

**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending November 11, 2011

ACTIONS TAKEN AT NOVEMBER 9, 2011 ZONING ADMINISTRATOR HEARING

- Item 1: Regal Cinemas Minor Use Permit No. UP2011-029 (PA2011-170)
999 Newport Center Drive
- This item was approved. Council District 5
- Item 2: Bayshores Community Association Temporary Parking Lot –Limited Term
Permit No. XP2011-006 (PA2011-158)
100 Dover Drive
- This item was approved. Council District 3
- Item 3: Newport Center Monument Signs – Modification Permit No. MD2011-018
(PA2011-167)
1401 & 1402 Newport Center Drive (Newport Center Drive & East Coast Highway)
- This item was approved. Council District 5

On behalf of Kimberly Brandt, Community Development Director



Patrick J. Alford, Planning Manager

APPEAL PERIOD: The applicant or any interested party may appeal the decision of the Community Development Director and division staff to the Planning Commission by submitting a written appeal application to the Community Development Director in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Email Brian Haas, NBPD
Sgt. Chuck Freeman, NBPD



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

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

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ZONING ADMINISTRATOR ACTION LETTER

Application No. **Minor Use Permit No. UP2011-029
(PA2011-170)**

Applicant **Gloria Broming, LPA, Inc.**

Site Address **999 Newport Center Drive
Regal Island Cinemas Minor Use Permit**

Legal Description **Parcel 2 of Lot Line Adjustment No. 2009-001**

On **November 9, 2011**, the Zoning Administrator approved the following: A minor use permit to allow the addition of a Type 41 (On Sale Beer and Wine, Eating Place) Alcoholic Beverage Control (ABC) license at an existing movie theater. Alcohol would be served at the concession bar for specialized screenings which would be limited to persons over the age of 21 years. The requested hours for alcohol service are from 12:00 p.m. to 1:00 a.m., daily. The property is located in the Fashion Island Sub-Area of PC-56 (Newport North Center Planned Community) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

REQUIRED FINDINGS

Finding

- A. *The project has been reviewed, and it qualifies for a categorical exemption pursuant to Section 15301 of the California Environmental Quality Act under Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.*

Facts in Support of Finding

- A-1. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed project involves the addition of beer and wine sales to an existing movie theater for commercial recreation and entertainment. Therefore, the use qualifies for a categorical exemption under Class 1.

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

Finding

- B. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales of the Zoning Code).*

Facts in Support of Finding

- B-1. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of beer and wine is intended for the convenience of patrons attending the movie theater. Operational conditions of approval recommended by the Police Department relative to the sale of beer and wine will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
- B-2. Due to the high concentration of commercial land uses, the calls for service and number of arrests are greater than adjacent residential Reporting Districts. The Newport Beach Police Department has previously reported seven calls for service to the subject property, a number which they do not consider significant given the type of business and location of the movie theater.
- B-3. Fashion Island does not abut sensitive land uses and is separated from other uses by parking lots, roadways and other commercial uses. The proposed use is not located in close proximity to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools. In accordance with the Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal, the Police Department has reviewed the minor use permit application and has added conditions to ensure that the design and security of the movie theater are properly addressed.
- B-4. The provision of beer and wine sales to the movie theater will not substantially change the operational characteristics. The use authorized by this permit is not a bar, tavern, cocktail lounge, nightclub or an establishment where live entertainment or dancing is provided. The City has experienced land use conflicts, nuisance issues, and issues requiring police intervention with these types of activities in the past. Prohibition of these uses or activities will minimize potential land use conflicts, nuisances and police intervention.
- B-5. There are several restaurants in the Fashion Island sub-area, which provide alcohol service as an amenity to visitors. The number of alcohol licenses and the type of alcohol service proposed is typical and expected to be found at a regional shopping center such as Fashion Island.
- B-6. The existing movie theater is permitted in the Fashion Island sub-area of the North Newport Center Planned Community. The on-site consumption of beer and wine

provides a public convenience by allowing the sale of beer and wine in addition to other concession items offered for sale.

In accordance with Section 20.52.020.F of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

Finding

C. *The use is consistent with the General Plan and any applicable specific plan;*

Facts in Support of Finding

- C-1. The property is designated "Regional Commercial" (CR) by the Land Use Element of the General Plan. The theater use is consistent with that designation as it is a supporting use that is integrated as part of a retail multi-tenant commercial center, a permitted use under the CR designation.
- C-2. The existing movie theater is within the limits of the cumulative floor area allocated for the Fashion Island portion of the North Newport Center Planned Community.
- C-3. The food and alcohol concessions for the movie theater are compatible with the land uses found in Fashion Island.
- C-4. The subject property is not part of a specific plan area.

Finding

D. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*

Facts in Support of Finding

- D-1. The PC-56 (North Newport Center Planned Community, Fashion Island Sub-Area) zoning district allows commercial recreation and entertainment uses with alcohol service upon the approval of a minor use permit by the Zoning Administrator. The intent of the PC-56 zoning district is to allow for uses that support existing retail, dining and commercial entertainment uses. Fashion Island is intended to be a vibrant regional retail and entertainment center and a day/evening destination with a wide variety of businesses that serve visitors, residents and employees of the area. The proposed beer and wine service at the movie theater is compatible with other uses within Fashion Island.

- D-2. The proposed conditions of approval ensure that all conflicts with surrounding land uses are minimized to the greatest extent possible or eliminated.

Finding

- E. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding

- E-1. The service of alcohol will be restricted to the hours between 12:00 p.m. and 1:00 a.m., daily.
- E-2. A movie theater has been operated in this location since 1989 and the use has not proven detrimental to the area. The movie theater has provided food service in the past and demonstrated the location's capability of operating as a compatible use with other land uses in the vicinity.
- E-3. The theater is located within the center of the Fashion Island Mall Area. Beer and wine sales are limited to a concession stand area within the main lobby dedicated for only beer and wine sales.
- E-4. There are no residential properties in the immediate vicinity of the theater. Access to screenings that allow for alcohol consumption are limited to persons over the age of 21.
- E-5. The operational conditions of approval recommended by the Police Department relative to the sale of beer and wine will ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure the welfare of the surrounding community so that the business remains a movie theater and does not become a bar or tavern. The project has been conditioned so that no dancing or live entertainment will be permitted on the premises.
- E-6. The movie theater is required to comply with the California Building Code and requirements of the Alcoholic Beverage Control Department to ensure the safety and welfare of customers and employees within the movie theater.

Finding

- F. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*

Facts in Support of Finding

- F-1. The project site is located within an existing theater building. The lobby and theaters are designed and developed for food and beverage service.
- F-2. Adequate public and emergency vehicle access, public services, and utilities are provided within the existing infrastructure.
- F-3. The tenant improvements will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

- G. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding

- G-1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute nuisance areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the movie theater.
- G-2. The proposed beer and wine service is provided as a public convenience to movie theater patrons. The service of beer and wine will provide an economic opportunity to maintain a successful business at this location in a way which best serves the quality of life for the surrounding community.

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan and floor plan dated with this date of approval. (Except as modified by applicable conditions of approval.)
2. This minor use permit may be modified or revoked by the Zoning Administrator upon a finding of failure to comply with the conditions set forth in Chapter 20.82 of the Municipal Code, other applicable conditions and regulations governing alcohol service, or 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.
3. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans, shall require an amendment to this minor use permit or the processing of a new use permit.
4. 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.
5. Minor Use Permit No. UP2011-029 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 Zoning Code, unless an extension is otherwise granted.
6. Should the alcohol license be transferred, any future license holders, operators or assignees shall be notified of the conditions of this approval by either the current licensee, business operator, or the leasing company. Future licensees, operators or assignees shall submit, within 30 days of transfer of the alcohol license, a letter to the Planning Division acknowledging their receipt and acceptance of the limitations, restrictions and conditions of approval of this minor use permit.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. 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 minor use permit.
9. *The approval is only for the establishment of beer and wine sales with the sale and service of alcoholic beverages incidental to the theater use. The type of alcoholic beverage license issued by the California Board of Alcoholic*

Beverage Control shall be a Type 41(On Sale Beer and Wine, Eating Place) in conjunction with the movie theater as the principal use of the facility.

10. *The hours of operation for beer and wine service at the movie theater are limited from 12:00 p.m. to 1:00 a.m., daily. Any increase in the hours of operation shall be subject to the approval of an amendment to this minor use permit and may be subject to approval by the Zoning Administrator or Planning Commission.*
11. *The beer and wine sales concession shall be used in conjunction with the related food service concessions and shall be limited to a maximum area of 110 sq. ft. Any change in the operation of beer and wine service or increase in the counter space devoted to alcohol sales for customers shall be subject to the approval of an amendment to this minor use permit issued by the Zoning Administrator.*
12. No exterior amplified music, public address speakers, outside paging system, loudspeaker, sound system, or other noise generating device shall be utilized in conjunction with this movie theater.
13. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of beer and wine. Interior displays of beer and wine or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
14. The beer and wine outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the beer and wine outlet and adjacent properties during business hours, if directly related to the patrons of the subject beer and wine outlet. If the operator fails to discourage or correct nuisances, the Zoning Administrator may review, modify, or revoke this minor use permit in accordance with Chapter 20.96 of the Zoning Code.
15. The area outside of the movie theater shall be maintained in a clean and orderly manner. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises. The operator of the movie theater use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
16. *All trash shall be stored within dumpsters inside the mall buildings.*
17. 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 **Regal Cinemas Minor Use Permit including**, but not limited to, **Minor Use Permit No. UP2011-029 (PA2011-170)**. 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.

Police Department Conditions

18. *Patrons shall be required to show valid identification to verify age at the point of sale for tickets and again at the point of sale for alcohol. There shall also be an attendant stationed at each entrance to 21 and over auditorium/theater(s) for the duration of the screening to ensure those entering the 21 and over auditorium(s)/theater(s) have the proper ticket.*
19. *This approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Newport Beach Municipal Code.*
20. *Beer and wine shall be dispensed, sold, and served, in non-glass containers easily distinguishable from non-alcoholic beverage containers.*
21. *The sale of beer and wine for consumption off the premises shall be prohibited. No beer and wine shall be consumed on any property adjacent to the licensed premises under the control of the license.*
22. *No more than two alcoholic beverages shall be sold or served to any one person at any time.*
23. *No sales or service of beer and wine shall take place within any auditoriums/theaters, except that patrons may carry their beer and wine from the concession area to the designated auditorium/theater.*
24. *The applicant shall post and maintain professional quality signs measuring 12 inches by 12 inches with lettering no smaller than 2 inches in height that read, "No Alcoholic Beverages Beyond This Point" at all premise exits.*
25. *No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.*

26. *The petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.*
27. *Live entertainment and dancing shall be prohibited as a part of the regular operation of the movie theater.*
28. *No games or contests requiring or involving the consumption beer and wine shall be permitted.*
29. *The quarterly gross sales of beer and wine shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of beer and wine of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on command.*
30. *All owners, managers and employees selling beer and wine shall undergo and successfully complete a certified training program in responsible methods and skills for selling beer and wine. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The movie theater shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.*
31. *A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of beer and wine, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.*
32. *Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.*

PUBLIC NOTICE

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.

APPEAL PERIOD

Minor use permit applications do not become effective until 14 days following the date of action. Prior to the effective date the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By: 
Jaime Murillo, Zoning Administrator

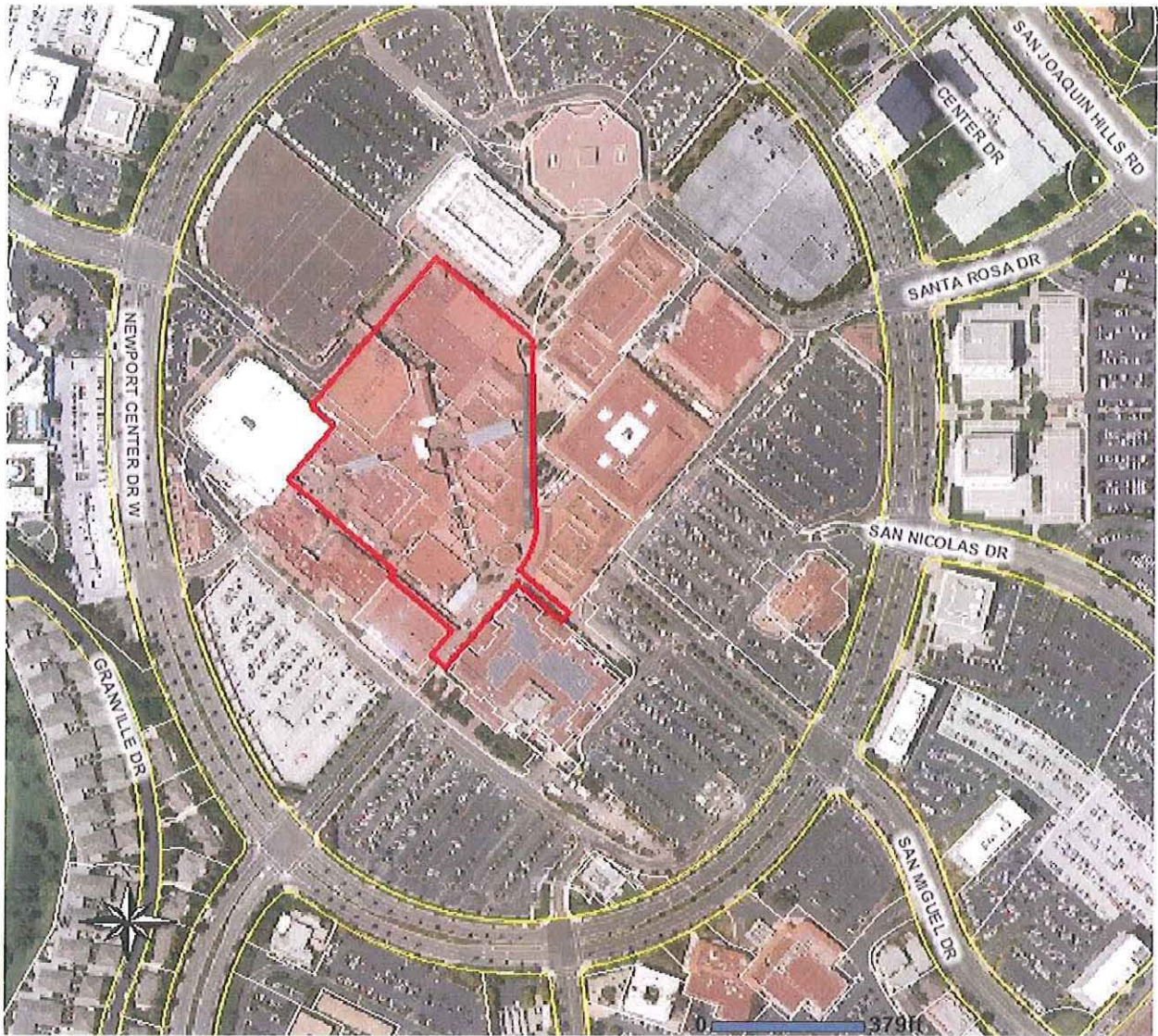
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Attachments: ZA 1 Vicinity Map
 ZA 2 Newport Beach Reporting Districts
 ZA 3 Police Department Recommendation
 ZA 4 Alcohol Related Statistics
 ZA 5 Site Photos
 ZA 6 Project plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP

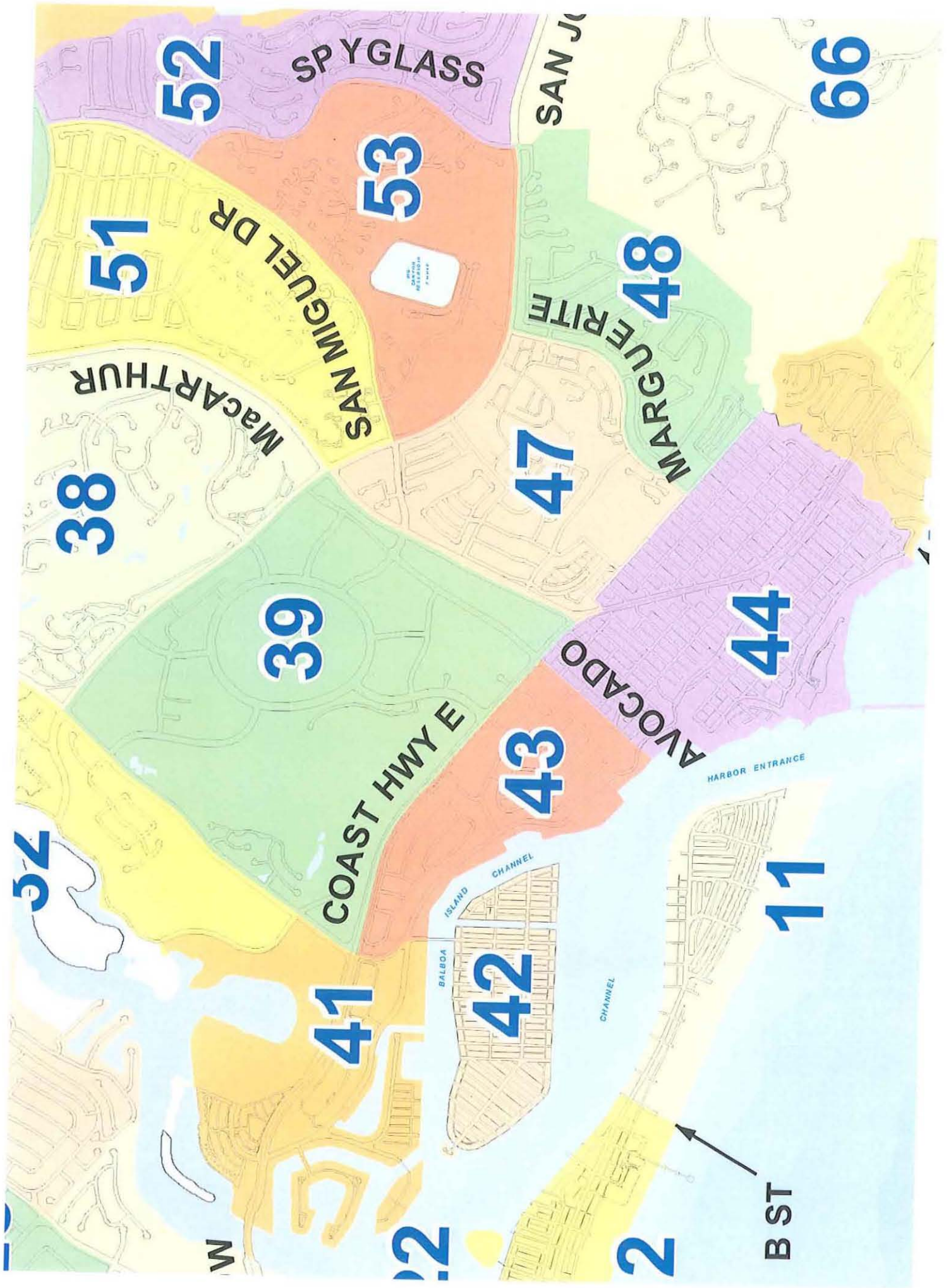


Minor Use Permit No. UP2011-029
PA2011-170

999 Newport Center Drive

Attachment No. ZA 2

Newport Beach Reporting Districts

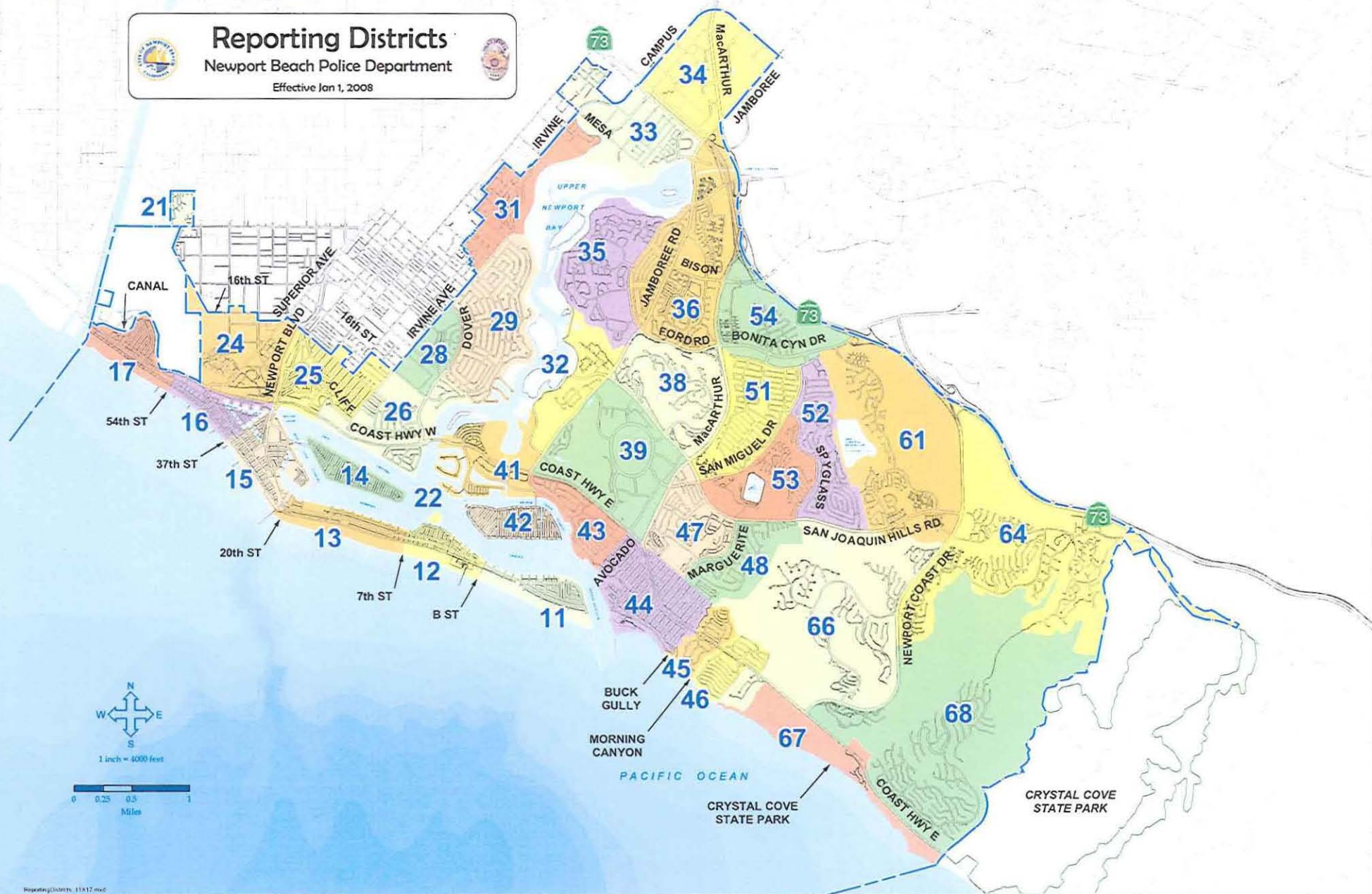




Reporting Districts

Newport Beach Police Department

Effective Jan 1, 2008



Attachment No. ZA 3

Police Department Recommendation

**City of Newport Beach
Police Department**

M e m o r a n d u m

October 20, 2011

TO: Makana Nova, Assistant Planner

FROM: Detective Brian Haas

SUBJECT: Regal Cinemas, 999 Newport Center Drive
Use Permit No. UP2011-029 (PA2011-170).

RECEIVED BY
COMMUNITY

OCT 24 2011

DEVELOPMENT
CITY OF NEWPORT BEACH

At your request, the Police Department has reviewed the project application for Regal Cinemas, located at 999 Newport Center Drive, Newport Beach. Per the project description, the applicant is requesting a minor use permit to allow the addition of a Type 41 (On-Sale Beer and Wine, Eating Place) ABC license to an existing movie theater. Alcohol would be served at the concession bar for specialized screenings which would be limited to persons over the age of 21 years. The hours of operation are from 12 p.m. to 1 a.m. daily.

The applicant will apply for a Type 41 (On-Sale Beer and Wine, Eating Place) license with the Department of Alcoholic Beverage Control. This license includes beer and wine for consumption on the licensed premises. The license will be conditioned appropriately to protect the health, safety and welfare of the community.

I have included a report by Crime Analyst Paul Salenko that provides detailed statistical information related to calls for service in and around the applicant's place of business. This report indicates that this new location is within an area where the number of crimes is at least 131% above the City wide reporting district average. Additionally, this location is also within an RD that is over the Orange County per capita of ABC licenses.

Applicant History

Regal Cinemas is located within the inner ring of Fashion Island, which is owned by the Irvine Company. This will be the Irvine Company's first venture into a movie theater that provides alcoholic beverage service. It is modeled after several similar movie theater operations in the area. The goal of the cinema is to provide the opportunity for the more mature audience to enjoy an alcoholic beverage while enjoying a movie. They will also offer a more upscale dining menu.

Recommendations

The Police Department has no objection to the operation as described by the applicant. With the below listed conditions in place, the Police Department does not feel that the operation will have a negative impact on the community and police services.

It should be noted that the proposed operation will offer alcoholic beverage service (for on-site consumption) in combination with food service, late hours, and live entertainment. As a result, the applicant/operator will be subject an Operator's Permit issued by the Chief of Police.

Signs and Displays

Any signs or displays would need to conform to City requirements. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

Hours of Operation

The proposed hours of operation are from 12 p.m. to 1 a.m. daily.

Security

The Police Department has no recommendations. This location lies within Fashion Island, which currently has security operations in place.

Per the project description, patrons will be required to show valid identification to verify age at the point of sale for tickets and again at the point of sale for alcohol. There will also be an attendant stationed at each entrance to 21 and over auditorium/theater for the duration of the screening to ensure those entering the 21 and over auditorium/theater have the proper ticket.

The Police Department recommends that these safeguards be strictly adhered to at all times.

Employee Training

Require all owners, managers, and employees selling alcoholic beverages to undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.

Additional Comments

For the purposes of this application, staff may also want to consider establishing conditions that would require a Special Event Permit. A Special Event Permit may be required for any event or promotional activity outside the normal operational characteristics of the proposed operation.

For example, events likely to attract large crowds, events for which an admission fee is charged, events that include any form of contract promoters, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

Other Recommended Conditions

In addition, the Police Department has determined that the following conditions would be appropriate for the Conditional Use Permit for the business:

1. Approval does not permit Regal Cinemas to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.
2. Alcoholic beverages shall be dispensed, sold and served in non-glass containers easily distinguishable from non-alcoholic beverage containers.
3. Sales, service and consumption of alcohol shall be permitted only between the hours of 12 p.m. and 1 a.m. daily.
4. The sale of alcoholic beverages for consumption off the premises shall be prohibited.
5. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person at any one (1) time.
6. No sales or service of alcoholic beverages shall take place within any auditoriums/theaters, except that patrons may carry their alcoholic beverages from the concession area to the designated auditorium/theater.
7. Petitioner shall post signs measuring 12" by 12" with lettering no smaller than 2 inches in height that read, "No Alcoholic Beverages Beyond This Point" at all premise exits.
8. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
9. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.
10. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
11. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time,

which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit issued by the City of Newport Beach.

12. There shall be no live entertainment allowed on the premises.

13. There shall be no dancing allowed on the premises.

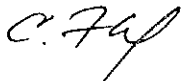
14. Strict adherence to maximum occupancy limits is required.

15. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

If you have any questions, please contact Detective Brian Haas at (949) 644-3709.

A handwritten signature in black ink, appearing to read "B-H-", likely representing Brian Haas.

Brian Haas, ABC/Vice/Intelligence
Detective Division

A handwritten signature in black ink, appearing to read "C. Fox", likely representing Craig Fox.

Craig Fox, Captain
Detective Division Commander

Attachment No. ZA 4

Alcohol Related Statistics

City of Newport Beach

Police Department

Memorandum

October 19, 2011

TO: Makana Nova, Assistant Planner

FROM: Paul Salenko, Crime Analyst

SUBJECT: Alcohol Related Statistics

At your request, our office has reviewed police services data for the **Regal Cinemas at 999 Newport Center Drive**. This area encompasses our reporting district (RD) number 39 as well as part of Census Tract 630.08. This report reflects **City of Newport Beach** crime data for calendar year 2010, which is the most current data available.

Calls for Service Information

City wide there were approximately 65,807 calls for police services during this time, of which 5,067 were in RD39. A "call for service" is, *any contact of the police department by a citizen which results in the dispatching of a unit or causes the contacted employee to take some sort of action*, such as criminal investigations, alarm responses, traffic accidents, parking problems, and animal control calls, etc.

Crime Information

There were 5,845 crimes reported to the Newport Beach Police Department during this period. Of this total, 2,756 were Part One Crimes. Part One crimes are the eight most serious crimes (*Homicide, forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny-theft, Auto Theft and Arson*) as defined by the FBI in the Uniform Crime Reports. The remaining 3,089 were Part Two crimes. The Part One crime rate for the entire city during this same period was 3,191.81 per 100,000 people. The national Part One crime rate was 3,465.52* per 100,000 people.

Crimes	RD 39	Newport Beach	California*	National*
Part 1	178	2,884	1,184,073	10,639,369
Part 2	115	3,350	N/A	N/A
Part 1 Crime Rate	19,454.43	3,297.31	3,203.52	3,465.52

The number of active ABC licenses in this RD is 47**

Per capita ratio 1 license for every 19 residents.

This reporting district had a total of 352 reported crimes as compared to a City wide reporting district average of 152 reported crimes. This reporting district is 200 crimes over or 131.90% above the City wide reporting district average. This location is within an RD that is over the Orange County per capita average of ABC licenses**.

Arrest Information

There were 40 DUI arrests and 19 Plain Drunk arrest in this area during this same period as compared to 1,272 for the entire city. This RD amounts to 4.64% of the DUI/Drunk arrests made in the entire City. According to a recent national study by the Department of Justice, more than 36% of adult offenders convicted of crimes in 2009 had been drinking at the time of their arrest.

Arrests (DUI/Drunk)	RD 39	Newport Beach	California*	National*
	59	1,272	324,442	2,095,731
Total Arrests	164	3,595	1,474,004	13,687,241

Additional Information

The Alcoholic Beverage Outlets ordinance states that the Planning Commission shall consider the crime rate in the adjacent reporting districts. The two adjacent reporting districts you requested are RD 44 and RD 43

Crimes	RD 44	RD 43
Part 1	130	29
Part 2	107	14
Crime Rate	2,205.93	2,580.83
Arrests (DUI/Drunk)	63	15
Total Arrests	163	33
Calls For Service	4,329	776
Number of active ABC licenses	27**	7**
Per capita ratio1 license for every	218* residents	161* residents.

Note: It is important to remember that when dealing with small numbers any change greatly affects any percentage changes.

The population figure used for the Crime Rate was 86,252.

*These numbers are from the 2009 Uniform Crime Reports, which is the most recent edition.

**The number of active ABC licenses is the total of all types of licenses known to the police department as of the date of this document. As of June 30, 2009 the Orange County average of active, retail ABC licenses was 1 license for every 542 residents. (5,589 licenses and a population of 3,026,786)

If you are in need of any further assistance, please contact me at (949) 644-3791.

Paul Salenko
Crime Analysis Unit

Attachment No. ZA 5

Site Photos



DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES

APPLICANT Regal Cinemas Inc
 TYPE OF LICENSE 41-On Sale Beer + Wine Eating Place
 BUSINESS NAME Island 7
 ADDRESS OF PREMISES 999 Newport Center Dr, Newport Beach 92660
 APPLICANT HAS FILED FOR: NEW LICENSE PREMISES TO PREMISES TRANSFER
~~CHANGE IN LICENSE PRIVILEGES~~

IF A VERIFIED PROTEST IS TO BE MADE AGAINST THIS APPLICATION, IT MUST BE RECEIVED BY ANY OFFICE OF THE DEPARTMENT OR DEPARTMENTAL HEADQUARTERS, 3927 LENNA DRIVE, SUITE 100, SACRAMENTO 95834, WITHIN 30 DAYS OF DATE POSTED. PROTESTS MUST BE VERIFIED. FURTHER INFORMATION REGARDING THIS APPLICATION AND VERIFICATION FORMS MAY BE OBTAINED AT

9/27/11 Dept. of Alcoholic Beverage Control
605 W. Santa Ana Blvd
Blvd 28, Ste 369
Santa Ana, CA 92701
(714) 555-4101

Date Posted:

PREMISES ARE (NOT NOW) ~~ALREADY~~ LICENSED TO SELL ALCOHOLIC BEVERAGES.

WARNING

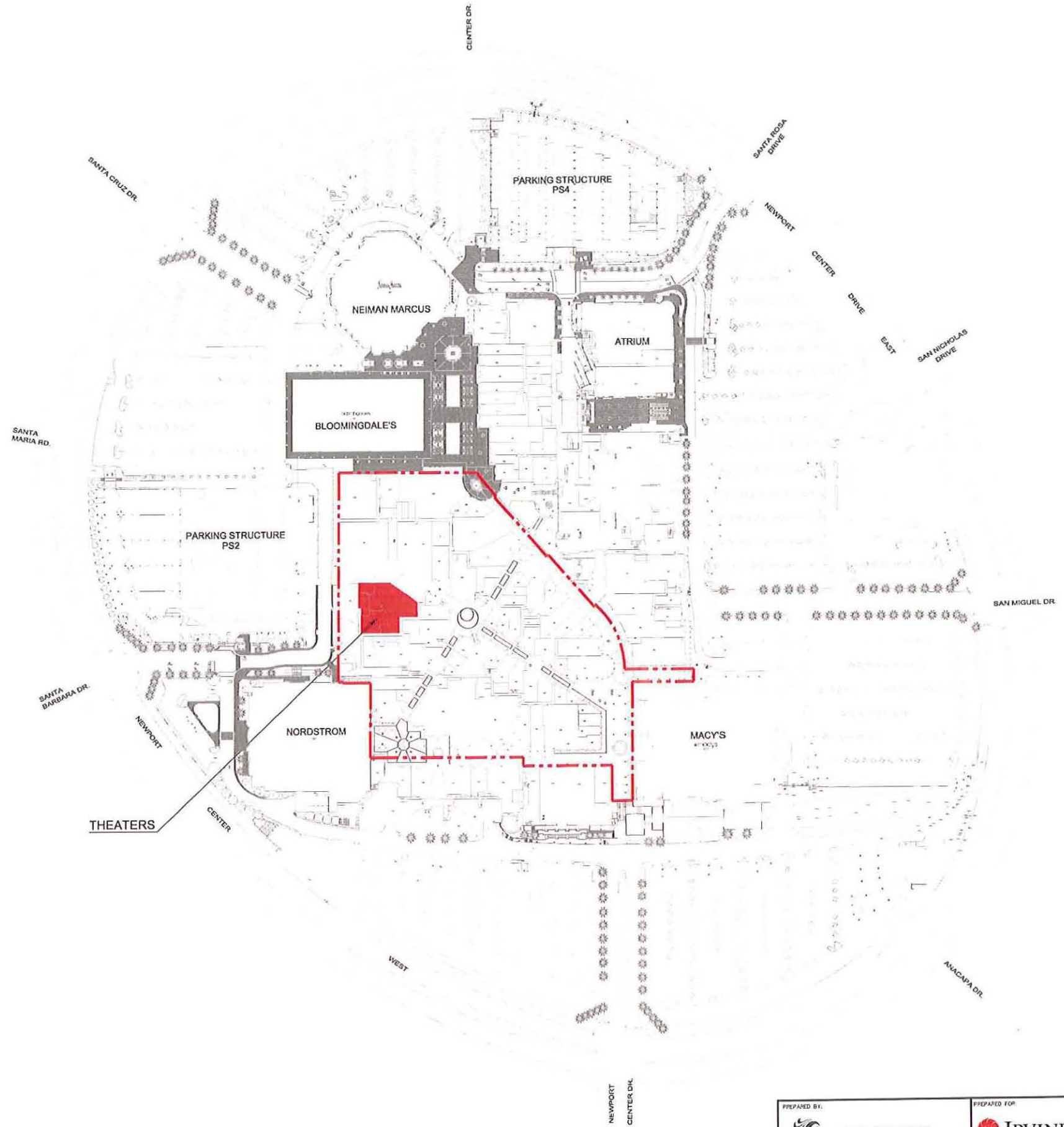
Every person who unlawfully obtains, possesses, uses, sells or transports this notice given to all those from the date it was posted is subject to fine or imprisonment in the County Jail under P.B.C. Penal Code.



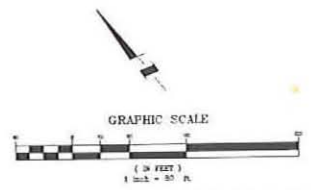
Attachment No. ZA 6

Project Plans

RECEIVED BY
COMMUNITY
OCT 20 2011
DEVELOPMENT
CITY OF NEWPORT BEACH



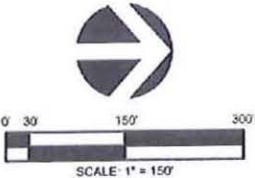
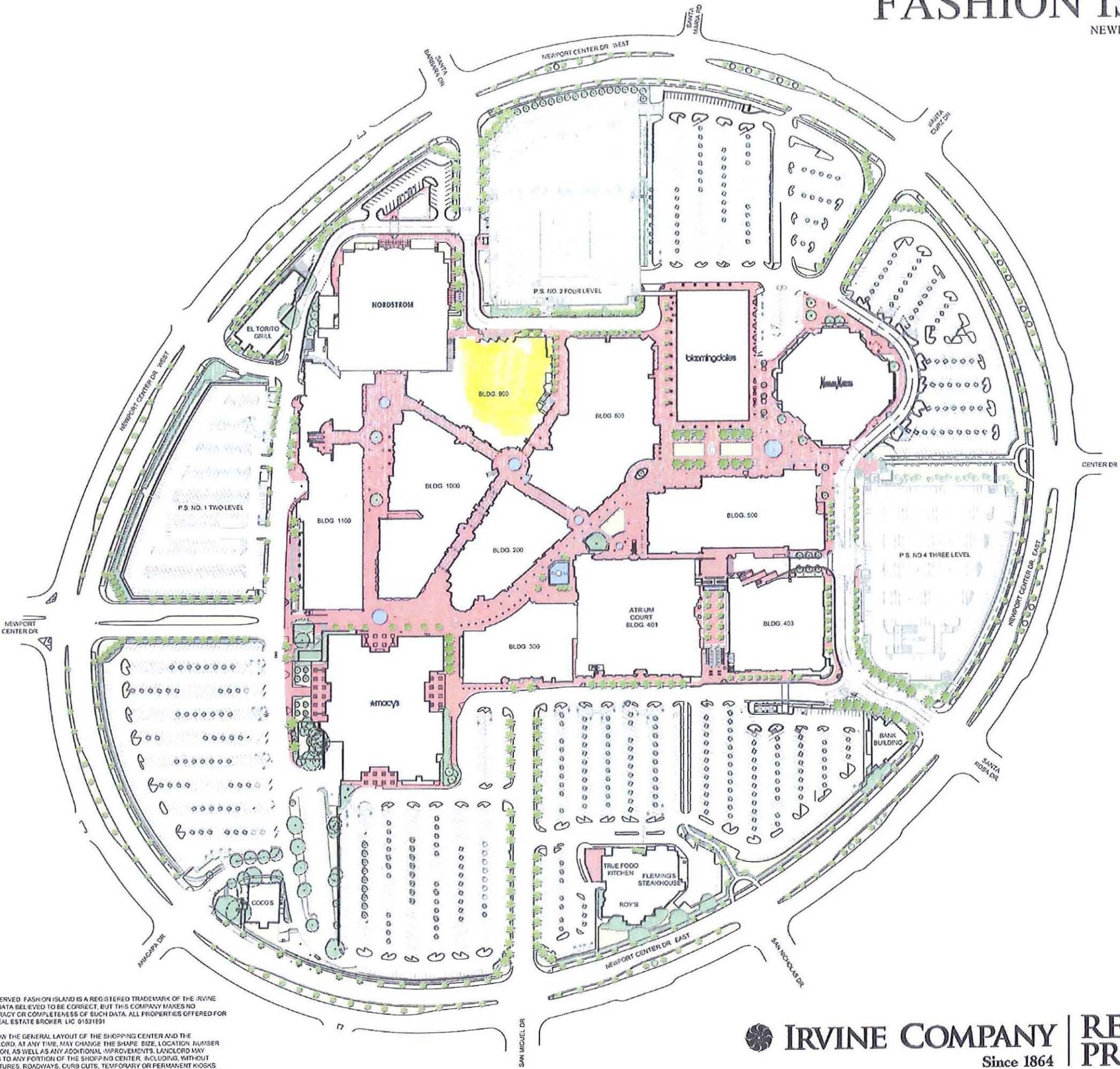
LEGEND
 - - - - - EXISTING LOT LINE



DRAWING: \Projects\14374.001.dwg; PLOT: 10/17/2011 4:23 PM; PLOTTER: HP DesignJet 1000; PLOT: 10/17/2011 4:23 PM; PLOTTER: HP DesignJet 1000

PREPARED BY: STANTEC CONSULTING INC. 19 TECHNOLOGY DRIVE IRVINE, CA 92618 949.923.6000	PREPARED FOR: IRVINE COMPANY Since 1864	FASHION ISLAND EDWARDS THEATERS NEWPORT BEACH, CALIFORNIA	DATE: 10/17/11 SHEET: 1 OF: 1 JOB NO: 14374.00.000
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FASHION ISLAND®
NEWPORT BEACH, CALIFORNIA
SP-1



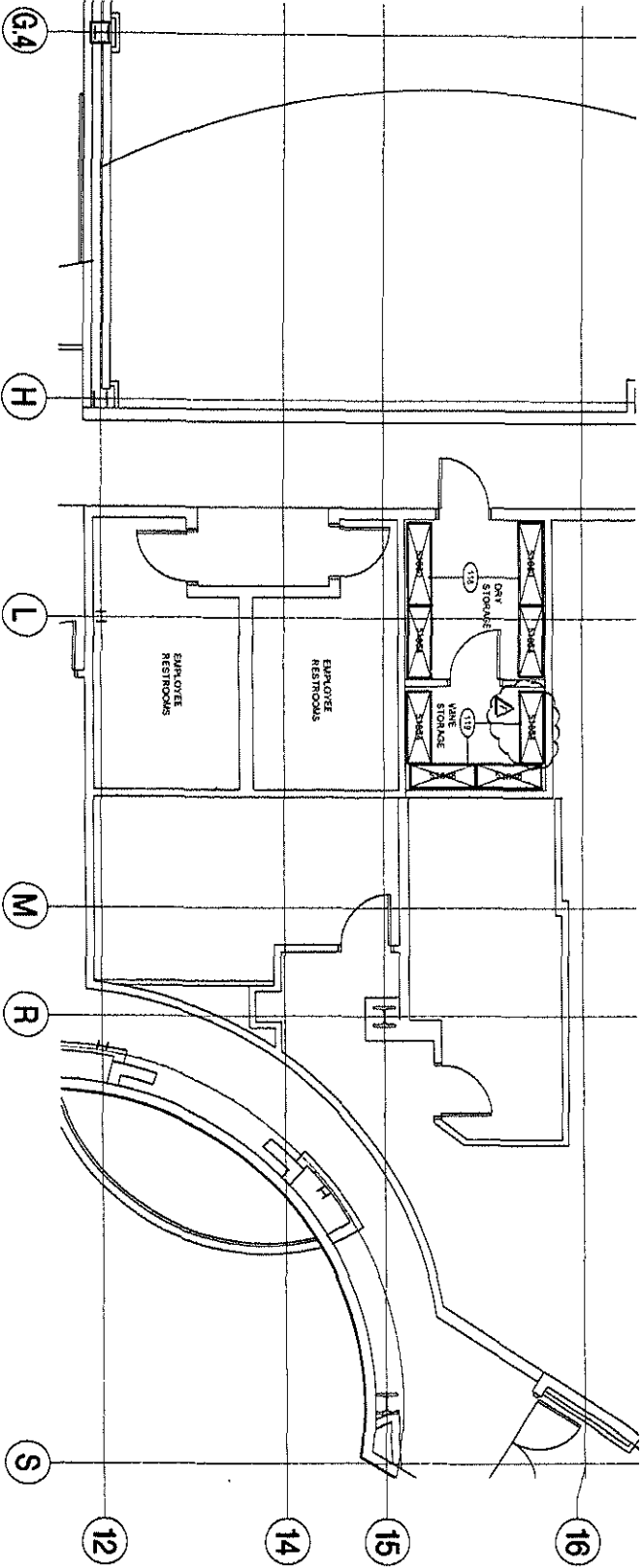
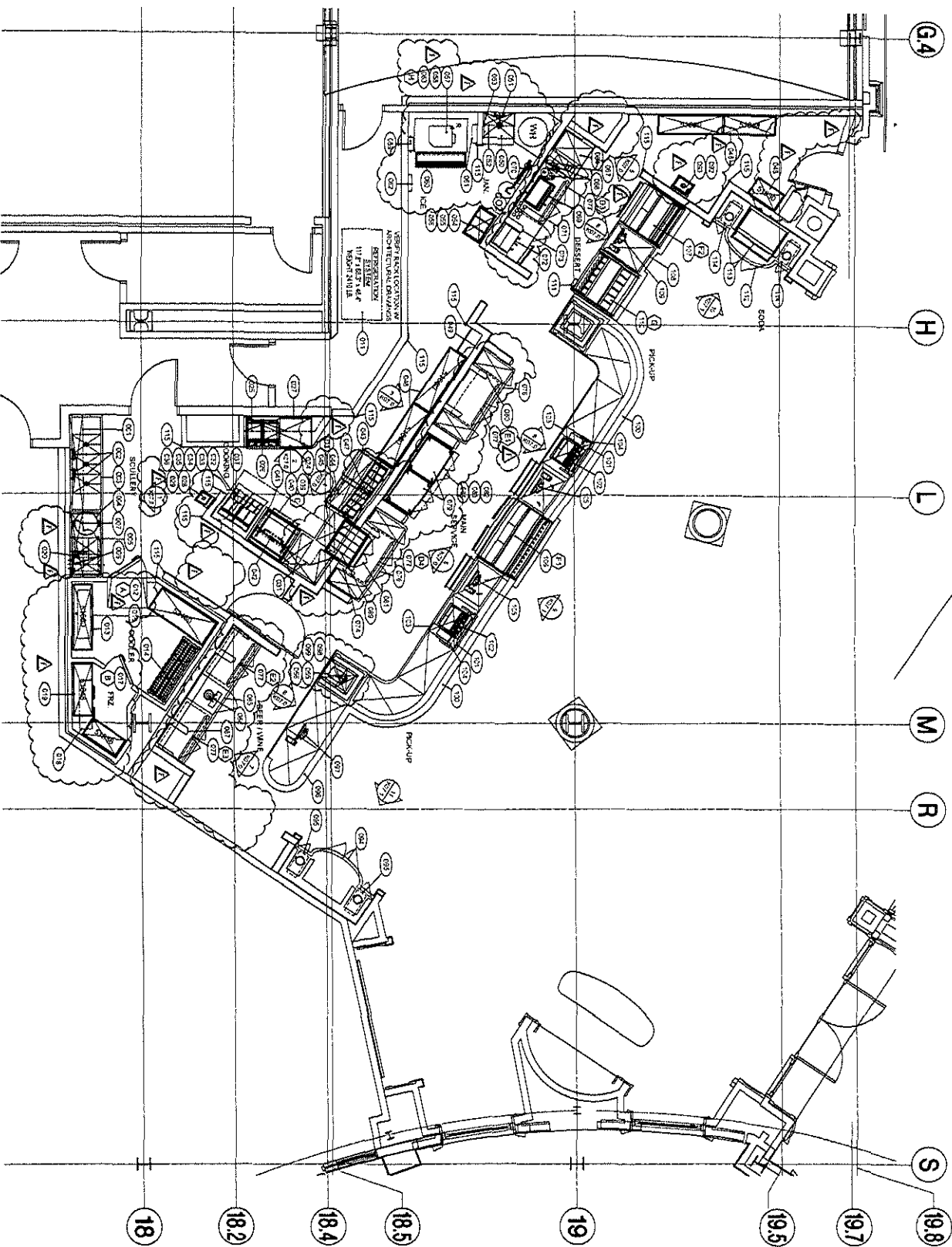
JULY 2011

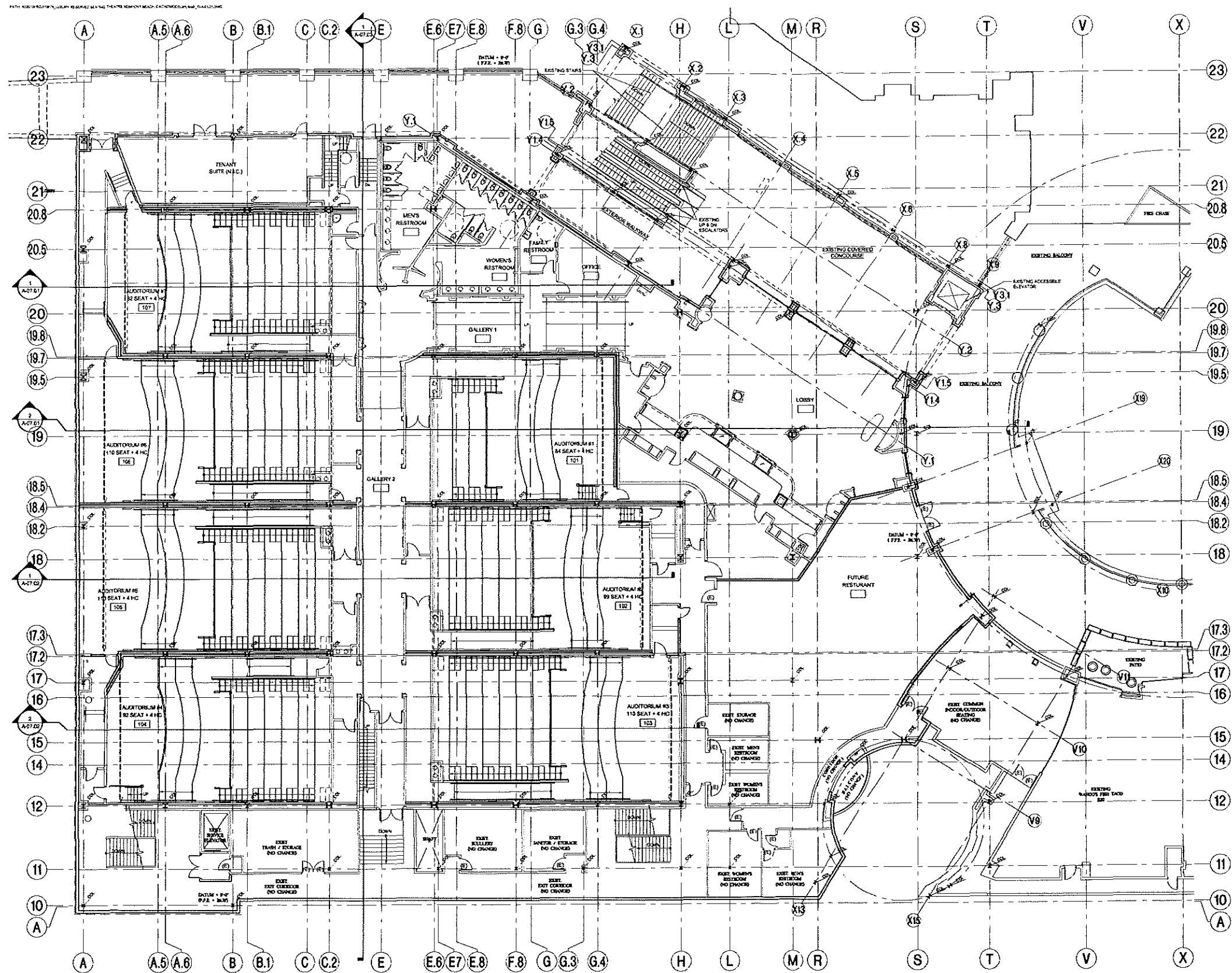
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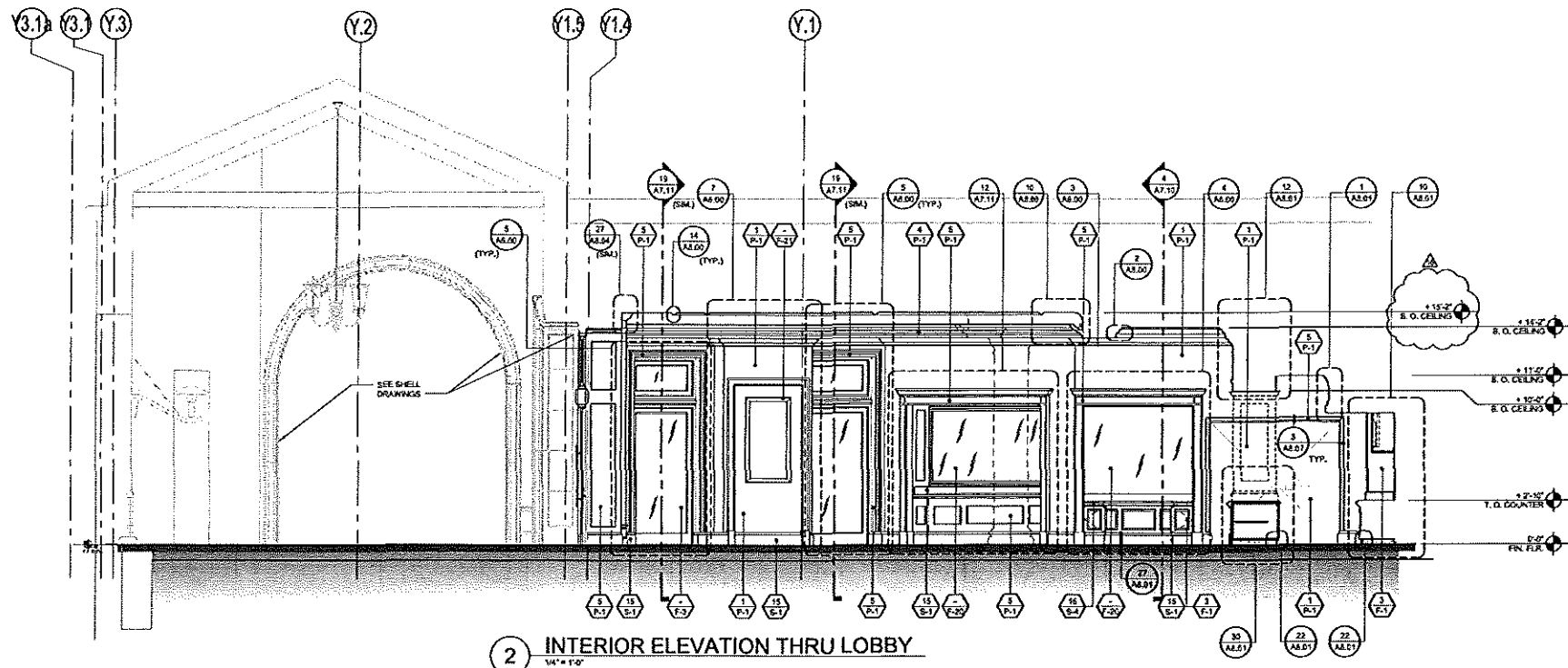
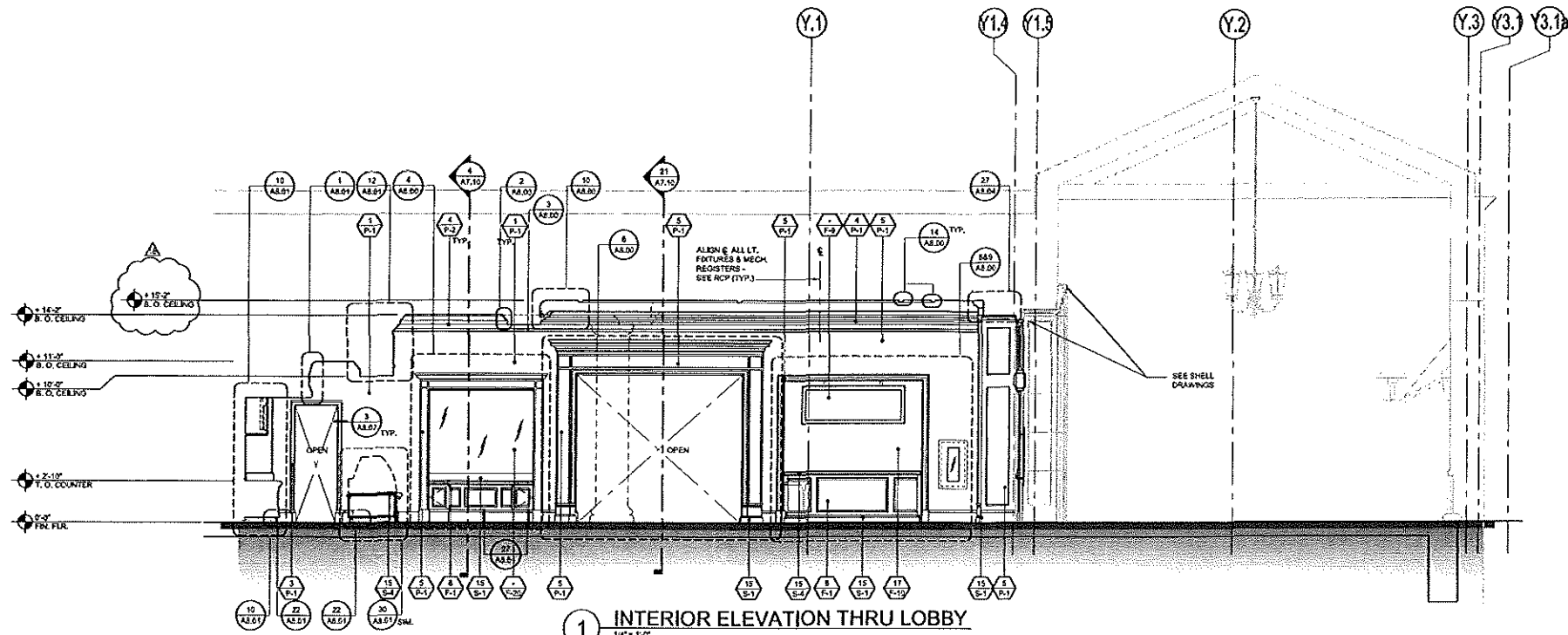
THIS IS A SCHEMATIC PLAN INTENDED ONLY TO SHOW THE GENERAL LAYOUT OF THE SHOPPING CENTER AND THE APPROXIMATE LOCATION OF THE PREMISES. LANDLORD, AT ANY TIME, MAY CHANGE THE SHAPE, SIZE, LOCATION, NUMBER AND EXTENT OF THE IMPROVEMENTS SHOWN HEREON, AS WELL AS ANY ADDITIONAL IMPROVEMENTS. LANDLORD MAY ELIMINATE, ADD OR RELOCATE ANY IMPROVEMENTS TO ANY PORTION OF THE SHOPPING CENTER, INCLUDING, WITHOUT LIMITATION, BUILDINGS, PARKING AREAS OR STRUCTURES, ROADWAYS, CURB CUTS, TEMPORARY OR PERMANENT KIOSKS, DISPLAYS OR STANDS, AND MAY ADD LAND TO AND/OR WITHDRAW LAND FROM THE SHOPPING CENTER. PLAN NOT TO SCALE.

IRVINE COMPANY | RETAIL
Since 1864 | PROPERTIES

PA2011-170 for UP2011-029
999 Newport Center Drive
Gloria Bromberg, LPA, Inc.







MATERIAL AND FINISH SCHEDULE

MATERIAL

- 1 PAINTED GYP. BOARD
- 2 ACOUSTICAL WALL PANEL
- 3 WOOD PANEL, STAIN GRADE
- 4 GFRG. COLUMNS/MOLDING / CORNICE (FROM PAINTED)
- 5 WOOD PANEL, PAINT GRADE
- 6 RESTROOM PARTITION PANEL
- 7 WOOD TRIM / MOLDING / BASE
- 8 WOOD CABINETRY WITH RAISED PANELS
- 9 CURTAIN
- 10 HANDRAIL
- 11 WALL CARPET
- 12 DOOR
- 13 SPEAKER, FOR LOCATION SEE AV DRAWINGS
- 14 CERAMIC TILE
- 15 STONE
- 16 STONE COUNTERTOP
- 17 WALL COVERING
- 18 STOREFRONT SYSTEM AND BALANCED DOORS
- 19 SIGNAGE
- 20 QUARRY FLOOR TILE
- 21 VINYL SHEET
- 22 BACK-LIT ALABASTER
- 23 EMBOSSED AND/OR AZO DYE QUADRO, COLOR TO MATCH ARCADE CHAMPAGNE AB-2
- 24 PLASTIC LAMINATE PANEL

FINISH

- 1 "GOLDEN OAK" GRANITE BASE - HONEYED FINISH
- 2 NOT USED
- 3 "GOLDEN OAK" HONEYED GRANITE TILES 12"x12", (SLIP RESISTANT)
- 4 GRANITE SLAB "GOLDEN OAK" - POLISHED FINISH
- 5 NOT USED
- 6 Porcelain tile - American Olean, UltraTech, color J211 Dimensional Ridge, 12"x12", Cove Base, Grout - T80
- 7 Plastic Laminate - Novamar, Englen, 1206-40
- 8 Porcelain tile - American Olean, UltraTech, color J211 Dimensional Ridge, 12"x12", Cove Base, Grout - T80
- 9 CARPET FIELD, 6' REPEAT
- 10 CARPET CORRUGOL, 3' REPEAT
- 11 AUDITORIUM CARPET
- 12 Paint to match ICI Cougar Brown, # 2166-40
- 13 Paint to match BENJAMIN MOORE, Paint Harbor # 2165-50
- 14 Paint to match BENJAMIN MOORE, Transcend Harbor Brown # 11C-54
- 15 ALDER WOOD, OIL STAIN
- 16 PAINTED WOOD RAISED PANELING
- 17 CLEAR GLASS, TEMPERED - FPG STAIRS-816
- 18 INNOVATIONS WALLCOVERINGS, ALCHEMY # 71611 SH-ERBERT
- 19 VELVET FABRIC, KRAVET SMART #5728-918
- 20 MIRROR, APPLY VANDAL COATING
- 21 FPG DURAMINE XL-GOLD TO MATCH PRATT AND LAMBERT 33-18 "WENWOOD" (2293)
- 22 BAXED ENAMEL FLOOR BRACED PARTITION, PAINT TO MATCH ICI ANSOL-4 (from J211Y) P-120
- 23 FANG BAR-801 HANDMADE "YCH" CLAYMATE 48 SERIES - BRONZE, DULL ANODIZED & OIL RUBBED
- 24 LSI-604 ACOUSTIC TROW WALL CARPET, MUDWOOD, Vertical & Installation
- 25 DARK BRONZE FINISH
- 26 BAUTLE 87417 BEIGE ROSS QUARRY FLOOR TILE
- 27 ARMSTRONG, VINYL, IMPERIAL TEXTURE, 31910 GLASSY BLACK
- 28 ANTIQUE GLASS MIRROR
- 29 SCHLIT SLAINE 2nd LAYER MUSEUM POSTER CASE, BUS STOP SIZE - LOCATION GALLERY #1

CONTRACTOR TO PROVIDE (5) 4'X4' MOCK-UP ON SMOOTH DRYWALL OF ALL THE PAINT COLORS FOR REVIEW WITH CLIENT BY AUGUST 31 AT THE LATEST.



IRVINE COMPANY
100 Innovation Drive Irvine, CA 92617

Perkowitz + Ruth
ARCHITECTS

111 W. Ocean Blvd. 21st Floor, Long Beach, CA 90802
T 562 628 8000 www.perkowitzruth.com

ISLAND CINEMAS
AT FASHION ISLAND
888 Newport Center Drive
Newport Beach, CA

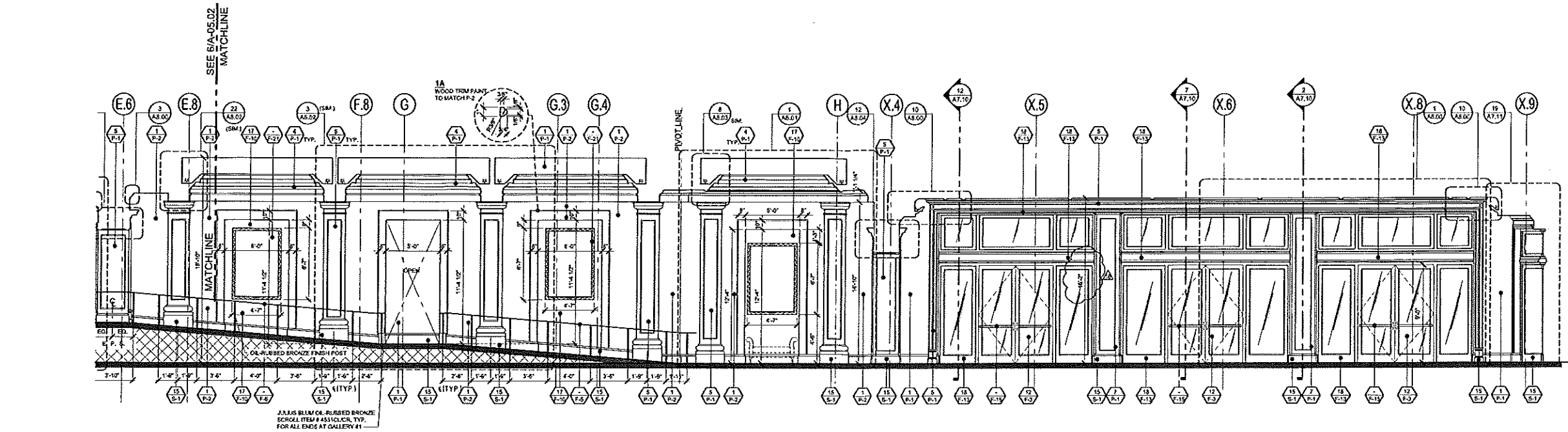
T.I.C.D. SUBMITTAL - BULLETIN #15, 07-28-2011

Bid Date:	07-28-2011
Revisions	
1	ADDENDUM #1 08-04-2011
2	BULLETIN #8 09-19-2011
3	BULLETIN #9 06-03-2011
4	BULLETIN #13 06-24-2011
5	BULLETIN #14 07-27-2011
6	BULLETIN #15 07-28-2011

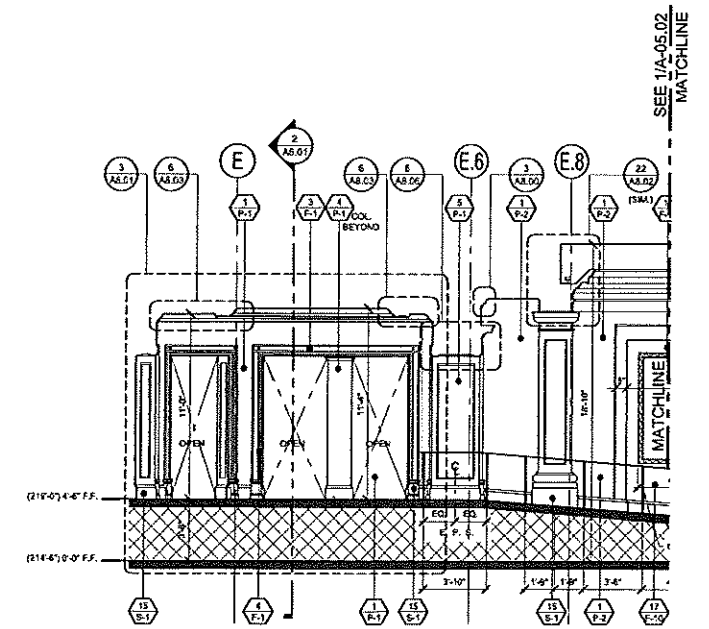
Plot Date: 07-28-2011
Project No: 10-679.00

T.I. - C.D.
INTERIOR ELEVATIONS
MATERIALS LEGEND
& NOTES

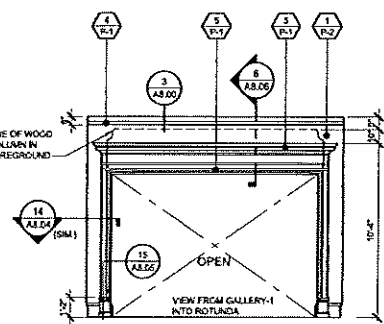
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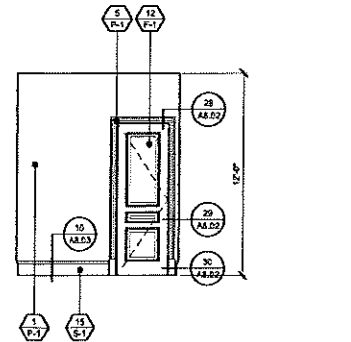
1 INTERIOR ELEVATION THRU GALLERY-1 AND LOBBY
SCALE: 1/4" = 1'-0"



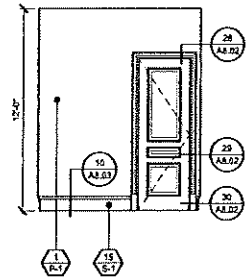
6 INTERIOR ELEVATION THRU GALLERY-1 CONTINUED
SCALE: 1/4" = 1'-0"



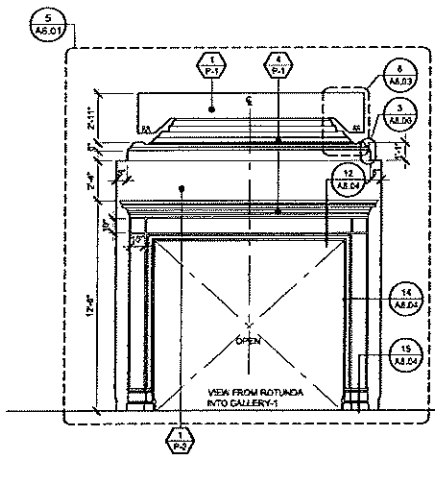
5 INTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



4 INTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



3 INTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

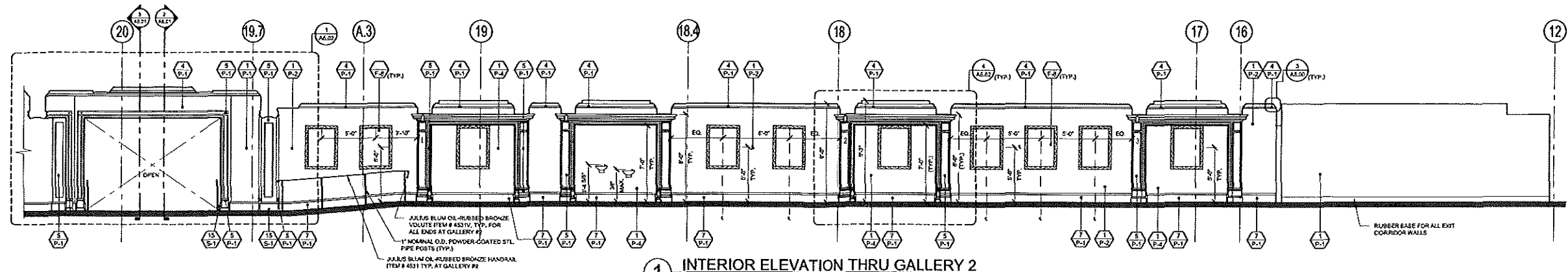


2 INTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

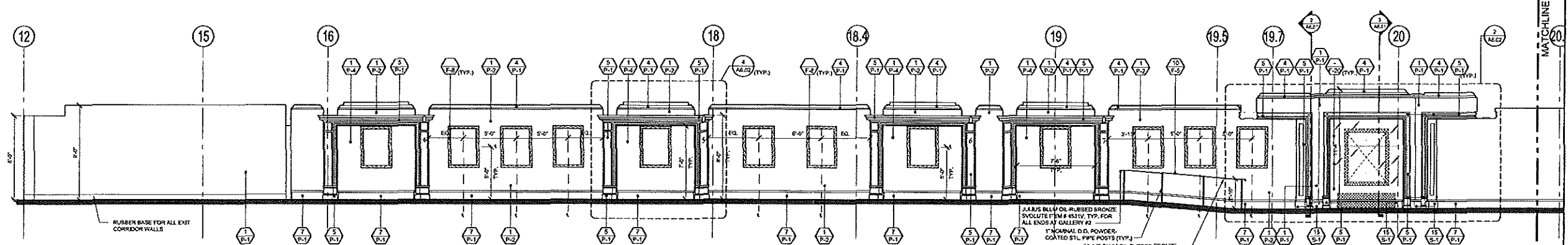
MATERIAL AND FINISH SCHEDULE

MATERIAL	FINISH
1 PAINTED GYP. BOARD	11 "GOLDEN OAK" GRANITE BASE - HONED FINISH
2 ACOUSTICAL WALL PANEL	12 NOT USED
3 WOOD PANEL, STAIN GRADE	13 "GOLDEN OAK" HONED GRANITE TILES 18"x18", (SLIP RESISTANT)
4 GFRG, COLLARS/MOLDING / CORNICE (FORM PAINTED)	14 GRANITE SLAB "GOLDEN OAK" - POLISHED FINISH
5 WOOD PANEL, PAINT GRADE	15 NOT USED
6 RESTROOM PARTITION PANEL	16 Porcelain tile - American Clean, Ultrachek, color 2021 Dimensional Beige, 12"x12", vertical orientation, Grout - TBO
7 WOOD TRIM / MOLDING / BASE	17 Plastic Laminate - Novamir, English Lace 95-2-857
8 WOOD CABINETRY WITH RAISED PANELS	18 Paint to match ICE Cougar Brown, # 2106-40
9 CURTAIN	19 Paint to match BENJAMIN MOORE, Pease Harbor # 2165-50
10 HANDRAIL	20 Paint to match BENJAMIN MOORE, Townsend Harbor Brown # 162-84
11 WALL CARPET	21 CARPET FIELD, 4' REPEAT
12 DOOR	22 CARPET CORRIDOR, 3' REPEAT
13 SPEAKER, FOR LOCATION SEE AN DRAWINGS	23 ALUMINUM CARPET
14 CERAMIC TILE	24 PAINTED WOOD RAISED PANELING
15 STONE	25 CLEAR GLASS, TEMPERED - PPG STARPH-RE
16 STONE COUNTERTOP	26 ALDER WOOD, OIL STAIN
17 WALL COVERING	27 1 1/2" STL. TUBE - PAINT COLOR TBO
18 SKRANGE	28 SOUL-LT SLIMLINE MUSEUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
19 QUARRY FLOOR TILE	29 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
20 VINYL SHEET	30 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
21 BACKLIT ALABASTER	31 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
22 EMBOSSED ANODIZED ALUM. CLADDING, COLOR TO MATCH ARCHADA CHAMPAGNE AS-2	32 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
23 PLASTIC LAMINATE PANEL	33 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
24 NOT USED	34 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
25 NOT USED	35 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
26 NOT USED	36 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
27 NOT USED	37 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
28 NOT USED	38 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
29 NOT USED	39 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
30 NOT USED	40 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
31 NOT USED	41 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
32 NOT USED	42 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
33 NOT USED	43 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
34 NOT USED	44 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
35 NOT USED	45 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
36 NOT USED	46 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
37 NOT USED	47 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
38 NOT USED	48 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
39 NOT USED	49 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
40 NOT USED	50 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
41 NOT USED	51 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
42 NOT USED	52 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
43 NOT USED	53 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
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48 NOT USED	58 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
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59 NOT USED	69 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
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87 NOT USED	97 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
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89 NOT USED	99 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1
90 NOT USED	100 ALUMINUM POSTER CASE, NO CHASE/SHOVT, REGULAR SIZE, LOCATION GALLERY #1

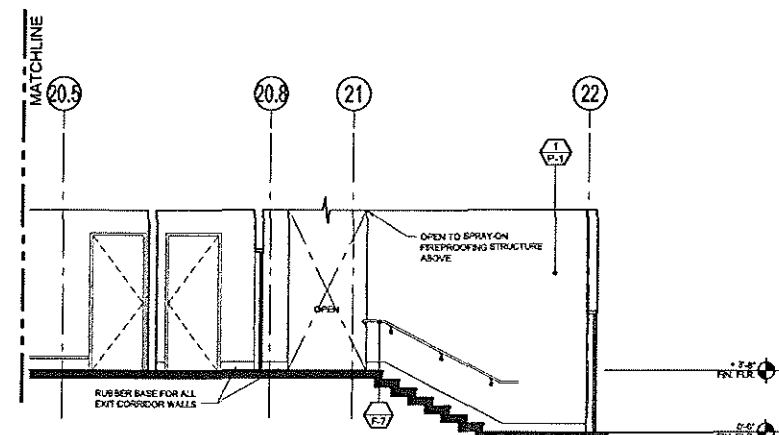
CONTRACTOR TO PROVIDE (5) 4'X4' MOCK-UP ON SMOOTH DRYWALL OF ALL THE PAINT COLORS FOR REVIEW WITH CLIENT BY AUGUST 31 AT THE LATEST.



1 INTERIOR ELEVATION THRU GALLERY 2
1/4" = 1'-0"



2 INTERIOR ELEVATION THRU GALLERY 2 (CONTINUED)
1/4" = 1'-0"



3 INTERIOR ELEVATIONS THRU GALLERY - 2 (CONTINUED)
1/4" = 1'-0"

CONTRACTOR TO PROVIDE (5) 4'X4' MOCK-UP ON
SMOOTH DRYWALL OF ALL THE PAINT COLORS FOR
REVIEW WITH CLIENT BY AUGUST 31 AT THE LATEST.

MATERIAL AND FINISH SCHEDULE

MATERIAL	FINISH
1 PAINTED GYP. BOARD	13 SPEAKER, FOR LOCATION SEE AV DRAWINGS
2 ACOUSTICAL WALL PANEL	14 CERAMIC TILE
3 WOOD PANEL STAIN GRADE	15 STONE
4 GFRG. COLUMNS/MOLDING / CORNICE (FROM PAINTED)	16 STONE COUNTERTOP
5 WOOD PANEL PAINT GRADE	17 WALL COVERING
6 RESTROOM PARTITION PANEL	18 STOREFRONT SYSTEM AND BALANCED DOORS
7 WOOD TRIM / MOLDING / BASE	19 SIGNAGE
8 WOOD CABINETRY WITH RAISED PANELS	20 QUARRY FLOOR TILE
9 CURTAIN	21 VINYL SHEET
10 HANDRAIL	22 BACK-LIT ALABASTER
11 WALL CARPET	23 EMBOSSED ANODIZED ALUM. GLASSING, COLOR TO MATCH ARCHICOR CHAMPAGNE AB-2
12 DOOR	24 PLASTIC LAMINATE PANEL
13 GOLDEN OAK GRANITE BASE - HONEY FINISH	25 PORCELAIN tile - American Olean, Urnrich, color J211 Dimensional beige, 6"X12", Cove Bevel, Grout - TBO
14 NOT USED	26 FINE Limestone - Henmar, English Lace RS-2-BST
15 GOLDEN OAK HONEY GRANITE TILES 12"X18", (SLIP RESISTANT)	27 Porcelain tile - American Olean, Urnrich, color J211 Dimensional beige, 6"X12", Cove Bevel, Grout - TBO
16 GRANITE SLAB "GOLDEN OAK" - POLISHED FINISH	28 CARPET FIELD, 6' REPEAT
17 NOT USED	29 CARPET CORRIDOR, 3' REPEAT
18 PORCELAIN tile - American Olean, Urnrich, color J211 Dimensional beige, 12"X12", vertical orientation, Grout - TBO	30 ALLOTORIA CARPET
19 Paint to match KCI Antique Union, #307Y 70/100 OR (ALTERNATE) KCI Black N4 # 1603	31 Paint to match KCI Antique Union, #307Y 70/100 OR (ALTERNATE) KCI Black N4 # 1603
20 Paint to match KCI Cougar Brown, # 2106-40	32 Paint to match BENJAMIN MOORE, Paint Harbor # 2165-20
21 Paint to match BENJAMIN MOORE, Paint Harbor Brown # 140-64	33 ALDER WOOD, OIL STAIN
22 Paint to match BENJAMIN MOORE, Paint Harbor Brown # 140-64	34 PAINTED WOOD RAISED PANELING
23 CLEAR GLASS, TEMPERED - PPG STARPHIRE	35 REZEK BOARD
24 CARPET BORDER-TRANSITION STRIP	36 INNOVATIONS WALLCOVERINGS, ALCHEMY 6 PANEL SHERBERT
25 JULIUS BLUM & CO. HAND RAIL, ANTIQUE BRONZE OILED-UP 108	37 VELVET FABRIC, KRAVET SMART #9726-919
26 LIGHT FIXTURE, A.L.C.	38 MIRROR, APPLY VANDAL COATING
27 1 1/2"X2" STL. TUBE - PAINT COLOR TBO.	39 PPG DURALUMIN COLOR TO MATCH PRATT AND LAMBERT 33-18 #W604207 (2231)
28 SCHULTZ SUMMERS MUSEUM POSTER CASE, NO CHASELIGHT, REGULAR SIZE, LOCATION GALLERY #1	40 BAYED ENAMEL FLOOR BRAGED PARTITION, Paint to match KCI Antique Union, #307Y 70/100
29 PIANO BAR EXT. HARDWARE "YON CURRY" 88 SERIES - BRONZE, DUAL ANODIZED & OIL RUBBED	41 PIANO BAR EXT. HARDWARE "YON CURRY" 88 SERIES - BRONZE, DUAL ANODIZED & OIL RUBBED
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COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

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

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

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. Limited Term Permit – Greater than 90 days No. XP2011-006
(PA2011-158)

Applicant Bayshores Community Association

Site Address 100 Dover Drive
Temporary Parking Lot

Legal Description Tract 1125, Portion of Lot 1

On **November 9, 2011**, the Zoning Administrator approved the following: A Limited Term Permit application to utilize the property located at 100 Dover Drive as an off-site parking lot for workers participating in construction projects within the Bayshores Community. A maximum of thirty (30) parking spaces are proposed for a 12-month period. The property is located in the PC-37 (Castaways Marina) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

FINDINGS

1. **Finding:** 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 4 (Minor Alterations to Land).

Facts in Support of Finding:

- Class 4 exempts minor temporary uses of land having negligible or no permanent effects on the environment.
 - No improvements other than a temporary barricade or cones and a sign are proposed or permitted on the lot and the surrounding vegetation and environment will be maintained.
2. **Finding:** The operation of the requested limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;

Facts in Support of Finding:

- The lot is currently being utilized as a staging area for the City's bay dredging project as well as the Civic Center project and these uses have not proven detrimental.
- The limited duration use will be a temporary parking lot in which no construction staging, storage, or construction vehicles will be permitted as conditioned.

3. **Finding:** The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;

Facts in Support of Finding:

- The subject lot is approximately four acres in size. Based upon the site plan, there is adequate area to accommodate the proposed limited duration use of a parking area for a maximum of 30 vehicles as well as the existing temporary uses.
- The lot is bound by Coast Highway to the south and Dover Drive to the west which serve as a buffer between the nearby residential properties within the R-1 (Single-Unit Residential) Zoning District.
- The lot is abutting a property to the north within the PC-43 (Upper Castaways) Zoning District currently utilized as a public park and walking trail and to the east is the Newport Harbor.

4. **Finding:** The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;

Facts in Support of Finding:

- The subject lot has one direct driveway approach taken from northbound Dover Drive.
- The vehicles (30) would typically access the site early morning prior to peak hour and mid-late afternoon prior to peak hour; therefore, there is no traffic issue anticipated.
- The limited duration use is a temporary parking lot for vehicles of workers participating in construction projects within the Bayshores Community. Heavy entering-and-exiting traffic is not anticipated.

5. **Finding:** Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator; and

Facts in Support of Finding:

- The proposed limited duration use will lessen the impact of construction workers' personal vehicles on the residential parking within the Bayshores Community.
6. **Finding:** The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.

Facts in Support of Finding:

- The CM (Recreation and Marine Commercial) designation of the Land Use Element of the General Plan is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay. The proposed use is of a limited duration and will not impede use of the site consistent with the CM designation.
- Section IV.B (Permitted Uses) of the PC-37 (Castaways Marina) Planned Community text allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
- The site is not located within a specific plan area.

CONDITIONS

1. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
2. Anything not specifically approved by this limited term permit is prohibited and must be addressed by a separate and subsequent review.
3. The limited term permit shall expire 12 months from the effective date of this permit, unless an extension of up to one additional period of 12 months is granted by the Zoning Administrator.

4. A maximum number of thirty (30) parking spaces are permitted and each parked vehicle shall display a City-issued placard in a manner such that it is easily visible from the vehicle.
5. The applicant shall furnish and post signs designating the parking area as shown on the site plan as parking by permit only for workers participating in construction projects within the Bayshores Community only. The sign shall be subject to the review and approval of the Community Development Director.
6. The applicant shall furnish and erect a temporary barricade or cones to designate the proposed parking area. The placement of any temporary barricade or cones shall be subject to the review and approval of the Community Development Director.
7. The Limited Term Permit is for the operation of a temporary parking lot and does not authorize the use or operation of construction storage yard or staging area. As such, no construction materials, equipment, or vehicles (i.e., heavy equipment) are permitted on the site.
8. Consistent with Newport Beach Municipal Code Section 10.28.040 (Construction Activity—Noise Regulations), use of the temporary parking lot is limited to the hours of 6:30 AM – 7:00 PM, Monday through Friday and 7:30 AM – 6:30 PM on Saturdays. No temporary parking shall be permitted on Sundays or Federal holidays.
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 Temporary Parking Lot including, but not limited to, the XP2011-006 (PA2011-158). 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.

PUBLIC NOTICE

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.

APPEAL PERIOD: Limited Term Permit applications do not become effective until 14 days following the date of action. Prior to the effective date the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

By: 
Jaime Murillo, Zoning Administrator

JM/bmz

Attachments: ZA 1 Vicinity Map
 ZA 2 Site Plan

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Limited Term Permit – Greater than 90 days No. XP2011-006
PA2011-158

100 Dover Drive

Attachment No. ZA 2

Site Plan

PROPERTY LEASED PARKING (30 SPACES)





COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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ZONING ADMINISTRATOR ACTION LETTER

Application No. **Modification Permit No. MD2011-018 (PA2011-167)**

Applicant **Irvine Company**

Site Address **1401 & 1402 Newport Center Drive**
Newport Center Monument Signs

Legal Description **P Bk 316 Pg 3 Par A & P Bk 93 Pg 45 Par A**

On **November 9, 2011**, the Zoning Administrator approved the following: A Modification Permit to allow the construction of two freestanding, double-faced monument signs to be located at the northeast and northwest corners of the intersection of East Coast Highway and Newport Center Drive. The signs are 7 feet high by 13 feet wide with a sign area of 91 square feet and identify tenants within Newport Center and Fashion Island. The sign for the northeast corner is located in the PC-17 (Corporate Plaza) District. The sign for the northwest corner is located in the PC-40 (Corporate Plaza West) District. The approval is based on the following findings and subject to the following conditions.

FINDINGS

Finding

A. The project is exempt from environmental review pursuant to Section 15311, Class 11 (Accessory Structures) of the Implementing Guidelines of the California Environmental Quality Act.

Fact in Support of Finding

A.1. Class 11 includes construction or replacement of minor structures such as on-premise signs accessory to (appurtenant to) existing commercial facilities. The proposed monument signs are incidental and accessory to the principal use of the property and do not intensify or alter the use.

In accordance with Section 20.52.050 E. (Required Findings, Modification Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of the finding for a Modification Permit are set forth:

Finding

B. The requested modification will be compatible with existing development in the neighborhood.

Fact in Support of Finding

- B-1. The proposed monument signs will be located within the 1/4-round landscape areas on both sides of the Newport Center Drive entrance into Newport Center from East Coast Highway. The monument signs are accessory to the primary use of a landscaped entry point to Newport Center. The size and scale of the signs are complimentary to the landscape areas and will not significantly diminish or negatively impact the open space character.
- B-2. Use Permit No. UP3131, originally approved in 1985, and subsequently amended in 1989, and again in 1993, allowed for the installation of a network of freestanding signs at the major entrances into Newport Center. The development consists of freestanding cube and monument signs at the Santa Barbara entrance from Jamboree Road, the Santa Cruz Road and Santa Rosa Drive entrances from San Joaquin Hills Road, the San Miguel Drive entrance from MacArthur Boulevard, the southwest corner of San Joaquin Hills Road and MacArthur Boulevard, and the northeastern and southeastern corners of Jamboree Road and San Joaquin Hills Road. Also included are the two freestanding pylon signs located in the center median of the Newport Center Drive entrance into Newport Center from East Coast Highway. While all the signs were originally approved to identify Newport Center, they (except the pylon signs within the Newport Center Drive median) were modified over time to identify tenants within Newport Center and Fashion Island. The modifications were a result of Fashion Island's reputation for attracting shoppers from a larger region who were less familiar with the local road system. The additional signage and tenant identification was necessary for increased visibility to alert motorists traveling to the regional business and shopping center.
- B-3. The height of the proposed monument signs is 7 feet as compared to the other existing entrance freestanding signs, which are either monument or cubed shaped and range in height from 8 feet, 6 inches to 11 feet, 6 inches, except the two pylon signs which are 43 feet in height. Though the proposed signs vary in size and shape as compared to the other existing freestanding signs, they were designed 1) to be in scale and character of their immediate surroundings; and 2) to provide a similar benefit as the existing signs by identifying individual tenants within Newport Center and Fashion Island from a major entrance.
- B-4. The proposed signs will be constructed of similar materials and will possess similar construction features and lettering as the existing pylon signs located within the median of Newport Center Drive entrance into Newport Center from East Coast Highway. The pylon signs identify Newport Center and Fashion

Island. The proposed monument signs will identify key department stores, restaurants, and hotels and in doing so complement the two pylon signs.

- B-5. The proposed monument signs do not include an address plate as consistent with the other existing freestanding identification signs located throughout Newport Center.

Finding

- C. 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.*

Fact in Support of Finding

- C-1. Newport Center is a regional center for business and commerce. The commerce component of Newport Center, Fashion Island, is located behind existing office buildings and screened from view from East Coast Highway. Consequently, the location, sign area, content, height, and width of the proposed signs are necessary to provide adequate identification of key tenants within the Fashion Island area from East Coast Highway. The signage will enable motorists to identify more clearly destination points and the Newport Center Drive access to Fashion Island from East Coast Highway.
- C-2. The proposed monument signs are a logical design for this development and in collaboration with the existing pylon signs will provide greater project and tenant identification to the site. Currently, the Newport Center Drive entrance from East Coast Highway is the only major entrance into Newport Center where monument signs with tenant identification does not exist.

Finding

- D. 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.*

Fact in Support of Finding

- D-1. The proposed signs do not interfere with the intent or purpose of the Zoning Code as they provide for adequate identification of the site while guarding against the excessive and confusing proliferation of signs. The signs attract and invite rather than demand the public's attention. Their design is complementary to the area and uses to which they relate and harmonious with the surroundings.
- D-2. The granting of a modification is necessary in this case to allow deviations with regards to the monument signs for sign height, width, and area as well as the sign copy to include tenant names.

- D-3. The Corporate Plaza and Corporate Plaza West Planned Community regulations restrict the sign copy of freestanding signs to identifying the project or building name and street address only. The Zoning Code does not prohibit tenant names on monument signs. In this case, the addition of tenant names will provide greater convenience to motorists offering adequate identification of key uses, which are not visible or otherwise not recognized, within Fashion Island from East Coast Highway. Additionally, tenant names on monument signs are common throughout the City of Newport Beach and throughout regional business and commerce centers.
- D-4. The Corporate Plaza and Corporate Plaza West Planned Community regulations do not specify limitations on the height, width, or sign area of monument signs. Zoning Code regulations limit the maximum height to 8 feet (6 feet average), the maximum width to 1.5 times the average height, and the maximum sign area to 75 square feet. The proposed monument signs are 7 feet high by 13 feet wide with a sign area of 91 square feet.
- D-5. The increase in the height, width, and sign area of the proposed monument signs is necessary in order to provide greater visibility for the entrance into Newport Center from Newport Center Drive and to allow the signs to be developed in scale with and complementary to their surroundings. The increase is less than that of the other freestanding signs located at the other perimeter entrances into Newport Center. The increased width of the proposed monument signs is justified due to the large 1/4-round landscape area surrounding the signs, which provides for a greater area of open space as compared to other open space corners within Newport Center. The increase in sign area is a direct result of the overall increased dimensions of the signs and again the need for greater visibility for the entrance into Newport Center.

Finding

- E. *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.*

Fact in Support of Finding

- E-1. The proposed monument signs are a logical design solution to identify key tenants from the outer perimeter of the Newport Center Drive entrance from East Coast Highway. The signs will be in scale with the existing development and complement the two existing pylon signs which identify the regional center.
- E-2. Due to the amount of retail and office space within the center as well as the location and configuration of the buildings and roadways, the monument signs of an increased height, width, and sign area that identify individual tenants will provide greater convenience and visibility for motorists to the site and will not be

detrimental to any surrounding owners and occupants, the neighborhood, or to the general public.

- E-3. There are no other direct entrances into Newport Center from East Coast Highway offering adequate visibility for the proposed signs and/or other tenant identification ground signs. It is the only entrance with open space suitable for signs necessary to alert motorists that they are approaching the entrance into Newport Center.

Finding

- F. 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.*

Fact in Support of Finding

- F-1. The monument signs will be constructed on private property at the intersection of Newport Center Drive and East Coast Highway. They will neither change the density or intensity of the existing commercial use nor affect the flow of light or air to adjoining residential properties.
- F-2. The monument signs, as conditioned, will not interfere with sight distance from any street, alley, or driveway.
- F-3. The existing freestanding identification signs located throughout Newport Center at the major entrances have not been proven to be detrimental.
- F-4. The listing of tenants on the monument signs promotes public safety by making this information more visible to motorists driving through a heavily traveled, high speed intersection and allowing drivers to pay more attention to traffic conditions. Furthermore, the addition of tenant names to the monument sign will increase awareness of the center's businesses, improving economic welfare.

CONDITIONS

(Project specific conditions are noted in italics)

1. The development shall be in substantial conformance with the approved plot plan, elevations, and sign details, except as noted in the following conditions.
2. *The final location of the monument signs shall be approved by the Public Works Department to ensure that the signage does not impact vehicular sight distance.*
3. *The dimensions of the monument signs shall not exceed the size depicted on the approved plans, or 7 feet high by 13 feet wide. The area of the actual sign*

structure and sign area shall be limited to a maximum of 91 square feet (per face).

4. *The subject monument signs are permitted to include tenant signage that would otherwise be precluded by the Corporate Plaza and Corporate Plaza West Planned Community regulations.*
5. *The subject monument signs are to complement the two existing 43 feet high pylon signs within the Newport Sign median and shall not include any of the same text, unless otherwise approved by the Community Development Director, to guard against excessive signage and to ensure the signage preserves and enhances the community's appearance.*
6. *To ensure readability of the monument size, the minimum letter size allowed shall be 6 inches.*
7. *The proposed monument sign shall not be required to include address plate, unless otherwise required by the Fire Department or Planning Division.*
8. Anything not specifically approved by this Modification Permit is prohibited and must be addressed in a separate and subsequent Modification Permit review.
9. 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.
10. 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 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.
11. A building permit shall be obtained prior to commencement of the construction.
12. 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.
13. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works inspector.

14. 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.
15. This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060.A (Time limits) 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 (Extensions of time) of the Newport Beach Municipal Code.
16. 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 *Newport Center Monument Signs* including, but not limited to, *Modification Permit No. MD2011-018 (PA2011-167)*. 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.

PUBLIC NOTICE

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.

APPEAL PERIOD: Modification Permit and Comprehensive Sign Program applications do not become effective until 14 days following the date of action. Prior to the effective date the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

By: 
Jaime Murillo, Zoning Administrator

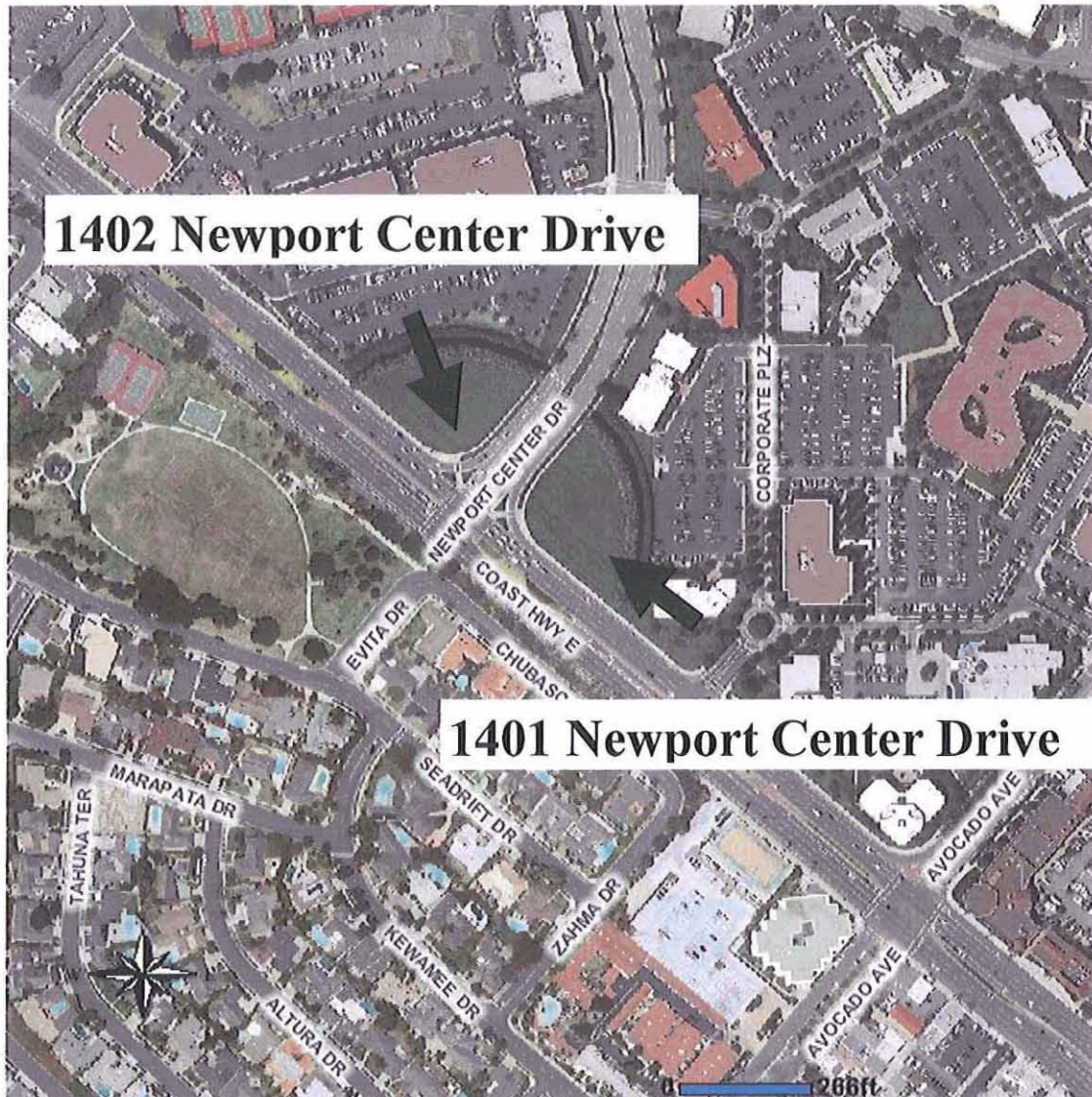
JM/ems

- Attachments:
- ZA 1 Vicinity Map
 - ZA 2 Applicant's Project Description, includes
 - Approved Signs per UP3131
 - Photographs of existing signs
 - Proposed signs
 - ZA 3 PC – 40 (Corporate Plaza West) Sign Standards
 - ZA 4 PC – 17 (Corporate Plaza) Sign Standards

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



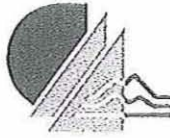
Modification Permit No. MD2011-018
PA2011-167

Newport Center Drive & East Coast Highway

Attachment No. ZA 2

Applicant's Project Description

- Approved Signs per UP3131
- Photographs of existing signs
- Proposed Signs



PA2011-167 for MD2011-018
Newport Center Drive & East Coast Highway
Irvine Company

CAA PLANNING

September 16, 2011

Mr. Patrick Alford
Planning Manager
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Subject: Modification Permit Application for Newport Center, Newport Beach

Dear Mr. Alford:

On behalf of Irvine Company, CAA Planning, Inc. (CAA) submits the enclosed modification permit application package to allow freestanding monument signs to be located within the landscape areas on either side of Newport Center Drive at its intersection with East Coast Highway.

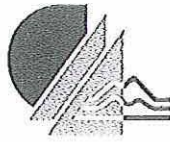
Background

Beginning in 1985, Irvine Company initiated the installation of a network of freestanding identification signs at the major entrances into Newport Center (Center). The initial phase of development, approved under Use Permit UP3131 (January 24, 1985), consisted of freestanding cube and monument signs at the Santa Barbara entrance from Jamboree Road, the Santa Cruz Road and Santa Rosa Drive entrances from San Joaquin Hills Road, the San Miguel Drive entrance from MacArthur Boulevard, and at the southwest corner of San Joaquin Hills Road and MacArthur Boulevard. Also included were two freestanding pylon signs located in the center median of Newport Center Drive as it enters the Center from East Coast Highway. These ten signs only identified the Center and did not identify buildings or tenants within the Center.

In 1989, UP3131 was amended (UP3131A, October 5, 1989) to add additional raised letter signs to the above referenced signs and to allow a band of neon at the top of each sign. As a result of this approval, these signs could now include the name Fashion Island and identify Center restaurants, theaters, and shopping opportunities in the sign content.

In 1993, UP3131 was amended again (UP3131A, March 18, 1993) to add the names of major tenants occupying space in Fashion Island to these signs. The Amendment also approved the addition of two new freestanding cube signs at the northeastern and southeastern corners of Jamboree Road and San Joaquin Hills Road.

The locations and dimensions of these signs are shown on the attached exhibit and table extracted from the City of Newport Beach Staff Report for the 2nd Amendment to UP3131 approved on March 18, 1993 (Attachment 1). To date, there are thirteen existing freestanding identification signs located on the perimeter of the Center with the following dimensions: two 8-½' cube signs, four 11-½' cube signs, five 11-½' x 11-½' x 2' monument signs, and two 43' high pylon signs. Photographs of the existing signs approved by UP3131 are included with this application for reference (Attachment 2).



Mr. Patrick Alford
September 16, 2011
Page 2 of 4

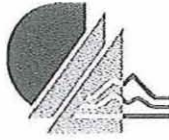
The freestanding signs established along the major roadways surrounding Newport Center serve to identify the Center's location to motorists. The Center is a regional center for business and commerce. The nucleus of the Center is the regional shopping center of Fashion Island. Initially, the signs identified the entire center as Newport Center but overtime Fashion Island's reputation attracted shoppers from a larger region who were less familiar with the local road system and increased visibility was necessary to alert motorists to the entrances into the Center. Consequently, these signs were modified to include the name Fashion Island and other text describing the activities occurring within the Center (e.g. Shopping, Theaters, and Restaurants). Enhanced lighting was incorporated into the signs to increase visibility at night. Fashion Island's popularity continued to grow and it developed a reputation as a destination for shoppers seeking specialty department stores of national standing. The signs were again modified to include the names of department stores, restaurants, and hotels. This was not intended as advertising for these establishments but to illustrate for the consumer that Fashion Island was a place for shopping on scale greater than an ordinary mall.

While most of the modifications to the signage were text related, additional signs were added on the perimeter of the Center to improve visibility for motorists. Additional cube and monument signs were placed at the intersections of Jamboree Road and San Joaquin Hills Road, East Coast Highway and MacArthur Boulevard, and San Miguel Drive and MacArthur Boulevard.

Proposed Project

Irvine Company proposes to introduce two new freestanding monument signs into the identification signage network for Newport Center. The proposed signs will be monument signs located within the ¼-round landscape areas on either side of the Newport Center Drive entrance from East Coast Highway. The proposed sign for the northeast corner of the entrance lies within the Corporate Plaza Planned Community (PC-17) and the proposed sign for the northwest corner of the entrance lies within the Corporate Plaza West Planned Community (PC-40). The monument signs will be of cabinet construction 13'-0" wide, 7'-0" high, and 18" thick and will have a faux plaster finish to match the existing Newport Center/Fashion Island pylons located within the center median of Newport Center Drive. The signs will be internally illuminated. The locations, dimensions, and specifications of the proposed signs are shown on the attached drawings (Attachment 3).

This application seeks approval for the addition of two monument signs at the primary shopping entrance for Fashion Island from East Coast Highway. They will provide increased visibility, at eye level, for motorists as they approach the Newport Center Drive entrance. The proposed signs will provide the names of key department stores, restaurants, and hotels and in so doing complement the two pylon signs in the Newport Center Drive median which only identify Newport Center and Fashion Island. The height of these new signs will be only 7'-0" as compared to the 11'-6" height of the existing entrance monument signs located on San Joaquin Hills Road and MacArthur Boulevard or the 8'-6" to 11'-6" height of the existing entrance cube signs located on Jamboree Road and San Joaquin Hills Roads.



Mr. Patrick Alford
September 16, 2011
Page 3 of 4

Required Actions

As allowed by Zoning Code Section 20.42.080.C, Irvine Company requests approval of a Modification Permit to allow for the introduction of two freestanding monument signs within the ¼-round landscape areas on Newport Center Drive at its intersection with East Coast Highway in the Planned Communities PC-17 and PC-40. Irvine Company is seeking the following modifications to the standards for monuments signs:

- Increase in the Code maximum for sign area of 75 s.f. to an area of 91 s.f. (Section 20.42.070.B-Table 3-16)
- Increase in the Code maximum for the average sign height of 6.0' to a average height of 7.0' (Section 20.42.080.C.3.b)
- Increase in the Code maximum for the sign width for the proposed signs of 9.0' to a width of 13.0' (Section 20.42.080.C.3.c)
- Deletion of address requirement (Section 20.42.080.C.12)

Findings have been prepared in support of the modification permit request, and are attached to the permit application.

Accompanying the application package is the following:

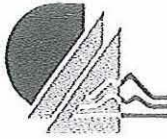
- 4 print copies of the proposed monument signs and 1 CD
- An authorization letter from Irvine Company, allowing CAA to act as representative for the project
- A check in the amount of \$2,283 which will be deposited to initiate the City's review of the proposed modification permit application

Please do not hesitate to contact me at (949) 581-2888 if you have any questions or concerns.

Sincerely,

CAA PLANNING, INC.

Shawna L. Schaffner
Chief Executive Officer



Mr. Patrick Alford
September 16, 2011
Page 4 of 4

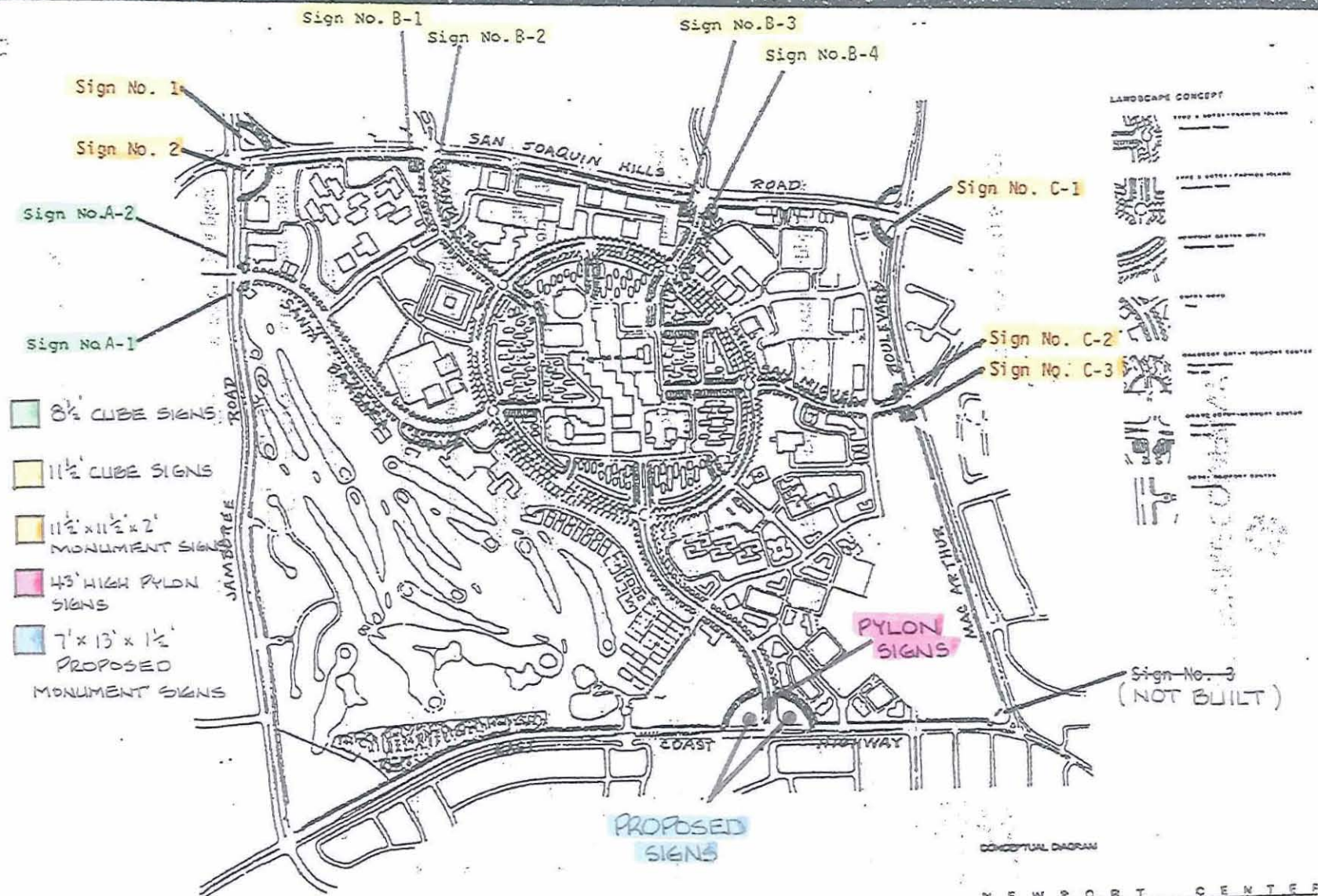
Attachments: Attachment 1 – Approved signs per UP3131
Attachment 2 – Photographs of existing signs
Attachment 3 – Proposed signs
Modification Permit Planning Application
Letter of Authorization
Deposit Check

c: Mr. John Murphy
Mr. Dean Alstrup

ATTACHMENT 1

APPROVED SIGNS

(UP3131, AMENDED 3/18/93)



NEWPORT CENTER
LANDSCAPE RENOVATION

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original letter, and is signed by Abraham Lincoln.

Figure 10.10



ATTACHMENT 2

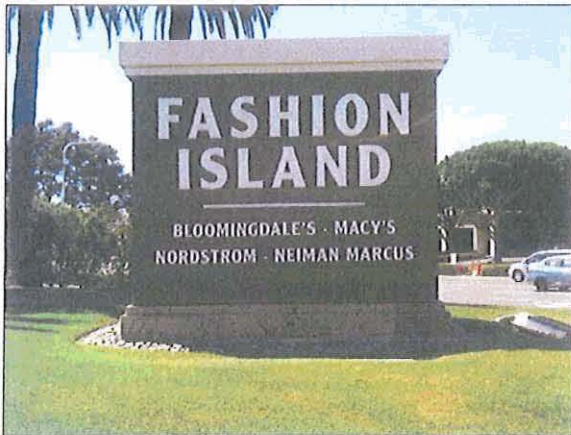
EXISTING SIGNS

(PHOTOS TAKEN 9/8/11)

San Joaquin Hills and MacArthur
11½' x 11½' x 2'
Monument Sign, SW Corner



San Joaquin Hills and Santa Rosa
10½' Cube Signs



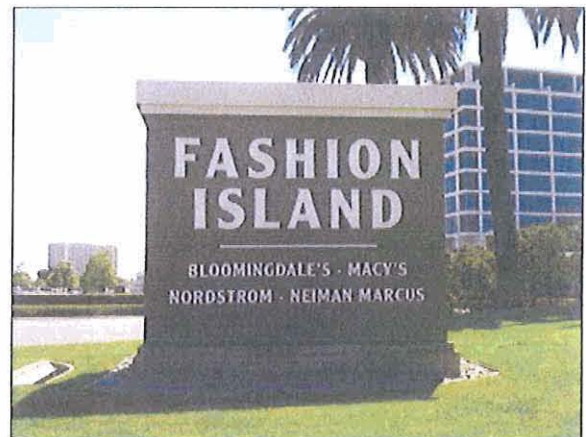
SE Corner, Side 1



SE Corner, Side 2



SW Corner, Side 1



SW Corner, Side 2

San Joaquin Hills and Santa Cruz
10½' Cube Signs



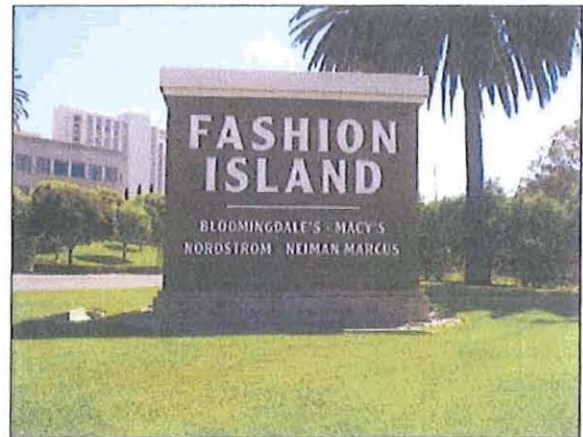
SE Corner, Side 1



SE Corner, Side 2



SW Corner, Side 1



SW Corner, Side 2

San Joaquin Hills and Jamboree
11½' x 11½' x 2'
Monument Sign, NE Corner



San Joaquin Hills and Jamboree
11½' × 11½' × 2'
Monument Sign, SE Corner



Jamboree and Santa Barbara
8½' Cube Signs



NE Corner, Side 1



NE Corner, Side 2



SE Corner, Side 1

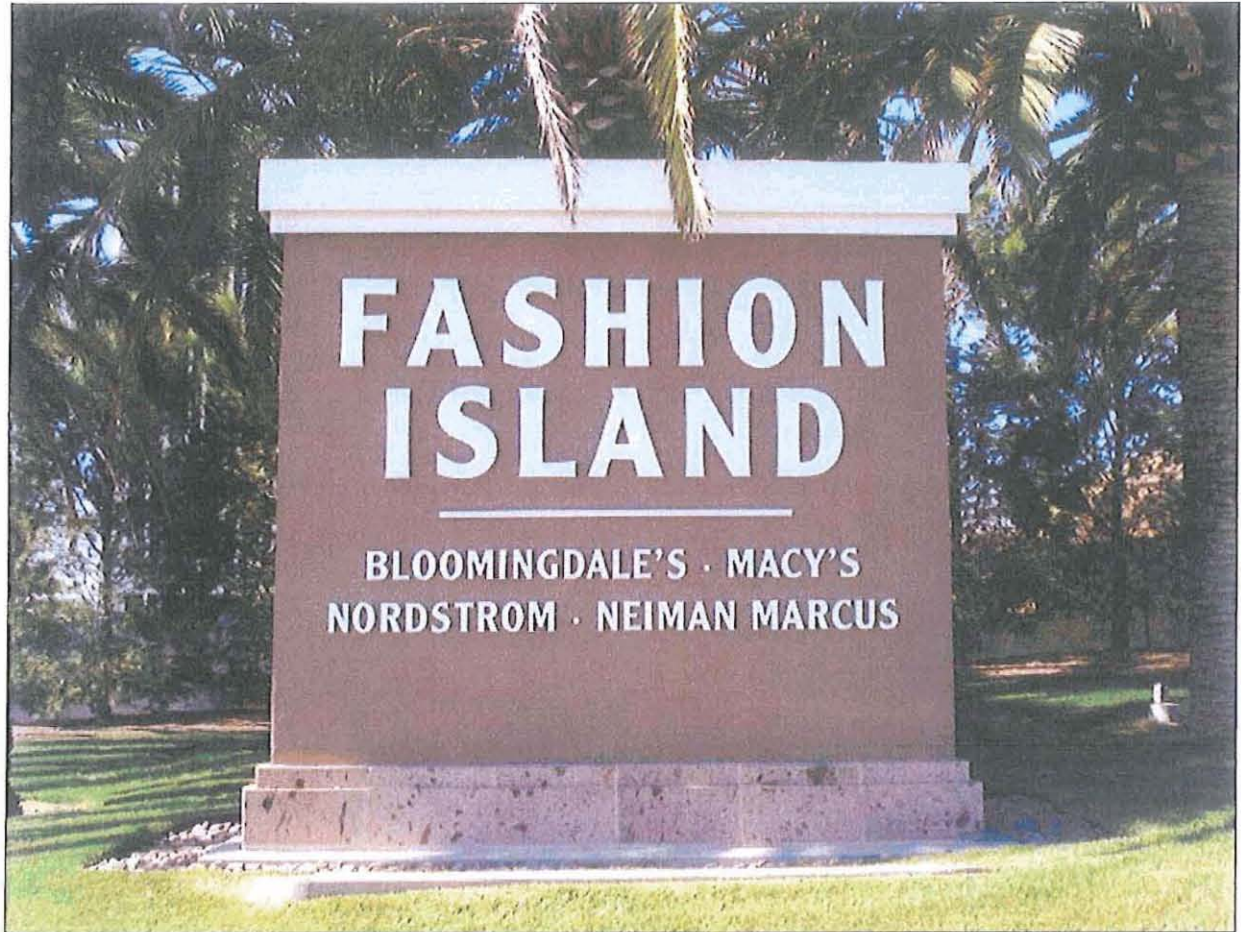


SE Corner, Side 2

MacArthur and San Miguel
11½' × 11½' × 2'
Monument Sign, SW Corner



MacArthur and San Miguel
11½' × 11½' × 2'
Monument Sign, NW Corner



ATTACHMENT 3

PROPOSED SIGNS

PCH/NCD

Monument Studies

Signage and Graphics Program

Newport Beach, California

Job No. 11020

Conceptual Design

04.29.11 (Revised 10.07.11)



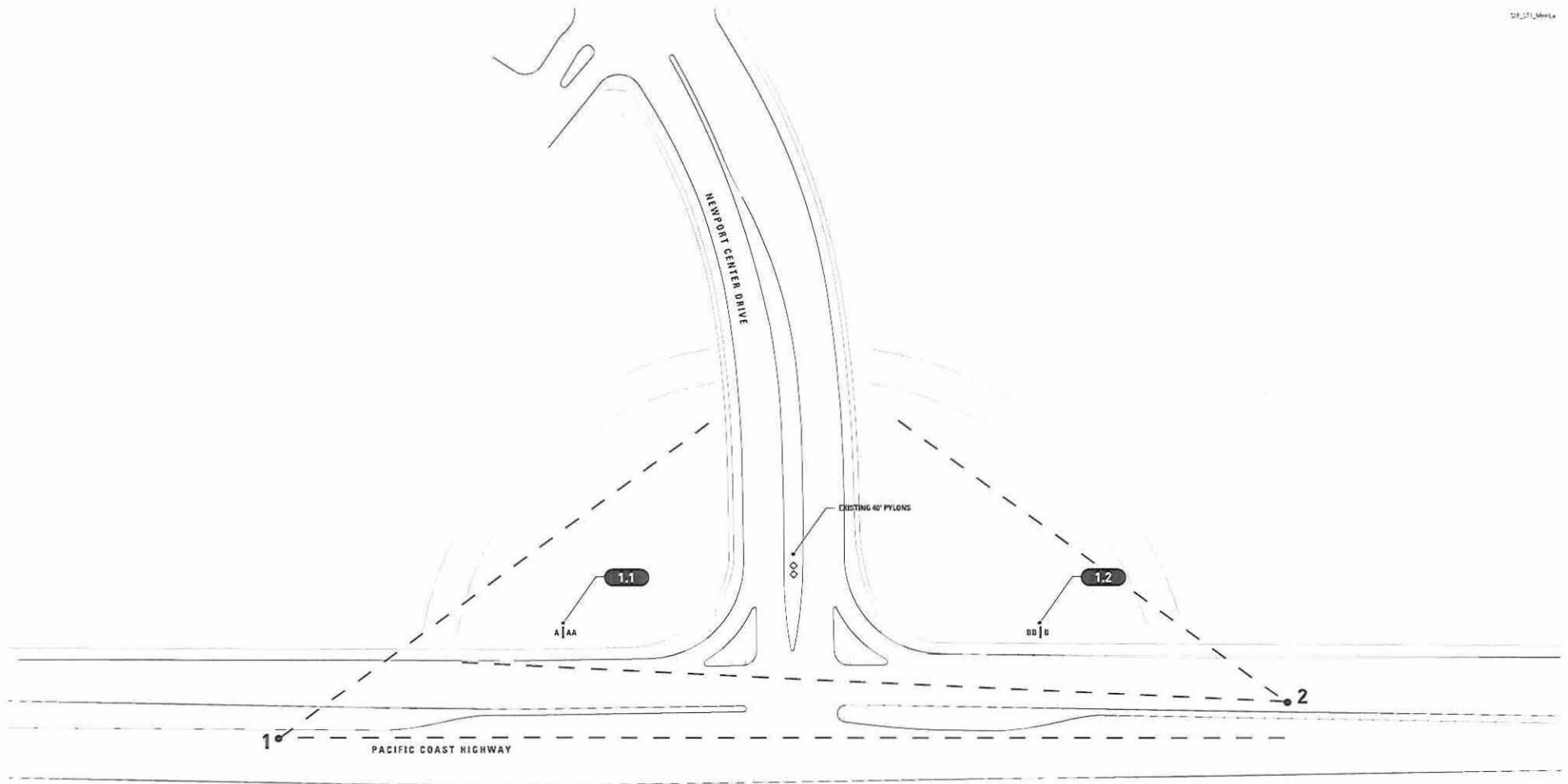
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IRVINE COMPANY
Since 1864

**RETAIL
PROPERTIES**



1 PARTIAL SITE/SIGN LOCATION PLAN - SIGN TYPE 1 - PROPOSED FASHION ISLAND TENANT I.D. MONUMENT SIGN

SCALE: 1" = 100'



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**PCH/NCD
Monument Studies**

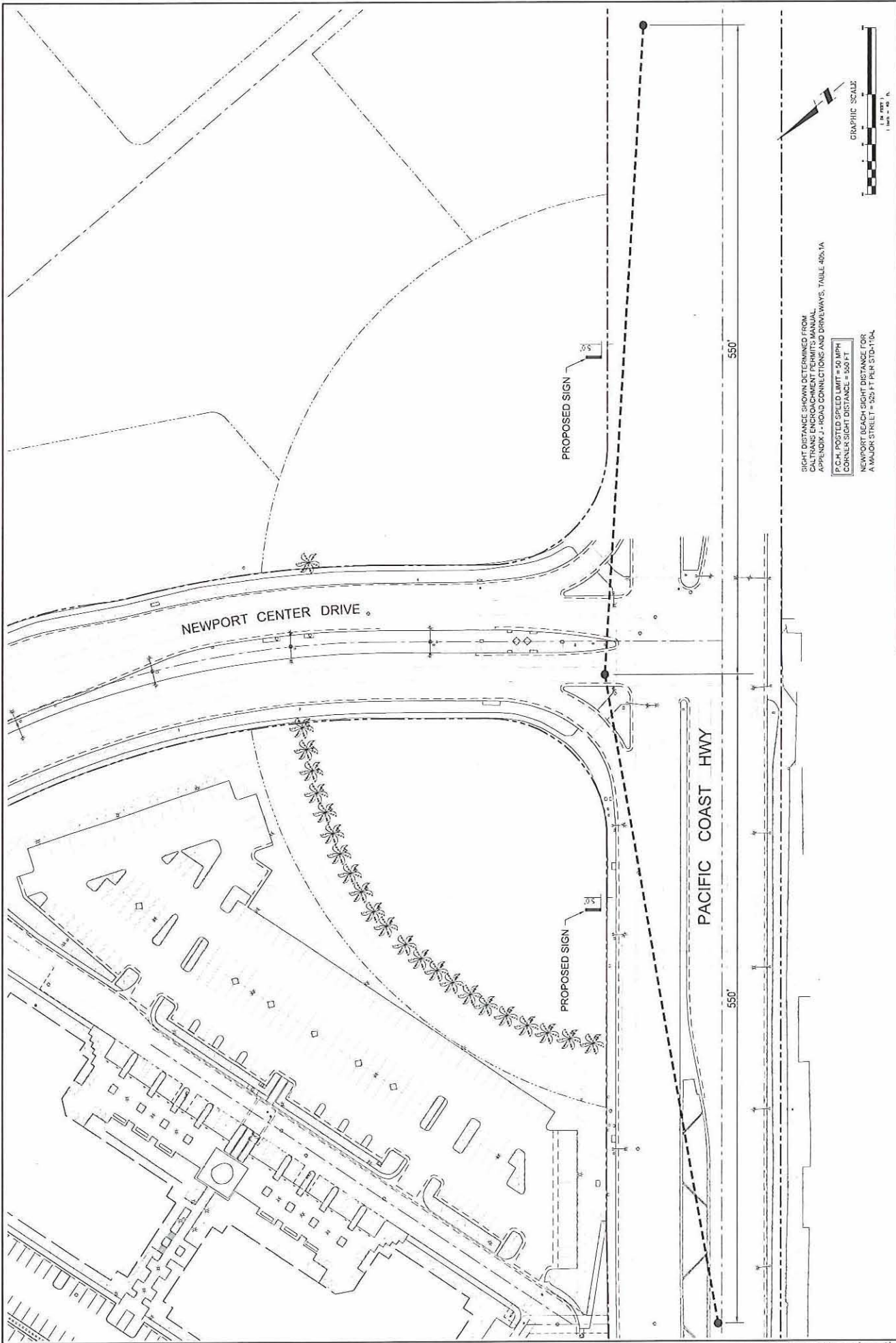
Signage and Graphics Program
Newport Beach, California
Project No. 11020

Irvine Company

Conceptual Design	04.29.11	KK
Revised	05.26.11	KK
Revised	06.02.11	KK
Revised	10.07.11	KK

**Site/Sign
Location Plan -
Sign Type 1**

G1



SIGHT DISTANCE SHOWN DETERMINED FROM
CALTRANS ENCROACHMENT PERMITS MANUAL,
APPENDIX J - ROAD CONNECTIONS AND DRIVEWAYS, TABLE 405.1A

PCN POSTED SPEED LIMIT = 55 MPH
CONCRETE SIGHT DISTANCE = 550 FT
NEWPORT BEACH SIGHT DISTANCE FOR
A MAJOR STREET = 525 FT PER STD-104

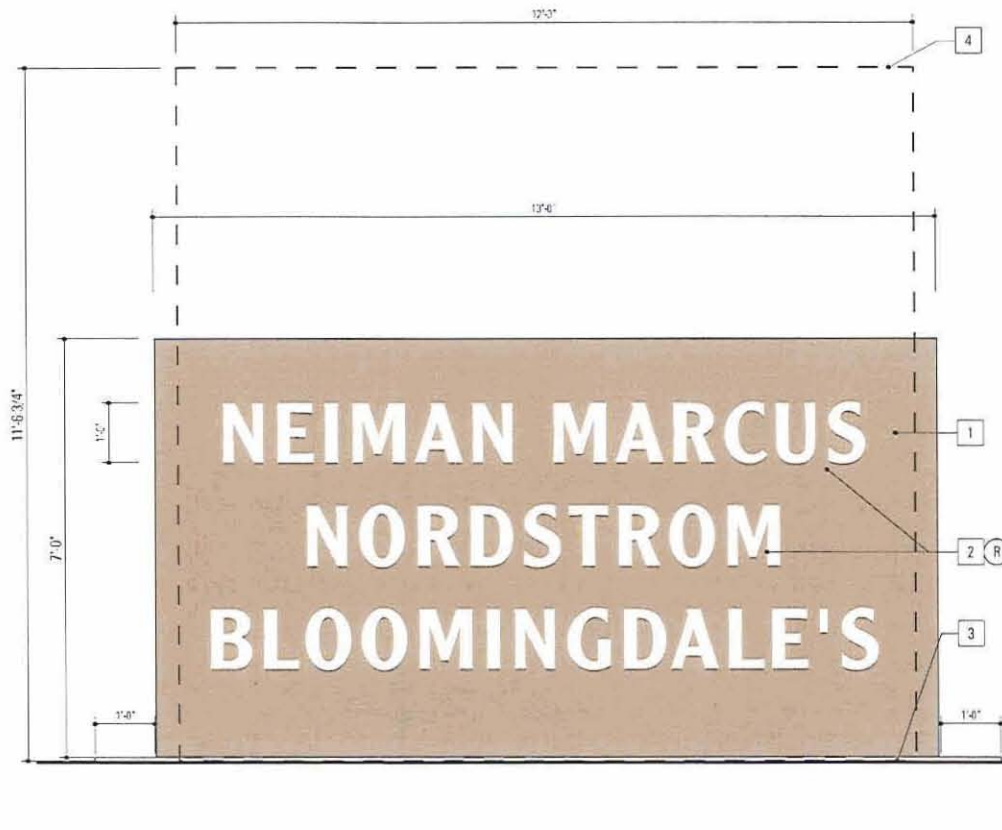
PREPARED FOR

STANTEC CONSULTING INC.
10000 S. STATE ST.
SUITE 200
IRVINE, CA 92618
714.952.0000
stntc.com

IRVINE COMPANY
Since 1964

FASHION ISLAND
PCH SIGNAGE COORDINATION
SITE DISTANCES
NEWPORT BEACH, CALIFORNIA

DATE: 11/03/2011
SHEET: 1 OF 1



NOTES

- 1 NEW SIGN CABINET WITH FAUX PLASTER FINISH TO MATCH EXISTING NEWPORT CENTER/FASHION ISLAND MONUMENTS
 - 2 1 1/2" THK. ALUMINUM REVERSE CHANNEL LETTERS MECHANICALLY MOUNTED FLUSH TO FACE OF CABINET
 - 3 12" CONTINUOUS MOW STRIP
 - 4 LINE OF EXISTING SIGN 11'-6 3/4" HIGH BY 12'-0" WIDE, FASHION ISLAND ARTERIAL SIGNS.
- AXDN AEROSPACE INC. REFLECTIVE COATING #1460 BRIGHT WHITE

NOTE:
SIGN TO BE DOUBLE SIDED

1 ELEVATION - SIGN TYPE 1 - SIGN NO. 1.1 - PROPOSED FASHION ISLAND TENANT I.D. MONUMENT SIGN - OPTION 3 - SIDE A (SIDE AA SAME)

SCALE: 1/2" = 1'-0"



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PCH/NCD
Monument Studies

Signage and Graphics Program
Newport Beach, California
Project No. 11020

Irvine Company

Conceptual Design 04.29.11 KK
Revised 05.26.11 KK
Revised 06.02.11 KK
Revised 10.07.11 KK

Sign Type 1
Option 3
Side A

Sign Elevation

G2



1 PHOTOSIM - SIGN TYPE 1 - SIGN NO. 1.1 - PROPOSED FASHION ISLAND TENANT I.D. MONUMENT - OPTION 3 - SIDE A (VIEW NO. 1)
SCALE: N.T.S.



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PCH/NCD Monument Studies

Signage and Graphics Program
Newport Beach, California
Project No. 11020

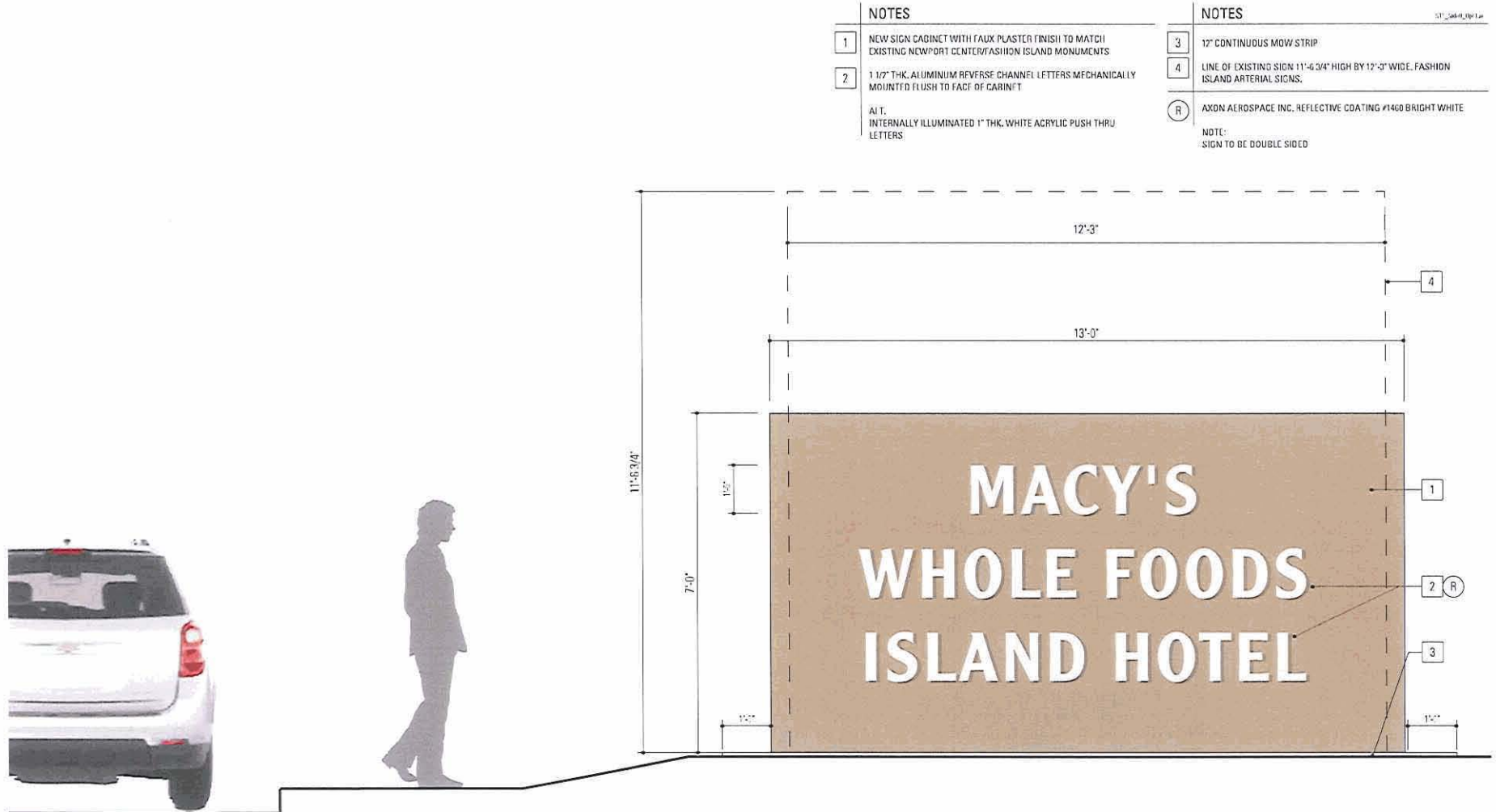
Irvine Company

Conceptual Design	04.29.11	KK
Revised	05.26.11	KK
Revised	06.02.11	KK
Revised	10.07.11	KK

**Sign Type 1
Sign No. 1.1
Option 3
Side A**

Photosimulation

G3



NOTES

- 1 NEW SIGN CABINET WITH FAUX PLASTER FINISH TO MATCH EXISTING NEWPORT CENTER/FASHION ISLAND MONUMENTS
- 2 1 1/2" THK. ALUMINUM REVERSE CHANNEL LETTERS MECHANICALLY MOUNTED FLUSH TO FACE OF CABINET
- 3 A.I.T. INTERNALLY ILLUMINATED 1" THK. WHITE ACRYLIC PUSH THRU LETTERS

NOTES

- 3 12" CONTINUOUS MOW STRIP
 - 4 LINE OF EXISTING SIGN 11'-6 3/4" HIGH BY 12'-3" WIDE. FASHION ISLAND ARTERIAL SIGNS.
 - R AXON AEROSPACE INC. REFLECTIVE COATING #1460 BRIGHT WHITE
- NOTE:
SIGN TO BE DOUBLE SIDED

1 ELEVATION - SIGN TYPE 1 - SIGN NO. 1.2 - PROPOSED FASHION ISLAND TENANT I.D. MONUMENT SIGN - OPTION 3 - SIDE B (SIDE BB SAME)
SCALE: 1/2" = 1'-0"



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PCH/NCD
Monument Studies

Signage and Graphics Program
Newport Beach, California
Project No. 11020

Irvine Company

Conceptual Design 04.29.11 KK
Revised 05.26.11 KK
Revised 06.02.11 KK
Revised 10.07.11 KK

Sign Type 1
Option 3
Side B

Sign Elevation

G4



1 PHOTOSIM - SIGN TYPE 1 PROPOSED FASHION ISLAND TENANT I.D. MONUMENT - OPTION 3 - SIDE B (VIEW NO. 2)
SCALE: N.T.S.



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writing with Davies Associates.

PCH/NCD Monument Studies

Signage and Graphics Program
Newport Beach, California
Project No. 11020

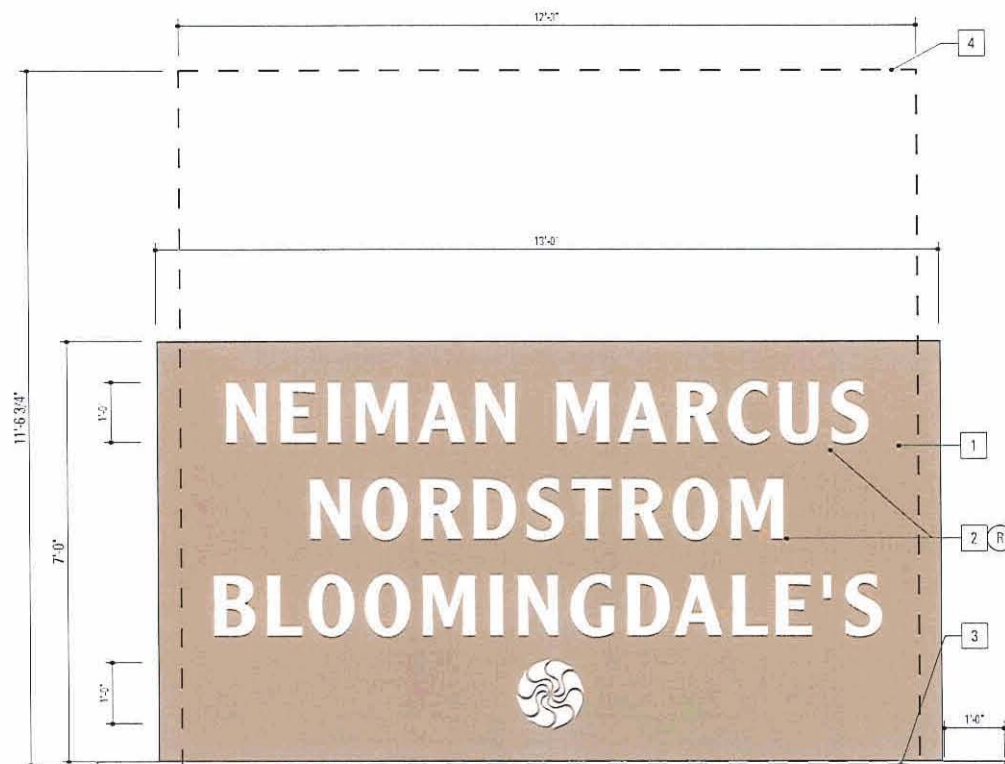
Irvine Company

Conceptual Design 04.29.11 KK
Revised 05.26.11 KK
Revised 06.02.11 KK
Revised 10.07.11 KK

Sign Type 1
Sign No. 1.2
Option 3
Side B

Photosim

G5



NOTES

- 1 NEW SIGN CABINET WITH FAUX PLASTER FINISH TO MATCH EXISTING NEWPORT CENTER/FASHION ISLAND MONUMENTS
 - 2 1 1/2" THK. ALUMINUM REVERSE CHANNEL LETTERS MECHANICALLY MOUNTED FLUSH TO FACE OF CABINET
A/I:
INTERNALLY ILLUMINATED 1" THK. WHITE ACRYLIC PUSH THRU LETTERS
 - 3 12" CONTINUOUS MDW STRIP
 - 4 LINE OF EXISTING SIGN 11'-6 3/4" HIGH BY 12'-3" WIDE, FASHION ISLAND ARTERIAL SIGNS.
- (R) AXON AEROSPACE INC, REFLECTIVE COATING #1400 BRIGHT WHITE

NOTE:
SIGN TO BE DOUBLE SIDED

1 ELEVATION - SIGN TYPE 1 - SIGN NO. 1.1 - PROPOSED FASHION ISLAND TENANT I.D. MONUMENT SIGN - OPTION 3 - ALT. 1 - SIDE A (SIDE AA SAME)
SCALE: 1/2" = 1'-0"



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Signage and Graphics Program
Newport Beach, California
Project No. 11020

Irvine Company

Conceptual Design	04.29.11	KK
Revised	05.26.11	KK
Revised	06.02.11	KK
Revised	10.07.11	KK

Sign Type 1
Option 3 - Alt. 1
Side A

Sign Elevation

G6



1 PHOTOSIM - SIGN TYPE 1 - SIGN NO. 1.1 - PROPOSED FASHION ISLAND TENANT I.D. MONUMENT - OPTION 3 - ALT. 1 - SIDE A (VIEW NO. 1)
SCALE: N.T.S.



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PCH/NCD Monument Studies

Signage and Graphics Program
Newport Beach, California
Project No. 11020

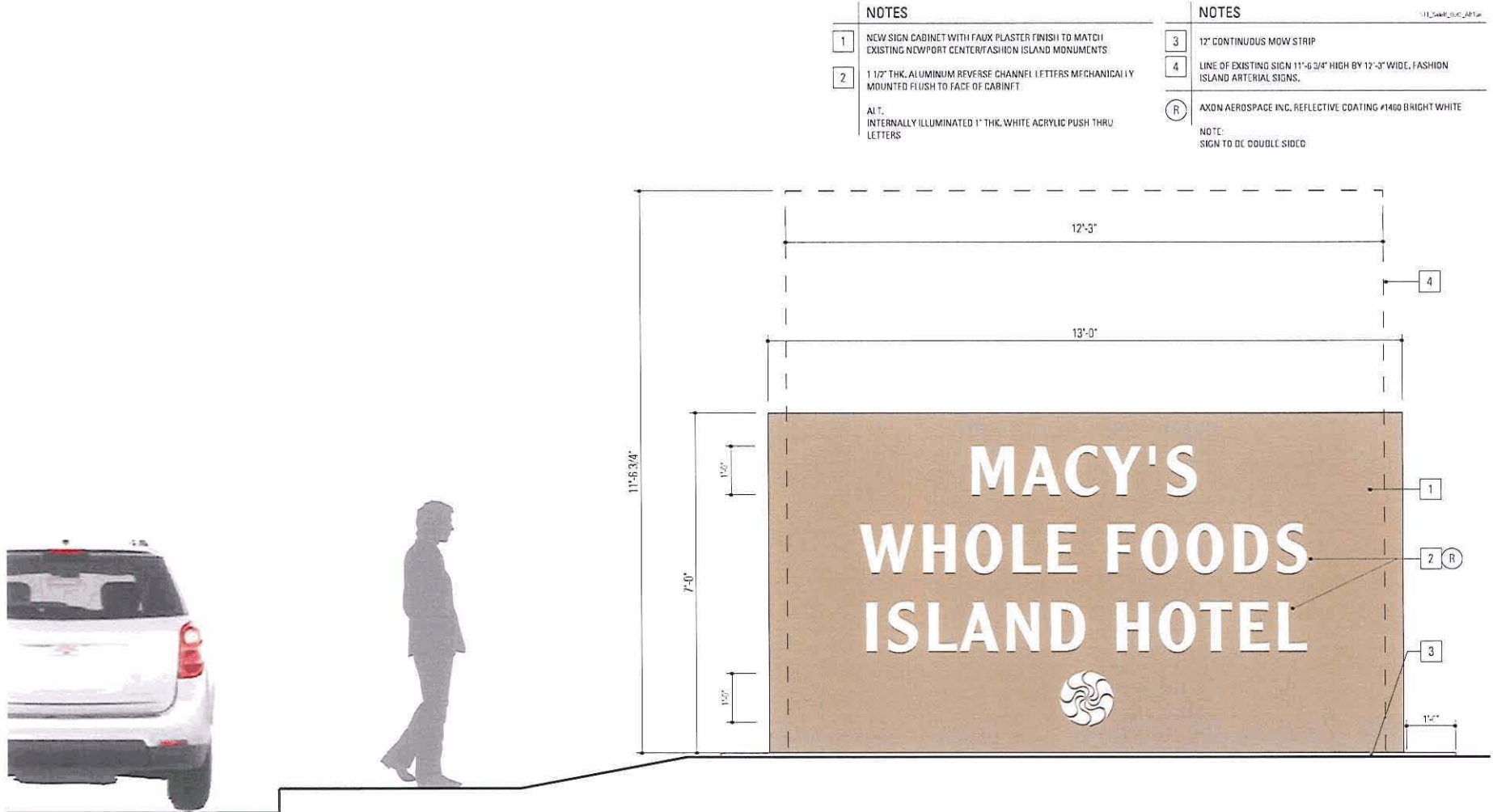
Irvine Company

Conceptual Design	04.29.11	KK
Revised	05.26.11	KK
Revised	06.02.11	KK
Revised	10.07.11	KK

Sign Type 1
Sign No. 1.1
Option 3 - Alt. 1
Side A

Photosimulation

G7



1 ELEVATION - SIGN TYPE 1 - SIGN NO. 1.2 - PROPOSED FASHION ISLAND TENANT I.D. MONUMENT SIGN - OPTION 3 - ALT. 1 - SIDE B (SIDE BB SAME)
SCALE: 1/2" = 1'-0"



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Monument Studies**

Signage and Graphics Program
Newport Beach, California
Project No. 11020

Irvine Company

Conceptual Design 04.29.11 KK
Revised 05.26.11 KK
Revised 06.02.11 KK
Revised 10.07.11 KK

**Sign Type 1
Option 3 - Alt. 1
Side B**

Sign Elevation

G8



1 PHOTOSIM - SIGN TYPE 1 PROPOSED FASHION ISLAND TENANT I.D. MONUMENT - OPTION 3 - ALT. 1 - SIDE B (VIEW NO. 2)
SCALE: N.T.S.



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Monument Studies

Signage and Graphics Program
Newport Beach, California
Project No. 11020

Irvine Company

Conceptual Design 04.29.11 KK
Revised 05.26.11 KK
Revised 06.02.11 KK
Revised 10.07.11 KK

Sign Type 1
Sign No. 1.1
Option 3 - Alt. 1
Side B

Photosimulation

G9

Attachment No. ZA 3

PC – 4 (Corporate Plaza West) Sign
Standards

→ Excerpt from PC-40 (Corporate Plaza West)
• sign at NW corner of E. Coast Hwy +
Newport Center Dr.

H. Storage Areas

1. All outdoor storage shall be visually screened from access streets, and adjacent property. Said screening shall form a complete opaque screen.
2. No storage shall be permitted between a frontage street and the building line.

I. Refuse Collection Areas

1. All outdoor refuse collection areas shall be visually screened from access streets, and adjacent property. Said screening shall form a complete opaque screen.
2. No refuse collection area shall be permitted between a frontage street and the building line.
3. Screen areas shall not interfere with the required sight distance per City Standard Drawing No. 110-L.

J. Telephone and Electrical Service

All "on site" electrical lines (excluding transmission lines) and telephone lines shall be placed underground. Transformer, terminal equipment, detector checks and fire service facilities shall be visually screened from view from streets and adjacent properties, and shall meet the requirements of City Standard Drawing No. 110-L.

K. Signs

1. Building Address Sign

Building address numerals shall be a maximum of two (2) feet and a minimum of one (1) foot in height and shall be consistent with the building identification signing.

Building address number shall face the street (and/or pedestrian walkways in the case of necessity), and be located on the building so that they are visible from adjacent frontage roads and designated parking areas.

2. Project/Building Identification Sign

Project and/or building identification signs are permitted at major entry access drives from adjacent frontage streets, provided that they comply with the City of Newport Beach site distance requirement 110-L.

Information on this sign is limited to:

- For Sale, For Lease, Future Home of, Building/Project Name, etc.
- Type or Name of Development
- Type and Area of Space Available
- Major Tenant or Developer
- Financial Institution
- General Contractor
- Architect
- Leasing Agent
- Occupancy Date
- Phone Number
- Irvine Company or Irvine Company Project Name and Logo

Location: One temporary sign is permitted on site for each frontage street. These signs may be single or double-faced and parallel or perpendicular to the roadway.

Design: All temporary signs are to be built in substantial conformance to The Irvine Company corporate design standards as shown on the following page.

Longevity: Signs can exist from the time of lease or sale of the parcel until construction and/or leasing of the facility is complete.

Attachment No. ZA 4

PC – 17 (Corporate Plaza) Sign
Standards

→ Excerpt from PC-17
(Corporate Plaza)
• Sign on NE corner of
E. Coast Highway +
Newport Center Drive

J. Telephone and Electrical Service

All "on site" electrical line (excluding transmission lines) and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

K. Signs

1. Building Address Sign

Building address numerals shall be a maximum of two (2) feet in height and shall be consistent with the building identification signing.

Building address number shall face the street (and/or pedestrian walkways in the case of necessity), and be located on the building so that they are visible from adjacent frontage roads and designated parking areas.

2. Project/Building Identification Sign

Project and/or building identification signs are permitted at major entry access drives from adjacent frontage streets, provided that they comply with the City of Newport Beach site distance requirement 110-L.

The identification signage is permitted in the form of a free-standing (single or double faced) monument sign. The sign copy shall be restricted to the project or building name and street address. Individual letter heights shall not exceed eighteen (18) inches.

3. Tenant Identification Signs

Tenant identification signs are permitted and are divided into two (2) categories:

- Primary Tenant
- Secondary Tenant

Tenant identification signs are to be wall-mounted graphics, consisting of individually fabricated letters. Box or "can" signs are not permitted.

The maximum number of primary tenant signs permitted on any one building elevation is two (2).

Each secondary tenant shall be limited to one (1) identification sign.

Longevity: Signs can exist from the time of lease or sale of the parcel until construction and/or leasing of the facility is complete.