

**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION 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 May 6, 2011

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

- Item 1: Wm. Harold Jewelers Sign Program – Comprehensive Sign Program No. CS2011-004 (PA2011-064)  
3116 Newport Blvd  
  
This item was approved on May 5, 2011 Council District 1
- Item 2: Determination of Alternative Setback Area – Staff Approval No. SA2011-004 (PA2011-074)  
3510 Second Avenue  
  
This item was approved on May 2, 2011 Council District 6
- Item 3: Raymond White Residence - Staff Approval No. SA2011-009 (PA2011-091)  
341 Hazel Drive  
  
This item was approved on May 5, 2011 Council District 6

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



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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



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)

**ZONING ADMINISTRATOR ACTION LETTER**

**Application No.**                    **Comprehensive Sign Program No. CS2011-004 (PA2011-064)**  
**Applicant**                         **Tim Harold**  
**Site Address**                      **3116 Newport Blvd**  
**Legal Description**               **Block 431, Lot 1 of Lancaster's Addition**

On May 5, 2011, the Zoning Administrator approved the following: a comprehensive sign program for a two-tenant building with frontages on Newport Boulevard and 32<sup>nd</sup> Street. The proposal includes parameters for existing and proposed tenant wall signs and window signs. The property is located in the CV (Commercial Visitor-Serving) Zoning District. The Zoning Administrator's approval is based on the following findings and subject to the following condition(s).

**FINDINGS**

1. The Land Use Element of the General Plan designates the site for "Visitor Serving Commercial" (CV) land use. The signs are accessory to the primary use.
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 of the Newport Beach Municipal Code with regard to the sign regulations and the standards for approval of a Comprehensive Sign Program based on the following reasons:
  - Pursuant to Section 20.42.120.B.7 of the Newport Beach Municipal Code a comprehensive sign program can be reviewed and approved if necessary due to special project characteristics.
  - The subject property contains a two-tenant retail building with a primary frontage along 32<sup>nd</sup> Street and a secondary frontage along Newport Boulevard. The building has 106 feet of linear frontage along 32<sup>nd</sup> Street

and 25 feet of linear frontage along Newport Boulevard. The proposed sign program adequately addresses the signage necessary to identify the building and its tenants.

- The tenant space located at 3116 Newport Boulevard has two existing wall signs and eight existing window signs; however, two window signs will be removed as part of this approval. The tenant located at 404 32<sup>nd</sup> Street is proposing one wall sign consistent with the development standards specified in Chapter 20.42.
- The proposed Comprehensive Sign Program will allow the existing signage at 3116 Newport Boulevard to deviate from the required 30-foot horizontal separation between wall signs as the existing as-built signs are separated by 14 feet, 3 inches.
- The proposed Comprehensive Sign Program will allow a 12-percent increase in the maximum sign area permitted for the secondary frontage within the parameters outlined in Section 20.42.120.C of the Newport Beach Municipal Code. The tenant space located at 3116 Newport Boulevard has 106 feet of linear frontage along 32<sup>nd</sup> Street and 25 feet of linear frontage along Newport Boulevard. The increased sign area will improve the visibility of signage on the secondary frontage to northbound patrons and vehicular traffic on Newport Boulevard.
- The proposed Comprehensive Sign Program as presented and approved is consistent with the purpose and intent of Chapter 20.42 of the Newport Beach Municipal Code.
- The proposed Comprehensive Sign Program will limit the signage and the overall size of signs on building wall facades so as to not create visual blight or clutter.
- There is a reasonable need for the number, location, type, and size of signs at the subject site to provide adequate identification of the tenants
- This approval does not authorize the use of signs prohibited by Chapter 20.42 of the Newport Beach Municipal Code.

### **CONDITIONS**

*(Project specific conditions are listed in italics.)*

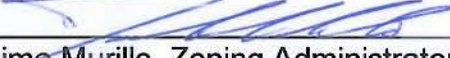
1. The development shall be in substantial conformance with the approved plot plan and sign details (Sign Program Table/Matrix), except as noted in the following conditions.

2. The sign area shall be measured by two perpendicular sets of parallel lines that surround the proposed sign copy area.
3. *Signs are limited to the designated building facades and street frontages and shall comply with the limitations specified in the William Harold Jewelers Sign/Table Matrix included in this approval and the provisions of Chapter 20.42 of the Newport Beach Municipal Code.*
4. 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.
5. 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 signs shall be exercised as necessary.
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. A building permit shall be obtained prior to commencement of installation of the signs.
8. *Within 30 days of the effective date of this approval, a building permit shall be obtained for the existing, as-built signage.*
9. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement if required.
10. 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.
11. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 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) 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 **Wm. Harold Jewelers Sign Program**, including, but not limited to, **CS2011-004 (PA2011-064)**. 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**

The applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$4,280.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By:   
\_\_\_\_\_  
Jaime Murillo, Zoning Administrator

JM/bmz

Attachments:   ZA 1 Vicinity Map  
                  ZA 2 Sign Program Table/Matrix  
                  ZA 3 Project Plans

# VICINITY MAP



**3116 Newport Blvd**

**Comprehensive Sign Program No. CS2011-004  
PA2011-064**

**Attachment No. ZA 2**

Sign Program Table/Matrix



# Wm. Harold Jewelers Sign Program Matrix

Community Development Department  
 Planning Division  
 3300 Newport Boulevard, Newport Beach, CA 92663  
 (949)644-3200 Telephone, (949)644-3229 Facsimile  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

Comprehensive Sign Program No. CS2011-004 (PA2011-064)

Frontages: A 32<sup>nd</sup> Street  
 B Newport Boulevard

(LF = Linear Feet / SF = Square Feet)

Building Address	Primary Frontage <u>32<sup>nd</sup> Street</u> Size limitations, where applicable	Secondary Frontage <u>Newport Boulevard</u> Size limitations where applicable
<b>3116 Newport Boulevard</b>		
<b>Wall Signs</b>	Tenant LF: 73 feet Maximum Letter/Logo Height: 36 inches Maximum Sign Area: 75 SF (or 1.5 times LF of tenant frontage, whichever is less)	Tenant LF: 25 feet Maximum Letter/Logo Height: 36 inches Maximum Sign Area: 42 SF (12% increase of allowed per Section 20.42.120.C of the Municipal Code)
<b>Window Signs</b>	Up to four (4) windows Maximum Letter/Logo Height: 16 inches Maximum Sign Area: 7.5 SF (or 20% maximum of each window area, whichever is less)	Up to four (4) windows Maximum Letter/Logo Height: 16 inches Maximum Sign Area: 4.3 SF (or 20% maximum of each window area, whichever is less)
<b>404 32<sup>nd</sup> Street</b>		
<b>Wall Signs</b>	Tenant LF: 33 feet Maximum Letter/Logo Height: 36 inches Maximum Sign Area: (1.5 x LF or 75 SF max whichever is less)	N/A
<b>Window Signs</b>	20% maximum of each window area	N/A

**Note:** Sign area is the area measured by two perpendicular sets of parallel lines that surround the proposed logo and sign copy.

**Compliance Required:** Except as permitted by this Comprehensive Sign Program approval, signs shall also comply with the provisions of Section 20.42.080 of the Newport Beach Municipal Code, Standards for Specific Types of Permanent Signs. Those provisions include, but are not limited to, maximum horizontal dimension limited to 50% of tenant frontage, translucent face **SHALL NOT** be internally illuminated, illuminated sign face shall have opaque background and/or translucent letters or logo only.



# **Attachment No. ZA 3**

Project Plans

## Plans for Proposed Business Signage

Name: **Wm. Harold & Sons**

Address: **3116 Newport Blvd. Newport Beach, CA 92663**

Phone: **949-673-0365**

Fax: **949-650-6578**

Email: **tj@williamharoldjewelers.com**

Contact: **Tim Jr. Harold**

Frontage: **Secondary**

Linear Feet: **25ft**

Number of Signs: **3**

- 1 plastic gold lettering sign on building (41.25sqft max sign area)
- Max Letter Height 16"
- Height of Sign: 2.5ft
- Length of Sign: 16.5ft
- 2 signs on windows (4sqft max)
- Max Letter Height: 7"
- \*Note: The two window signs I have not accounted for will be removed.



Close up Shot of Secondary Frontage Sign Dimensions:



# Window Sign Dimensions

**Frontage:** Secondary (Newport Blvd.)

**Window #1**

**Window Size:** 20.5 square ft.

**Sign Size:** 4sqft (Max)

Max Letter Height 7"

**Window #2**

**Window Size:** 20.5 square ft.

**Sign Size:** 4sqft (Max)

Max Letter Height 7"

## Plans for Proposed Business Signage

Name: **Wm. Harold & Sons**

Address: **3116 Newport Blvd. Newport Beach, CA 92663**

Phone: **949-673-0365**

Fax: **949-650-6578**

Email: **tj@williamharoldjewelers.com**

Contact: **Tim Jr. Harold**

Frontage: **Primary**

Linear Feet: **73ft**

Number of Signs: **5**

- 1 plastic gold lettering sign on building (41.25sqft max sign area)
- Max Letter Height 16"
- Height of Sign: 2.5ft
- Length of Sign: 16.5ft
- 4 signs on windows (4sqft max)
- Max Letter Height: 7"



Close up Shot of Primary Frontage Sign Dimensions:



# Window Sign Dimensions

## Frontage: Primary (32<sup>nd</sup> Street)

### Window #1

**Window Size:** 30.5 square ft.

**Sign Size:** 4sqft (Max)

Max Letter Height 7"

### Window #2

**Window Size:** 30.5 square ft.

**Sign Size:** 4sqft (Max)

Max Letter Height 7"

### Window #3

**Window Size:** 30.5 square ft.

**Sign Size:** 4sqft (Max)

Max Letter Height 7"

### Window #4

**Window Size:** 30.5 square ft.

**Sign Size:** 4sqft (Max)

Max Letter Height 7"

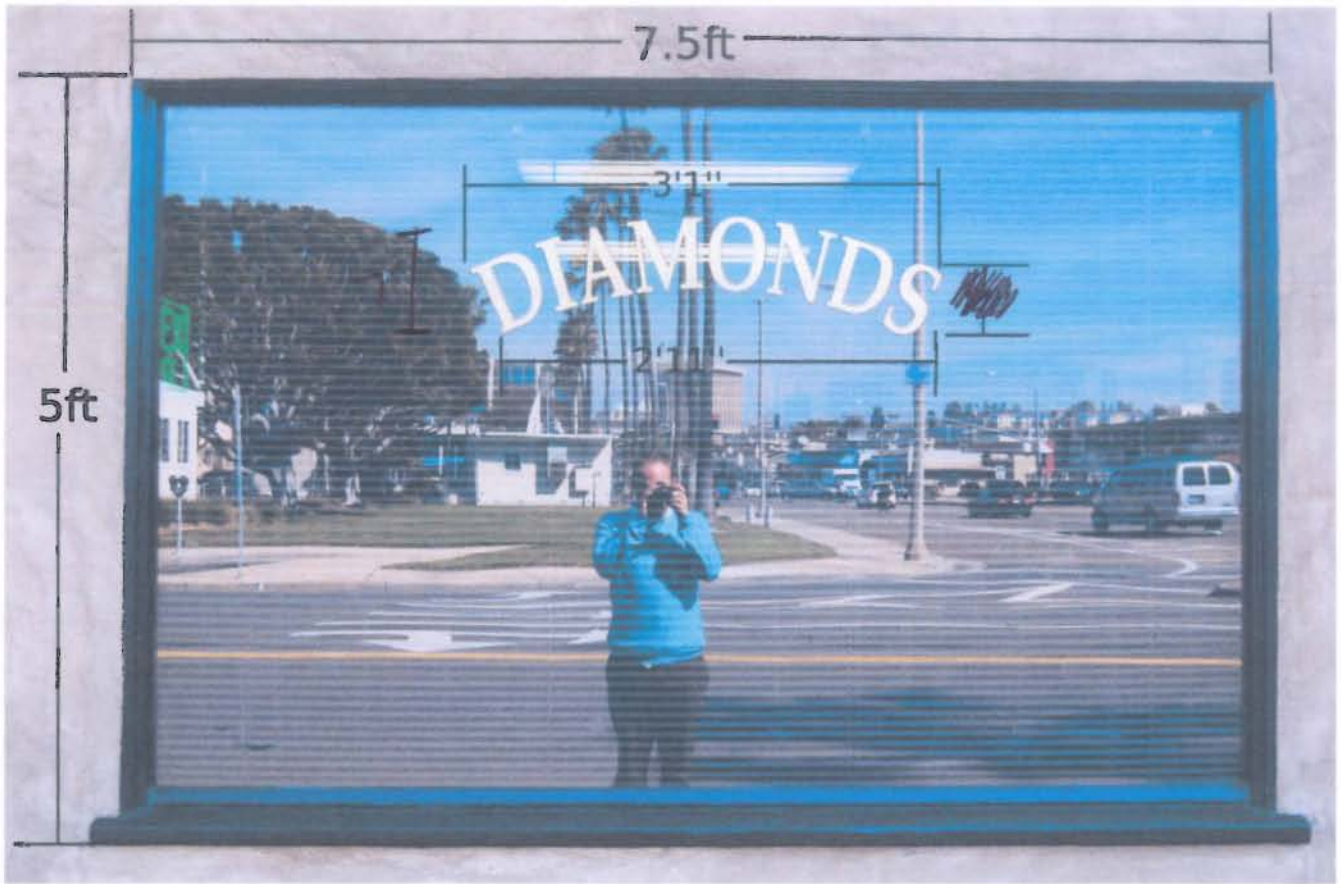
Primary Frontage  
Window Sign #1  
Square Feet (4.5sqft max)



PA2011-064 for CS2011-004  
3116 Newport Blvd  
Tim Harold



Primary Frontage  
Window Sign #2  
Square Feet (2sqft max)



Primary Frontage  
Window Sign #3  
Square Feet (4.5sqft max)



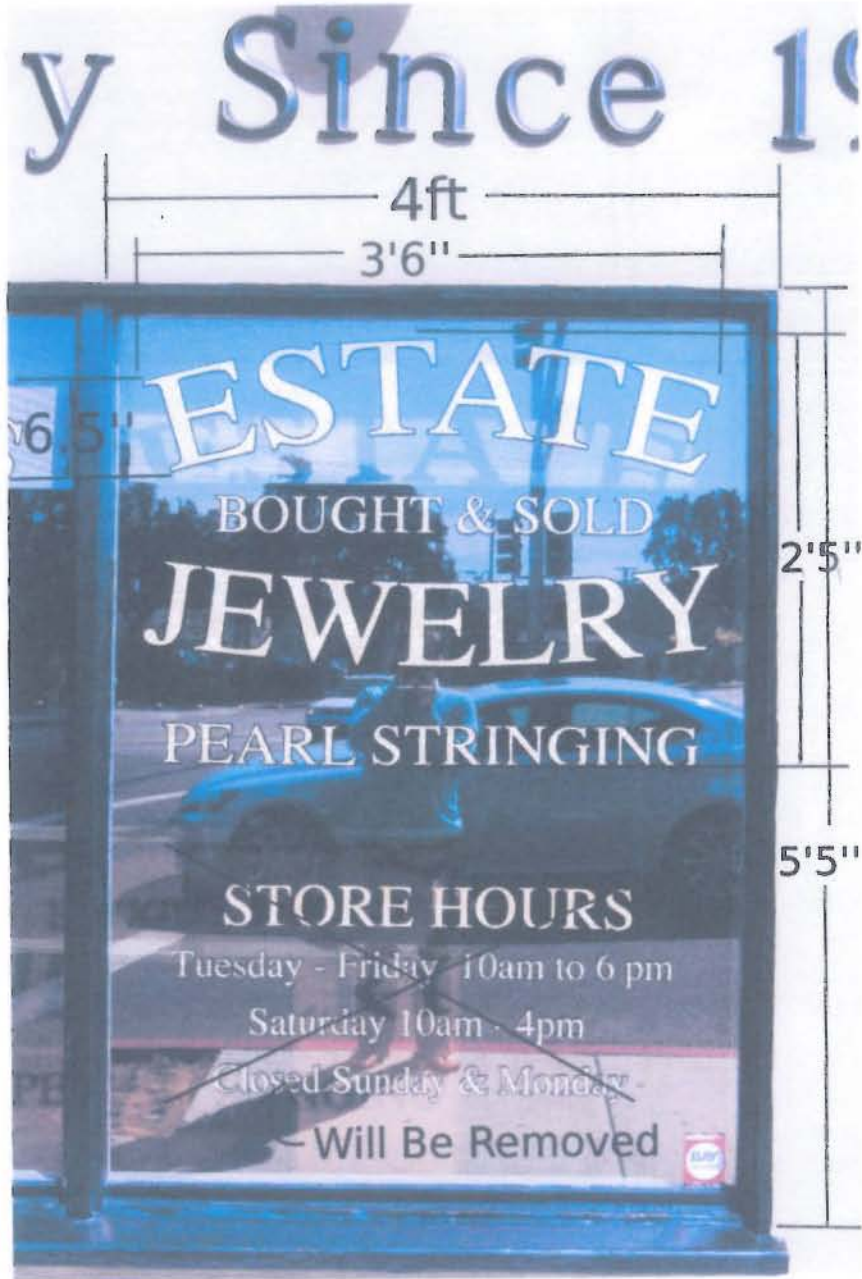
Primary Frontage  
Window Sign #4  
Square Feet (4.5sqft max)



Secondary Frontage  
Window Sign #1  
Square Feet (3 sqft max)

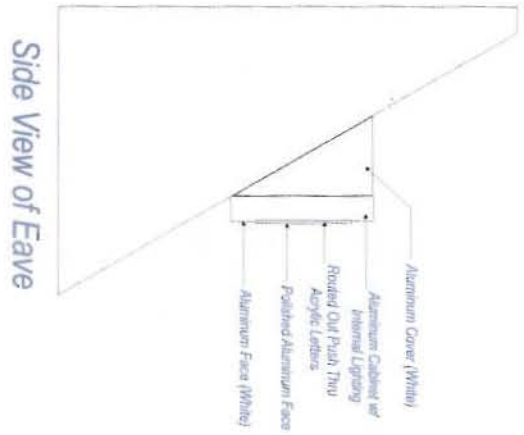


Secondary Frontage  
Window Sign #2  
Square Feet (7 sqft max)





Total Square Footage of Sign = 44.6



Side View of Eave



Elevation View

CLIENT  
**Sabatino's**

PROJECT  
Restaurant Signage  
Aluminum Cabinet  
w/ Push Thru Acrylic Letters  
w/ Painted Aluminum Face

JOB NO. \_\_\_\_\_  
DATE 2/21/11  
QUANTITY 1  
SCALE As Shown  
DRAWN BY JG

REVISIONS

1	_____
2	_____
3	_____
4	_____

**GERARD**  
Signs & Graphics, Inc.  
1000 West 11th Street  
PO Box 11110  
Wichita, KS 67208  
www.gerardsign.com

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

**Director Determination of Alternative Setback Area Locations (PA2011-074)**

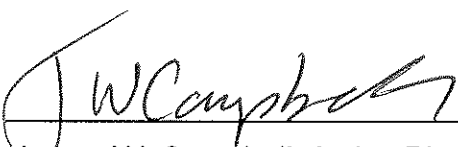
Address: 3510 Second Avenue Date: 05/02/2011

Section 20.30.110 C (Setback Regulations and Exceptions – Alternative setback area location)

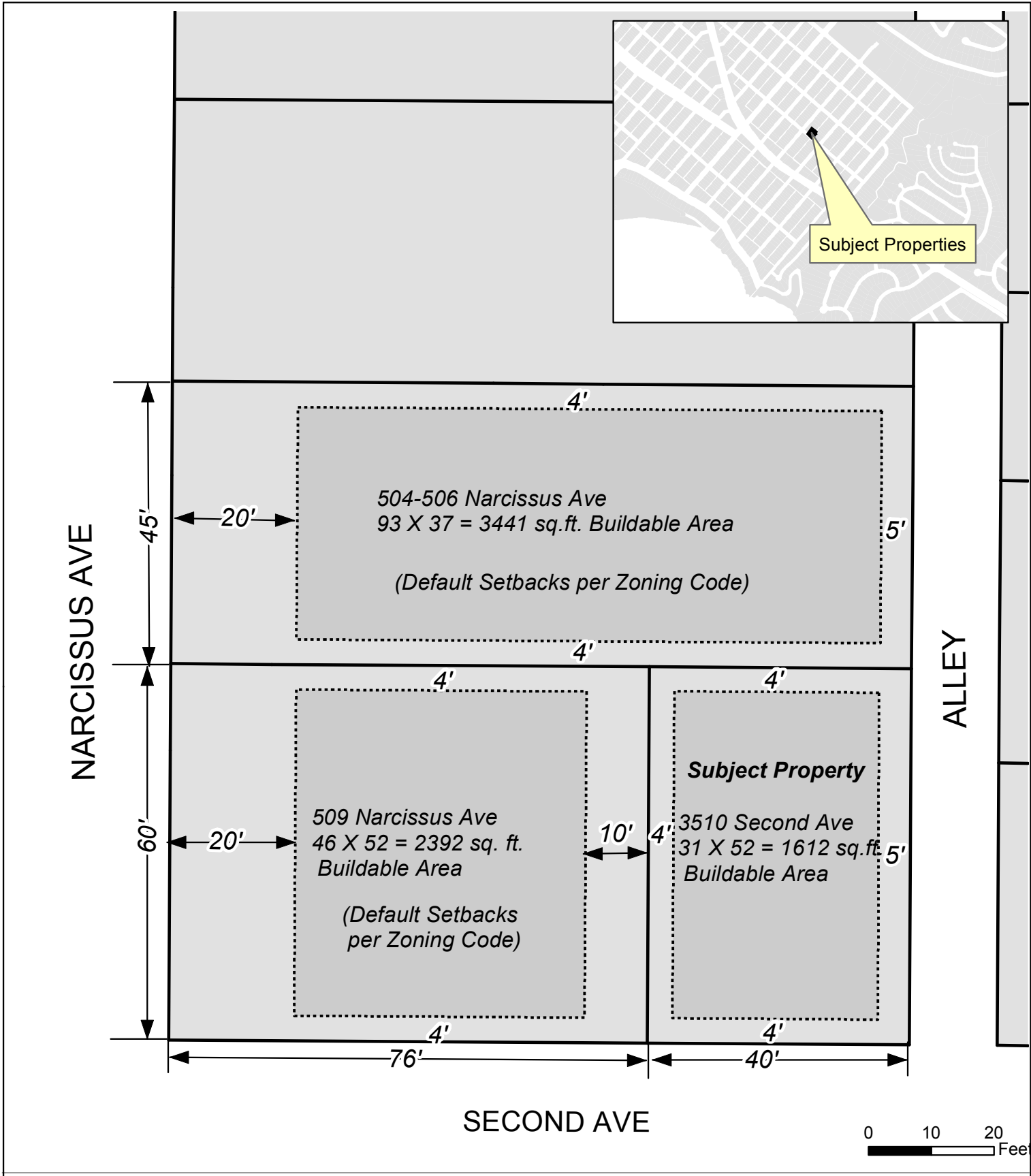
In cases where the orientation of an existing lot and the application of the setback area are not consistent with the character or general orientation of other lots in the vicinity, the Director may redefine the location of the front, side, and rear setback areas to be consistent with surrounding properties. The reorientation of setback areas is not applicable to the bluff overlay district.

Pursuant to this section, the Acting Planning Director established the following alternative setbacks for 3510 Second Avenue:

Yard	Setback	Description
Front	4'	Second Avenue
Side	5'	Adjacent to Alley
Side	4'	
Rear	4'	
Other		

By:  5/2/2011  
James W. Campbell, Acting Planning Director

Attachments: Plans showing setbacks and buildable area



### 3510 Second Ave Director Determination of Alternative Setback Area Locations







## 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)

### PLANNING DIRECTOR ACTION LETTER

**Application No.**            **Staff Approval No. SA2011-009 (PA2011-091)**

**Applicant**                 **Raymond White**

**Site Address**             **341 Hazel Drive**

**Legal Description**      **Lot 7 of Tract 673**

On May 5, 2011, the Planning Director determined that the replacement of an existing six-foot-high wood fence with a new six-foot-high block wall is in substantial conformance with Modification Permit No. 217, approved August 4, 1970. The block wall encroaches 10 feet into the required 10-foot front setback along Poppy Avenue. The property is located in the R-1 (Single-Unit Residential) District.

Section 20.54.070 (Changes to an Approved Project) of the Newport Beach Municipal Code authorizes the Planning Director to approve minor changes to an approved site plan, architecture, or the nature of an approved use. The approval is based on the following findings and subject to the following conditions.

#### FINDINGS

A.     **Finding:** The changes are consistent with all applicable provisions of the Zoning Code.

#### **Facts in Support of Finding:**

- A-1. With the exception of height, which is the subject of the original modification permit approval, the proposed block wall complies with all applicable standards of the Zoning Code.
- A-2. The proposed block wall is not a prohibited fence type for fences located within residential districts.
- A-3. The proposed block wall will be finished with smooth plaster and painted to match the color of the recently constructed side property line walls. Also, the proposed wall will include a decorative cap improving the aesthetics of the wall.

- B. **Finding:** The changes do not involve a feature of the project that was a basis for or subject of findings or exemptions in a Negative Declaration or Environmental Impact Report for the project.

**Facts in Support of Finding:**

- B-1. A Negative Declaration and an Environmental Impact Report were not prepared for the original approval of Modification Permit 217.
- B-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 (CEQA) Guidelines under Section 15311 Class 11 (Accessory Structures). Fences and walls are considered minor structures accessory to the existing residential residence.

- C. **Finding:** The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.

**Facts in Support of Finding:**

- C-1. Modification Permit No. 217 permitted the construction of a six-foot-high fence and did not specify the type of fencing material.
- C-2. Modification Permit No. 217 did not include any conditions of approval.
- D. **Finding:** The changes do not result in an expansion or change in operational characteristics of the use.

**Facts in Support of Finding:**

- D-1. The existing wood fence approved under Modification Permit No. 217 afforded the property privacy and protection. The proposed block wall will be located in the same location and will remain six feet in height, similar to the existing six-foot-high wood fence that is being replaced.
- D-2. The change in fencing material will not result in an expansion or change in the operational characteristics of the use.

**CONDITIONS**

1. The project shall be constructed in substantial conformance with the previously approved modification permit.

2. The proposed block wall shall be constructed as shown on the plans submitted and approved with this Staff Approval. Any change may require additional review and approval by the Planning Director or may require the approval of a new modification permit or variance application.
3. The maximum height of the proposed block wall, including the decorative cap, shall not exceed 6 feet. The decorative cap shall not encroach into the public right-of-way.
4. The applicant is required to obtain a building permit from the City Building Division for the construction of the block wall. The construction plans must comply with the most recent, City-adopted version of the California Building Code.
5. The existing one-foot-wide concrete paving located between the back of sidewalk and the front property line along Poppy Avenue shall be replaced with a planter area consisting of vertical plantings (i.e. shrubs, hedge, etc.). The plantings shall be maintained and shall not exceed a height of 3 feet.
6. The Planning Director may add to or modify the conditions of this staff approval, or revoke this permit upon a determination that the construction 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.
7. To the fullest extent permitted by law, the 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 related (directly or indirectly) to the City's approval of the **O'Neil Residence Staff Approval** including, but not limited to, Staff Approval No. SA2011-009 (PA2011-091). 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 the 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**

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. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of James W. Campbell, Acting Planning Director

By:   
\_\_\_\_\_  
Jaime Murillo, Associate Planner

JM/jm

Attachments: PD 1 Vicinity Map  
PD 2 Site Plan  
PD 3 Photos

# **Attachment No. PD 1**

Vicinity Map

# VICINITY MAP



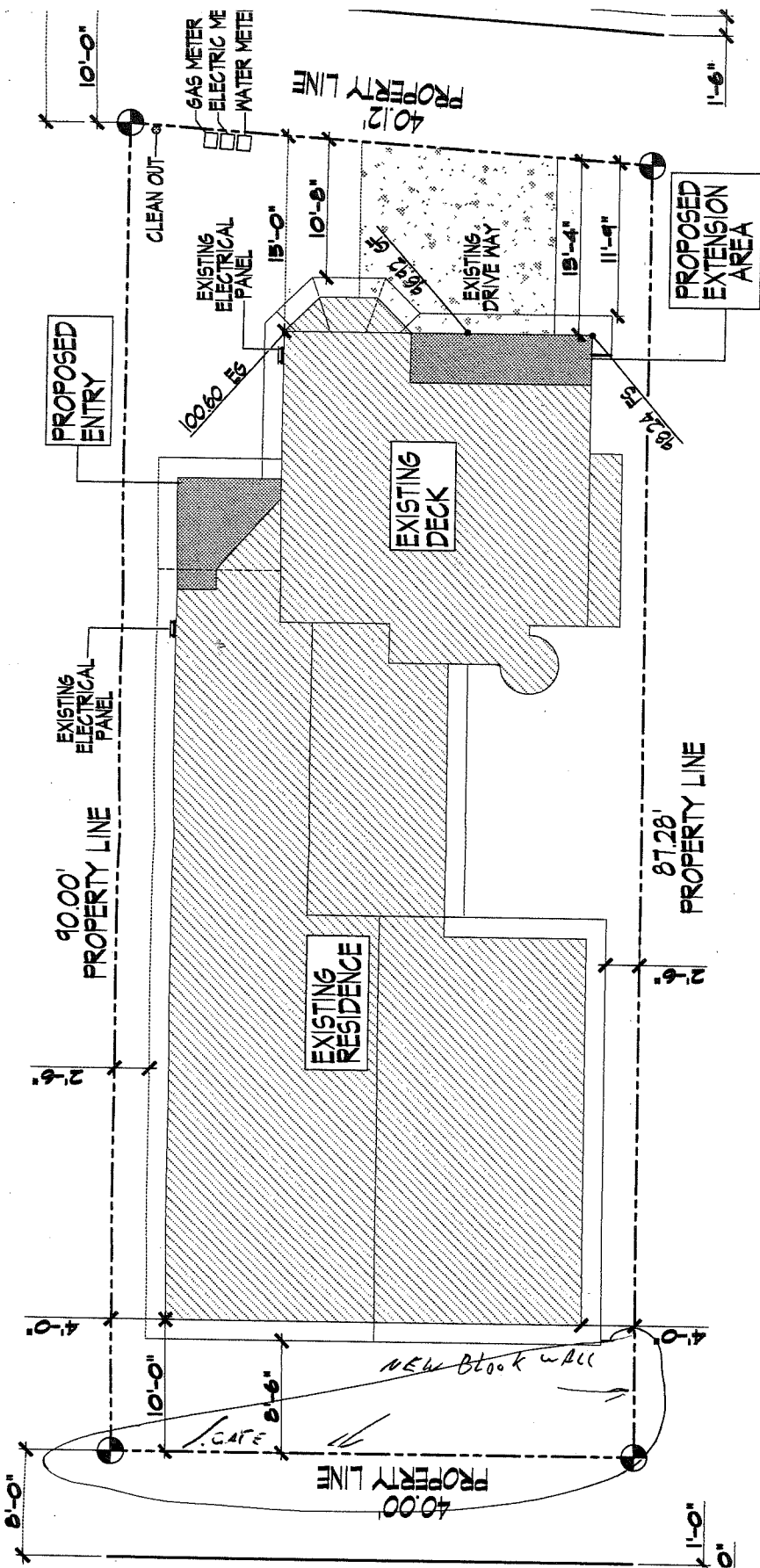
Staff Approval No. **SA2011-009**

**PA2011-091**

**341 Hazel Drive**

# **Attachment No. PD 2**

Site Plan



NEW Block wall (6')  
 will be plaster and nice cap  
 match Existing

1. NOTE ON THE PLANS "AN APPROVED ENCROACHMENT PERMIT IS REQUIRED FOR ALL WORK ACTIVITIES WITHIN THE PUBLIC RIGHT-OF-WAY."
2. NOTE ON THE PLANS "A CITY ENCROACHMENT AGREEMENT IS REQUIRED FOR ALL NON-



# **Attachment No. PD 3**

Photographs

