



**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 July 5, 2013

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

Item 1: Comprehensive Sign Program No. CS2013-005 (PA2013-083)
359 San Miguel Drive

Action: Approved

Council District 5

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

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

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

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Comprehensive Sign Program No. CS2013-005 (PA2013-083)**
Applicant **Cassandra Todd/LEUR LAB**
Site Address **359 San Miguel Drive**
Legal Description **Parcel 1 of Resubdivision 0260**

On **July 1, 2013**, the Zoning Administrator approved Comprehensive Sign Program No. CS2013-005, addressing signage for a three-story, multi-tenant building. The intent of this program is to allow signage for three tenants, as determined by the property owner, and includes wall, awning, entry canopy, window, projecting, temporary, and exempt signs.

A comprehensive sign program is required to allow the following deviations from the Zoning Code:

1. A second wall sign located on a primary building frontage, where the Zoning Code allows one sign per primary building frontage.
2. Installation of wall signs outside the middle 50 percent of a building frontage, where the Zoning Code requires walls signs to be located within the middle 50 percent of a building frontage.
3. Three awning signs on a secondary building frontage, where the Zoning Code allows one sign per secondary building frontage.
4. Awning signs located on a third level commercial occupancy, where the Zoning Code allows placement on first and second story commercial occupancies only.

The subject property is located within the Office Regional Commercial (OR) Zoning District and the General Plan Land Use Element category is Regional Commercial Office (CO-R). The property is not located in the Coastal Zone.

This 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).*

Facts in Support of Finding

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

In accordance with Section 20.42.120 (Comprehensive Sign Program) 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

- B-1. The proposed Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards) because it provides the multi-tenant commercial building with adequate identification while guarding against an excessive proliferation of signage. It preserves and enhances community appearance by regulating the type, size, location, quantity, and illumination of signs. Through said regulations, the Comprehensive Sign Program will enhance the safety of motorists and pedestrians by minimizing the distraction of signs, as well as to protect the life, health, property, and general welfare of City residents and visitors.
- B-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.
- B-3. The Comprehensive Sign Program is consistent with the Citywide Sign Design Guidelines Manual because the proposed signs are designed to be compatible with the building design in terms of scale, size, and materials. As proposed, signs are designed to effectively communicate a commercial message without creating sign

clutter through the use of legible text that contrasts with the background. The location and size of the signs do not dominate, but rather are consistent with the proportions of the façade on which they are located.

- B-4. The wall signs proposed will be located on walls where the architectural design of the building suggests placement of a sign. Proposed signs employ a consistent sign pattern in location and are designed to fit with the overall scale of the building and its relationship to Newport Center Drive.
- B-5. Awning signs limited to the secondary building frontage are designed to coordinate with, and not dominate the architectural style of the building. Awning signs are of the same color throughout and are not internally illuminated, consistent with the design guidelines for awning signs.

Finding

- 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.*

Facts in Support of Standard

- C-1. The site is developed with a three-story multi-tenant commercial building. Signs are designed to identify three major tenants. The number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood. The combination of wall signs placed on each primary building frontage will not exceed 75 square feet in area, the maximum allowed by the Zoning Code.
- C-2. All three wall signs integrate well with the character and architectural style of the building by maintaining consistency in location, sign height, and materials. Awning signs placed on the secondary frontage will be limited to the bottom 10 inches of the awning valance, will be centered on the awning on which they are located, will be compatible in color, contrast well with the background, and will be visually appealing.
- C-3. Proposed signs will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.
- C-4. The signs will not interfere with sight distance from any street, driveway, or parking area.

Finding

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

Facts in Support of Standard

- D-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.

Finding

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

Facts in Support of Standard

- E-1. The Comprehensive Sign Program has been designed to be effective for the commercial tenants that occupy the building by providing sign opportunities for three major tenants.
- E-2. The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future tenants.
- E-3. It is not anticipated that future revisions to 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 Comprehensive Sign Program if the intent of the original approval is not affected.
- E-4. Existing tenant awning signs are inconsistent with the proposed Comprehensive Sign Program and will remain nonconforming. As tenants change, future awning signs will be required to comply with the Comprehensive Sign Program.

Finding

- 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].*

Facts in Support of Standard

- F-1. The Comprehensive Sign Program allows for deviations with regards to the number, location, and placement (outside of the middle 50 percent of the building frontage) of wall signs on a primary building frontage, and number and location of awning signs on a secondary building frontage. The approval conforms to all other standards of Zoning Code Chapter 20.42, and enhances the overall development by integrating all of the project's signs with the overall site and structure design into a unified architectural statement.

- F-2. Allowing deviation from the Zoning Code for a second wall sign located on a primary building frontage is appropriate, given the architectural design of the building and an absence of space for wall signage on other frontages. The building fronts a parking lot facing Newport Center Drive. The proposed wall sign location allows for maximum visibility to pedestrians and passing motorists.
- F-3. Allowing deviation from the requirement that wall signs be located in the middle 50 percent of a building frontage is appropriate given the architectural design and modulation of the building frontage on which the signs are placed.
- F-4. Allowing deviation for awning signs on a third floor occupancy provides uniformity by employing a consistent pattern of signage on all three levels. Further, placement on a third level is warranted given that the frontage is comprised of large windows inset into the building, which makes it difficult for other types of signage (i.e. wall, window, projecting, etc.) to provide adequate identification for the building.
- F-5. Allowing deviation in the number of building signs on a secondary frontage enhances the visual appeal by creating a uniform pattern of signs and does not result in a proliferation of signage since each floor will be limited to one awning sign.
- F-6. The number of signs is reasonable given the use of the structure, size, and location of the building. Total allowed sign area for each primary frontage and secondary frontage does not deviate from the maximum permitted by the Zoning Code.

Finding

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

Facts in Support of Standard

- G-1. The Comprehensive Sign program does not authorize the use of prohibited signs.

Finding

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

Facts in Support of Standard

- H-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. Anything not specifically approved by this Comprehensive Sign Program is prohibited.
3. A building permit shall be obtained prior to commencement of installation of the signs.
4. A copy of this letter shall be incorporated into the plan check sets of plans prior to issuance of building or sign permits.
5. Illuminated signs shall be regulated in accordance with the provisions of Section 20.42.070 of the Newport Beach Municipal Code. If, in the opinion of the Community Development 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.
6. The maximum height of any sign shall be 36 inches.
7. Total area for any combination of awning signs shall not exceed a maximum of 37.5 square feet.
8. Signs shall be maintained in a clean and orderly condition.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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 359 San Miguel Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2013-005 (PA2013-083). 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 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:



Jason Van Patten
Planning Technician

JM/jvp

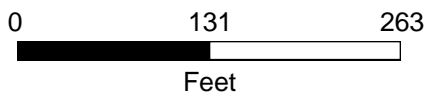
Attachments: ZA 1 Vicinity Map
 ZA 2 Sign Program Matrix
 ZA 3 Site Photos
 ZA 4 Project Plans

Attachment No. CD ZA 1

Vicinity Map



Newport
Beach
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2011 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. CD 2

Comprehensive Sign Program Matrix



Comprehensive Sign Program Matrix Table

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

Application No. Comprehensive Sign Program No. CS2013-005 (PA2013-005)

Site Address 359 SAN MIGUEL DR. BUILDING
 Newport Beach

Sign Type	PRIMARY FRONTAGE		SECONDARY FRONTAGE
	Building Elevation A (Facing Parking/ Newport Center Drive)	Building Elevation B (Facing Parking/ Newport Center Drive)	Building Elevation C (Facing Parking/ 300Newport Center Drive)
WALL	Maximum number of signs: 1 (One) Maximum area: 30 square feet Maximum sign height: 36 inches Illumination: Yes	Maximum number of signs: 2 (Two) Maximum area sign 2: 45 sq. ft. Maximum area sign 3: 30 sq. ft. Maximum sign height: 36 inches Illumination: Yes	Not Permitted
AWNING	Not Permitted		Location: first, second, third floors Maximum number of signs per floor: 1 (One) Sign area overall: total for any combination shall not exceed 37.5 sq. ft. Sign area per awning: lettering, logos, symbols, and graphics are allowed on up to 60-percent of the valance portion of the awning (bottom 10 inches of the awning). Signs shall be centered and applied flat against the awning surface. Illumination: No
ENTRY CANOPY	Not Permitted		Maximum number of signs: 1 (one) Illumination: No Shall be regulated by the provisions of Chapter 20.42.070 (standard for permanent signs)
WINDOW	Not Permitted		
PROJECTING	Not Permitted		
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)		

Notes: Wall signs are to be centered on walls on which they are located, consistent with plans approved as part of the Comprehensive Sign Program.

Attachment No. CD 3

Site Photos





Attachment No. CD 4

Project Plans



S I G N P R O G R A M
FOR
359 SAN MIGUEL

PROJECT DIRECTORY

Job Site:

359 San Miguel Dr.
Suite#300,
Newport Beach, CA 92660

Project Name:

359 San Miguel Building

359 San Miguel Dr.
Suite#300,
Newport Beach, CA 92660

Sign Company:

Tae Gwang Sign

4922 S. Figueroa Street
Los Angeles, Ca 90037
(323)233-2882
(323) 233-2282

City Planning:

City of Newport Beach

3300 Newport Blvd.
Newport Beach, CA 92663
Phone: (949) 644-3229

SUBMITTAL TO THE LANDLORD

The purpose of the sign program is to provide design standard and specifications. That assure consistency in quality, size placement and configuration for tenant signs throughout the building. Signage at the 359 San Miguel building is an important part of the building image and success. As such, signs shall be carefully designed and executed to enhance the identity of the tenants.

The multi-Tenant building has established a sign program for 3 major tenants to keep the building view clean.

Submittals and Approvals to Landlord

Prior to sign fabrication, tenant or the sign contractor shall submit for landlord approval 3 sets of complete fully dimensioned and detailed shop drawings.

- 1** Elevation of the storefront showing design, location, size and layout of the sign drawn to scale indicating dimensions, attachments devices and contraction detail.
- 2** Section through sign showing the dimensioned thickness of the letters and attachment and exact penetration location.
- 3** Site plan, indication location fo the sign on property.
- 4** Tenant shall be responsible for the fallowing expenses relating to signage for his store. Design consultant feel (if applicable)
-100 % of the permit processing cost and applications fees.
- All cost relating to sign removal, including repair & damage to the building

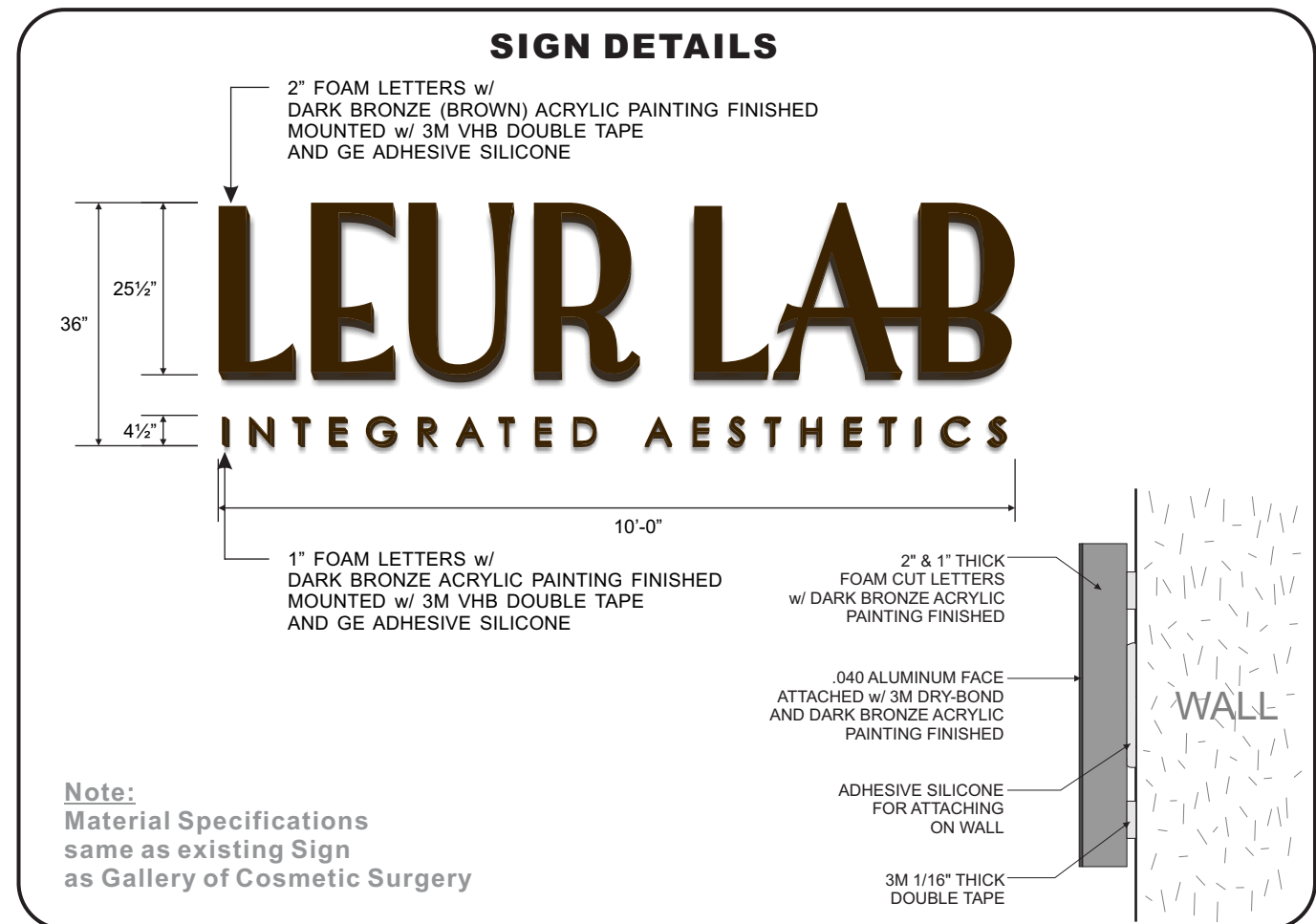
SUBMITTAL TO THE CITY

- 1** A full set of plans Must be Approved and stamped by the owner's prior to permit application. Tenant or his sign contractor must submit to the City of Newport, and will be responsible for all applicable applications, permit fees for Planning and Building Departments.
- 2** Tenant and his sign contractor will not be permitted to commence installation fo the exterior sign unless all the following conditions have been met.
 - a.** A stamped set of final drawings reflecting the Owner's City approval shall be on file in the Owner's office.
 - b.** Owner must receive the sign contractors certificated of insurance.
 - c.** The owner must be notified 48 hours in advance prior to sign installation
 - d.** Tenant shall be ultimately responsible for the fulfillment of the requirements and specifications, including those of the Owner , City, UL and the Uniform Electrical Code.

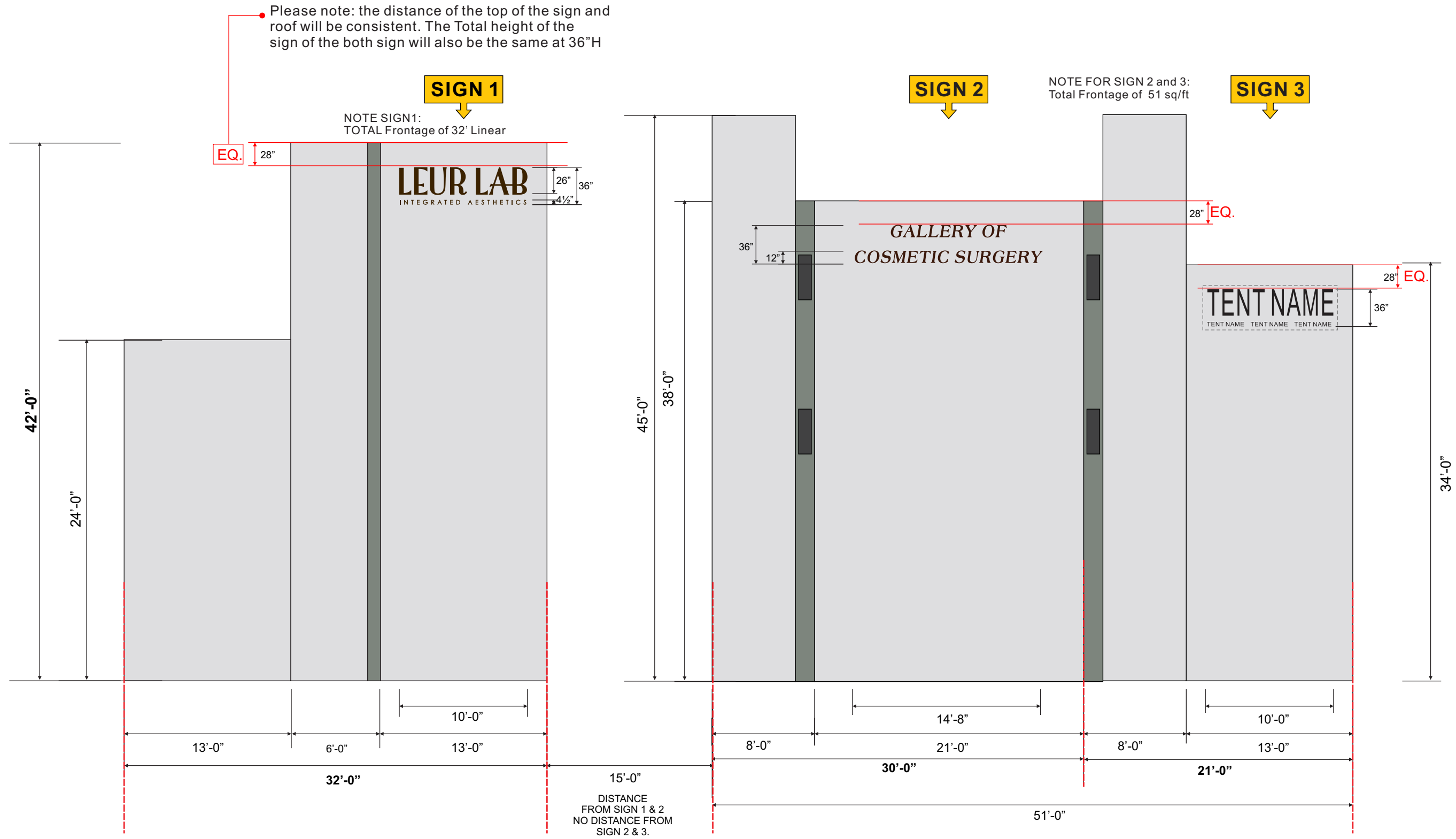
DESIGN GUIDELINES

Tenants sign shall with following guidelines. Refer to Below for Gatorform installation and approved sign type.

- 1** Non illuminated Channel letters, Reverse channel Letters or 2" thick Gator-foam letters
- 2** Sign colors and Finishes: Must match existing Sign color Dark Brown face and side.
- 3** Typestyle: Type may be arranged in one or two lines of copy and may consist of upper and lower case letters. The sign copy shall relate only to the name or nature of the business.
- 4** Sign location to be installed only for Approved tenants. Refer to plot plan for sign approved locations.
- 5** Sizes and Quantities: Total height must be at 36" Height 75% of total linear frontage.



BUILDING ELEVATIONS 359 SAN MIGUEL DRIVEWAY



Scale 1/8" = 1'-0"

**PRIMARY FRONTAGE
Building Elevation A**

SIGN 1 : 3' x 10' W/MAX 30 SQ/FT

NOTE SIGN1:
TOTAL Frontage of 32' Linear

Please note: the distance of the top of the sign and roof will be consistent. The Total height of the sign of the both sign will also be the same at 36"H

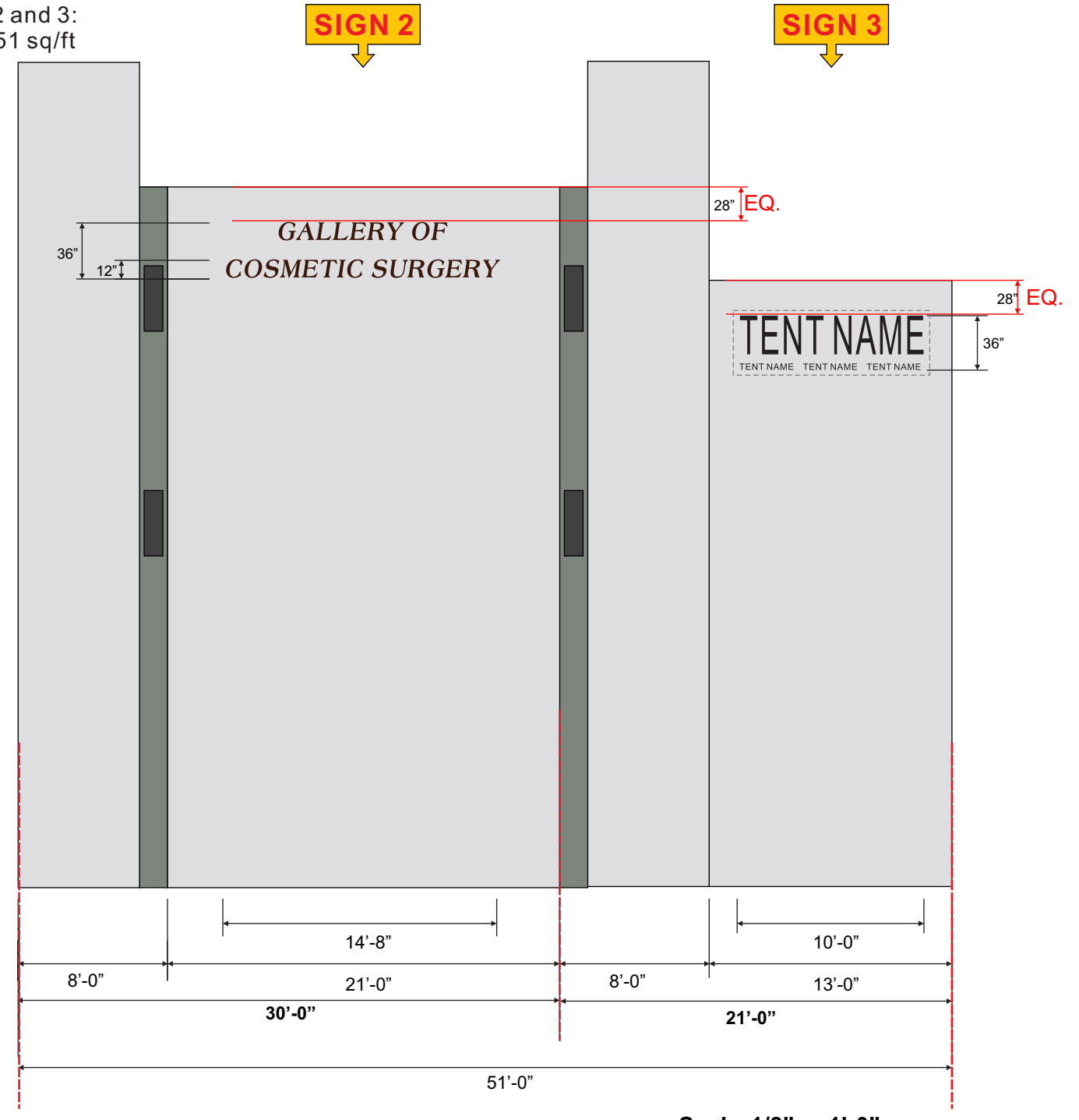


**PRIMARY FRONTAGE
Building Elevation B**

SIGN 2 : 3' x 14'8" W/ MAX 44.SQ/FT

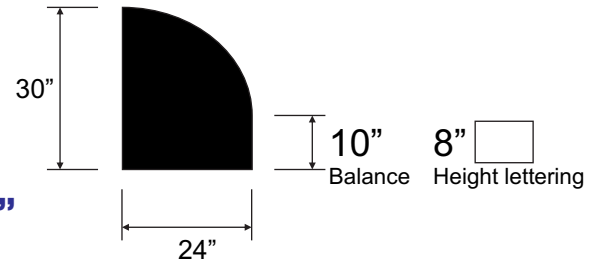
SIGN 3 : 3' x 10' W/ MAX 30SQ/FT

NOTE FOR SIGN 2 and 3:
Total Frontage of 51 sq/ft



Scale 1/8" = 1'-0"

Secondary Frontage Building Elevation



Total Frontage of 100'6"

Third Floor Awning

Sign 1B
Read as: LEURLAB.COM
6" x 5' = 2.5' sq/ft

Sign 2B
Read as: LEURLAB INTEGRATED ESTHETICS
8" x 13.5' = 9' sq/ft

Second Floor Awning

Sign 3B
Read as: TAO OF WELLNESS ACUPUNCTURE
8" x 15' = 10' sq/ft

First Floor Awning

Sign 4B
Read as: Nose & Sinus Center
8" x 6' = 4' sq/ft

Sign 6B
read as: Sadai Plastic & Cosmetic Surgery
8" x 13' = 9 sq/ft

First Floor Entry Canopy

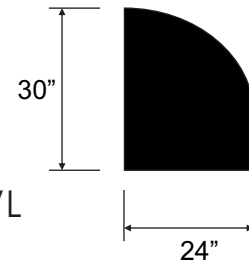
Sign 5B -
Logo size 18" x 9" = 1.125' sq/ft
Letters: Gallery of Cosmetic Surgery
6" x 7' = 3.5 sq/ft
Total Logo and the text as one Entity
2.7" x 7' = 18.75'sq/ft



Scale 1/8" = 1'-0"

Secondary Frontage Building Elevation

Total Frontage of 100'-4-6"
 Each Awning Size: 30" H x 24"W x 48'L
 with 8" H letters



10" Balance
 8" Height lettering
LEUR LAB INTEGRATED AESTHETICS

Third Floor Awning

Sign 1B
 Read as: LEURLAB.COM
 6" x 5' = 2.5' sq/ft

Sign 2B
 Read as: LEURLAB INTEGRATED ESTHETICS
 8" x 13.5' = 9' sq/ft

Second Floor Awning

Sign 3B
 Read as: TAO OF WELLNESS ACUPUNCTURE
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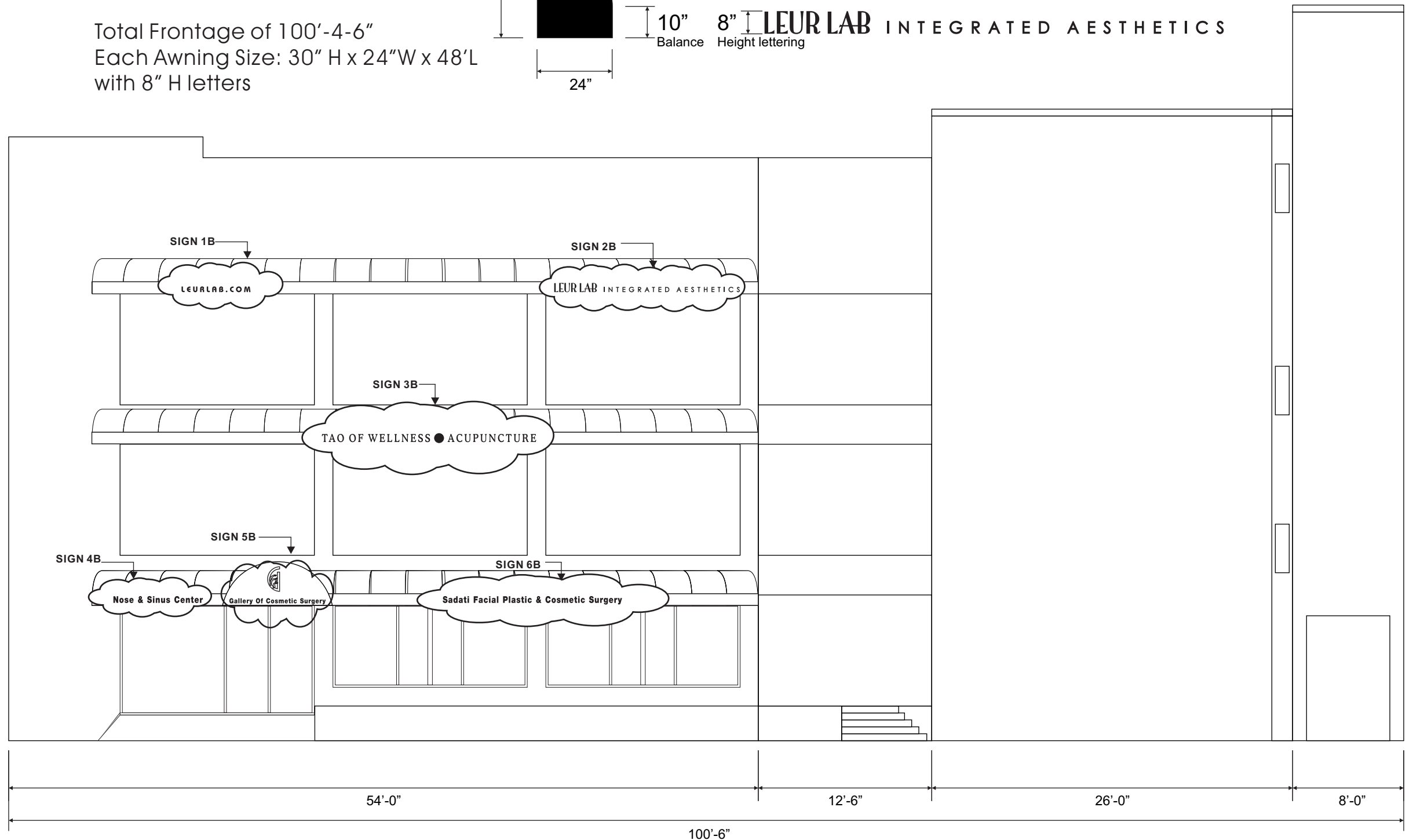
First Floor Awning

Sign 4B
 Read as: Nose & Sinus Center
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 8" x 13' = 9 sq/ft

First Floor Entry Canopy

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Scale 1/8" = 1'-0"

Secondary Frontage
B Building Elevation
Sign Size Specifications

Third Floor Awning

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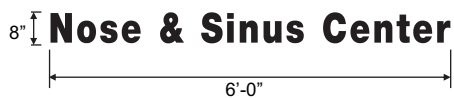
Second Floor Awning

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First Floor Awning

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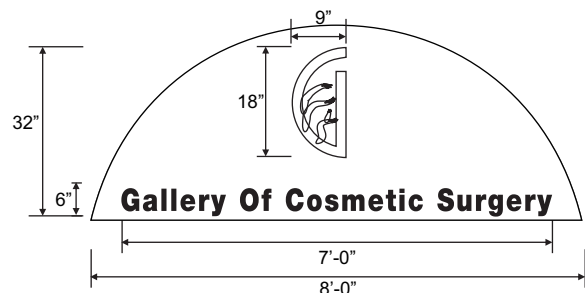


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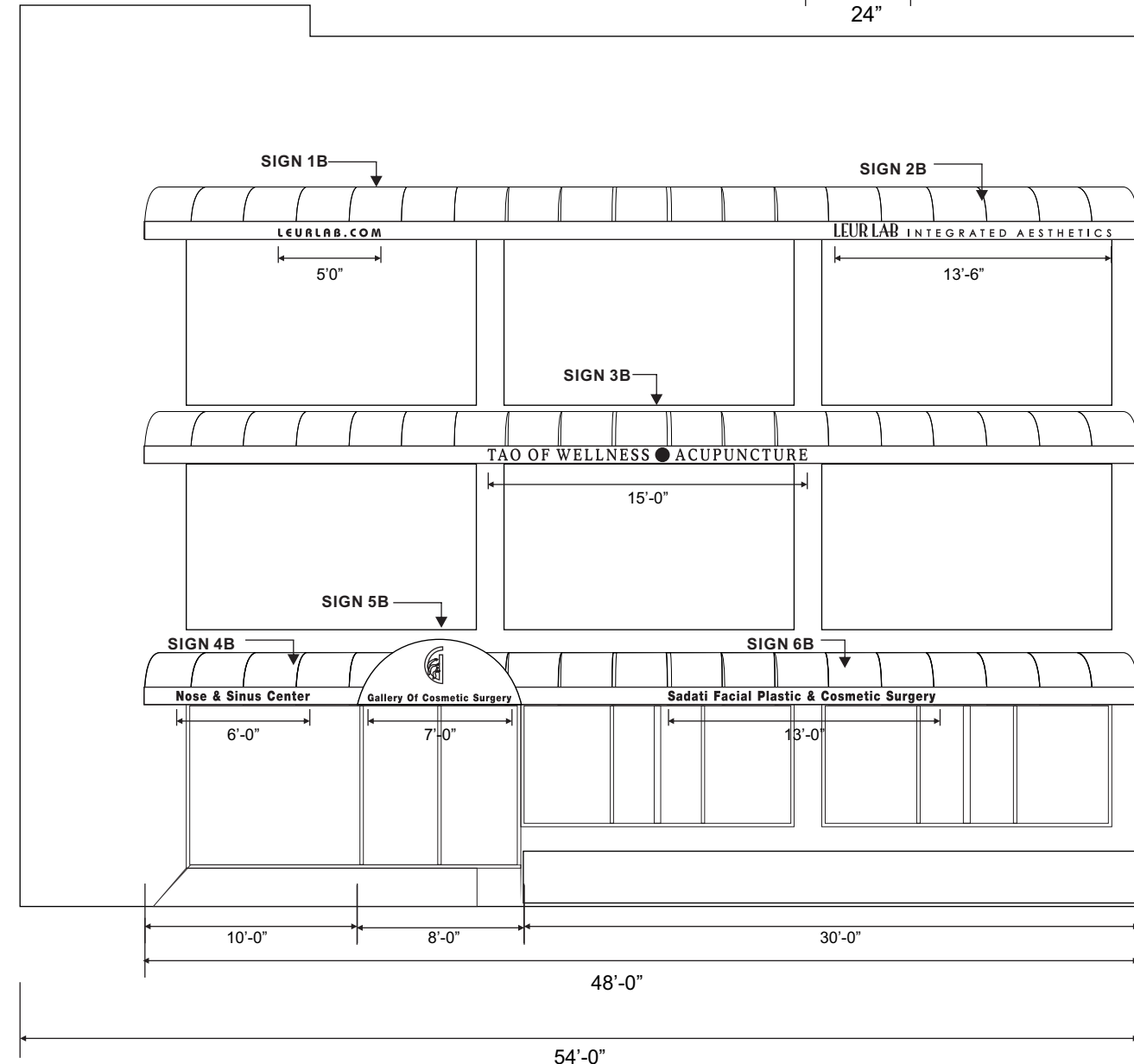
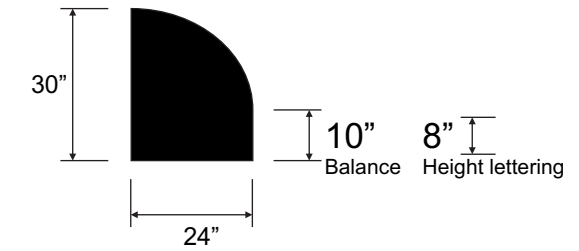


First Floor Entry Canopy

Sign 5B -
 Logo size 18" x 9" = 1.125' sq/ft
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 Total Logo and the text as one Entity
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Total Frontage of 100'-6" (refer to pg 4)
 Each Awning Size: 30" H x 24"W x 48'L
 with 8" H letters



Scale 1/8" = 1'-0"

PRIMARY FRONTAGE 359 SAN MIGUEL DRIVEWAY



SECONDARY FRONTAGE FACING PARKING /300 NEWPORT CENTER DR.



SITE PLAN & SIGN LOCATIONS

