



**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 May 22, 2015

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS
(Non-Hearing Items)**

- Item 1: Academy of Defensive Driving, Inc. Staff Approval No. SA2015-004 (PA2015-059)
2028 Quail Street
Action: Approved Council District 3
- Item 2: Comprehensive Sign Program No. CS2015-005 (PA2015-092)
3500 East Coast Highway
Action: Approved Council District 6

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

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application No. **Staff Approval No. SA2015-004 (PA2015-059)**
Applicant **Academy of Defensive Driving Inc.**
Site Address **2028 Quail Street**
 Academy of Defensive Driving
Legal Description **Lots 11, 12, 50, 51 of Tract No. 3201**

On **May 22, 2015**, the Community Development Director approved Staff Approval No. SA2015-004 finding the relocation of an existing facility specializing in defensiving driving and counseling to be a minor change and in substantial conformance with Use Permit No. UP2003-014. This approval is based on the following findings and subject to the following conditions.

PROJECT SUMMARY

A request to relocate an existing facility specializing in defensive driving instruction and counseling (Academy of Defensive Driving) from 2000 Quail to a smaller tenant space at 2028 Quail. The facility would continue to comply with Use Permit No. UP2003-014 which established the use, and all conditions of approval.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** OA (Office Airport)
- **General Plan:** AO (Airport Office and Supporting Uses)

BACKGROUND

Use Permit No. UP2003-014 was approved May 16, 2003, by the Planning Director to allow a 4,144-square-foot personal improvement facility within the Campus Square complex specializing in defensive driving instruction and counseling. The facility was limited to a maximum of three classrooms for instruction, five offices for counseling, and hours of operation between 7:00 a.m. and 10:00 p.m., daily. Conditions of approval included restrictions on the number of students at any one time (Condition Nos. 4 and 5 of Attachment No. CD 3), and required that a minimum of 50 parking spaces be available for the use during evenings and weekends (Condition No. 7).

PROPOSED CHANGES

The proposal is to relocate the existing facility from 2000 Quail to a smaller tenant space (2,369 square feet) within the office complex at 2028 Quail due to a reduction in enrollments. The facility would consist of two classrooms for instruction and two offices, and would adhere to the original operational characteristics and conditions of approval. No expansion in operation is proposed and the hours of operation would remain 7:00 a.m. to 10:00 p.m., daily.

FINDINGS

Pursuant to Section 20.54.070, the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. This staff approval is based on the following findings and facts in support of the findings.

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. Schools, public or private providing specialized education/training such as defensive driving instruction is permitted within the Office Airport (OA) Zoning District subject to the approval of a use permit.
2. Use Permit No. UP2003-014 was approved May 16, 2003, to establish a personal improvement facility specializing in defensive driving instruction and counseling.
3. The request to relocate the facility to a nearby suite within the Campus Square complex is consistent with operational characteristics and conditions approved by Use Permit No. UP2003-014.

Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Facts in Support of Finding:

1. The previously approved project was determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities), which exempts minor alterations to existing facilities involving negligible expansion of use beyond that existing at the time of the lead agency's determination.

2. The proposed project involves the relocation of an existing school specializing in defensive driving instruction to a nearby suite on the same property and qualifies for a categorical exemption under Class 1 (Existing Facilities). The Class 1 exemption consists of 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 including interior or exterior alterations involving such things as interior partitions. In this case the existing operation is being relocated and the establishment will operate in substantially the same capacity as it did previously with no expansion in use.

Finding:

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

Facts in Support of Finding:

1. The proposed relocation of the facility does not involve a feature that was specifically addressed or was the subject of a condition of approval for Use Permit No. UP2003-014.
2. Condition No. 1 limits the facility to 4,144 square feet, a maximum of three (3) classrooms for instruction, and five (5) offices for counseling. The proposed location consists of 2,369 square feet, two (2) classrooms, and two (2) offices.
3. The allowed hours of operation are not proposed to be changed.
4. Condition Nos. 4 and 5 that are intended to limit the number of students at any one time is not proposed to be changed and will continue to apply at the new location.
5. Parking for the proposed use will continue to adhere to requirements of Condition No. 9 which requires the availability of 50 parking spaces during the evening and weekend peak period, and one space for each 250 net square feet of floor area during normal business hours on weekdays.

Finding:

- D. *Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The relocation of the facility to a smaller suite on the same property is minor in nature because the operational characteristics at the new location will remain consistent with Use Permit No. UP2003-014.

2. The number of students at any one time and hours of operation are not being expanded as a result of the relocated facility.

DETERMINATION

This staff approval has been reviewed and a determination has been made that the proposed relocation of the facility specializing in defensive driving and counseling is in substantial conformance with the original approval.

CONDITIONS OF APPROVAL

All previous findings and conditions of approval of Use Permit No. UP2003-014 shall remain in full force and effect as stated in Attachment No. CD 3, with the addition of the following conditions:

1. The development authorized by this Staff Approval shall be in substantial conformance with the approved project plans.
2. The previous tenant space at 2000 Quail may not be used for defensive driving instruction and counseling unless the use at the proposed location (2028 Quail) is first terminated or a separate conditional use permit is obtained.
3. A building permit shall be obtained prior to commencement of construction. A copy of this approval letter shall be incorporated into both the Building Division and field sets of plans prior to issuance of the building permits.
4. Strict adherence to occupancy requirements shall be followed.
5. Exiting signage shall be provided for the facility.
6. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the 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 the City's approval of the Academy of Defensive Driving including, but not limited to, the SA2015-004 (PA2015-059). 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, the City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages which the 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 or City Clerk, as applicable, within 14 days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



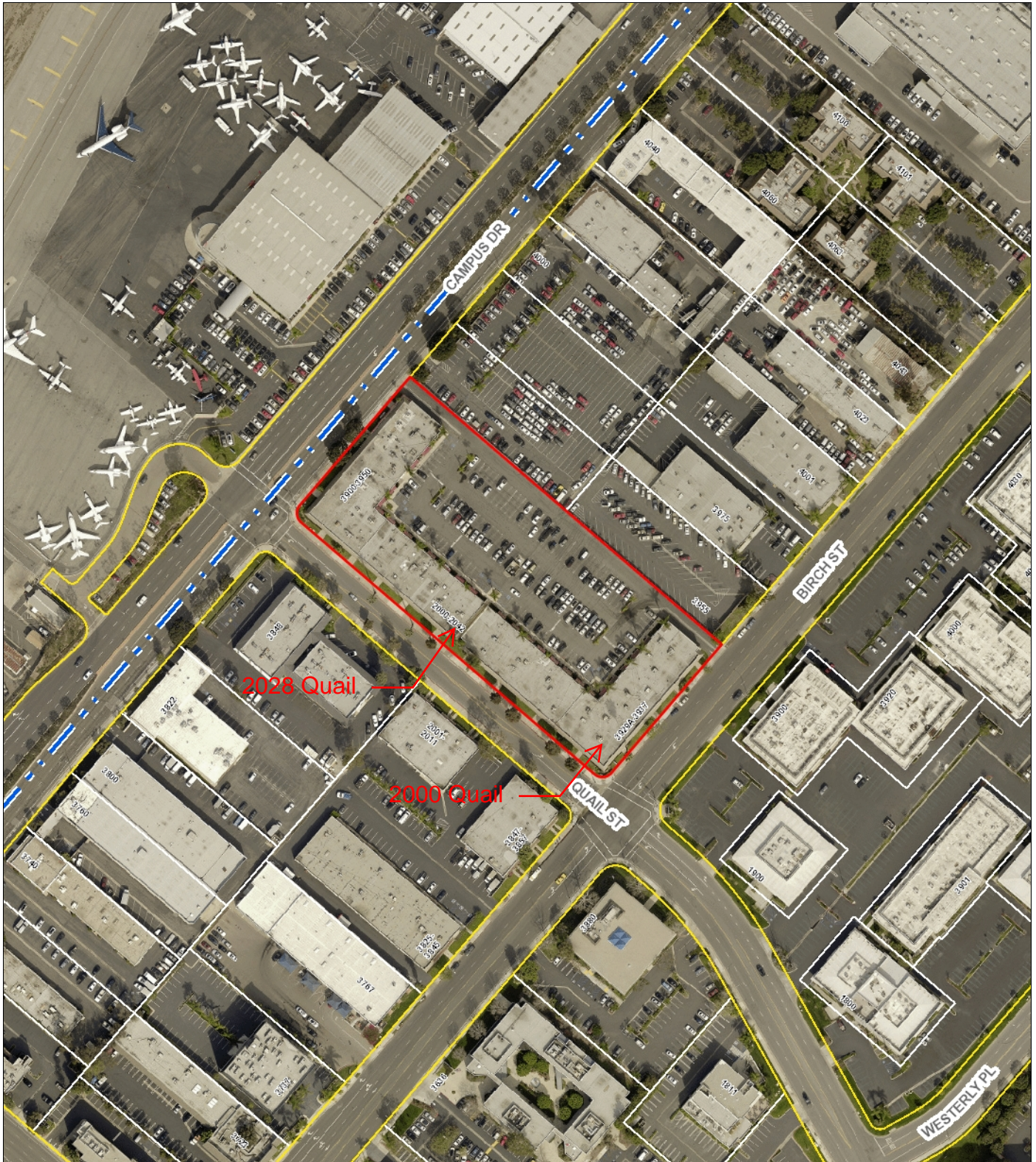
Jason Van Patten, Assistant Planner

JM/jvp

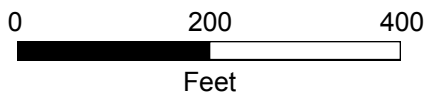
Attachments: CD 1 Vicinity Map
 CD 2 Applicant's Project Description
 CD 3 Use Permit No. UP2003-014
 CD 4 Project Plans

Attachment No. CD 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: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. CD 2

Applicant's Project Description

A.O.D.D.

**31726 Rancho Viejo Road, Suite 120
San Juan Capistrano, CA 92675**

Telephone 949-240-0115 Fax 949-443-5018

March 5, 2015

JASON VAN PATTEN
Assistant Planner
City of Newport Beach
Community Development Department
P: (949) 644-3234 | F: (949) 644-3229
<http://www.newportbeachca.gov>

RE: 2028 QUAIL STREET

Dear Mr. Van Patten;

I am writing to you in hopes that you will approve our current business site at 2028 Quail Street in Newport Beach, to conduct our Traffic Violator School Classes. We are moving from 2000 Quail Street to this location because our enrollments and business have decreased 45%.

We currently operated a court mandated; State approved licensed Drinking Driving out of this location. The proposed operation is consistent with the use permit UP2003-014, which was Approved for the location at 2000 Quail Street. The move will also allow us to take advantage of lower lease payments, thus allowing us to continue to operate our business.

The only changes that would occur would be the addition of Traffic Violator School Classes to the already existing schedule that Academy of Defensive Driving operates. I have attached the Matrix of classes we were approved for in 2003. The Traffic Violator Classes will be conducted on Saturdays from 8:00 AM to 5:00 PM, approximately twice per month. The classes shall have no more than 35 students as specified in the use permit.

The size of our new tenant space is 2369 square feet. We went from 5 Offices and Multi- purpose Education room – to 2 Offices and 2 Class Rooms.

If you have any questions, please do not hesitate to call.

Thank You for your time in this matter.

Sincerely,

Curtis D. Vincent
TVS Operator
1-949-240-0115 (Office)
1-714-586-7609 (Cell Phone)

RECEIVED BY
COMMUNITY
MAY 04 2015
DEVELOPMENT
CITY OF NEWPORT BEACH

WEEK 1

MONDAY

5:30PM-6:30 PM (15)
6:30PM-8:30 PM (30)
8:30PM-9:30 PM (15)
6:15PM-8:15 PM (15)

TUESDAY

1:00PM-3:00 PM (30)
3:00PM-4:00 PM (15)
5:30PM-6:30 PM (15)
6:30PM-8:30 PM (30)
8:30PM-9:30 PM (15)
5:30PM-7:30 PM (15)
7:30PM-9:30 PM (15)
6:00PM-8:00 PM (15)

WEDNESDAY

9:30AM-11:30 AM (30)
11:30AM-12:30 PM (15)
5:30PM-6:30 PM (15)
6:30PM-8:30 PM (30)
8:30PM-9:30 PM (15)

THURSDAY

12:00PM-2:00 PM (15)

SATURDAY

7:00 AM- 5:00 PM (TVS -10 TO 35)
9:00AM-11:00 AM (30)
11:00AM-12:00 PM (15)

WEEK2

MONDAY

5:30PM-6:30 PM (15)
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TUESDAY

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WEDNESDAY

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7:00PM-9:00 PM (15)

THURSDAY

8:30AM-10:30 AM (15)

SATURDAY

7:00 AM- 5:00 PM (TVS -10 TO 35)
9:00AM-11:00 AM (30)
11:00AM-12:00 PM (15)

**We open the front office Monday
to Friday 8:00 AM and close the
Office Window at 5:30 PM**

Attachment No. CD 3

Use Permit No. UP2003-014



CITY OF NEWPORT BEACH

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3229

USE PERMIT NO. UP2003-014
(PA2003-082)

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

May 16, 2003

Academy of Defensive Driving
2000 Quail Street
Newport Beach, CA 92658

Application: Use Permit No. UP2003-014 (PA2003-082)

Applicant: Academy of Defensive Driving

**Address of
Property Involved:** 2000 Quail Street

Legal Description: Lots 11, 12, 50 and 51, Tract 3201

Request as Modified and Approved:

Request to establish a personal improvement service facility specializing in defensive driving instruction and counseling. The facility will occupy approximately 4,144 square feet of an existing commercial building. The property is located in the APF District.

Director's Action: **Approved May 16, 2003**

The Planning Director in approving this application analyzed the proposal with regard to parking requirements and compatibility with surrounding uses. The discussion can be found in the attached appendix. The Planning Director determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the use permit as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

Findings:

1. The proposed development is consistent with the Land Use Element of the General Plan since this facility is an instructional/educational use that is a permitted use in the "Administrative, Professional and Financial Commercial" land use category.
2. That 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 1 (Existing Facilities).

3. The establishment, maintenance or operation of the use of the property or building will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, for the following reasons:
 - The number of parking spaces provided on-site and in the parking areas of Campus Square is adequate for the proposed instructional facility, with conditions limiting a majority of the classroom instruction to off-peak hours.
 - The facility is comparable to similar uses located in other shopping centers of the City that have not generated any particular problems or complaints.

Conditions

1. The facility shall be constructed in substantial conformance with the approved plot plan and floor plan. A maximum of three classrooms for instruction, five offices for counseling and an overall size of 4,144 square feet shall be permitted for the subject facility, unless an amendment to increase the size or number of classrooms is first approved by the Planning Director.
2. The approval is only for the establishment of an adult driving school engaged in remedial classroom driving instruction and counseling as its principal purpose.
3. General office use and class session registrations may be conducted during regular business hours between 7:00 a.m. and 10:00 p.m., daily.
4. Permitted classroom instruction: 7:00 a.m. to 5:30 p.m. for limited classroom instruction (up to 35 students at any one time within the facility); and 5:30 p.m. to 10:00 p.m. for general classroom instruction (up to 50 students at any one time within the facility), weekdays and between 7:00 a.m. and 10:00 p.m. weekends. Any increase in the hours of classroom instruction shall be subject to approval by the Planning Director and may require an amendment to this use permit.
5. Individual counseling sessions (one-on-one) shall be permitted, up to a maximum of 12 students at any one time, during business hours between 7:00 a.m. and 10:00 p.m., daily.
6. Exiting plans and occupancy requirements shall be reviewed and approved by the Building Department and the Fire Department prior to implementation of the proposed facility and posting of maximum occupancy loads permits shall be approved by the Fire Department.
7. Parking for a minimum of 50 parking spaces shall be made available on weekday evenings and on weekend days to accommodate the proposed instructional facility. The basic allocation of one parking space for each 250 sq. ft. of net floor area shall be provided during the normal business hours on weekdays (17 spaces).

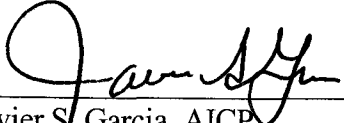
8. All instructors, instructor assistants and employees shall park their vehicles on-site at all times.
9. Any noise associated with the facility shall not disturb any nearby businesses and shall not be audible outside of the building.
10. All signs shall conform to the provisions of Chapters 20.06 of the Municipal Code.
11. The facility and related parking shall conform to the requirements of the Uniform Building Code.
12. The project shall comply with State Disabled Access requirements.
13. Emergency lighting and battery back-up exit signs shall be provided prior to the implementation of the proposed instructional facility use.
14. The on-site parking, vehicular circulation and pedestrian circulation systems be subject to further review by the City Traffic Engineer, should any change be made to the existing configuration. The parking lot shall be striped in accordance with City Standards utilizing the universal parking standards and eliminating any and all compact parking spaces.
15. All trash areas shall be screened from view of adjoining properties and streets.
16. The Planning Director may add to or modify conditions of approval to this use permit, or recommend to the Planning Commission or City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
17. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.91.050 of the Newport Beach Municipal Code.

May 16, 2003

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The applicant may appeal the decision of the Planning Director or any interested party to the Planning Commission within 14 days of the date of the decision. A filing fee of \$ 875.00 shall accompany any appeal filed.

PATRICIA L. TEMPLE, Planning Director

By 

Javier S. Garcia, AICP
Senior Planner

Attachments: Appendix
Vicinity Map
Site Plan and Floor Plan
Existing Parking Plan

cc:

Property owner
Birch Campus, LLC
1600 Dove Street, Suite 480
Newport Beach, CA 92660

Code Enforcement Officer

APPENDIX

Background

The facility was formerly located in the Newport Place Planned Community District and was authorized by Amendment No. 858 that amended the Newport Place Planned Community District Regulations and Use Permit No. 3604. The facility will relocate from that location and the former use permit will continue valid for 6-months from vacation by the subject facility or will become null and void upon occupancy by a permitted use within the former tenant space.

Comparison of Proposed and Previous Operation

	Proposed Operation	As a Retail/Office Use
Subject Tenant Space:	4,144 sq. ft.	4,144 sq. ft.
Hours of Operation:	7:00 a.m. to 8:00 p.m. (Mon. - Fri.), and 8:00 a.m. to 8:00 p.m. (Sat.)	Typically, 8:00 a.m. to 5:00 p.m. (M-F)
Maximum Adult Class Size:	35 persons during the day before 5:30 p.m. weekdays and 50 persons after 5:30 p.m. (Any combination of students and instructors)	
Number of Sessions:	4 to 5 sessions or more per day	
Staff Recommendation:	Adult Classes limited to an overall total of 35 persons during the day before 5:30 p.m. and 50 or more persons after 5:30 p.m. (Any combination of students and instructors)	
Employees:	6 to 12 at any one time (1 for each class session)	17 ¹
Tenant Gross Area (sq. ft.)	4,144 sq. ft.	4,144 sq. ft.
Parking Available:	Shared parking currently exists on site.	Shared parking currently exists on site.

Parking Requirement

It is anticipated that the students will generally be of driving age and that a majority of the students will drive their own vehicles to the complex. There may be instances where students are dropped off for the class sessions. Based upon the City's standard requirements for similar uses, the facility could require 50 parking spaces, based on one parking space for each student and one space for each employee/instructor (the peak demand). Since the facility generally operates as an office use during the daytime hours and an instructional facility in the evening and on weekends, staff believes a parking requirement based on the peak use is not unreasonable. Therefore, staff has recommended that a minimum of 50 parking spaces be made available for the proposed instructional facility on weekday evenings and on Saturday mornings. Staff is of the opinion that

¹ Based on an employment density for commercial centers of 0.00280 employees per square foot.

the parking demand for this facility can be accommodated by the available on-site parking in the evenings, since the increased parking demand for the classes is generally after 5:00 p.m. when the parking demand of Campus Square is the lowest. Therefore, staff has recommended that classroom instruction be limited to weekday evenings (no classroom instruction for more than one class or 35 students total before 5:30 p.m.) and weekends, consistent with the proposal presented by the applicant.

Staff also believes that the one-on-one sessions that may occur can be accommodated by the parking spaces allocated to the tenant space for general office use (17 spaces). The available parking spaces could accommodate up to 6 individual counseling sessions, which would generate a parking requirement of 17 spaces (one parking space for each 3 instructors and/or students and 5 spaces for administrative personnel). Staff has therefore included a condition of approval permitting individual counseling sessions for a maximum of 12 students and total student attendance to 35 during regular weekday business hours before 5:30 p.m.

Based on the information presented, the operational characteristics of the proposed facility and the conditions of approval recommended, staff believes that the available parking is adequate to accommodate the proposed use.

Additional Analysis

The applicant has provided information describing the proposed facility, which will occupy a 4,144 sq. ft. tenant space. As shown on the attached floor plan approximately one-third of the space is used for classroom and instructional purposes and the remaining space is used for waiting, office, and reception areas. The hours of operation are 7:00 a.m. to 5:30 p.m., weekdays for general office use and class registration (10 employees); class sessions are generally from 8:30 a.m. to 9:30 p.m., Monday-Friday and 8:00 a.m. to 12:30 p.m., Saturday (3 to 5 employees). The facility is closed on Sunday. The weekday sessions have maximum attendance of between 15 and 30 students and maximum attendance at any one time is approximately 45 students. It is also anticipated that one-on-one counseling sessions may occur during the daytime hours. The classes and counseling provided are for remedial driving instruction programs as mandated by the courts. Therefore, most students are expected to drive themselves to the facility. The applicant has indicated that on no occasion are more than 50 students present in the facility. The Saturday classes generally operate the same as the weekday classes. The facility does not engage in behind the wheel instruction and is conditioned as a prohibited in conjunction with the proposed operation.

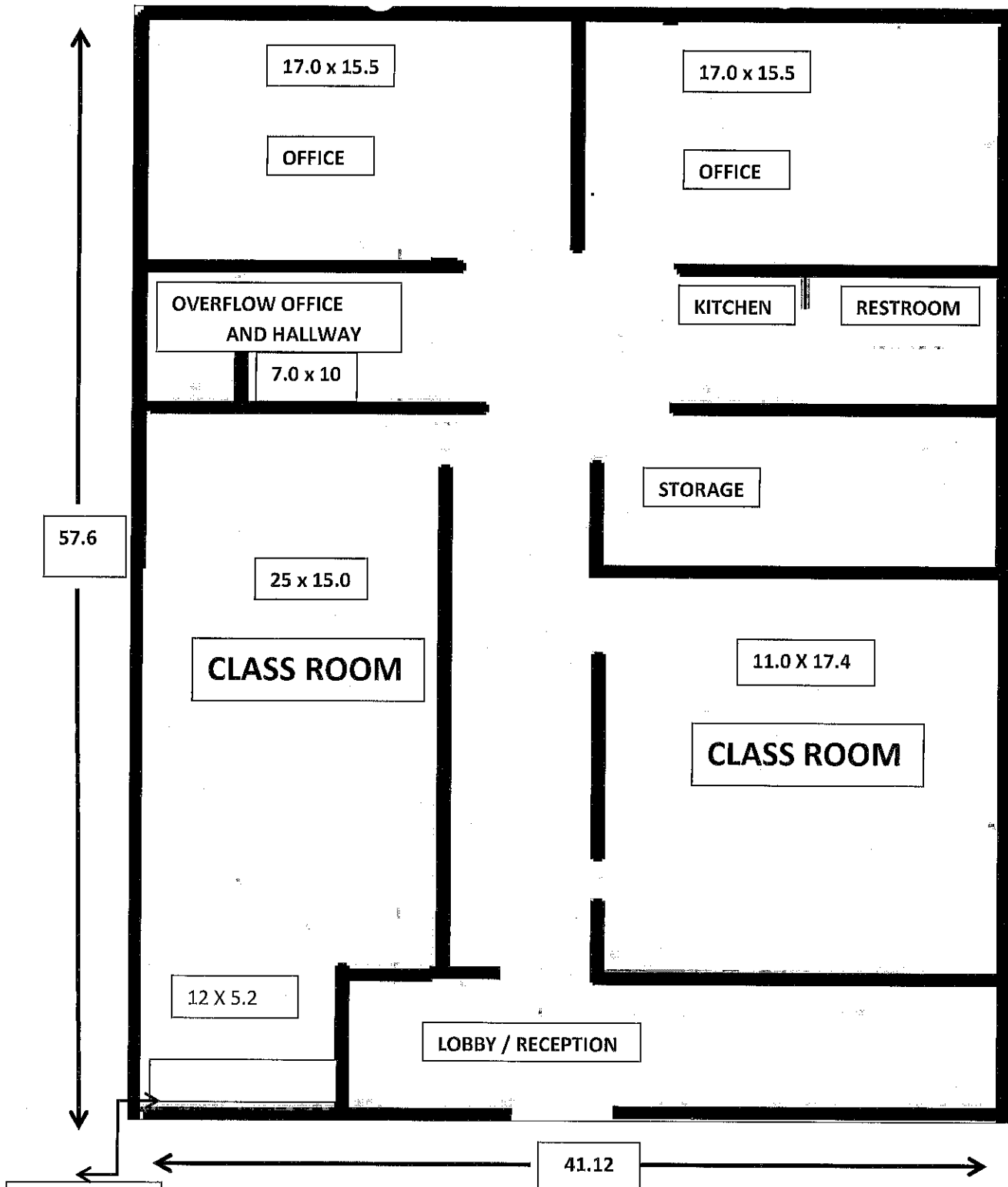
Based on these operational characteristics staff has evaluated the facility's impact on the surrounding uses and the available parking. Staff does not believe that there is any other issues related to the proposed use that must analyzed at this time.

Compatibility

The facility is not anticipated to present any compatibility problems with the other uses in Campus Square, since the peak demand of the class instruction is in the evenings and on weekends when a majority of the other uses are closed. In addition, the facility is comparable to similar uses located in other shopping centers of the City that have not generated any particular problems or complaints.

Attachment No. CD 4

Project Plans



57.6

41.12

2369 square feet.

ACADEMY OF DEFENSIVE DRIVING (AODD)

2028 QUAIL STREET

PA2015-059

OFFICE: 597/100 = 5.97

CLASS: 628.8/15 = 41.92

TOTAL: 47.89 (48)

OPEN SPACE
FILES CABINET
AND TV STAND

RECEIVED BY
COMMUNITY

MAY 04 2015

DEVELOPMENT
CITY OF NEWPORT BEACH

PA2015-059 for SA2015-004
2028 Quail Street
Academy of Defensive Driving Inc.-



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. CS2015-005 (PA2015-092)
Applicant	James Clark, Signs and Services Company
Owner	HIG-CDM, LLC
Site Address	3500 East Coast Highway
Legal Description	Lot 1, Block U, Tract 0323

On **May 22, 2015**, the Zoning Administrator approved Comprehensive Sign Program No. CS2015-005 ("Program") to authorize signage for a multi-tenant commercial building in accordance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code.

Pursuant to Section 20.24.120 of the Zoning Code, a Comprehensive Sign Program is required to allow new signs whenever three (3) or more separate tenant spaces are proposed on the same lot and whenever signs are proposed to be located on or above the second story. Comprehensive sign programs can allow limited deviations from typical standards under certain circumstances and the subject Program allows for the following deviations from the Zoning Code:

1. Three (3) signs on the primary frontage (East Coast Highway - 1 wall, 2 awning), where the Zoning Code allows one (1) building sign per primary tenant frontage;
2. Four (4) signs on a secondary frontage (Narcissus Avenue - 1 wall, 3 awning), where the Zoning Code allows one (1) building sign per secondary tenant frontage;
3. An increase in sign area for a secondary frontage, where the Zoning Code allows for the sign area to be up to 50 percent of the sign area of the primary frontage sign;
4. Relief from the requirement that wall signs be located within the middle 50 percent of a building frontage; and
5. Temporary window and door signs during construction of interior tenant spaces for up to 120 days.

The subject property is located within the Commercial Corridor (CC) Zoning District and the General Plan Land Use Element category is Corridor Commercial (CC). 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

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.

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. A comprehensive sign program is required when three (3) or more separate tenant spaces are created or proposed on the same lot or whenever signs are proposed to be located on or above the second story on a multi-story building. A new building with four (4) tenants is under construction and the applicant proposes two (2) wall signs located on the second story.
2. The Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards) because it provides the commercial building and tenants 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.

3. 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.
4. Approval of this Comprehensive Sign Program includes deviations to the number, location, and size of signs that would otherwise be allowed and allows the flexible application of the sign regulations to achieve a unified design theme that meets the purpose and intent of the Zoning Code.
5. 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 in terms of size, location, legibility, and materials. 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. The letters will be applied on contrasting backgrounds. The awning design is compatible with the architecture of the building.
6. The wall 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 size of the signs do not dominate the façade on which they are placed, and are appropriately located to identify the property to vehicles traveling on East Coast Highway and Narcissus Avenue. The proposed wall signs are backlit channel letters.
7. The temporary window signs for tenant identification during construction are designed to be consistent across all window areas and are limited to 25 percent of the window area and are also limited to 120 days. The glass windows and doors will be covered with opaque material to screen the construction within the building and will permit limited advertising to future businesses prior to permanent sign installation.

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.*

Facts in Support of Standard

1. The site is developed with a two-story commercial building. Signs are designed to identify four (4) tenants from two (2) abutting public streets. Each sign proposed for the primary and secondary frontages will not exceed the maximum allowable square footage for each sign type per the Zoning Code.

2. All wall and awning signs relate visually to each other and the building design because they maintain consistency in design, materials, and color while identifying the tenant names.
3. The proposed signs will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.
4. The proposed signs will not interfere with sight distance from any street or alley.

Standard

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

Facts in Support of Standard

1. The proposed Comprehensive Sign Program addresses all project signage, including temporary establishment identification signs. 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.*

Facts in Support of Standard

1. The Comprehensive Sign Program has been designed to be effective for the commercial tenants that will occupy the building by providing sign opportunities across two (2) street frontages on two (2) stories.
2. The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future tenants.
3. It is not anticipated that future revisions to the Comprehensive Sign Program will be necessary to accommodate a change in tenant or use. However, the Community Development Director may approve minor revisions to the Comprehensive 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].

Facts in Support of Standard

1. The Comprehensive Sign Program allows for deviations with regard to the number, size, and location of signs. 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 statement. The number, location, type, and size of signs are reasonable in order to provide adequate identification of the building from the streets.
2. Allowing deviation from the Zoning Code for additional building signs on the primary and secondary frontages is appropriate given the architectural design of the building and corner location of the building.
3. Allowing deviation from the requirement that wall signs on the building be located in the middle 50 percent of a frontage is appropriate given the architectural design and location of the building. The wall sign along East Coast Highway is centered above the front entrance of the building, and the wall sign along Narcissus Avenue is placed in an area that is not obstructed from view to vehicles traveling on East Coast Highway.
4. Allowing deviation from the temporary sign requirements is appropriate as the glass windows and doors will be covered with opaque material to screen the construction inside the building and advertise future businesses prior to permanent sign installation.

Standard

- 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

1. The 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.*

Facts 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. Anything not specifically approved by this Comprehensive Sign Program is prohibited.
3. A building permit and/or sign permit shall be obtained prior to commencement of installation or demolition of 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. Awnings shall not be internally illuminated. Lighting directed downward that does not illuminate the awning is allowed.
7. Signs shall be maintained in a clean and orderly condition.
8. All work performed near or within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
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. Revisions that would substantially deviate from the original approval shall require approval of a new/revised comprehensive sign program by the Zoning Administrator.

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 twenty-four (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 3500 East Coast Highway Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2015-005 (PA2015-092). 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. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

On behalf of Brenda Wisneski, Zoning Administrator

By:



Fern Nueno, Associate Planner

JC/fn

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

Attachment No. ZA 1

Comprehensive Sign Program Matrix



Comprehensive Sign Program Matrix Worksheet

Community Development Department
 Planning Division
 100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915
 (949)644-3204 Telephone / (949)644-3229 Facsimile
www.newportbeachca.gov

Application No. **Comprehensive Sign Program No. CS2015-005 (PA2015-092)**
Applicant **James Clark, Signs and Services Company**
Owner **HIG-CDM, LLC**
Site Address **3500 East Coast Highway**
Legal Description **Lot 1, Block U, Tract 0323**

Suite	Primary Frontage (East Coast Hwy.) Sign Regulations	Secondary Frontage (Narcissus Ave.) Sign Regulations
A	Maximum number of signs: one (1) Maximum area: 40 square feet Maximum letter/logo height: 36 inches Sign type: Wall	Maximum number of signs: one (1) Maximum area: 20 square feet Maximum letter height: 18 inches Maximum logo height: 24 inches Sign type: Awning
B	Maximum number of signs: zero (0)	Maximum number of signs: one (1) Maximum area: 40 square feet Maximum letter/logo height: 36 inches Sign type: Wall
C	Maximum number of signs: one (1) Maximum area: 20 square feet Maximum letter height: 18 inches Maximum logo height: 24 inches Sign type: Awning	Maximum number of signs: one (1) Maximum area: 20 square feet Maximum letter height: 18 inches Maximum logo height: 24 inches Sign type: Awning
D	Maximum number of signs: one (1) Maximum area: 20 square feet Maximum letter height: 18 inches Maximum logo height: 24 inches Sign type: Awning	Maximum number of signs: one (1) Maximum area: 20 square feet Maximum letter height: 18 inches Maximum logo height: 24 inches Sign type: Awning

Other Sign Types:

Temporary	<p>Temporary Establishment Identification Signs are allowed as window signs for 120 days during construction or until permanent signs are installed, whichever is earlier.</p> <p>Maximum number and size: All 25 first floor glass window and door areas are permitted to be entirely covered with opaque material to screen construction within the building.</p> <p>Maximum sign area for text and logos: 25 percent of each window or door area. Allowed area for one window or door may not be added to any other window or door.</p>
	<p>Promotional banners and other temporary signs shall be regulated by the provisions of Chapter 20.42.090 (Standards for Temporary Signs).</p>
Exempt	<p>Shall be regulated by the provisions of Chapter 20.42.100 B (Exemptions to Sign Permit Requirement).</p>

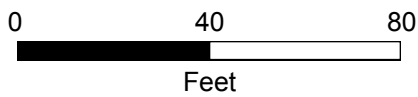
NOTE: Minor changes in sign type, location, and sizes specified in this matrix may be approved by the Community Development Director.

Attachment No. ZA 2

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: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. ZA 3

Site Photograph



CLEANERS

ESSENCE

ONE WAY

STOP

Attachment No. ZA 4

Project Plans



Tenant Assingments:

Tenant A) Hanley Investment Group

Tenant B) Waterpointe

Tenant C) Pastabilities (note a future tenant, just a place holder for actual future tenant)

Tenant D) theCURIOshop (note a future tenant, just a place holder for actual future tenant)

Hanley Investment Group

Real Estate Advisors

DESIGN REVISIONS:			
R#	DATE:	NAME:	NOTES:
R9	03-26-2015	RS	Add Wave Logo to Letters
R10	05-05-2015	LH	Add Property Lines/Survey

SIGN INVENTORY:		
I.D.	DESCRIPTION:	QTY:
A).	Halo-Illuminated Channel Letters	1
B).	Halo-Illuminated Channel Letters	1
C).	Non-Illuminated Awning with Tenant Lettering	1
D).	Non-Illuminated Awning with Tenant Lettering	1
E).	Non-Illuminated Awning with Tenant Lettering	1
F).	Non-Illuminated Awning with Tenant Lettering	1
G).	Non-Illuminated Awning with Tenant Lettering	1
H).	Halo-Illuminated Corner Address Plaque	1

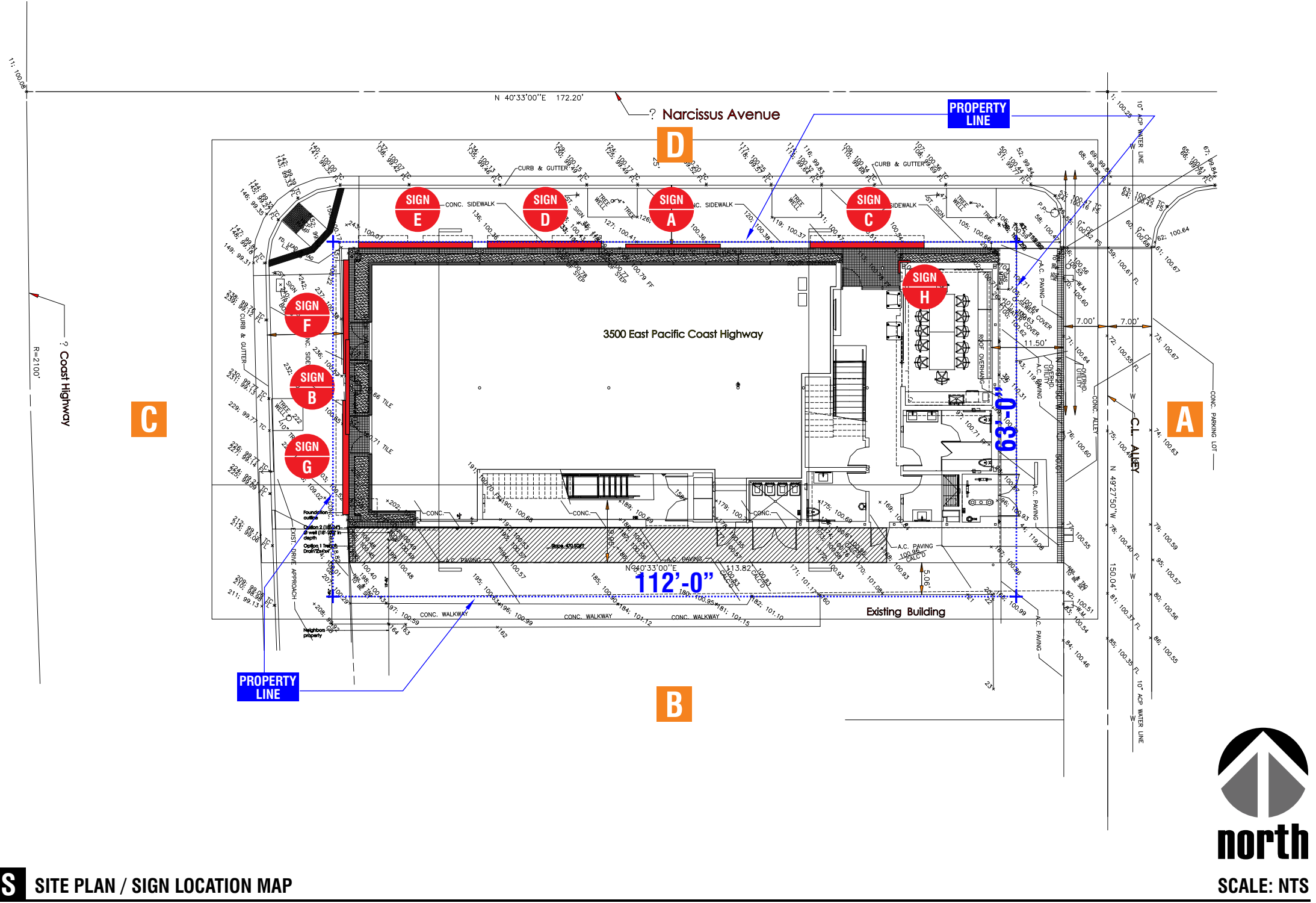
Tenant Assingments:

Tenant A) Hanley Investment Group

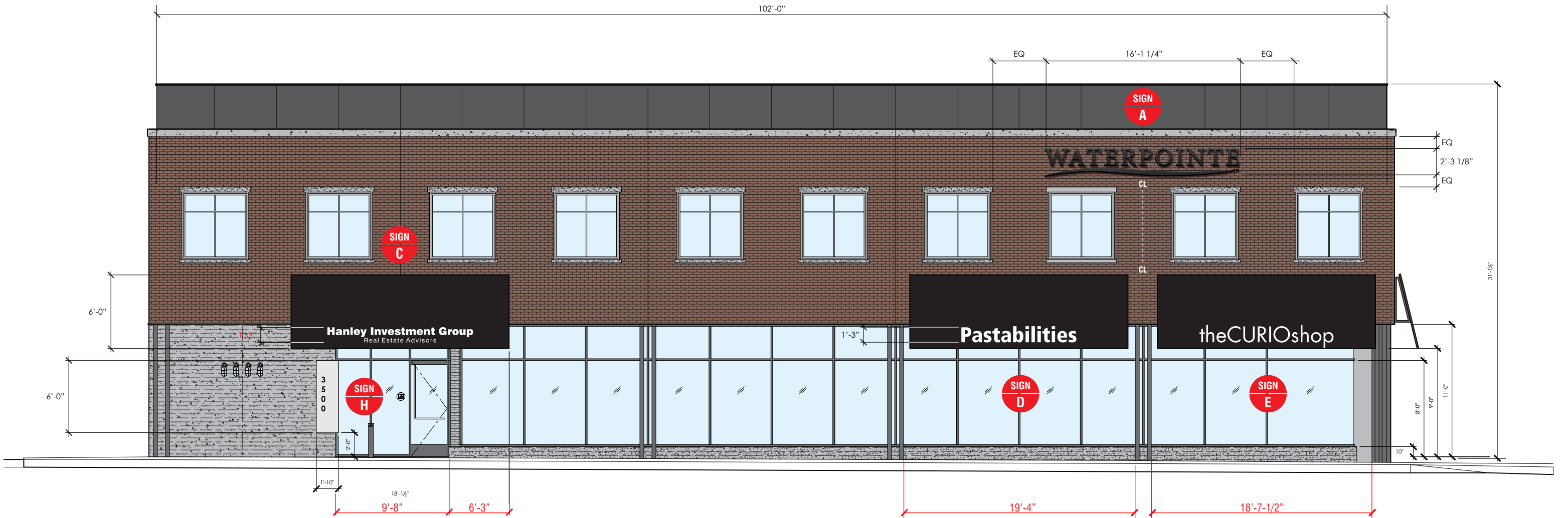
Tenant B) Waterpointe

Tenant C) Pastabilities (note a future tenant, just a place holder for actual future tenant)

Tenant D) theCURIOshop (note a future tenant, just a place holder for actual future tenant)



S SITE PLAN / SIGN LOCATION MAP



ELEV 1 WEST BUILDING ELEVATION / Primary Entrance for Hanley Investment Group
 Scale: 1/8" = 1'-0"



SIGN A SIGN DETAIL / Manufacture & Install One (1) Set Halo-Illuminated Primary Channel Letters
 Scale: 3/8" = 1'-0"

REVERSE-PAN CHANNEL LETTERS: 3" Deep Aluminum Painted Matthews Polyurathane Enamel Black (Satin Finish)
REVERSE-PAN CHANNEL WAVE: 3" Deep Aluminum Painted Matthews Polyurathane Enamel Black (Satin Finish)
ILLUMINATION: Sloan Bright White LED's

- Tenant Assingments:**
- Tenant A) Hanley Investment Group
 - Tenant B) Waterpointe
 - Tenant C) Pastabilities (note a future tenant, just a place holder for actual future tenant)
 - Tenant D) theCURIOshop (note a future tenant, just a place holder for actual future tenant)

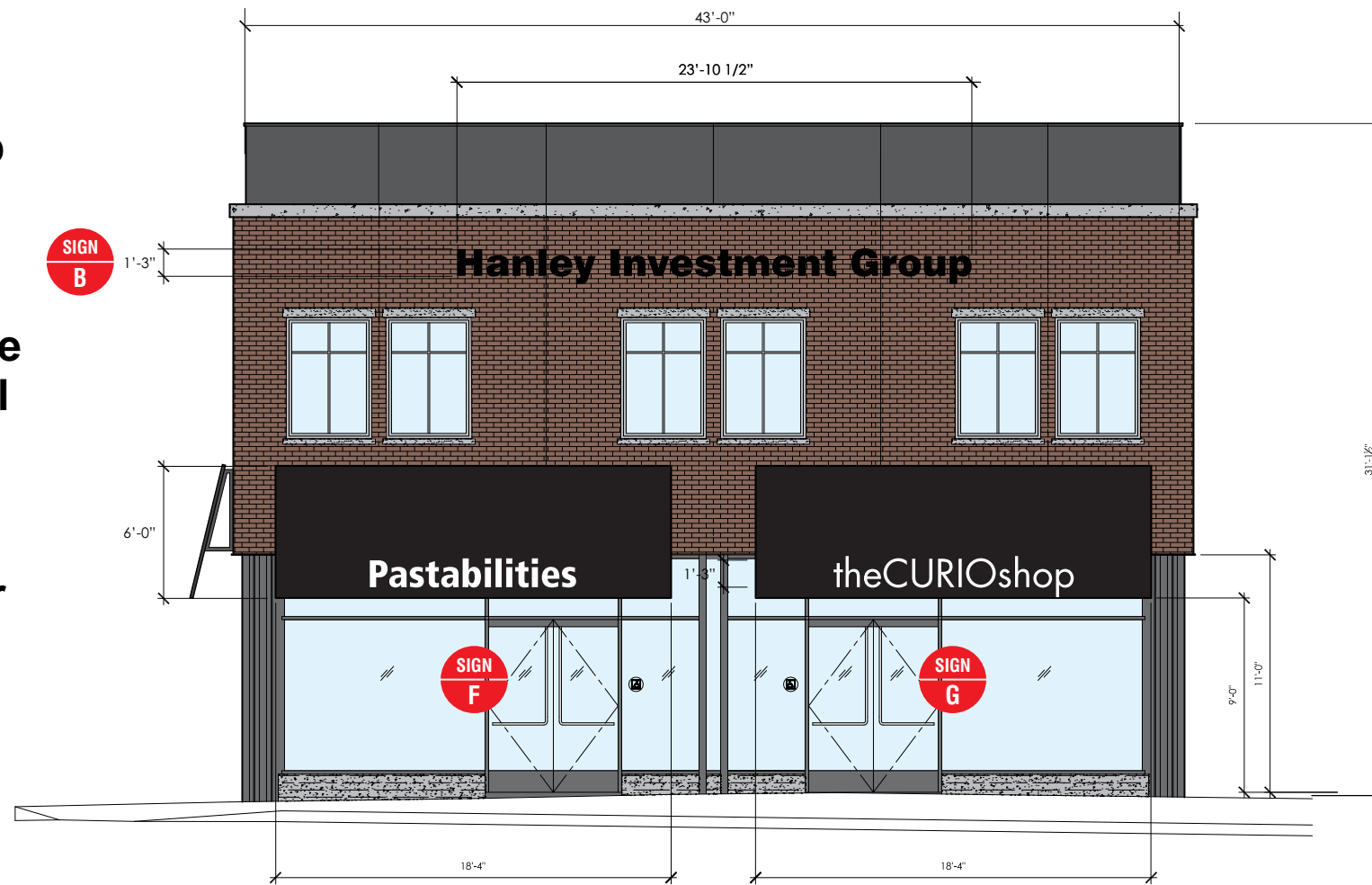
Tenant Assingments:

Tenant A) Hanley Investment Group

Tenant B) Waterpointe

Tenant C) Pastabilities (note a future tenant, just a place holder for actual future tenant)

Tenant D) theCURIOshop (note a future tenant, just a place holder for actual future tenant)

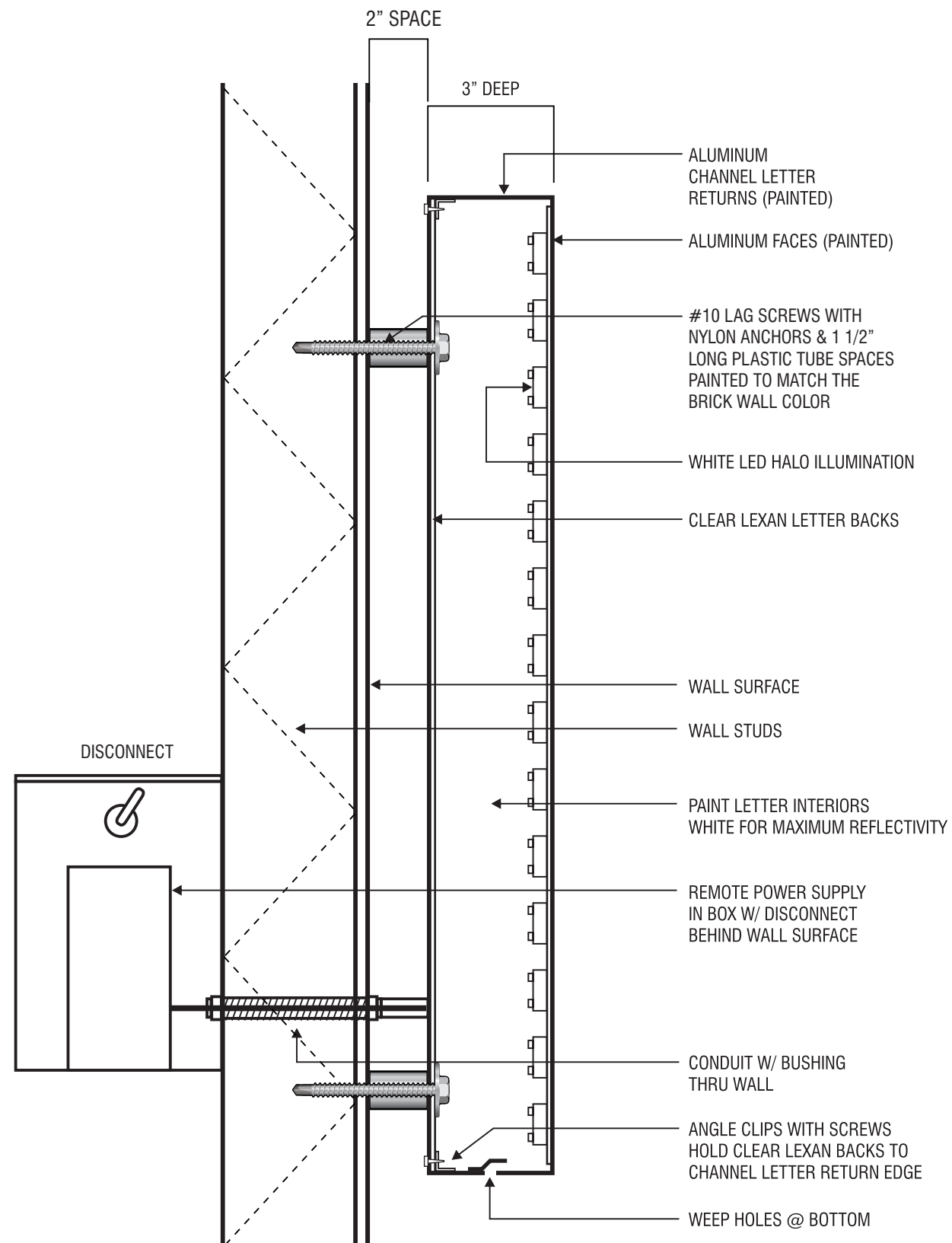


ELEV 2 WEST BUILDING ELEVATION / Tenant Entrances for Future Retail or Restaurant Tenants
Scale: 1/8" = 1'-0"

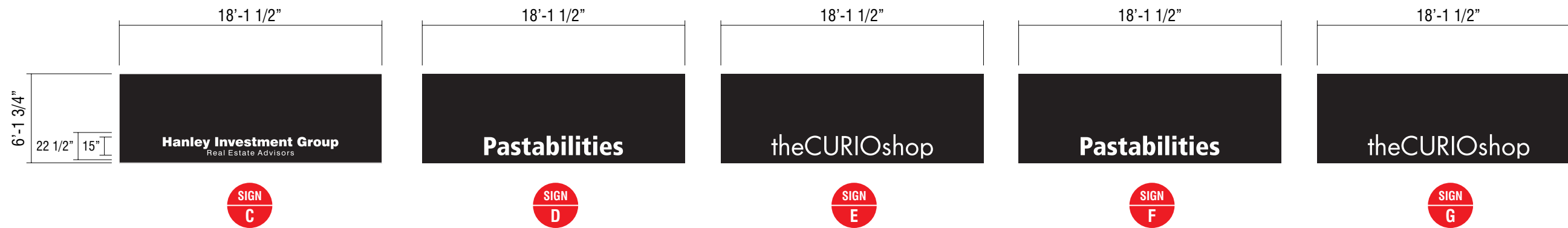


SIGN B SIGN DETAIL / Manufacture & Install One (1) Set Halo-Illuminated Primary Channel Letters
Scale: 1/4" = 1'-0"

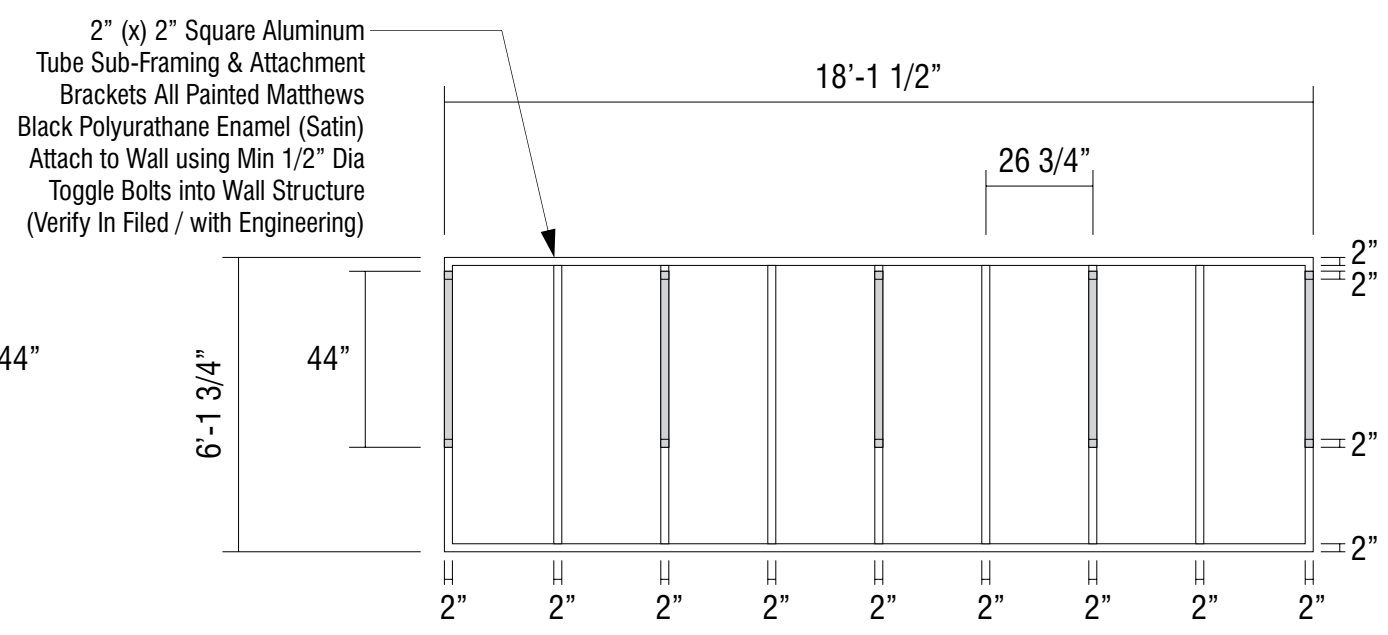
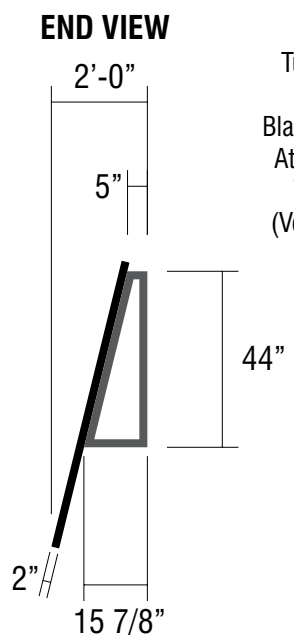
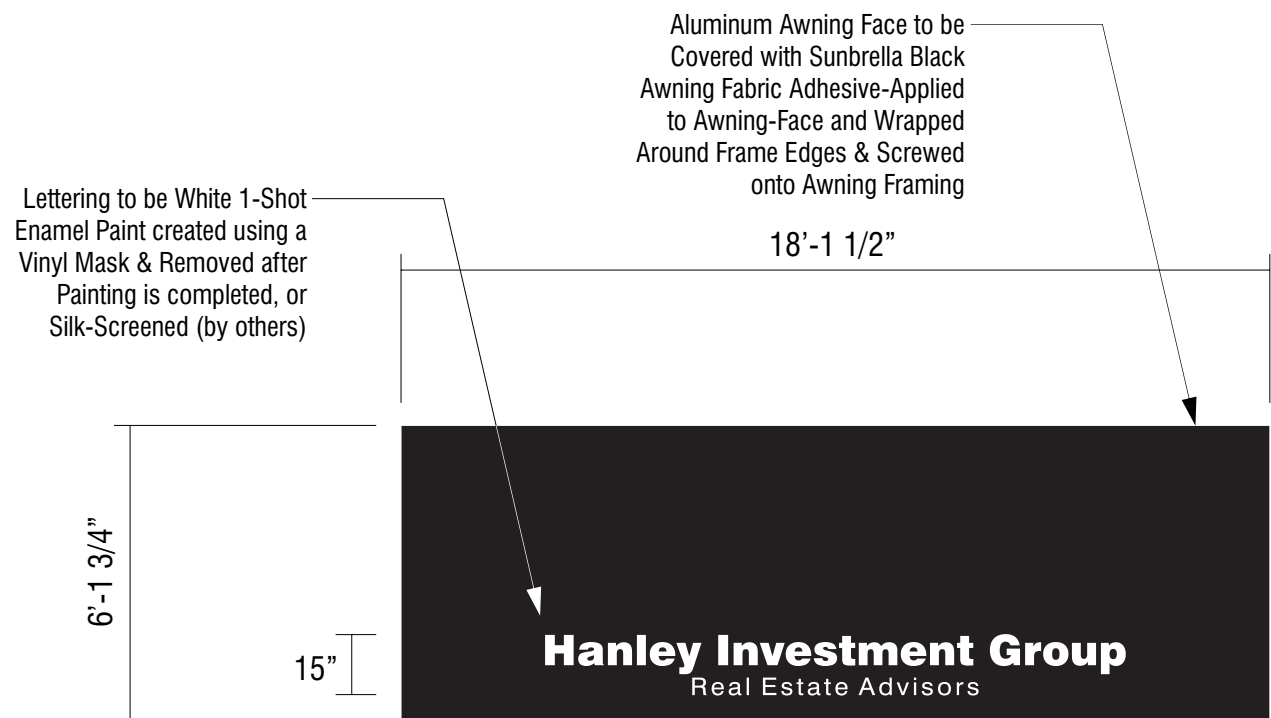
REVERSE-PAN CHANNEL LETTERS: 3" Deep Aluminum Painted Matthews Polyurathane Enamel Black (Satin Finish)
ILLUMINATION: Sloan Bright White LED's



SIGN
A
SIGN
B
CHANNEL LETTER END SECTION / Attachment Detail (Typical for Signs A & B)
 Scale: NTS



SIGNS C-G SIGN DETAIL / Manufacture & Install One (1) EACH / Shown Above
 Scale: 1/8" = 1'-0"

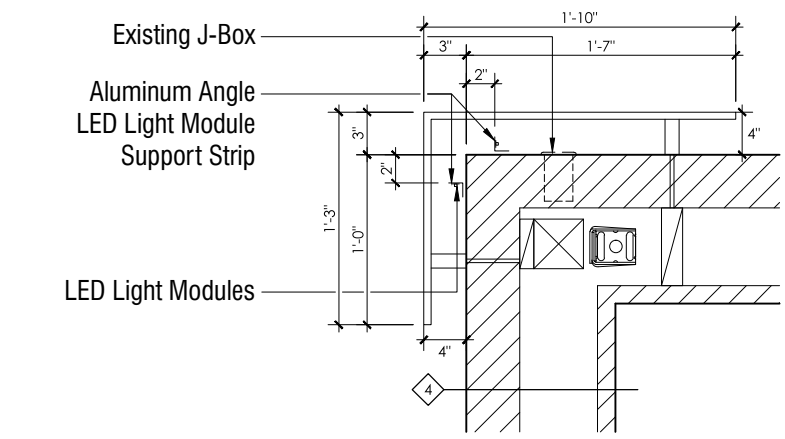
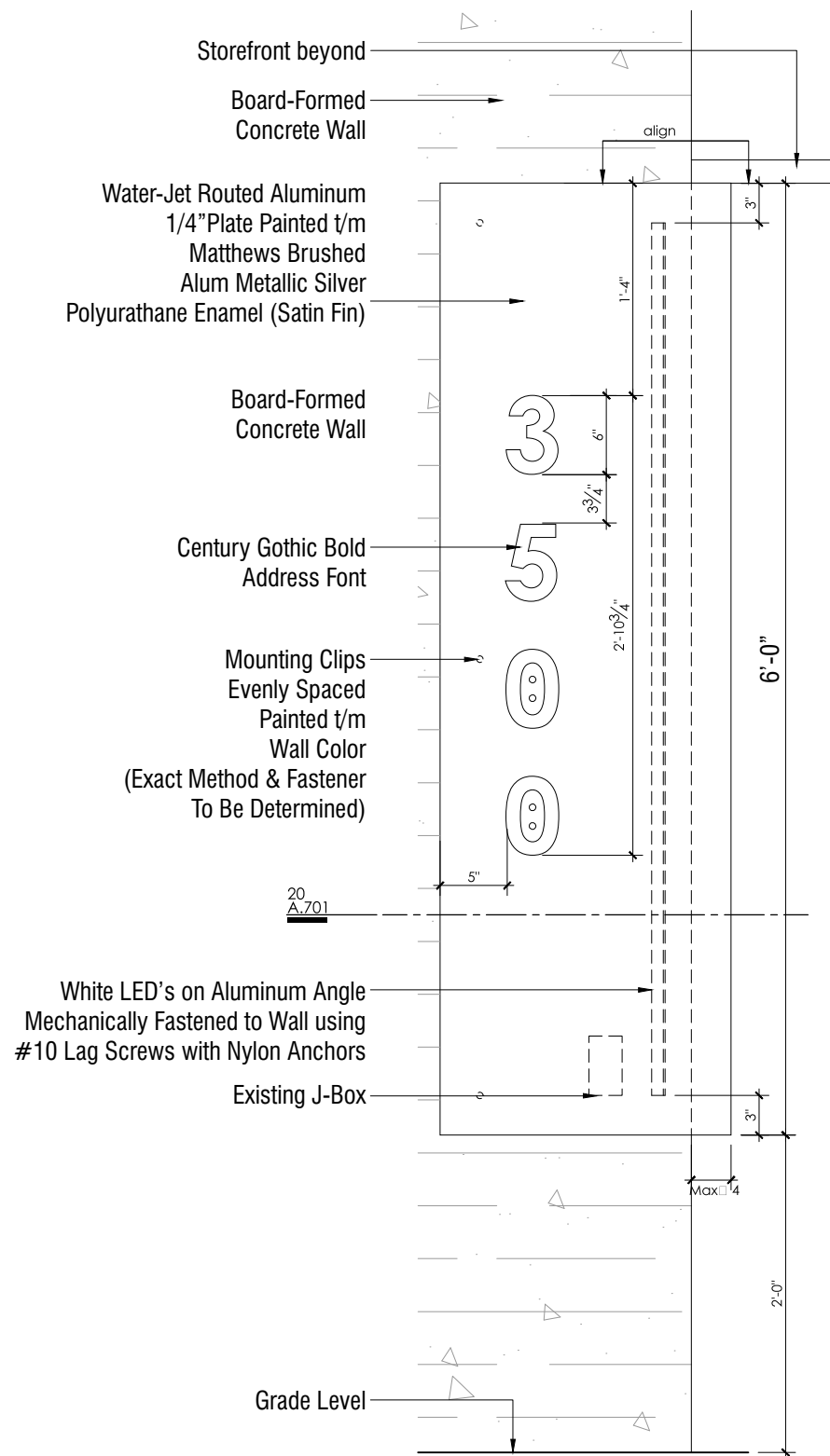


SIGN C SIGN DETAIL / Manufacture & Install One (1) Non-Illuminated Awning with Painted or Silk-Screened Letters
 Scale: 1/4" = 1'-0"

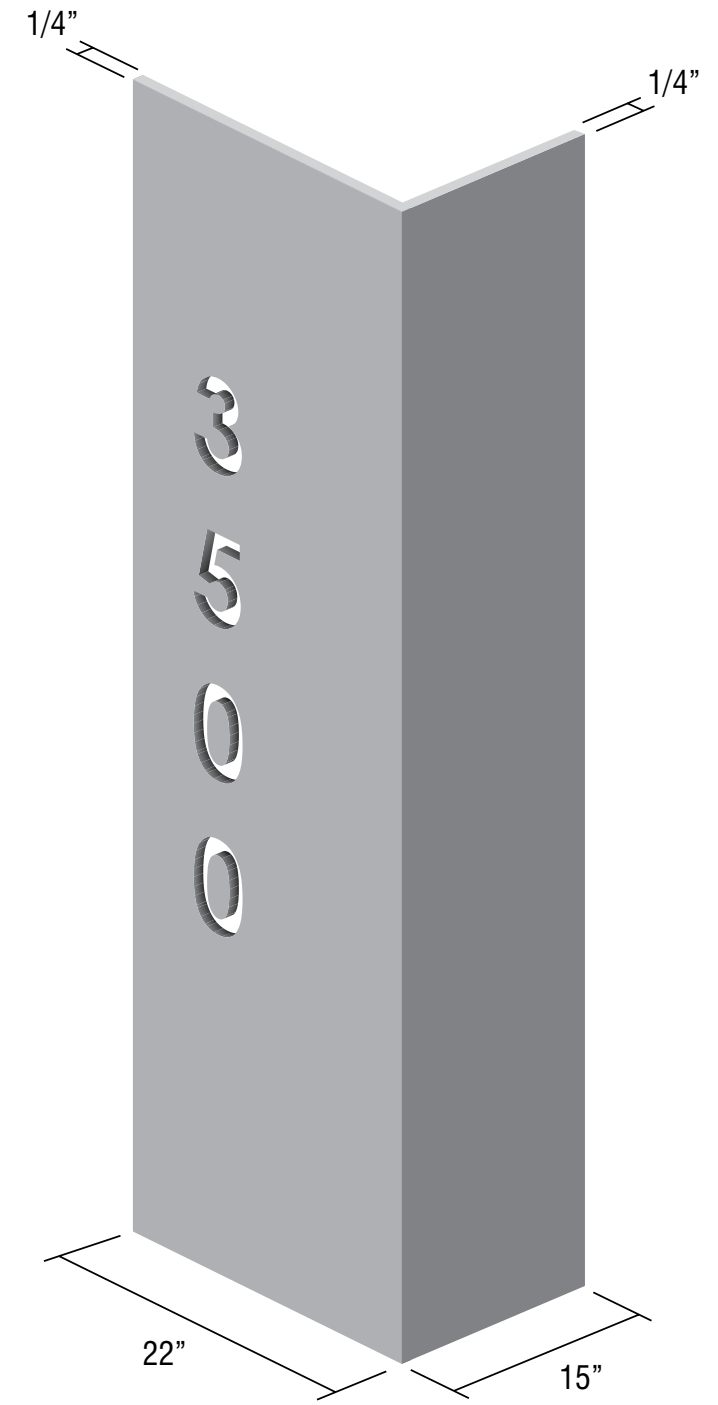
SIGN C FRAMING DETAIL / Single-Faced Non-Illuminated Awning
 Scale: 1/4" = 1'-0"

NOTE: Construction Details Typical for ALL AWNINGS

NOTE: Construction Details Typical for ALL AWNINGS



SIGN SIGN DETAIL / Corner-Wrapping Address Plaque / Plan View
H Scale: NTS



SIGN SIGN DETAIL / Corner-Wrapping Address Plaque / Perspective View
H Scale: NTS

SIGN SIGN DETAIL / Manufacture & Install One (1) Corner-Wrapping Halo-Illuminated with Water-Jet-Cut Letters & Halo LED's
H Scale: NTS / Proportionally Correct

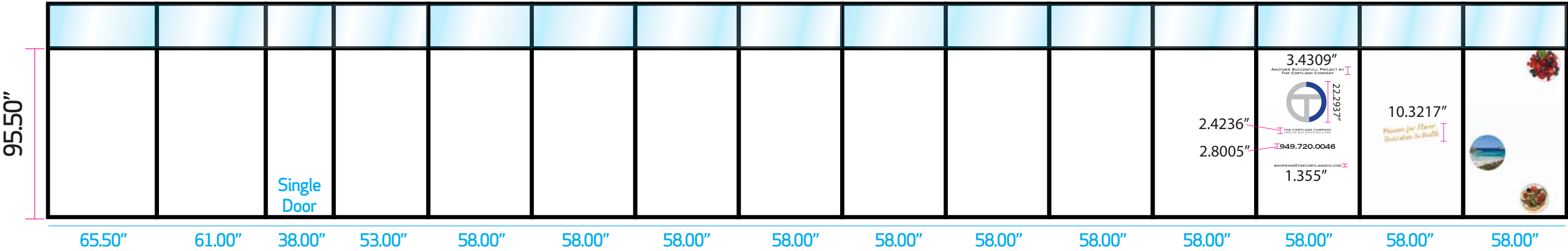
922 Total Sq. Ft.



3500 E. Coast Hwy



568 Total Sq. Ft.



Left Side on Narcissus
453.00"

3500 E. Coast Hwy



301 Total Sq. Ft.



Front on PCH

3500 E. Coast Hwy



53 Total Sq. Ft.

Right Side Alley



3500 E. Coast Hwy

