

**CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT ACTION REPORT**

**TO:** CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
**FROM:** David Lepo, Planning Director  
**SUBJECT:** Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending November 27, 2009

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**ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF**

Item 1: HotSpa Saunas– Use Permit No. UP2009-031 (PA2009-108)  
3111 Second Avenue, Suite 5  
A use permit for a personal improvement service that will provide saunas with limited accessory areas for exercise. This application does not include a massage establishment.

Approved – November 24, 2009 Council District 6

Item 2: Censource Inc. – Staff Approval No. SA2009-005 (PA2009-158)  
3471 Via Lido, #206  
The Planning Director approved the request to modify the provisions of a previously approved sign program to include an increased width for a wall sign and specific limitations on the size of the logo sign on the building elevation that faces Newport Blvd. The wall sign at the southerly most portion of the west elevation of the subject property shall have a maximum length of 17 feet 8 inches and the sign logo shall have a maximum height of 21 inches. The lettering of the sign shall not exceed 18 inches in height. The existing sign program was established by approval of Modification No. 4331 in 1995. The approved plans of this application supercedes the plans approved by Modification Permit No. 4331 in regards to the above request.

Approved – November 25, 2009 Council District 1

  
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David Lepo, Planning Director

**APPEAL:**  
The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director 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)



## USE PERMIT ACTION LETTER

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

**Application No.**                      **Use Permit No. UP2009-031  
(PA2009-108)**

**Applicant**                              **HotSpa**

**Site Address**                         **3111 Second Avenue, Suite 5  
HotSpa Saunas**

**Legal Description**                  **Parcel 2 of Resubdivision 0796**

On November 25, 2009, the Planning Director approved the following: A use permit for a personal improvement service that will provide saunas with limited accessory areas for exercise. This application does not include a massage establishment. The property is located in the Retail and Service Commercial (RSC) District. The approval is based on the following findings and subject to the following conditions.

### FINDINGS

1. The Land Use Element of the General Plan designates the property for Corridor Commercial land use, which is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The proposed personal improvement service use is consistent with this designation.
2. This project qualifies for an exemption from environmental review pursuant to Section 15301 (Class 1 Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which exempts minor alterations to existing facilities.
3. 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.
4. The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.

#### Facts in support of finding:

- The site is located in the Retail and Service Commercial (RSC) District. This district is intended to provide areas which are predominantly retail in character

but it also allows service and office uses. The proposed personal improvement service facility is consistent with the RSC District.

- Personal improvement service facilities are a permitted use in this district upon approval of a use permit. Use permits enable the City to control certain uses which could have detrimental effects if not compatible with uses on adjoining properties and in the surrounding area. A personal improvement service facility is complementary to other uses in the nearby area which include residential properties, offices, restaurants, and retail sales. The proposed personal improvement service does not present any conflicts with the purpose and intent of this district.
5. The proposed location of the use permit and the proposed conditions under which it would be operated or maintained will be 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, morals, 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.

Facts in support of finding:

- The proposed personal improvement service use is consistent with the Corridor Commercial land use designation of the General Plan, which is intended to provide for a range of neighborhood serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The proposed use is a service use located in a suite on the second floor of the building.
- The proposed use is a support use for the residential, office, and retail sales uses in the area.
- The suite is approximately 740 square feet in gross floor area, but the area devoted to the saunas is approximately 290 square feet in area, which will effectively limit the amount of customers at any given time thereby avoiding occupancy levels that could increase parking demand. There are three saunas proposed with one person allowed per sauna.
- The subject property is a multi-tenant site and provides five (5) off-street parking spaces. The subject property is nonconforming due to deficient off-street parking; however the nonconforming status is not intensified by the proposed use. Pursuant to Section 20.62.050 (Nonconforming Structures and Uses – Nonconforming Parking) of the Municipal Code, nonconforming uses in nonresidential districts may be continued or changed to a use requiring the same or less on-site parking. The change in use will not increase parking demand above the prior use of the existing suite. Personal improvement services require one parking space per 250 square feet of gross floor area. The previous office use

would have required three (3) parking spaces based upon the office parking ratio of one (1) parking space per 250 feet of net floor area required per Chapter 20.66 (Off-street Parking and Loading Regulations) of the Municipal Code. The gross floor area of the subject suite is approximately 740 square feet, which would require three (3) off-street parking spaces. The proposed use with limited customer area will not require more parking than the previous office use required.

- The potential noise impacts on the nearby residential uses have been addressed by the limitation on hours of operation and the requirement that the doors and windows remain closed during the business hours of the establishment.
6. The proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located.

Facts in support of finding:

- The personal improvement service facility is consistent with the legislative intent of Chapter 20.15 (Commercial Districts) of the Municipal Code. Section 20.15.020 requires approval of a use permit for personal improvement services in the RSC District. No other specific conditions are required in the Zoning Code for the proposed use.
- The proposed personal improvement service use is consistent with the parking requirements pursuant to Chapters 20.62 and 20.66 of the Municipal Code. The nonconforming off-street parking status is not exacerbated by the proposed use.

**CONDITIONS**

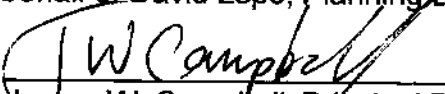
1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. There shall be no amplified music or sound.
3. There shall be no group fitness classes.
4. There shall be no exercise equipment other than hand weights.
5. Massage is not permitted unless approved through a new use permit in accordance with Municipal Code Chapter 20.87.
6. There shall be no more than 3 saunas in the suite. Only one person shall be allowed per sauna at any time.
7. Hours of operation of the facility shall be limited to 8:00 a.m. to 9:00 p.m., daily. Any increase in the hours of operation shall be subject to the approval of an amendment to this use permit.

8. The doors and windows shall remain closed at all times during periods when noise is generated by the proposed use.
9. The operator of the facility shall be responsible for the control of noise generated by the subject facility, including any music utilized. The noise generated by the use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code.
10. If this business is sold or otherwise comes under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current business owner, property owner or leasing company.
11. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the health and fitness facility, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code. 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.
12. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code and shall only advertise and identify the primary use of the facility.
13. The Planning Director may add to or modify conditions of approval of this use permit, or revoke this permit upon a determination that the operation 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.
14. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.91.050 of the Newport Beach Municipal Code.

### **APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of David Lepo, Planning Director

By:   
James W. Campbell, Principal Planner

JWC/fn

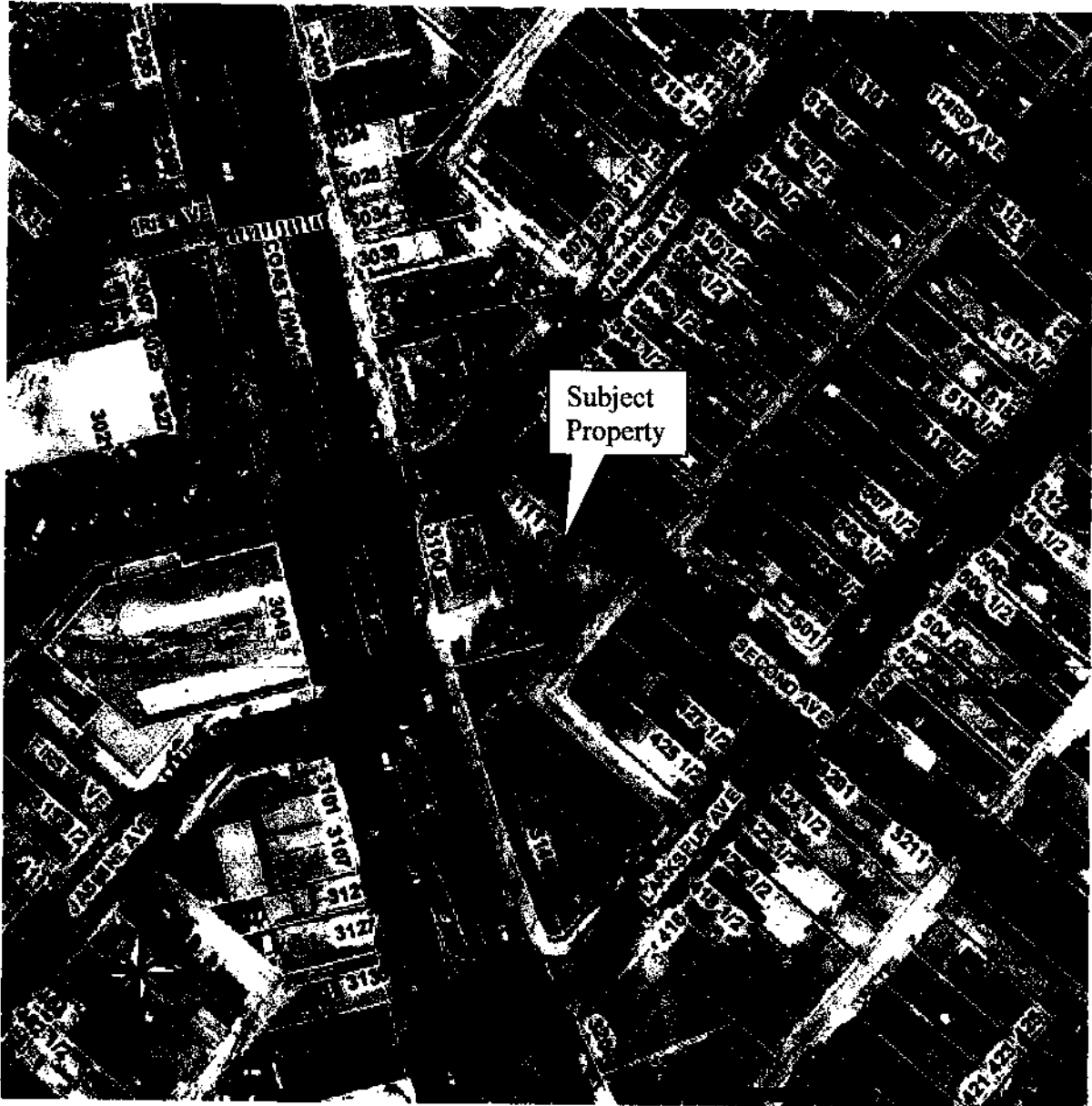
Attachments: Vicinity Map  
Project Plans

November 25, 2009

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# VICINITY MAP



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Use Permit No. UP2009-031  
PA2009-108  
**3111 Second Avenue, Suite 5**

FILE COPY

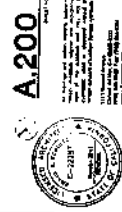
LSI architects  
LAWSON SCHULTZ

Green Building Suite 5  
817 Second Ave  
Corona Del Mar, CA 92626

Architects  
Air-Built Floor Plan

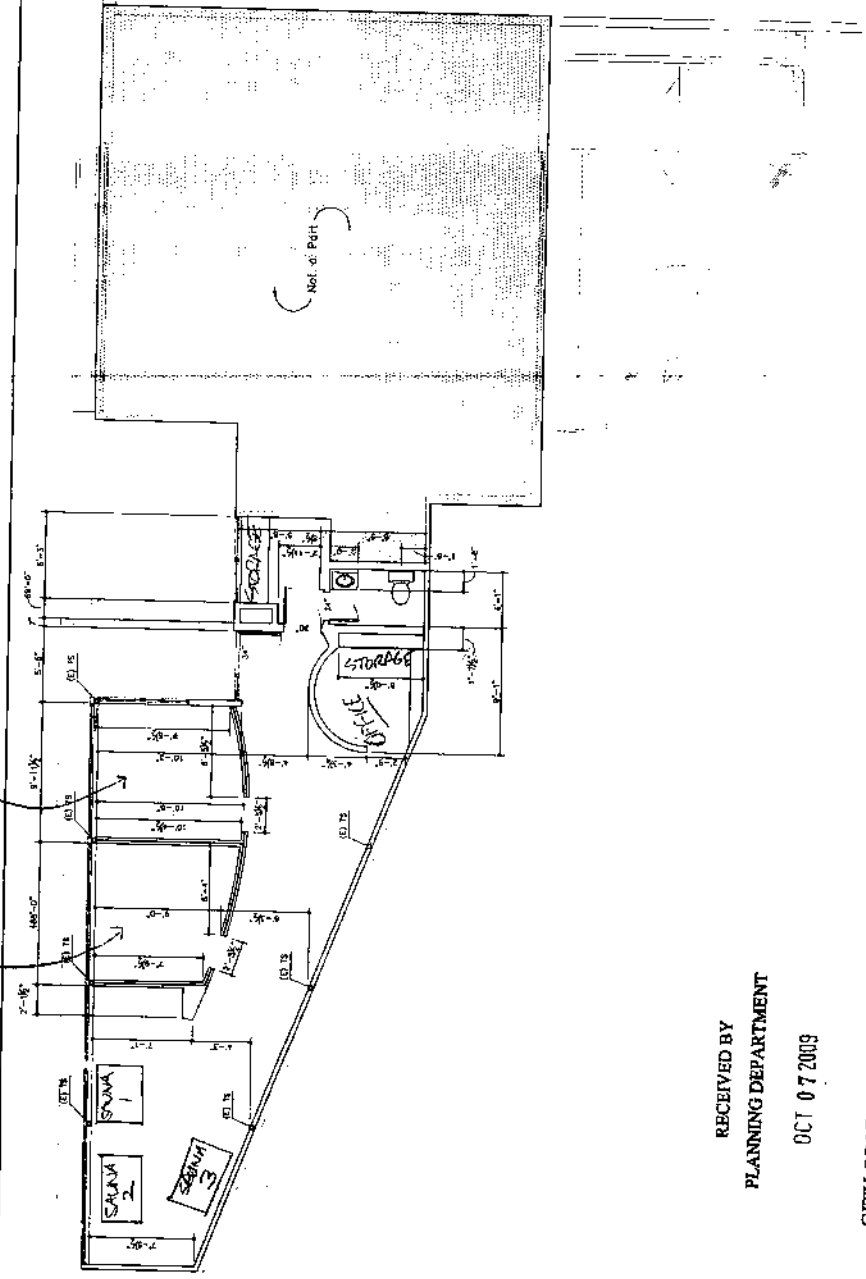
DATE: 08.18.09  
SCALE: AS SHOWN

PA2009-108 for UP2009-031  
Huispa



SETCHING/COOL DOWN AREA  
WAITING AREA

2 Notes



RECEIVED BY  
PLANNING DEPARTMENT

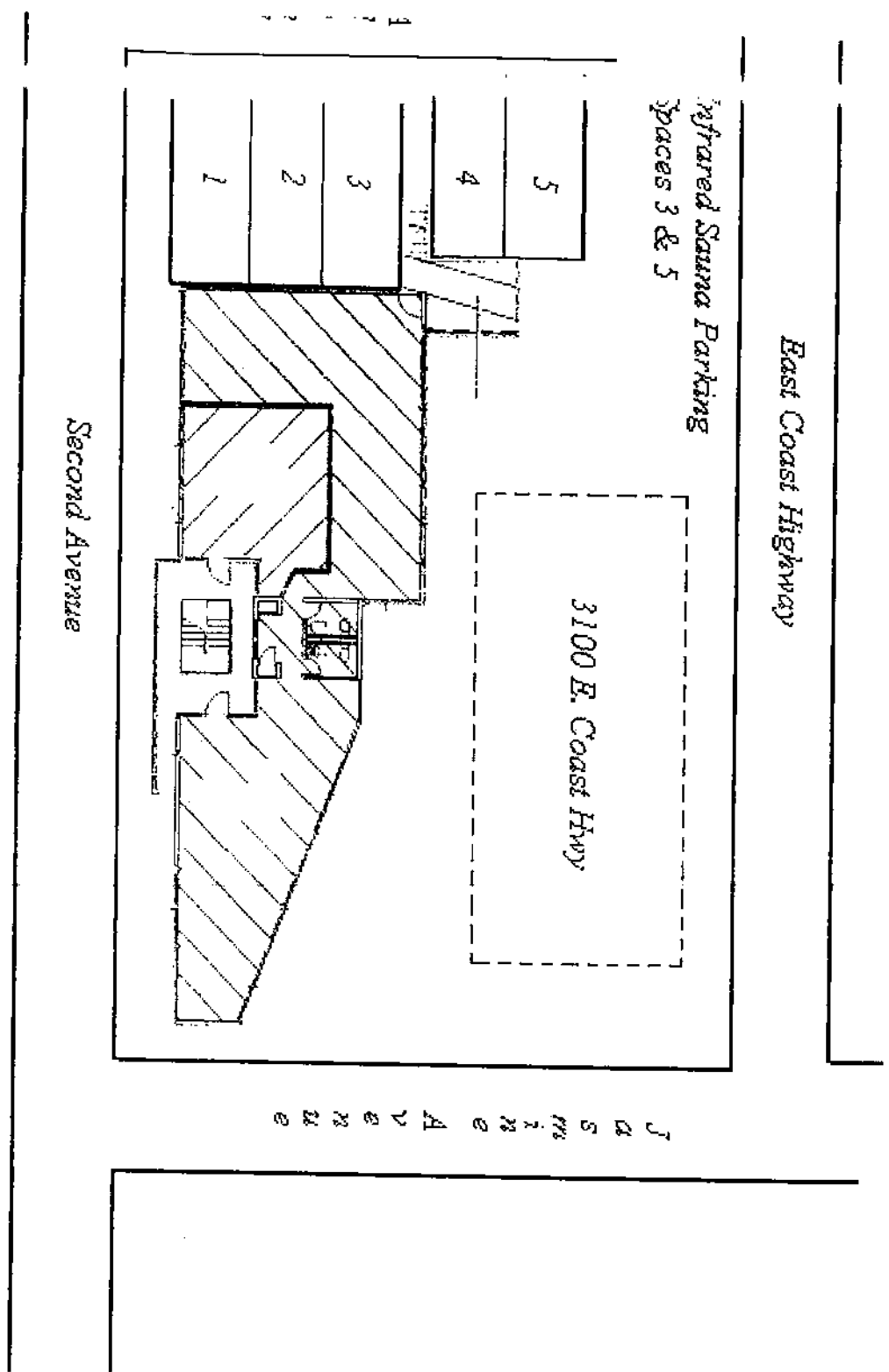
OCT 07 2009

CITY OF NEWPORT BEACH

1 Deck Plan







SITE PLAN



PA2009-108 for UP2009-031  
 3111 Second Avenue, Suite 5  
 HotSpa



## **STAFF APPROVAL ACTION LETTER**

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

**APPLICATION:**           **Staff Approval No. SA2009-005 (PA2009-158)**

**REQUEST:**           A staff approval application to modify an existing sign program that would allow an increased width for a wall sign and specific limitations on the size of the logo sign on the building elevation that faces Newport Blvd. The existing sign program was established by approval of Modification No. 4331 in 1995. Also included in the application is a request to waive the requirement for the filing of new modification permit application.

**APPLICANT:**           Censource Inc.

**LOCATION:**             **3471 Via Lido, #206**

### **Authority:**

Section 20.93.055.A of the Newport Beach Municipal Code provides that the Planning Director may review and approve plans, applications or other information for consistency with the original modification permit approval and waive the requirement to file a new application.

**ACTION:**           **APPROVED – NOVEMBER 25, 2009** - The Planning Director approved the request to modify the provisions of a previously approved sign program to include an increased width for a wall sign and specific limitations on the size of the logo sign on the building elevation that faces Newport Blvd. The wall sign at the southerly most portion of the west elevation of the subject property shall have a maximum length of 17 feet 8 inches and the sign logo shall have a maximum height of 21 inches. The lettering of the sign shall not exceed 18 inches in height. The existing sign program was established by approval of Modification No. 4331 in 1995. The approved plans of this application supercedes the plans approved by Modification Permit No. 4331 in regards to the above request.

### **FINDINGS**

1. The proposed sign would not increase the number of individual tenant signs otherwise allowed by the existing sign program.

2. The increase in the logo height by 3 inches (21-inch maximum height) and in the sign length by 2 feet 8 inches (17-foot 8-inch maximum length) is not a substantial alteration from the overall provisions of the existing sign program.
3. The proposed sign, due to its location on the building in relation to the roadway, is more visible to oncoming southbound vehicles on Newport Boulevard.

**CONDITIONS**

1. The sign shall conform to the Table Matrix (Attachment B). The sign, located at the southerly most portion of the west elevation of the subject property, shall have a maximum length of 17 feet 8 inches and the sign logo shall have a maximum height of 21 inches. The lettering of the sign shall not exceed 18 inches in height.
2. All applicable requirements of Chapter 20.67 of the Newport Beach Municipal Code shall apply.
3. All applicable conditions of Modification Permit No. 4331 that have not been addressed in this application shall remain in effect (Attachment C).

**APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

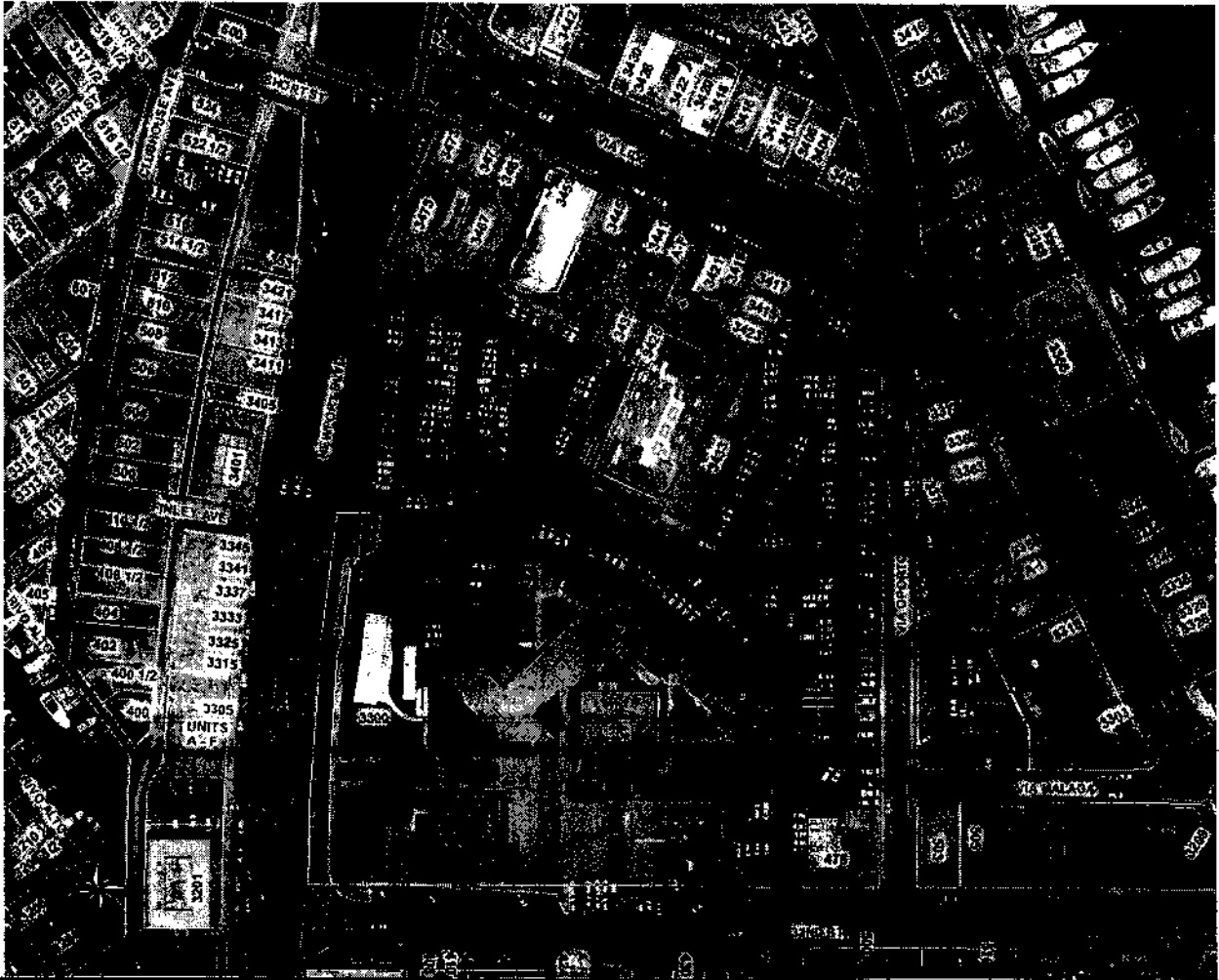
On behalf of David Lepo, Planning Director

By:   
Chris Savan, Planning Technician

JSG/cms

Attachments: A Vicinity Map  
B Table Matrix  
C Plans  
D Modification No. 4331 & Exception Permit No. 39

## VICINITY MAP



Staff Approval No. SA2009-005  
PA2009-158

**3471 Via Lido #206**

**Attachment A**

**Attachment B**  
Table Matrix

**TABLE-MATRIX**  
**SA2009-005 (PA2009-158)**  
**(as amended on 11-25-2009)**

The following table defines the signs allowed on each building frontage.

NOTE: THIS TABLE-MATRIX INCORPORATES BY REFERENCE MODIFICATION PERMIT NO. 4331 AND EXCEPTION PERMIT NO. 39

**TABLE-MATRIX:**      **Includes Frontage Designation and Size Limitations**

<b>3471 Via Lido/ Sign Type</b>	<b>NEWPORT BOULEVARD</b>	<b>VIA LIDO</b>	<b>WALKWAY (ADJACENT TO LIDO THEATER)</b>	<b>PARKING LOT</b>
<b>Z</b>	<u>Quantity:</u> 1 <u>Size:</u> 21" high by 21" long for the logo; 18" letters; 17'8" long for the entire sign (tenant identification sign)	---	---	---
<b>A through R</b>	SEE MODIFICATION PERMIT NO. 4331			
<b>Monument Sign</b> (intersection of Finley Ave & Newport Blvd)	SEE EXCEPTION PERMIT NO. 39 (AMENDED)			

NOTE: The combining of tenant spaces does not increase the number or area of allowed signs per tenant, unless an amendment to this approval is approved by the approval authority as designated by the Zoning Code

**Attachment C**  
Plans

Project:  
**Via Lido Plaza  
 Signage / Graphics**

Newport Beach  
 California

Client:  
**Fritz Duda Company**

Newport Beach  
 California

Title: **Site Plan**

Date: **3/24/95**

Scale: **NTS**

Drawn: **RAH**

Project No: **100-0000**



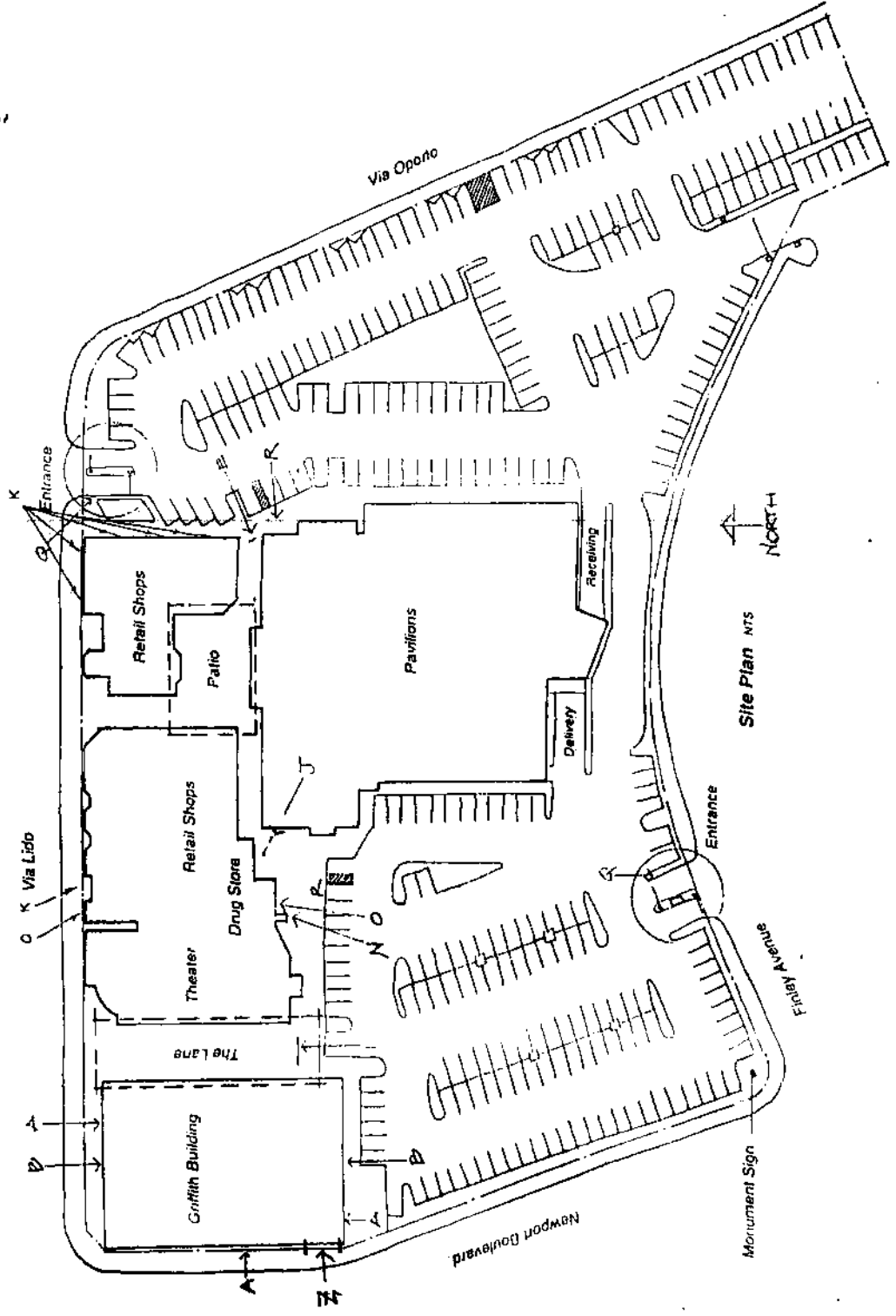
**Rehab Systems**

Alhambra Branch Office  
 (714) 275-4188  
 (714) 223-4187 FAX

Redondo Beach Office  
 (310) 540-2254  
 (310) 540-2224 FAX

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Project  
**Via Lido Plaza  
Signage / Graphics**

Newport Beach  
California

Client  
**Fritz Duda Company**

Newport Beach  
California

Title  
**Griffith Bldg. Elev.**

Date  
3/24/95

Scale  
N.T.S.

Drawn  
K.L.

App. Date  
3/24/95



**Rehab Systems**

Newport Beach Office  
(714) 723-4188

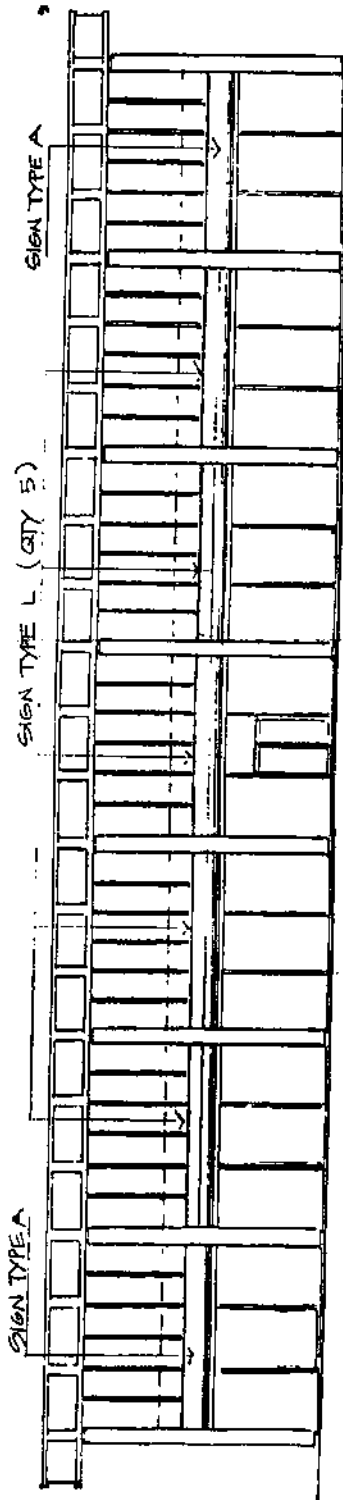
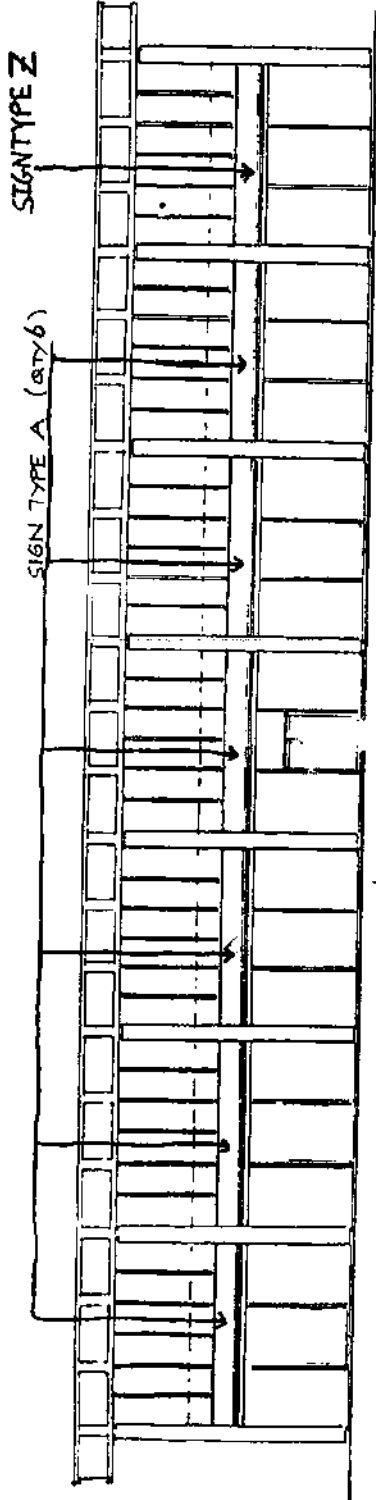
(714) 723-4187 FAX

Redondo Beach Office  
(310) 546-5254

(310) 546-5254 FAX

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Project  
**Via Lido Plaza**  
**Signage / Graphics**

Newport Beach  
 California

Client

**Fritz Duda Company**

Newport Beach  
 California

Title  
**Sign Type Z**

DATE  
 3/24/15

Scale

Drawn

Proj. Dir.

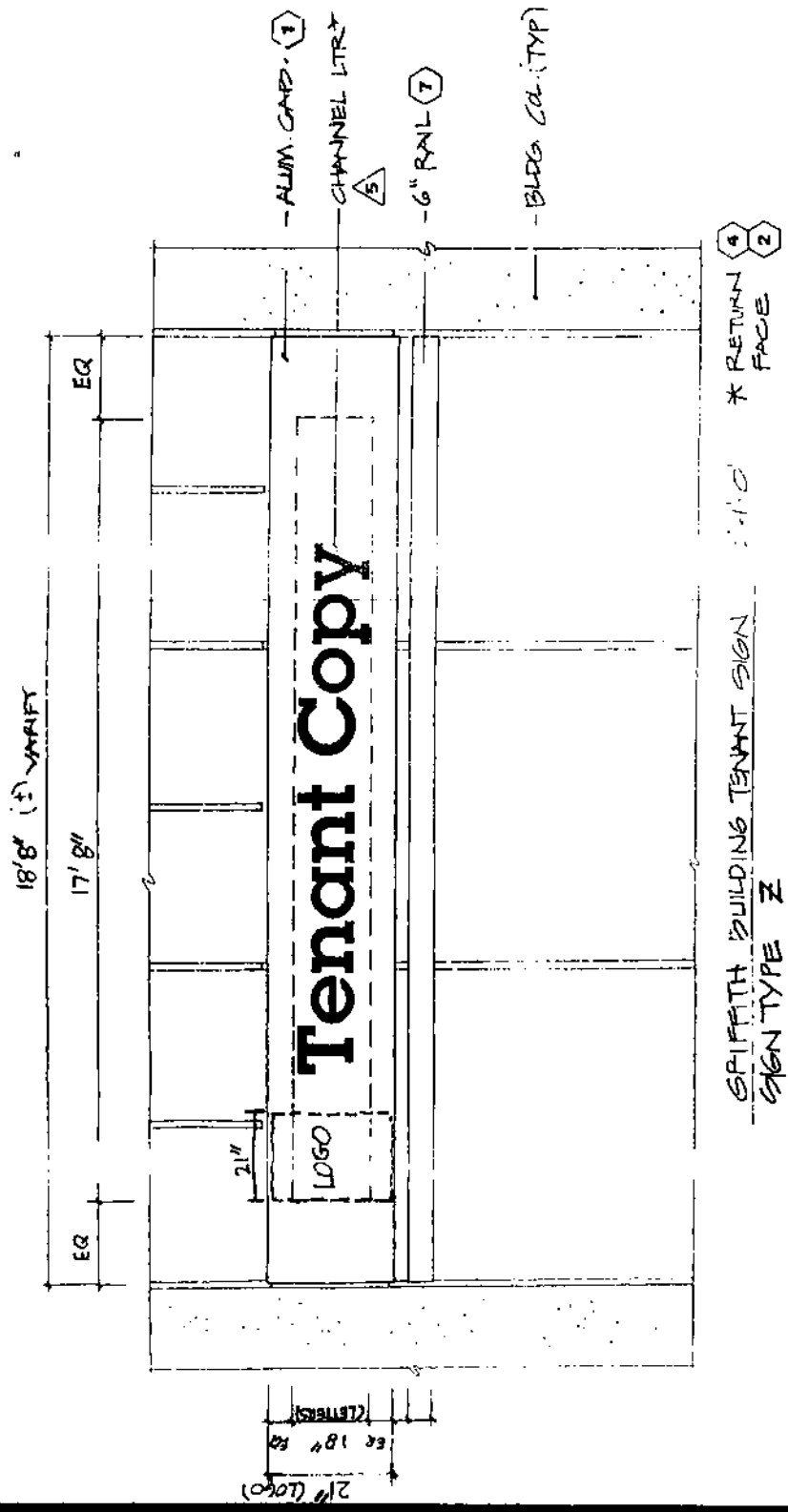


**Rehab Systems**

Newport Beach Office  
 (714) 733-1588  
 (714) 733-1185 FAX  
 Redondo Beach Office  
 (310) 540-5524  
 (310) 540-6524 FAX

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4  
 2  
 \* RETURN  
 FACE

SPIFFITH BUILDING TENANT SIGN  
 SIGN TYPE Z

For product specifications see sheet 9

## **Attachment D**

Modification Permit No. 4331 &  
Exception Permit 39

(copies available at the City of Newport  
Beach, Planning Department)