

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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: James W. Campbell, Acting Planning Director

SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending November 19, 2010

ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF

Item 1: CAA Planning, Inc. – Staff Approval No. SA2010-013 (PA2010-154)
901 Newport Center Drive

Temporary placement of a 14-foot-wide x 27-foot-high decorative banner sign on the Nordstrom parking structure internal to Fashion Island.

This item was approved on November 18, 2010

Council District 5

On behalf of James W. Campbell, Acting Planning Director:



Patrick J. Alford, Planning Manager

APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

Email Dana Smith, Assistant City Manager
Leonie Mulvihill, Assistant City Attorney
David Keely, Public Works Senior Civil Engineer
Code Enforcement Division



PLANNING DIRECTOR ACTION LETTER

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

Application No. **Staff Approval No. SA2010-013 (PA2010-154)**
Applicant **CAA Planning, Inc.**
Site Address **901 Newport Center Drive**

Legal Description **P BK 75 PG 48 PAR 1**

On **November 18, 2010**, the Planning Director approved the following: temporary placement of a 14-foot-wide x 27-foot-high decorative banner sign on the Nordstrom parking structure internal to Fashion Island. The property is located in the PC-56 (North Newport Center) District. The approval is based on the following findings and subject to the following conditions.

FINDINGS

1. Finding: The decorative banner sign is consistent with the intentions of the North Newport Center Planned Community text.

Facts in Support of Finding:

- Section III, F.1 of the North Newport Center Planned Community text provides standards for signage at Fashion Island and allows the Planning Director to approve signs that are not otherwise consistent with the General Sign Standards.
2. Finding: The request to approve this decorative banner sign is unique to the circumstances of the Fashion Island Sub-Area.

Facts in Support of Finding:

- Fashion Island is one of seven sub-areas of the North Newport Center Planned Community. It is developed as a major regional retail, dining, and entertainment center, and serves as a day/evening destination for residents and visitors to Newport Beach, as well as, employees of the entire North Newport Center area. The decorative banner sign is necessary to effectively identify Fashion Island as a major regional retail center and to promote the center during the upcoming holiday season.
- Fashion Island is the only area designated as Regional Commercial (CR) by the General Plan.

3. Finding: The decorative banner sign is not considered a billboard.

Facts in Support of Finding:

- In Section 20.67.040 of the Zoning Code, a billboard is defined as follows, "a permanent structure used for the display of offsite commercial messages". The decorative banner is semi-permanent and short-lived in that it is only approved for a temporary 90-day period. Additionally, the banner is to advertise products sold within several stores of Fashion Island and would not be considered "offsite" in the sense that it is not advertising a single storefront within the sub-area.

Conditions

1. The development shall be in substantial conformance with the approved site plan, details, and elevations, except as noted in the following conditions.
2. The installation of the proposed decorative banner sign shall be limited to a one-time, 90-day period, beginning when all structural elements have been erected.
3. Pursuant to Section 20.67.020.C, the message shall be limited to advertising products, services, or activities provided within Fashion Island.
4. The illumination of the proposed decorative banner sign shall be constructed such that it will not create visible glare from any vantage points on the ground.
5. Anything not specifically approved by this Staff Approval is prohibited and must be addressed in a separate and subsequent Staff Approval review.
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. 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 Staff Approval 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 Staff Approval and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
8. A building permit shall be obtained prior to commencement of the banner installation.

9. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
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 **Fashion Island Decorative Banner Sign** including, but not limited to, the **Staff Approval No. SA2010-013 (PA2010-154)**. 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.

APPEAL PERIOD: Staff Approval applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By: 
James W. Campbell, Acting Planning Director

JWC/bmz

Attachments: PD 1 Vicinity Map
PD 2 Site Plan
PD 3 Project Plans

VICINITY MAP



Staff Approval No. SA2010-013
PA2010-154

901 Newport Center Drive



