATION PROVIDED BY GEL-CORE RED LEDS (SIX PER FOOT) POWERED BY REMOTE POWER SUPPLY.

LOGO MOUNTED TO WALL SURFACE USING FORMED ALUM. ANGLES AND PANHEAD MECHANICAL FASTENERS.



8A LETTER SECTION
SCALE: 1 1/2" = 1'-0"

FRONT VIEW
SCALE: 1/4" = 1'-0"

LETTERSET

5" DEEP FABRICATED .063 ALUMINUM RETURNS WELDED TO .125 ALUMINUM FACES.

ALL EXPOSED ALUMINUM TO BE COATED WITH MATTHEWS POLYURETHANE SATIN BLACK PAINT #N-923.

LETTERS TO HAVE 3/16" THICK CLEAR POLYCARBONATE BACKS MECHANICALLY FASTENED TO RETURNS.

LETTERS TO STAND OFF WALL 2" MAXIMUM TO ALLOW FOR SILHOUETTE

BRITE LIT NEON
corporation

5514 SATSUMA AVENUE
NORTH HOLLYWOOD, CA 91601
PHONE 818.763.4798
FAX 818.763.5758

JOB NAME: ★ macy's	DATE: 4-15-13	DATE: DRAWING #: 8 OF 9
ADDRESS: FASHION ISLAND NEWPORT BEACH, CA	DRAWN BY: AK	APPROVED BY:
	REVISED:	

To: ZONING ADMINISTRATOR
Subject: ADDITIONAL MATERIALS RECEIVED

ITEM NO. 2A: MACY'S SIGN MODIFICATION (PA2013-207)
ZONING ADMINISTRATOR HEARING DECEMBER 12, 2013

From: Tom Mathews [<mailto:tmathews@caaplanning.com>]
Sent: Thursday, December 12, 2013 11:58 AM
To: Nova, Makana
Cc: Wisneski, Brenda; Paul Shaver; Shawna Schaffner
Subject: Macy's Sign Modification Permit (PA2013-207) Justification for East Facing Sign East Elevation

Ms. Nova,

We understand that an issue has been raised regarding the proposed additional wall sign on the east facing side of the Macy's building based on the fact that there is already an existing wall sign and that adding another sign is unnecessary since both signs would be visible from Newport Center Drive. We agree that both signs are visible from different vantage points in the parking field. However, the size and location of the two signs serve different vantage points, one dominant from Newport Center Drive and the other, from the east parking field. We do not believe that both signs are visible from Newport Center Drive as the attached photos document.

The east facing Macy's sign proposed to be located over the entrance should be approved for the following reasons:

- Sign dimensions: Proposed entrance sign is proportional to larger wall sign already in place i.e., 10' for existing wall sign vs. 6' for the proposed sign over the entrance. Also, the background color of the proposed sign will match the color of the building, emphasizing the letter height which is only 4' 3".
- Sign location: Existing 10' wall sign is on a different building plane, that is, the sign proposed for the area over the entrance is set back approximately 25' from the building plane where the larger sign is located. In addition to being setback 25', the proposed sign will be located behind existing pillars, which will interrupt the view of the sign from off-site locations. The proposed placement behind the pillars is therefore appropriate to denote the building entrance because the sign will be interrupted and is not oriented towards the public right-of-way.
- Visibility from Newport Center Drive: The larger existing wall sign (10') is intended to be easily visible from Newport Center Drive. The proposed smaller sign (6') is intended for pedestrians approaching the Macy's building from the parking lot. Moreover, due to

the descending nature of the Newport Center Drive roadbed and the existing parking lot landscaping (trees) the smaller sign proposed at the entrance is often obscured from view to traveling motorists. In addition, depending on the vantage point, the landscaping frequently obscures either the existing 10' wall sign or the proposed 6' sign so that both signs are not readily visible from the same location. The attached photographs taken from the sidewalk along Newport Center Drive depict the existing landscaping the often obscured visibility of the existing and proposed sign locations.

I will be in attendance at the Zoning Administrators hearing this afternoon to answer any questions. Thank you.

TM







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