



**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  
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending March 22, 2013

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**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**

Item 1: Fly 'N' Fish/NB Hotel Comprehensive Sign Program No. CS2012-007  
(PA2012-054)  
2304 and 2306 West Ocean Front

Action: Approved

Council District 1

**APPEAL PERIOD:** An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

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

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

[www.newportbeachca.gov](http://www.newportbeachca.gov)

### **ZONING ADMINISTRATOR ACTION LETTER**

**Application No.**                      **Comprehensive Sign Program No. CS2012-007 (PA2012-054)**

**Applicant**                              **Stephen Loomis**

**Site Address**                          **2304 and 2306 West Ocean Front**  
**Fly 'N' Fish/NB Hotel Comprehensive Sign Program**

**Legal Description**                  **Parcel 1 of Resubdivision 0826**

On March 21, 2013, the Zoning Administrator approved the following: A comprehensive sign program to address signage for a two-tenant building. The program addresses tenant signs for a hotel and restaurant, including wall, canopy, and projecting signs.

The comprehensive sign program is required to allow the following deviations for the wall signs located on the southeast elevation: (1) the signs are to be located on the southeast elevation, which is not a standard frontage; (2) the signs are to be located closer than 30 feet to the wall sign on the West Ocean Front frontage; (3) the signs are to be located on the second story; and (4) the signs are to be located outside of the middle 50 percent of the wall.

The subject property is located within the Commercial Visitor-Serving (CV) Zoning District and the General Plan Land Use Element category is Visitor Serving Commercial (CV). The subject property is located within the coastal zone, and the Coastal Land Use Plan category is Visitor Serving Commercial (CV-B).

The approval is based on the following findings and standards and subject to the following conditions:

### **FINDINGS AND STANDARDS FOR APPROVED SIGNS**

#### **Finding**

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

### Fact in Support of Finding

1. Class 11 exempts minor structures accessory to existing commercial facilities, including signs. The proposed signage is incidental and accessory to the principal commercial use of the property and does not intensify or alter the use.

In accordance with Section 20.42.120 (Comprehensive Sign Program Standards) of the Newport Beach Municipal Code, the following standards and facts in support of such standards are set forth:

### Standard

- B. The proposed sign program shall comply with the purpose and intent of this Chapter [Chapter 20.42], any adopted sign design guidelines, and the overall purpose and intent of this Section [Section 20.42.120 – Comprehensive Sign Program].*

### Facts in Support of Standard

1. In compliance with the purpose and intent of Chapter 20.42 (Sign Standards), the proposed Comprehensive Sign Program provides the use with adequate identification without excessive proliferation of signage. Furthermore, it preserves community appearance by regulating the type, number, design, and area of signage.
2. The purpose of a comprehensive sign program is to integrate all of a project's signs. A comprehensive sign program provides a means for the flexible application of sign regulations for projects that require multiple signs in order to provide incentive and latitude in the design and display of signs and to achieve, not circumvent, the purpose of Chapter 20.42. This approval integrates all of the signs for the subject property while meeting the purpose and intent of Chapter 20.42.
3. The Comprehensive Sign Program is consistent with the Sign Design Guidelines because the signs enhance the building's architectural design and effectively communicate a commercial message without creating sign clutter. The text of the signs is legible and contrasts with the background. The location and size of the signs are consistent with the proportions of the building's facade.
4. The primary wall sign for the hotel is located in the center of the frontage in the band between the first and second floors of the building, consistent with the wall and building sign design guidelines. The canopy signs add to, not dominate, the architectural style of the building because of their size, location, and color. The projecting sign is for the ground floor restaurant tenant, is compatible with the design of the building, is less than 10 square feet, is at a 90 degree angle to the building, and is externally illuminated, consistent with the design guidelines for projecting signs.

Standard

- C. *The proposed signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Program, to the structures and/or developments they identify, and to surrounding development when applicable.*

Fact in Support of Standard

1. The site is developed with a hotel and restaurant and the signs have been designed to identify the businesses. The number and location of the signs will not contribute to an overabundance of signs that will have a detrimental effect on the neighborhood.
2. The wall, projecting, and canopy signs integrate well together and with the design of the building.
3. The proposed signage will not obstruct public views from adjacent roadways or parks because there are no public views through or across the subject property.
4. The signs will not interfere with sight distance from any street or driveway.
5. No signs are allowed on the alley frontage which faces residential uses.

Standard

- D. *The sign program shall address all signs, including permanent, temporary, and exempt signs.*

Fact in Support of Standard

1. The proposed Comprehensive Sign Program addresses all project signage. Temporary and exempt signs not specifically addressed in the sign program shall be regulated by the provisions of Chapter 20.42 (Sign Standards) of the Zoning Code.

Standard

- E. *The sign program shall accommodate future revisions that may be required because of changes in use or tenants.*

Fact in Support of Standard

1. The sign program has been designed to be effective for the hotel and restaurant tenants that occupy the building.
2. The Comprehensive Sign Program establishes allowed type, number, and area of signage with flexibility to accommodate any existing and future tenants.

3. It is not anticipated that future revisions of the Comprehensive Sign Program will be necessary to accommodate changes in tenants or uses. However, the Community Development Director may approve minor revisions to the sign program if the intent of the original approval is not affected.

Standard

- F. The program shall comply with the standards of this Chapter [Chapter 20.42], except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the Comprehensive Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Chapter [Chapter 20.42].*

Fact in Support of Standard

1. This Comprehensive Sign Program allows for deviations with regard to the location of signs. The approval conforms to all other standards of Zoning Code Chapter 20.42 and enhances the overall development.
2. Allowing deviations for the additional two (2) wall signs located on the southeast elevation is merited, given the orientation and architectural design of the building and the location within a pedestrian oriented area. The building faces West Ocean Front and a parking lot. The proposed sign locations allow for maximum visibility to pedestrians along the boardwalk and to passing vehicles in the parking lot.
3. The number of signs is reasonable given the use of the structure, size, and location of the building.

Standard

- G. The approval of a Comprehensive Sign Program shall not authorize the use of signs prohibited by this Chapter [Chapter 20.42].*

Fact in Support of Standard

1. This Comprehensive Sign Program does not authorize the use of prohibited signs.

Standard

- H. Review and approval of a Comprehensive Sign Program shall not consider the signs' proposed message content.*

Fact in Support of Standard

1. The Comprehensive Sign Program contains no regulations affecting sign message content.

## CONDITIONS

1. All proposed signs shall be in substantial conformance with the approved plans, Comprehensive Sign Program Matrix Table, and provisions of Chapter 20.42 of the Newport Beach Municipal Code, unless otherwise indicated in the following conditions.
2. The projecting sign shall not encroach more than four (4) feet into the public right-of-way.
3. The canopies shall not encroach more than four (4) feet into the public right-of-way or more than 2/3 of the sidewalk width.
4. The signs on the southeast elevation shall not project over the property line.
5. The combined total height of signs on the southeast elevation shall not exceed 50 percent of the vertical dimension of the wall that the signs are located upon.
6. No signs are allowed on the alley frontage.
7. A building permit or sign permit shall be obtained prior to commencement of installation of the signs. Installation plans including, but not limited to, sign weights, and attachment details shall be provided for the Building Division at plan check review.
8. A copy of this letter shall be incorporated into the plan check sets of plans prior to issuance of building or sign permits.
9. All signs shall be illuminated in accordance with the provisions of Section 20.42.070 of the Newport Beach Municipal Code. If, in the opinion of the Director, existing illumination creates an unacceptable negative impact on surrounding land uses or sensitive habitat areas the Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
10. The signs shall be maintained in a clean and orderly condition.
11. The Community Development Director may approve revisions to the Comprehensive Sign Program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require approval of a new/revised Comprehensive Sign Program by the Zoning Administrator.
12. Any future revisions or changes to the signs approved by this Comprehensive Sign Program due to a change in the use or tenants of the building shall be reviewed and approved by the Planning Division, so long as the sign size, copy configuration and number of signs authorized by this approval does not substantially change or increase. The mandatory reduction or elimination of signs shall be exercised as necessary.

13. The Zoning Administrator may add to or modify conditions of this approval, or revoke this approval upon a determination that any sign that is authorized by this approval has been altered beyond the parameters of the authorization and therefore beyond the justification.
14. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
15. 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 Fly 'N' Fish/NB Hotel Comprehensive Sign Program including, but not limited to, the Comprehensive Sign Program No. CS2012-007 (PA2012-054). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

**APPEAL PERIOD:** An appeal may be filed with the Director of Community Development within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

On behalf of Brenda Wisneski, Zoning Administrator

By:

  
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Fern Nueno, Associate Planner

GBR/fn

Attachments:   ZA1 Vicinity Map  
                      ZA2 Comprehensive Sign Program Matrix  
                      ZA3 Site Photos  
                      ZA4 Project Plans

# **Attachment No. ZA 1**

Vicinity Map



## An aerial photograph of a residential street, Ocean Front W, with property boundaries outlined in yellow. The subject property, located at 2306 Ocean Front W, is highlighted with a red border. A blue callout box with the text "Subject Property" points to this red-outlined property. The map shows a grid of streets including 25th St, 24th St, 23rd St, 22nd St, Ocean Front Alley W, and Ocean Front W. Numerous individual lots are labeled with their addresses, such as 2500, 2410, 2408, 2406, 2404, 2402, 2400, 2314, 2312, 2310, 2308, 2306, 2304, 2302, 2300, 2214, 2212, 2210, 2208, 2206, 2204, 2202, 2200, 110, 108, 106, 104, 102, 100, 98, 96, 94, 92, 90, 88, 86, 84, 82, 80, 78, 76, 74, 72, 70, 68, 66, 64, 62, 60, 58, 56, 54, 52, 50, 48, 46, 44, 42, 40, 38, 36, 34, 32, 30, 28, 26, 24, 22, 20, 18, 16, 14, 12, 10, 8, 6, 4, 2, 0. A compass rose is visible in the bottom left corner, and a scale bar is at the bottom center.

# 2304 West Ocean Front

# **Attachment No. ZA 2**

Comprehensive Sign Program Matrix



# Comprehensive Sign Program Matrix Table

Community Development Department  
 Planning Division  
 3300 Newport Boulevard, Newport Beach, CA 92663  
 (949)644-3204 Telephone | (949)644-3229 Facsimile  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**Application No.**                      **Comprehensive Sign Program No. CS2012-007 (PA2012-054)**

**Site Address**                      **2304 and 2306 West Ocean Front**  
**Fly 'N' Fish Restaurant and Newport Beach Hotel**

Sign Type	2304 West Ocean Front Restaurant	2306 West Ocean Front Hotel
Wall Primary Frontage Facing West Ocean Front	Maximum number of signs: 0 (zero)	Maximum number of signs: 1 (one) Maximum area: 1.5 square feet per linear foot of frontage Maximum letter/logo height: 16 inches
Wall Secondary Frontage Facing 23 <sup>rd</sup> Street	Maximum number of signs: 1 (one) Maximum area: 30 square feet Maximum letter height: 10 inches Maximum logo height: 24 inches	Maximum number of signs: 1 (one) Maximum area: 30 square feet Maximum letter height: 10 inches Maximum logo height: 24 inches
Projecting	Maximum number of signs: 1 (one) Maximum area: 10 square feet Maximum letter/logo height: 30 inches	Maximum number of signs: 0 (zero)
Canopy	Maximum number of signs: 1 (one) Maximum area: 50% of shed or valance Maximum letter/logo height: 16 inches	Maximum number of signs: 1 (one) Maximum area: 50% of shed or valance Maximum letter/logo height: 16 inches
Temporary	Shall be regulated by the provisions of Chapter 20.42.090 (Standards for Temporary Signs)	
Exempt	Shall be regulated by the provisions of Chapter 20.42.100 B (Exemptions to sign permit requirement)	

# **Attachment No. ZA 3**

Site Photos



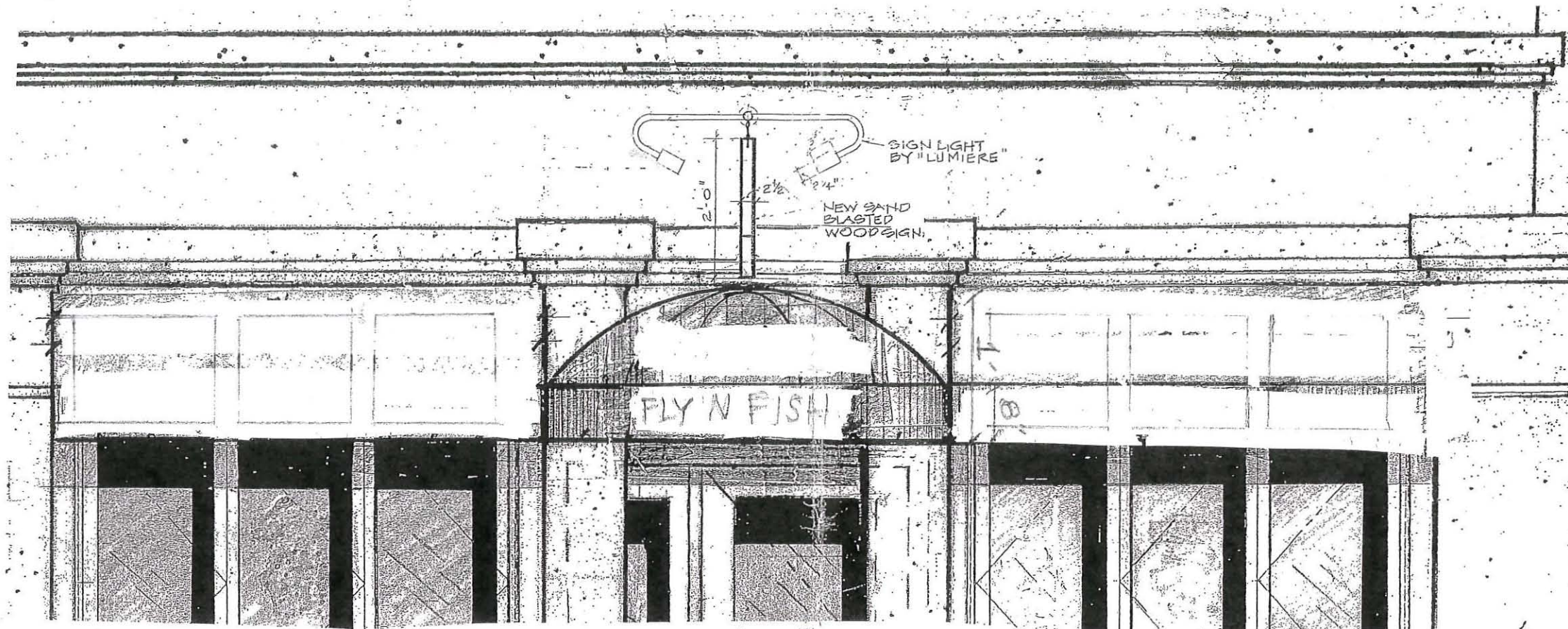




# **Attachment No. ZA 4**

Project Plans

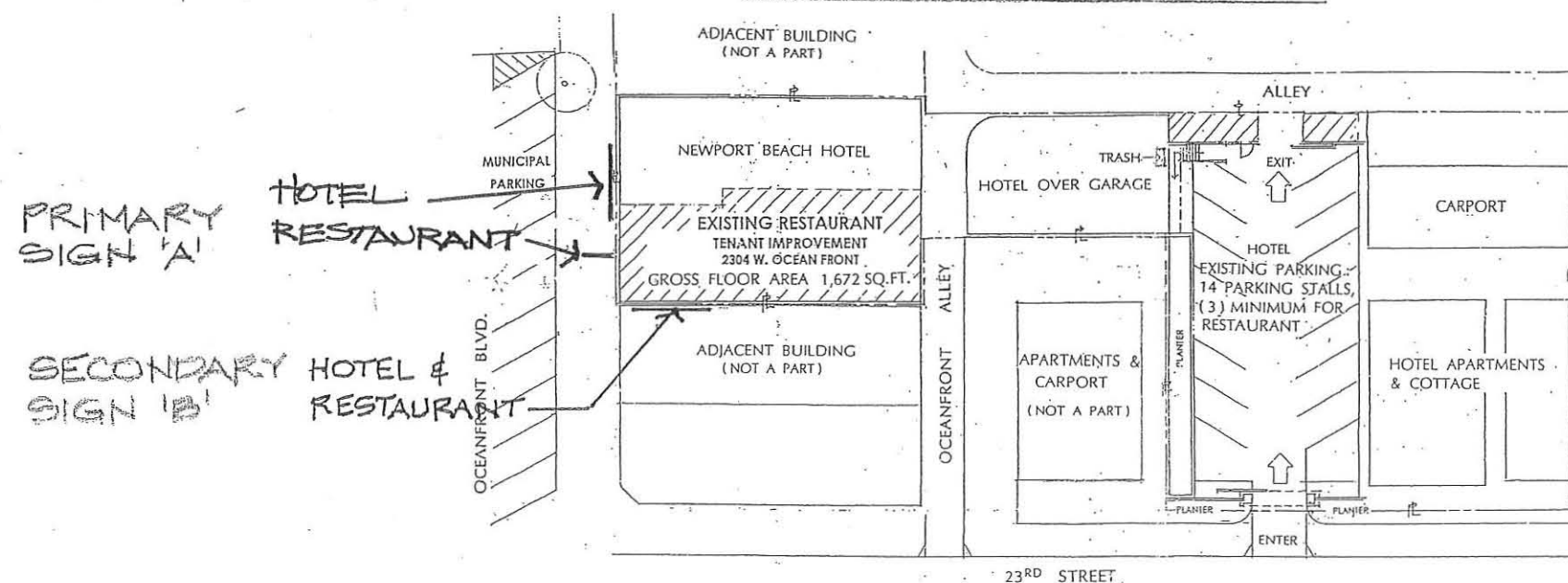




5' 7"

LG. PARTIAL ELEVATION

AWNING SIGNAGE



SITE PLAN

SCALE: 1"=40'-0"



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COMMUNITY

JAN 31 2013

DEVELOPMENT  
CITY OF NEWPORT BEACH  
RECEIVED  
COMM

JAN 3

DEVELOPMENT  
CITY OF NEWPORT BEACH

FLY 'N' FISH  
OYSTER BAR & GRILL  
LLC  
TENANT IMPROVEMENT

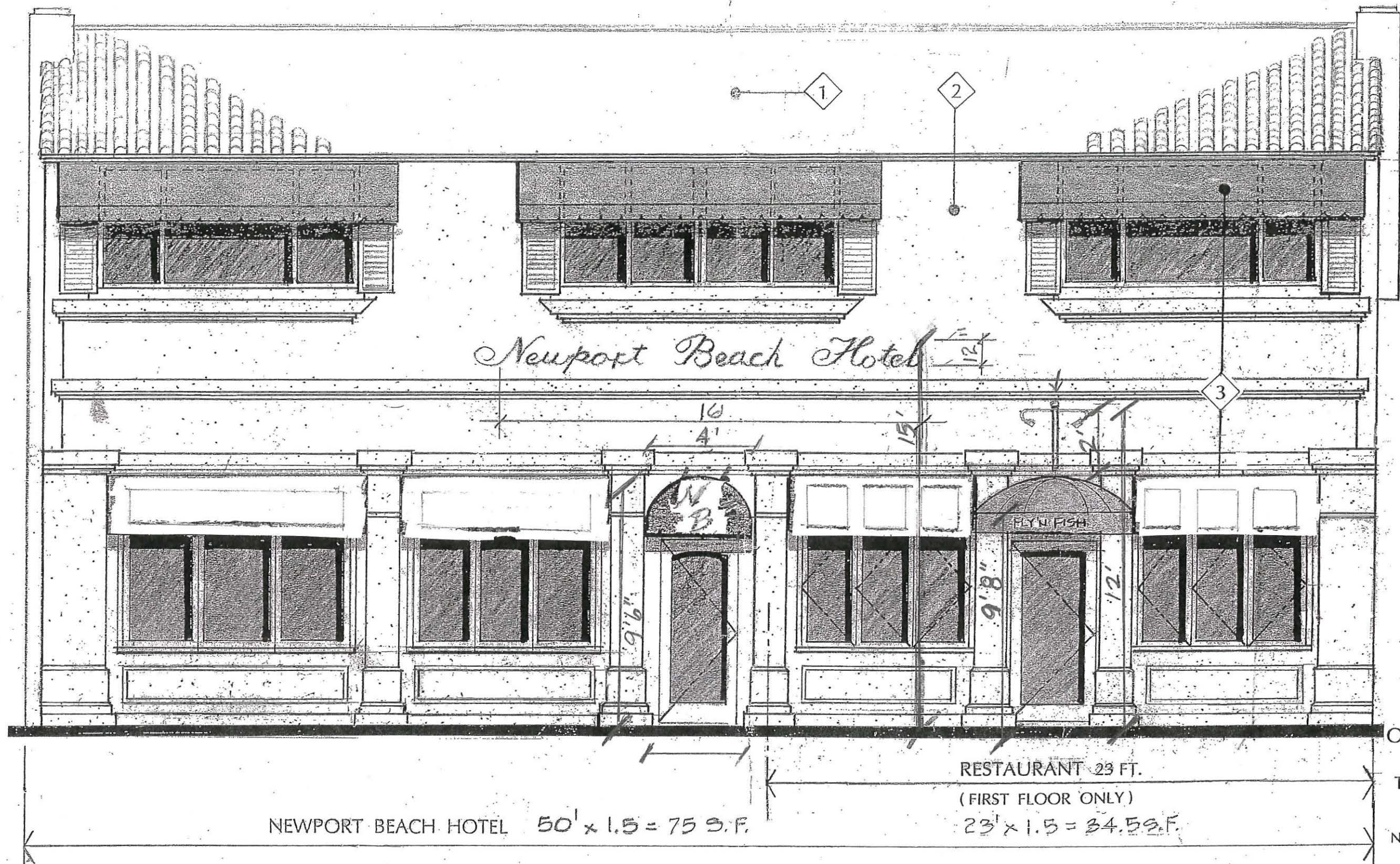
2304 W OCEAN FRONT  
NEWPORT BEACH, CA. 92663

COREY  
+  
BRAEUTIGAM

ARCHITECTURE & PLANING

TEL : 626 : 232 : 4247  
Archstudio @ pacbell . net





Newport Beach  
Hotel Awning with  
Signage is  
EXISTING.

FNF Signage &  
Awning are  
EXISTING.

FNF Signage on  
Awning is  
PROPOSED.

FLY 'N' FISH  
OYSTER BAR & GRILL  
LLC  
TENANT IMPROVEMENT  
2304 W OCEAN FRONT  
NEWPORT BEACH, CA. 92663

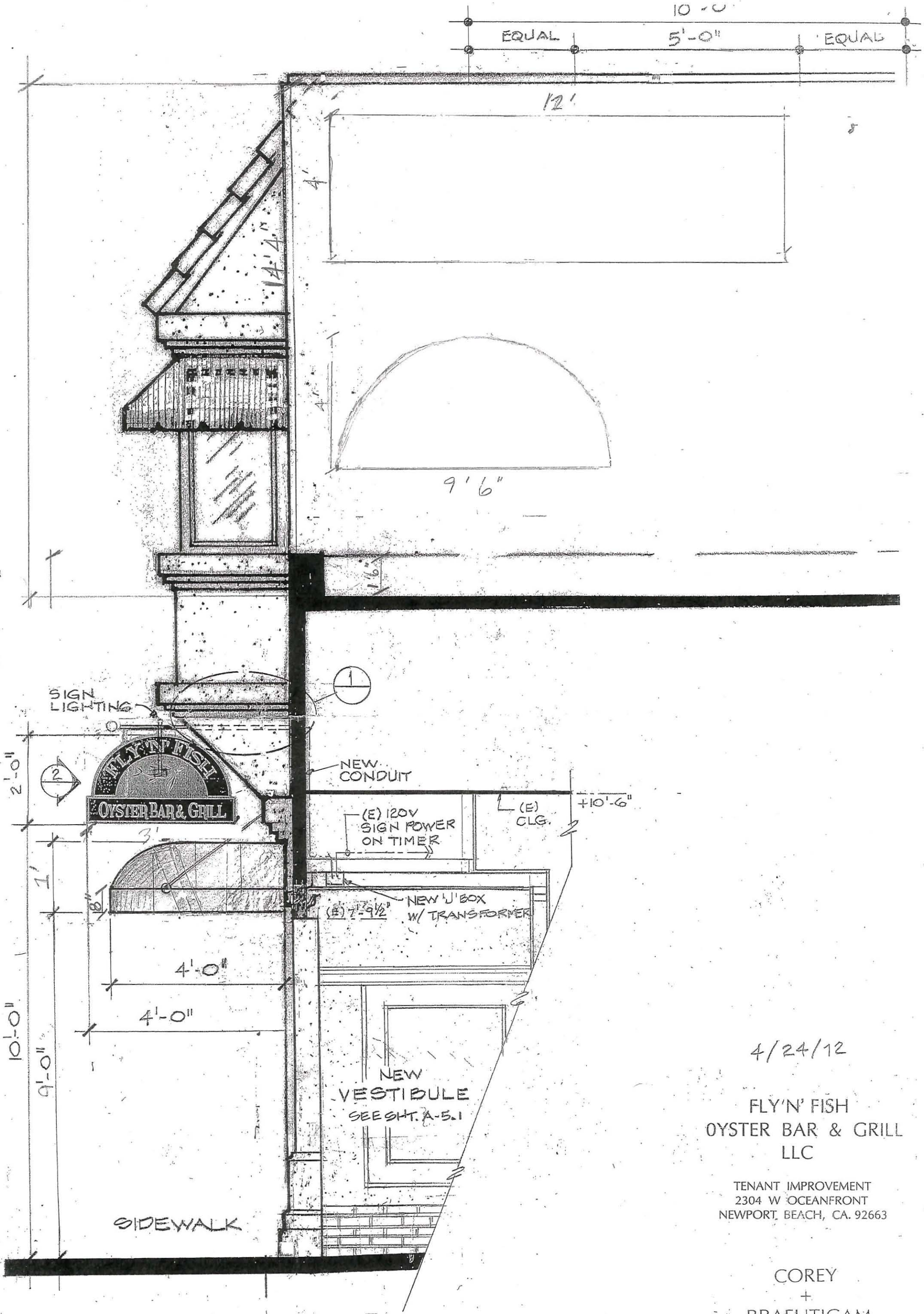
# FRONT (WEST) ELEVATION

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

COREY  
+  
BRAEUTIGAM  
ARCHITECTURE & PLANING

TEL : 626 : 232 : 4247  
Archstudio @ pacbell . net





4/24/12

FLY'N' FISH  
OYSTER BAR & GRILL  
LLC

TENANT IMPROVEMENT  
2304 W OCEANFRONT  
NEWPORT, BEACH, CA. 92663

COREY  
+  
BRAEUTIGAM  
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FEB 27 2013

DEVELOPMENT  
CITY OF NEWPORT BEACH

Newport Beach Hotel

EST. 1904



4' x 8'



1" scale

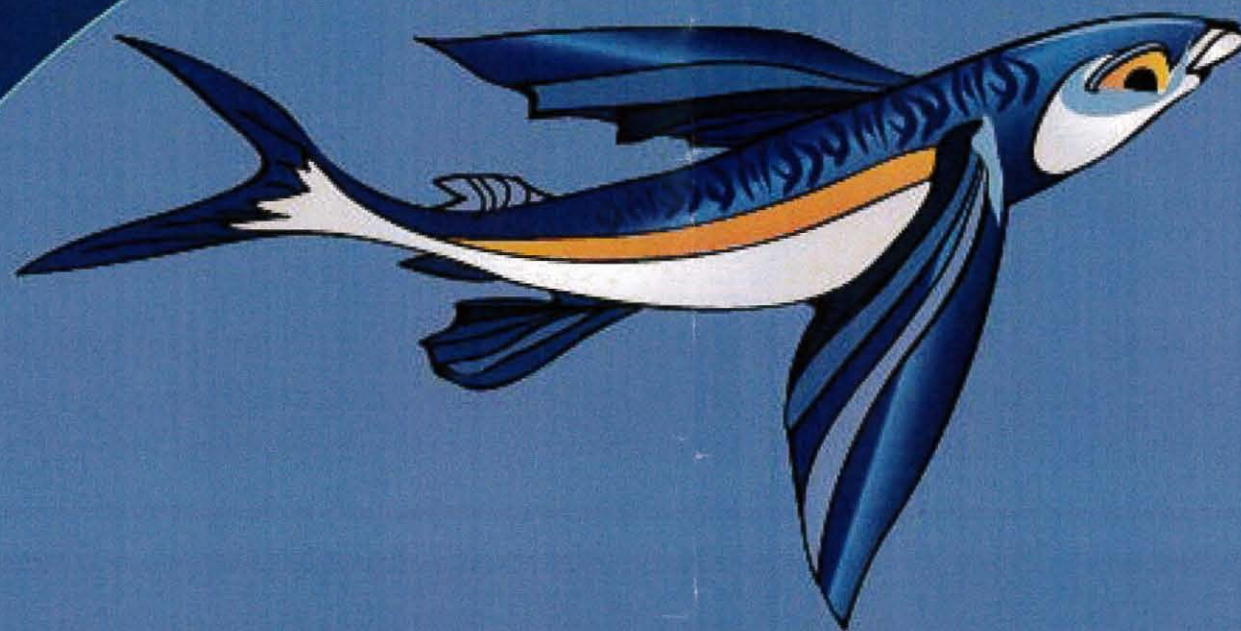
Newport Beach Hotel

EST. 1904





FLY 'N' FISH



OYSTER BAR & GRILL

4' x 6'10"



1" scale

