



**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 3, 2017.

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**ZONING ADMINISTRATOR ACTIONS  
February 28, 2017**

- Item 1: Pitcher Modification Permit No. MD2016-017 (PA2016-205)  
Site Address: 1731 Bayport Way  
Action: Approved by Resolution No. ZA2017-014 Council District 3
- Item 2: Fleming's Steakhouse Outdoor Dining Expansion Minor Use Permit No. UP2016-035 (PA2016-138)  
Site Address: 455 Newport Center Drive  
Action: Approved by Resolution No. ZA2017-015 Council District 5

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

- Item 1: Redstone Comprehensive Sign Program Staff Approval No. SA2017-001 (PA2017-005)  
Site Address: 4041 MacArthur Boulevard and 1300 Dove Street  
Action: Approved Council District 3
- Item 2: Marriot Comprehensive Sign Program No. CS2017-004 (PA2017-007)  
Site Address: 900 Newport Center 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.

## RESOLUTION NO. ZA2017-014

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2016-017 FOR A 534-SQUARE-FOOT ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE WITH NONCONFORMING PARKING LOCATED AT 1731 BAYPORT WAY (PA2016-205)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Creative Heights Designs (Moises Villegas) with respect to property located at 1731 Bayport Way and legally described as Lot 10 of Tract 2467 requesting approval of a modification permit.
2. The applicant proposes a modification permit to allow a 23 percent addition to an existing single-family residence with nonconforming parking. The modification permit is required due to the existing nonconforming garage that does not meet the interior clear dimensions required by the Zoning Code. The existing nonconforming garage provides dimensions 17 feet 3 inches wide by 21 feet 10 inches deep, whereas the Zoning Code requires a minimum interior width of 20 feet and a minimum length of 20 feet. The proposed development was subject to compliance with the Orange County Zoning Code at the time of construction.
3. The subject property is located within the Single-Unit Residential (R-1-10000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on February 28, 2017 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines.
2. This exemption includes additions of up to 10,000 square feet where public services and utilities are available and the area is not considered environmentally sensitive. The proposed project is a 534-square-foot addition to an existing single family

residence in a developed neighborhood and is not within an environmentally sensitive area.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050.E (Modification Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. The requested modification will be compatible with existing development in the neighborhood.*

#### Facts in Support of Finding:

1. The addition would increase the dwelling by 534 square feet for two new bedrooms, walk-in closets, and a bathroom. The proposed addition will comply with all applicable development standards, including height, setbacks, and site coverage. The proposed addition will not intensify the existing nonconforming parking.
2. Bayport Way consists of single-story and two-story single-family residences. Several of the other homes built in Tract No. 2467 were developed with setback encroachments and parking dimensions similar to the subject property. The addition is consistent with the design and height of other properties in the neighborhood.
3. The existing development on the property is a single-family dwelling with a two-car garage. Therefore, there is no change to the density as a result of the proposed remodel and addition.

#### Finding:

- B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

#### Facts in Support of Finding:

1. A modification permit is necessary based on the original design of the residence in 1959 that oriented the structure essentially parallel to the front property line, thereby utilizing the full front of the property for livable area and leaving less than 20 feet for the width of the garage. Therefore, expanding the garage to the south will not bring the garage into conformance, unless a variance is approved to allow it to encroach into the setback. Alteration of the north wall would significantly increase the scope and cost of the project, and greatly alter the interior layout of the residence. Expansion of the garage to provide a tandem parking configuration would require significant structural work that would affect the existing second floor above the garage.

2. The granting of the Modification Permit is necessary to allow a reasonable addition to an existing dwelling that was constructed pursuant to Orange County Zoning Code requirements, and that allows adequate width for the parking of two (2) vehicles. Additionally, the driveway in front of the garage allows for up to two (2) open parking spaces on-site.

Finding:

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

1. The existing residence and two-car garage were originally constructed under the jurisdiction of the County of Orange in 1959 and subsequently annexed to the City in 1968. Therefore, at the time of original construction, the existing two-car garage was built pursuant to County of Orange standards.
2. The proposed addition is located at the rear of the lot, away from the location of the existing garage, and does not result in the need to modify the garage located at the front of the residence. Increasing the width of the garage to 20 feet to satisfy current parking size requirements would require major structural alterations to the north wall and result in a significant increase in the scope of work in order to increase the garage width by 2 feet 9 inches.
3. The existing garage provides two (2) useable garage spaces only slightly less than the required widths and fulfills the intent of the Zoning Code by providing adequate parking on-site. The driveway may serve as two (2) additional open parking spaces on-site. Approval of the Modification Permit allows the applicant to continue using the existing two-car garage, which has not been detrimental to the occupants or neighbors, and allows for a reasonable size addition.
4. The R-1-10000 zone limits maximum site coverage to 60 percent of the lot. The existing property only utilizes approximately half of the total building potential allowed by the Zoning Code. The proposed project would increase the total lot coverage by approximately 7 percent, for a total of 40.84 percent, which is consistent with the general range of properties in the neighborhood.

Finding:

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

1. The applicant may expand the garage to meet the current dimension requirements. However, expanding the garage to the south will not bring the garage into conformance, unless a variance is approved to allow it to encroach into the setback. Alteration of the north wall would significantly increase the scope and cost of the project, and greatly alter the interior layout of the residence. Expansion of the garage to provide a tandem parking configuration would require significant structural work that would affect the existing second floor above the garage.
2. The applicant may reduce the addition to not exceed 10 percent of the existing floor area of the structure to comply with the requirements of the Zoning Code. Given the intent of the project is to provide two new bedrooms, a new bathroom and closets, redesign to reduce the size of the addition will significantly impact the objectives of the project and would not provide similar benefits to the applicant. The existing structures onsite amount to approximately half of the allowed lot coverage of the site (33.58% out of 60% allowed). Additionally, the proposed project would only increase the total lot coverage of the site by approximately 7 percent (40.84%). Therefore, the proposed modification permit would allow the Applicant to utilize the available square footage permitted in the R-1-10000 zone.
3. The proposed project and the potential alternatives would result in the same potential impacts to surrounding owners, occupants, the neighborhood, and the general public.

Finding:

*E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. The proposed second story addition would maintain all required setbacks and will provide adequate protection for light, air, and privacy. The addition will not preclude access to the dwelling and will be consistent in scale with other dwellings in the neighborhood.
2. The existing nonconforming garage has not proven to be detrimental to the occupants of the property, nearby properties, the neighborhood, or the City and is adequate in width to park two (2) vehicles. Additionally, the driveway in front of the garage allows for up to two (2) open parking spaces on-site.
3. The proposed addition will result in site coverage that is less than the maximum allowed by Zoning Code.

4. The approval of this Modification Permit is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approved Modification Permit No. MD2016-017 subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL****PLANNING**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Each parking space within the garage shall be permanently available and maintained for parking purposes. The interior dimensions (17 feet 3 inches by minimum 21 feet 10 inches deep) shall be kept clear of obstructions including cabinets, shelving, or similar structures that may impact the ability to adequately park two (2) vehicles.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Modification.
5. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
6. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
8. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
9. 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.

10. 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 Pitcher Modification Permit including, but not limited to, MD2016-017 (PA2016-205). 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.

#### **Building Division Conditions**

11. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code.



## RESOLUTION NO. ZA2017-015

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2016-035 FOR AN EXPANSION OF OUTDOOR DINING IN CONJUNCTION WITH ALCOHOL SALES AND SERVICE LOCATED AT FLEMING'S PRIME STEAKHOUSE, 455 NEWPORT CENTER DRIVE (PA2016-138)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Bloomin' Brands, Inc., with respect to property located at 455 Newport Center Drive, and legally described as Parcel 1 of Lot Line Adjustment No. LLA 87-03, requesting approval of a minor use permit.
2. The applicant proposes to allow the sale and service of alcohol in conjunction with a newly expanded 1,595-square-foot outdoor dining patio at Fleming's Prime Steakhouse. Also proposed is a complete renovation of the interior of the restaurant as well as the front façade and entry. The applicant requests to change the hours of operation to include lunch service on weekdays and to reduce the allowed hours on the existing outdoor dining patio. No changes are proposed to the existing alcohol license type.
3. The subject property is designated Regional Commercial (CR) by the General Plan Land Use Element and located within the Fashion Island Subarea of the North Newport Center Planned Community (PC-56) Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on February 28, 2017, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption includes the alteration and addition of existing structures provided it will not result in an increase of 50 percent of the floor area of existing structures, or 2,500 square feet, whichever is less. In this case, the existing restaurant building is approximately 11,647 square feet. The proposed project will expand an

existing 156-square-foot outdoor dining area by 1,439 square feet and includes renovation of the existing restaurant tenant space. No addition of gross floor area is proposed and the total amount of seats will be reduced by seven.

### SECTION 3. REQUIRED FINDINGS.

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

#### Finding

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

#### Facts in Support of Finding

In finding that the proposed use is consistent with Section 20.48.030 (Alcohol Sales) of the Zoning Code, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
1. The proposed establishment is located within Reporting District 39, wherein the number of crimes is higher than adjacent Reporting Districts and the City. RD 43 and 47 have a lower number of crimes as they are primarily residential with few commercial uses. RD 44 has a slightly lower number of crimes as it contains many residential properties as well as the commercial corridor along East Coast Highway. Due to the high concentration of commercial land uses in Fashion Island, the crime rate and shoplifting rate is greater than adjacent Reporting Districts; however, the Newport Beach Police Department does not consider the number significant given the type of development within this Reporting District.
  2. At the close of 2015, two (2) Part One Crimes and two (2) Part Two Crime had been reported at the subject property. The Police Department does not object to the expanded outdoor dining area in conjunction with the reduced hours of operation.
- ii. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
1. Due to the high concentration of commercial land uses, the calls for service and number of arrests are greater than adjacent residential Reporting Districts. The Police Department does not consider the rate high because of the concentration of restaurants and commercial uses within Fashion Island and the surrounding North Newport Center.
  2. In 2015, twenty-four (24) calls for service representing 0.32 percent ( $24/7,497 = 0.32\%$  percent) of all calls for service in the Reporting District have been reported at the existing

restaurant location in Fashion Island (455 Newport Center Drive). There was one (1) arrest reported and no citations reported at the subject property.

- iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
  - 1. Fashion Island does not abut sensitive land uses and is separated from other uses by parking lots, roadways and other commercial uses. Residential uses are permitted in the northern sections of the PC-56 (North Newport Center Planned Community) Zoning District within Blocks 500, 600, 800, and San Joaquin Plaza. The proposed use is not located in close proximity to these residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.
- iv. *The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*
  - 1. There are several other restaurants within the Fashion Island Shopping Center. These include tenants such as Roy's Hawaiian Fusion, True Food Kitchen, Whole Foods, Cheesecake Factory, P.F. Chang's, etc. These establishments have Type 41 (On Sale Beer and Wine) or Type 47 (On Sale General) alcohol licenses and there is no evidence suggesting these uses have been detrimental to the neighborhood.
  - 2. The proposed hours of operation do not include late hours after 11 p.m. and an adequate security plan per the Police Department is in place for the Fashion Island Shopping Center. Conditions of approval are proposed to adequately manage alcohol service in the outdoor dining patio.
- v. *Whether or not the proposed amendment will resolve any current objectionable conditions*
  - 1. The proposed project will expand an outdoor dining area at an existing eating and drinking establishment, which has operated since 1998.
  - 2. The Police Department has reviewed the proposal, provided operating conditions of approval, and has no objection to the expanded outdoor dining area with alcoholic beverage service and the proposed hours of operation.

*Minor Use Permit*

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

Finding

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

Facts in Support of Finding

1. The Land Use Element of the General Plan designates the project site as Regional Commercial (CR), which is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents. The proposed outdoor dining area expansion and renovated eating and drinking establishment with alcoholic beverage sales will serve local and regional residents and is consistent with land uses in the CR land use designation.
2. The subject property is not a part of a specific plan area.

Finding

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

Facts in Support of Finding

1. The project is located in the Fashion Island Subarea of the PC-56 Zoning District. Fashion Island is intended to be a regional retail and entertainment center that is a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees of the area. An eating and drinking establishment with alcoholic beverage sales is a commercial use that serves visitors, residents, and employees in the area and, therefore, is consistent with the purposes of the North Newport Center Planned Community District.
2. Eating and Drinking Establishments are permitted uses within the Fashion Island Subarea of the North Newport Center Planned Community Zoning District. Pursuant to the Planned Community Text, the on-site sale of alcohol in conjunction with an eating and drinking establishment requires a minor use permit.

Finding

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

Facts in Support of Finding

1. The Fashion Island Subarea permits a range of retail, dining, and commercial entertainment uses within the PC-56 Zoning District. The proposed outdoor dining area will be compatible with surrounding permitted commercial uses in the vicinity and there are no sensitive land uses located nearby.

2. Outdoor dining areas are common ancillary uses for eating and drinking establishments within Fashion Island. The project design is comparable to that of other similar nearby establishments.
3. The existing outdoor dining area is permitted to operate until 12 a.m., Sunday through Thursday, and until 1 a.m. on Friday and Saturday. The proposed project will reduce hours of operation for the expanded outdoor dining to 11 p.m. and will add an earlier opening hour for the interior dining area to provide for lunch service. The proposed hours of operation are compatible with the other restaurants in Fashion Island, and will complement those of other business operating in the area.
4. The on-site consumption of alcoholic beverages will be incidental to the eating and drinking establishment. The quarterly gross sales of alcoholic beverages will not exceed the gross sales of food during the same period, per the conditions of approval. Alcoholic beverage service will be under the supervision of employees who have completed a certified training program.
5. The conditions of approval reflected in "Exhibit A" of this resolution ensure that potential conflicts with surrounding land uses are eliminated or minimized to the greatest extent possible.

#### Finding

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

#### Facts in Support of Finding

1. The Fashion Island shopping center is generally required three parking spaces for every 1,000 square feet of gross floor area. As the proposed outdoor dining area is not gross floor area, no additional parking is required and adequate parking and circulation is provided within the surface parking lots and parking structures on site.
2. This site has been reviewed by the Fire Department to ensure adequate public and emergency vehicle access is provided. Utilities are provided with all applicable requirements.
3. The proposed project will modify an existing eating and drinking establishment, which has operated at this location since 1998.
4. Improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

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

Facts in Support of Finding

1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The food service, eating and drinking establishment with alcohol service will serve visitors and the surrounding business community. The proposed outdoor dining area expansion and renovated eating and drinking establishment will provide alcohol service as a public convenience to visitors and workers within the surrounding area.
3. Fashion Island management has historically provided efficient on-site security and cooperates with the Newport Beach Police Department.
4. The applicant is required to obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

## SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2016-035, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Use Permit No. UP3637, Use Permit No. UP2003-028 (PA2003-182) and Outdoor Dining Permit No. OD2004-001 (PA2004-013), which upon vesting of the rights authorized by this minor use permit, shall become null and void.

**PASSED, APPROVED, AND ADOPTED THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2017.**



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Patrick J. Alford, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Alcohol service shall be limited to a Type 47 (On Sale General – Eating Place) Alcoholic Beverage Control License.
3. The regular business hours for the tenant shall be from 11 a.m. to 10 p.m., Sunday through Thursday, and from 11 a.m. to 11 p.m. on Friday and Saturday. The closing hour for all business operations shall be limited to 11 p.m. Any change to a later closing time shall require an Operator's License from the Police Department and an amendment to this Minor Use Permit.
4. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code, unless the Zoning Administrator first approves an amended minor use permit. This Minor Use Permit shall be terminated if the operation is no longer maintained as a "bona fide public eating place" as defined by the California Department of Alcoholic Beverage Control.
5. Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.
6. Alcohol may be served within the interior of the establishment and on the outdoor dining area (licensed premises). Alcoholic beverages served by the establishment shall only be consumed on the licensed premises and shall not be consumed on any adjacent property.
7. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
8. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
9. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
10. There shall be no live entertainment on the premises.



11. There shall be no dancing allowed on the premises.
12. Strict adherence to maximum occupancy limits is required.
13. Any changes in operational characteristics, hours of operation, expansion in area, or modification to the floor plan, shall require separate review and may require an amendment to this Minor Use Permit, unless otherwise approved by the Planning Division. Any changes in the business operation will require the preparation of an individual security plan subject to the review and approval of the Police Department.
14. All persons, managers, and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each person's, manager's, and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
15. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of this business that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
16. The alcoholic beverage outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the alcoholic beverage outlet and adjacent properties, if directly related to the patrons of the subject alcoholic beverage outlet.
17. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
18. The operator of the food service use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
19. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
20. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the

provisions of Title 14, including all future amendments (including Water Quality related requirements).

21. Storage outside of the building shall be prohibited.
22. All proposed signs shall be in conformance with the provisions of the PC-56 (North Newport Center Planned Community), Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code, or an approved Comprehensive Sign Program for the project site.
23. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this permit.
24. The Zoning Administrator may add to or modify conditions of approval to this Minor Use Permit, upon a determination that the operation which is subject of this Minor Use Permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
25. Should the business, subject to the Minor Use Permit conditioned herein, be sold or otherwise come under different ownership or a change in operators, any future owners, operators, or tenants shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
26. This Minor Use Permit shall expire unless exercised within twenty-four (24) months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code.
27. 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 Fleming's Prime Steakhouse Outdoor Dining Expansion including, but not limited to, Minor Use Permit No. UP2016-035 (PA2016-138). 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.
28. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
949-644-3200

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**COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER**

**Application No.**        **Staff Approval No. SA2017-001 (PA2017-005)**  
**Applicant**            **Signs and Services Company**  
**Site Location**        **4041 MacArthur Boulevard and 1300 Dove Street**  
                                 **Redstone Comprehensive Sign Program Staff Approval**  
**Legal Description**   **Parcel 2 , Resubdivision 0458**

On **March 2, 2017**, the Community Development Director approved Staff Approval No. SA2017-001 authorizing a change to the location of one of the wall signs and finding said change to be minor and in substantial conformance with Comprehensive Sign Program No. CS2015-010. This approval is based on the following findings and subject to the following conditions.

**ZONING DISTRICT/GENERAL PLAN**

- **Zone:** PC-11 (Newport Place Planned Community)
- **General Plan:** MU-H2 (Mixed Use Horizontal)

**I.        BACKGROUND**

On August 14, 2015, the Zoning Administrator approved Comprehensive Sign Program No. CS2015-010 for the two (2) office buildings located on a single lot at 4041 MacArthur Boulevard and 1300 Dove Street. The program includes project identification signs, primary and secondary frontage wall signs, and ground signs.

**II.       PROPOSED CHANGES**

The applicant proposes to move the skyline tenant wall sign from the existing wall to an abutting wall, remaining adjacent to MacArthur Boulevard but more visible to vehicular traffic. The change does not require any changes to the approved Sign Program Matrix as it remains adjacent to MacArthur Boulevard. The only change to the approved plans would be a revised site plan and a revised exterior elevation to reflect the new location. No other changes to the Comprehensive Sign Program are proposed.

### III. FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project), 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 application. In this case, the Community Development Director has determined that the proposed minor location change is in substantial conformance with the existing Comprehensive Sign Program.

#### Finding:

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

#### Facts in Support of Finding:

1. The existing Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards) and Newport Place Planned Community (PC-11) signage regulations because it provides multi-tenant office buildings with adequate signage identification while guarding against an excessive proliferation of signage. The proposed change to the location of the skyline tenant wall signage is minor and does not change purpose and intent of the existing Comprehensive Sign Program.

#### 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 proposed change to the Comprehensive Sign Program will not compromise the original Class 11 (Accessory Structures) exemption under the California Environmental Quality Act (CEQA) Guidelines since the request involves only a minor relocation of one of the approved signs.

#### 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. Comprehensive Sign Program No. CS2015-010 does not condition the location of the skyline tenant wall sign.

2. The Comprehensive Sign Program Matrix describes the location of this sign as adjacent to MacArthur Boulevard. The proposed location will remain adjacent to MacArthur Boulevard and does not warrant a change to the Comprehensive Sign Program Matrix.
3. The existing Comprehensive Sign Program allows for the Planning Division to approve the proposed minor change which does not include a change to the sign size, copy configuration, or number of signs.

Finding:

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

Facts in Support of Finding:

1. The minor relocation of the sign does not change the operational characteristics of Comprehensive Sign Program No. CS2015-010 and requires no revisions to the approved Comprehensive Sign Program Matrix.

**IV. DETERMINATION**

This staff approval has been reviewed and the determination has been made that the proposed change to the location of the skyline tenant wall sign is in substantial conformance with the original approval actions.

**V. CONDITIONS**


1. All applicable conditions of approval for Comprehensive Sign Program No. CS2015-010 shall remain in effect including the approved Comprehensive Sign Program Matrix Table.
2. The new location of the skyline tenant wall sign (ST-5) shall be in substantial conformance with the attached revised site plan.
3. Provide a revised site plan for inclusion in Comprehensive Sign Program No. CS2015-010 file.
4. 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 4041 MacArthur Boulevard and 1300 Dove

Street Redstone Comprehensive Sign Program Staff Approval including, but not limited to, Staff Approval No. SA2017-001 (PA2017-005). 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 or call for review 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.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:

  
Melinda Whelan

GBR – msw

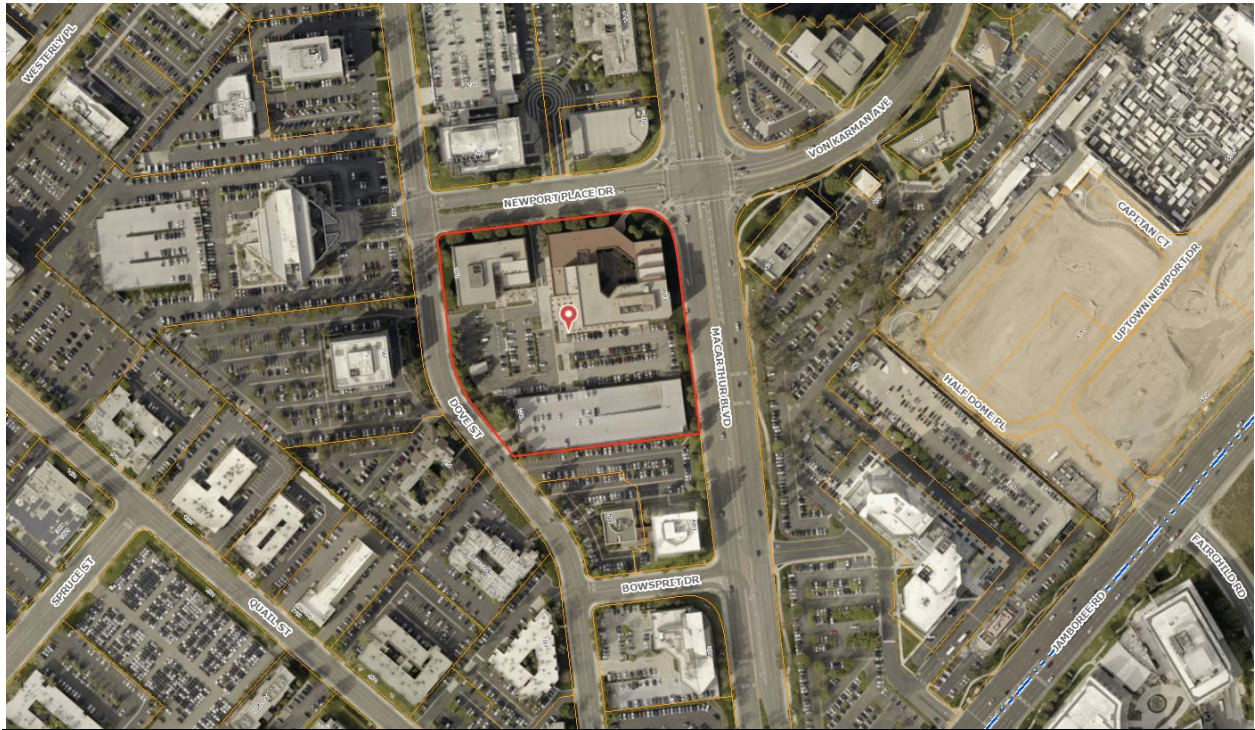
Attachments: CD 1 Vicinity Map  
CD 2 Revised Site Plan and exterior elevation

# **Attachment No. CD**

## **CD 1**

Vicinity Map

## VICINITY MAP



Staff Approval No. SA2017-001  
PA2017-005

**1300 Dove Street and 4041 MacArthur Blvd.**



# **Attachment No. CD 2**

Revised Site Plan and Exterior Elevation

**SIGNTYPE KEY** # OF LOCATIONS

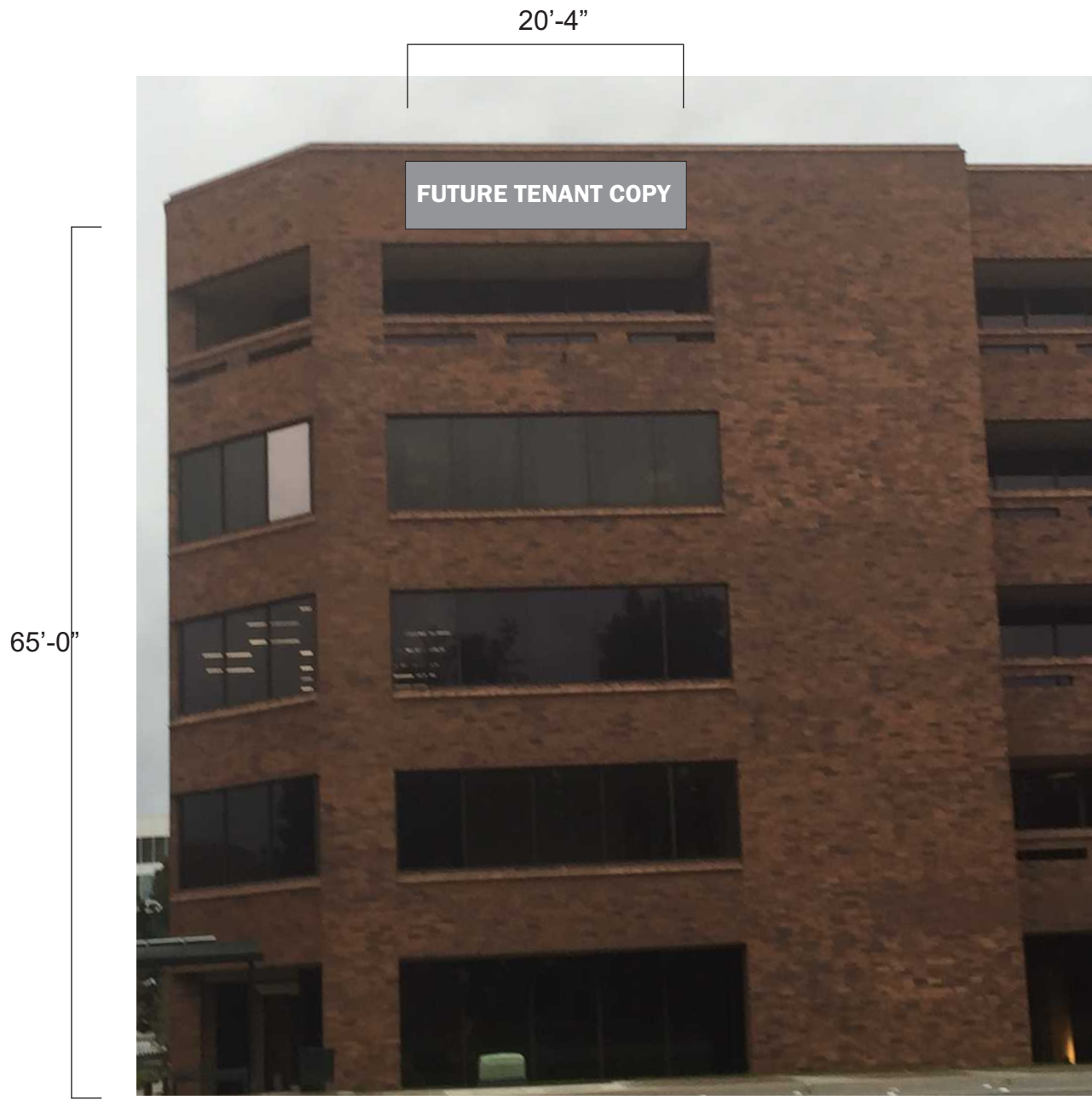
|      |                                |   |
|------|--------------------------------|---|
| ST-1 | PROJECT I.D. & TENANT LISTING  | 1 |
| ST-2 | PROJECT I.D. PARKING ENTRY     | 2 |
| ST-3 | BUILDING ADDRESS               | 2 |
| ST-4 | ILLUMINATED BLDG. TENANT SIGNS | 4 |
| ST-5 | ILLUMINATED BLDG. TENANT SIGNS | 1 |



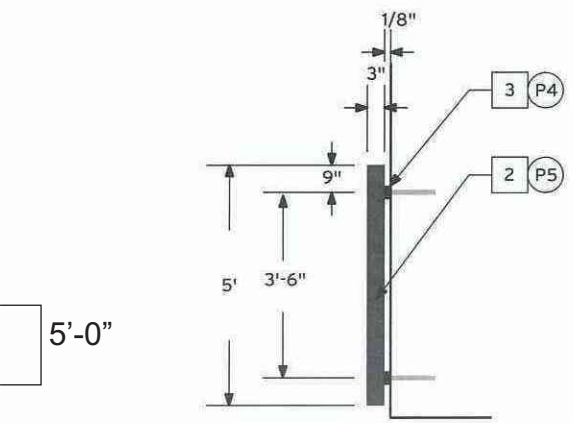
**1** SITE PLAN  
SCALE: N.T.S.

This page to be replaced





**1** ELEVATION - RENDER  
SCALE: N.T.S.



**3** SIDE VIEW  
SCALE: 3/8" = 1'-0"

**NOTES AND SPECIFICATIONS**

- 1 INTERNALLY ILLUMINATED, FABRICATED PAINTED ALUM. CABINET W/ 1/8" THK. BREAK FORMED PANELS MECHANICALLY FASTENED TO INTERNAL FRAME W/ S.S. FLAT HEAD SCREWS.
- 2 1/8" THK. PAINTED ALUM. BREAK-FORM SKIN W/ FLUSH PUSH-THRU COPY & LOGO/GRAPHIC. MECHANICALLY FASTENED TO SIGN FRAME W/ #8 S.S. RECESSED FLATHEAD SCREWS ALONG ALL SIDE RETURNS.
- 3 1/8" THK. PAINTED METAL SPACERS.
- 4 3/16" THK. 7328 TRANS. WHITE PUSH-THRU ACR. W/ APPLIED TRANS. VINYL ON FACE, ROUTED TO BE FLUSH W/ FACE OF PANEL.

|  |                       |            |
|--|-----------------------|------------|
|  | Type of Lighting:     | LED        |
|  | Voltage:              |            |
|  | Circuits:             | (1) 20 AMP |
|  | Power Supply/Ballast: |            |



**2** ST-5  
ELEVATION - 102 SQ. FT. (TOTAL SIGN AREA) - SINGLE SIDED  
SCALE: 3/8" = 1'-0"



## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

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

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### **ZONING ADMINISTRATOR ACTION LETTER**

|                          |                                                                        |
|--------------------------|------------------------------------------------------------------------|
| <b>Application No.</b>   | <b>Comprehensive Sign Program No. CS2017-004 (PA2017-007)</b>          |
| <b>Applicant</b>         | <b>Coast Sign, Inc.</b>                                                |
| <b>Site Address</b>      | <b>900 Newport Center Drive<br/>Marriot Comprehensive Sign Program</b> |
| <b>Legal Description</b> | <b>Parcel 2 of Parcel Map No. 2004-225</b>                             |

On March 3, 2017, the Zoning Administrator approved Comprehensive Sign Program No. CS2017-004. The approval is in accordance to the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code.

A Comprehensive Sign Program is required whenever three or more nonexempt signs are proposed for a single-tenant development and to allow the following deviations from the Zoning Code:

1. Increase the number of wall signs allowed to two per frontage, where the Zoning Code allows for one per frontage;
2. Proposed sign area of 97.5 square feet for each wall sign (Sign C) located on the primary frontage. The Zoning Code allows for a maximum of 75 square feet for wall signs located on the primary frontage (30% increase);
3. Proposed sign area of 48.75 square feet for each wall sign (Sign D) located on the secondary frontage. The Zoning Code allows for a maximum of 37.5 square feet for wall signs located on the secondary frontage (30% increase);
4. Increase the number of freestanding ground signs allowed to three per site, where the Zoning Code allows for one per site; and
5. Proposed sign area of 80 square feet for the multi-tenant monument sign, where the Zoning Code allows for a maximum of 75 square feet for freestanding signs (6.6% increase).

The property is located within the Commercial Visitor-Serving (CV) zone. The General Plan Land Use Element category is Visitor Serving Commercial (CV). The property is 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 whenever three or more nonexempt signs are proposed for a single-tenant development. The request is for three wall signs, three monument signs, and one incidental parking lot sign.
2. The Comprehensive Sign Program complies with the purpose and intent of Newport Beach Municipal Code Chapter 20.42 (Sign Standards). The increased number and area of the wall signs provide necessary identification for motorists travelling on Santa Barbara Drive and Newport Center Drive. Since the hotel is located on a corner lot between two major streets, the proposed signage is necessary to identify the hotel to vehicles traveling from multiple directions of the intersection. The increased number and area of the ground signs provide necessary identification of the hotel's parking lot to motorists traveling on Santa Barbara Drive and Newport Center Drive. Both entrances to the parking lot are located on long frontages and on streets with heavy vehicular traffic.
3. The purpose of a comprehensive sign program is to integrate all of a project's signs. It provides a means for the flexible application of sign regulations for projects that require multiple signs. The font, colors, and materials of both the wall and

ground sign will complement the architecture and colors of the hotel. The proposed signage provides incentive and latitude in the design and display of signs.

4. Approval of this Comprehensive Sign Program includes deviations to the number, location, and size of signs. It 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. The proposed signs are designed to be compatible with the building in terms of size, location, legibility, and materials. All wall signs effectively identify the hotel without creating sign clutter by using legible text and contrasting with the background. The wall signs on the hotel will be internally illuminated and mounted on walls with contrasting colors. The size of the signs does not dominate the facades, but are appropriately located to identify the hotel to vehicles traveling towards the property.

#### 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 as a hotel. Four wall signs, three monument signs, and one incidental parking lot sign are part of the comprehensive sign program to allow for adequate identification of the hotel to visitors.
2. The wall signs for the primary frontage will consist of one internally illuminated sign with channel letters, and one internally illuminated logo sign. There is a maximum of two signs allowed on the primary frontage. All wall signs on the hotel will be centered on the building frontage and will be visually appealing due to the symmetry in design.
3. The existing wall sign for the secondary frontage is nonconforming due to area and will be allowed to remain until replacement is needed in the future. The existing wall sign will be integrated with the new wall signs because it uses similar materials, font, and color. For future development, two 48.75-square-foot wall signs shall be allowed on the secondary frontage.
4. The ground signs for the hotel will consist of one non-illuminated multi-tenant sign and two internally illuminated single-tenant signs. All three of the ground signs will use similar materials and color and will match the font of the hotel's wall signs. Also, all ground signs will be located in landscaped areas, making the sign visually appealing to the surrounding development.

5. Proposed signs will not obstruct public views from adjacent roadways because there are no public views through or across the subject property.
6. The signs are sited to not interfere with sight distance from any street, driveway, or parking area.

Standard

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

Facts in Support of Standard

1. The 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.*

Facts in Support of Standard

1. The Comprehensive Sign Program is designed to be effective for the hotel by providing additional sign opportunities.
2. The Comprehensive Sign Program establishes allowed type, number, location, and area of signage with flexibility to accommodate any existing and future hotel uses.
3. It is not anticipated that future revisions to the Comprehensive Sign Program will be necessary to accommodate a change in tenants 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.
4. Currently, the existing wall sign on the secondary frontage is legal, nonconforming due to sign area. This sign may remain in place, but may not be structurally altered. If there are proposed changes to these signs in the future, they will be brought up to conformance with the standards of this sign program.

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 regarding the number, location, and area 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.
2. Allowing deviation from the Zoning Code for the number of wall signs allowed per building frontage and the maximum sign area of wall signs are appropriate given the large façade which the signs are mounted on. The existing façade is approximately 100 feet high from the existing grade below. Due to the proposed signs being located near the top of the façade, deviation from the maximum sign area is appropriate for improved visibility of the sign to motorists traveling on Santa Barbara Drive and Newport Center Drive.
3. Allowing deviation from the Zoning Code for the number of ground signs per site is appropriate given the location and orientation of the building. The hotel is located on a corner lot and is along two long street frontages. There is an existing ground sign that identifies multiple tenants on the property, and another existing ground sign identifying the hotel at the parking lot entrance on Newport Center Drive. A third ground sign is proposed to be identical to the existing parking lot ground sign and will serve motorists who are attempting to locate the second entrance to the parking lot on Santa Barbara Drive.

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. Signs shall be maintained in a clean and orderly condition.
7. All monument signs shall have the building address mounted on the sign.
8. Monument Signs B and P shall be limited to 30 inches maximum above existing grade.
9. The nonconforming wall sign on the secondary frontage shall not be structurally altered.
10. The landscape hedge around the base of the ground signs shall be maintained.
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 Marriot Comprehensive Sign Program including, but not limited to, Comprehensive Sign Program No. CS2017-004 (PA2017-007). 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 or call for review may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

On behalf of Patrick J. Alford, Zoning Administrator

By:



David S. Lee, Planning Technician

JM/dl

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

# **Attachment No. ZA 1**

Vicinity Map

## VICINITY MAP



Comprehensive Sign Program No. CS2017-004  
PA2017-007

**900 Newport Center Drive**

# **Attachment No. ZA 2**

Comprehensive Sign Program Matrix

## Exhibit "B"

### SIGN PROGRAM MATRIX

| Sign Type       | Sign Regulations                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wall Signs      | <p><u>Primary Frontage (Sign C):</u><br/> <i>Maximum sign: One</i><br/> <i>Maximum logo: One</i><br/> <i>Maximum area: 97.5 square feet</i><br/> <i>Placement: Location per plan</i></p> <p><u>Secondary Frontage (Sign D):</u><br/> <i>Maximum sign: One</i><br/> <i>Maximum logo: One</i><br/> <i>Area: 48.75 square feet</i></p>                                                                                |
| Ground Signs    | <p><u>Multi-Tenant (Sign A):</u><br/> <i>Maximum number: One</i><br/> <i>Maximum area: 80 square feet</i><br/> <i>Maximum height: 6 feet</i><br/> <i>Location: <b>Corner of Newport Center Drive and Santa Barbara Drive</b></i></p> <p><u>Primary Tenant (Signs B, P):</u><br/> <i>Maximum number: One per street frontage</i><br/> <i>Maximum area: 15 square feet</i><br/> <i>Maximum height: 30 inches</i></p> |
| Direction Signs | <p><u>Incidental Parking Lot (Sign G)</u><br/> <i>Maximum number: Two</i><br/> <i>Maximum Area: 6 square feet</i><br/> <i>Maximum height: 4 feet</i></p>                                                                                                                                                                                                                                                           |

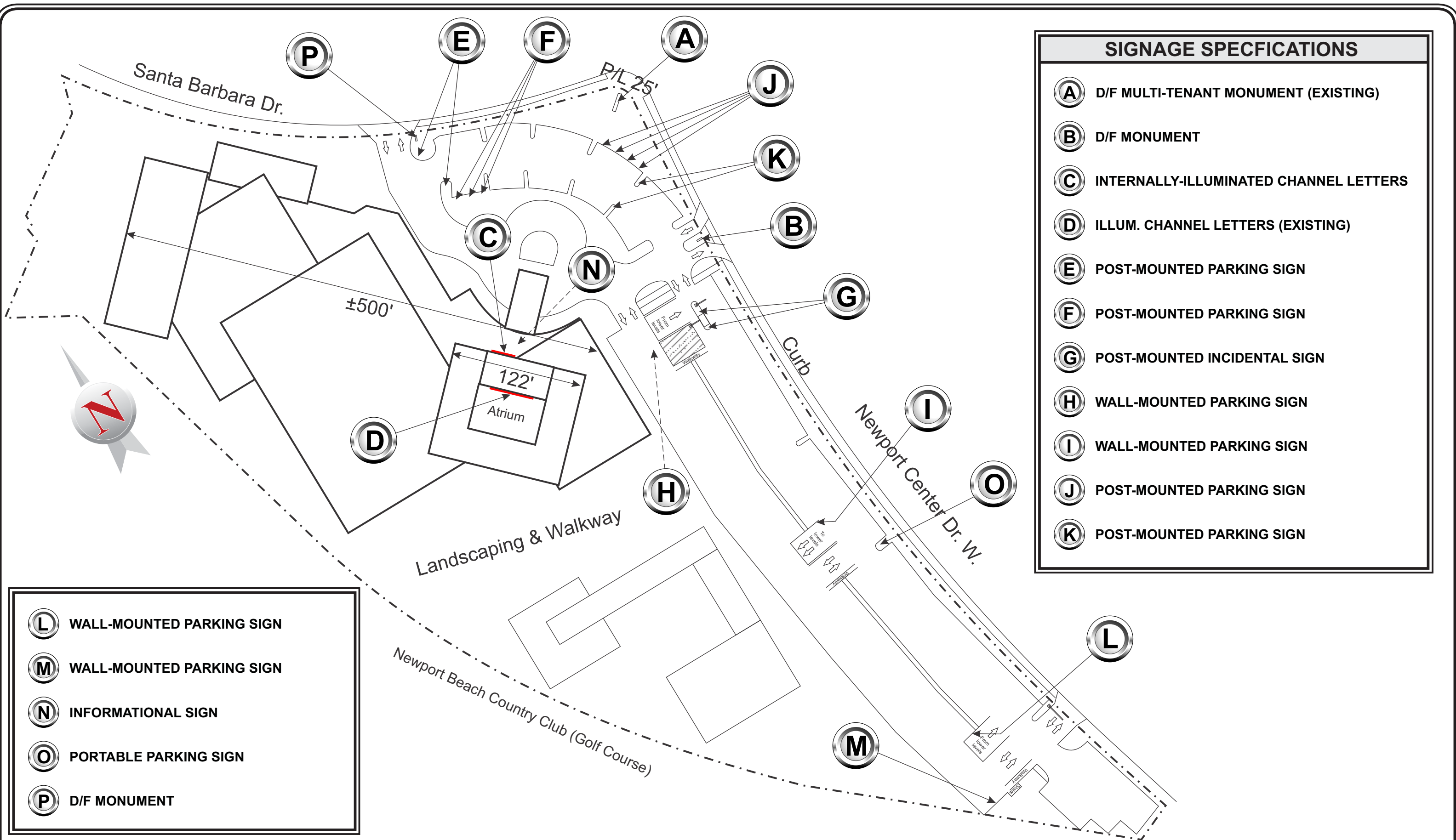
#### NOTES/REQUIREMENTS

- a) Requirements for all signs per Municipal Code Chapter 20.42, except as provided in this sign matrix.
- b) Sign designs shall be consistent with Citywide Sign Design Guidelines Manual.
- c) Portable parking lot and vehicular-oriented directional signs exempt pursuant to NBMC Section 20.42.100.B.1.
- d) Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to this approval if the intent of the original approval is not affected.
- e) Cabinet sign designs are prohibited.

# **Attachment No. ZA 3**

Project Plans





| SIGNAGE SPECIFICATIONS |                                        |
|------------------------|----------------------------------------|
| <b>(A)</b>             | D/F MULTI-TENANT MONUMENT (EXISTING)   |
| <b>(B)</b>             | D/F MONUMENT                           |
| <b>(C)</b>             | INTERNALLY-ILLUMINATED CHANNEL LETTERS |
| <b>(D)</b>             | ILLUM. CHANNEL LETTERS (EXISTING)      |
| <b>(E)</b>             | POST-MOUNTED PARKING SIGN              |
| <b>(F)</b>             | POST-MOUNTED PARKING SIGN              |
| <b>(G)</b>             | POST-MOUNTED INCIDENTAL SIGN           |
| <b>(H)</b>             | WALL-MOUNTED PARKING SIGN              |
| <b>(I)</b>             | WALL-MOUNTED PARKING SIGN              |
| <b>(J)</b>             | POST-MOUNTED PARKING SIGN              |
| <b>(K)</b>             | POST-MOUNTED PARKING SIGN              |

|            |                           |
|------------|---------------------------|
| <b>(L)</b> | WALL-MOUNTED PARKING SIGN |
| <b>(M)</b> | WALL-MOUNTED PARKING SIGN |
| <b>(N)</b> | INFORMATIONAL SIGN        |
| <b>(O)</b> | PORTABLE PARKING SIGN     |
| <b>(P)</b> | D/F MONUMENT              |

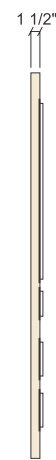
**COAST SIGN**  
INCORPORATED  
1500 West Embassy St. Anaheim, CA 92802  
(714) 520-9144 FAX: (714) 520-5847

|                 |                                    |
|-----------------|------------------------------------|
| Date: 10-25-13  | Project Name: MARRIOT              |
| Scale: NTS      | Address: 900 Newport Center Drive  |
| Drawn: Chris C. | City / State: Newport, CA 92660    |
| Sales: FS       | Client Approval: _____ Date: _____ |

This is an original unpublished drawing created by Coast Sign, Inc. It is submitted for your personal use in conjunction with a project being planned for you by Coast Sign, Inc., and shall not be reproduced, used by, or disclosed to any firm or corporation for any purpose whatsoever without written permission.

| No. | Designer | Date     | Revision Notes                                |
|-----|----------|----------|-----------------------------------------------|
| 7   | Chris C. | 04-29-16 | Refer to PATHFINDER request for more details. |
| 8   | Flor B.  | 05-24-16 | Refer to PATHFINDER                           |
| 9   | Chris C. | 08-15-16 | Refer to PATHFINDER request for more details. |
| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
| 12  |          |          |                                               |

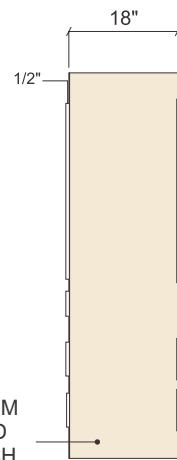
**SIGN PROGRAM 2 of 11**  
Request Number: **DEV-MARR-00057-R12**  
File Location: W:\Marriot\Art\Drawings\DEV-MARR-00057



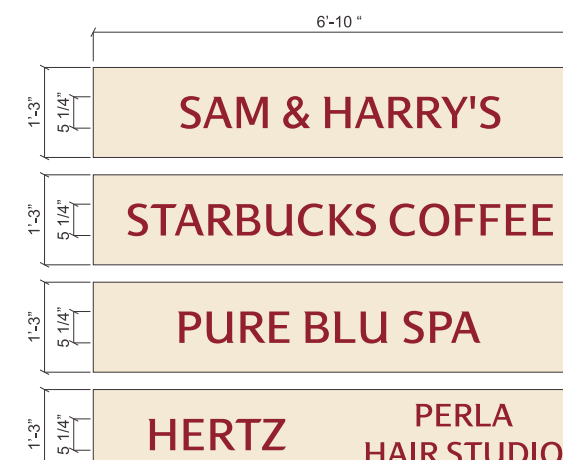
SIDE VIEW



ANCHOR TENANT PANEL



STREET VIEW



SUB-TENANT PANELS

ALUMINUM PAINTED TO MATCH CABINET

**COLOR LEGEND**

- VINYL: 3M 3630-2382 RED TRANSLUCENT
- VINYL: 3M 3630-22 BLACK TRANSLUCENT
- VINYL: 3M 3630-30 DIFFUSER FILM
- PAINT: A-100 FLAT (OC-87 BENJAMIN MOORE)



**D/F MULTI-TENANT MONUMENT SIGN (EXISTING)**

SCALE: 3/8" = 1'-0" 80 SF

**GENERAL SPECIFICATIONS:**

1/8" ROUTED ALUMINUM FACE WITH  
1/2" CLEAR ACRYLIC PUSH-THRU COPY WITH  
TRANSLUCENT VINYL OVERLAY



|                 |                                    |
|-----------------|------------------------------------|
| Date: 10-25-13  | Project Name: MARRIOT              |
| Scale: NTS      | Address: 900 Newport Center Drive  |
| Drawn: Chris C. | City / State: Newport, CA 92660    |
| Sales: FS       | Client Approval: _____ Date: _____ |

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| No. | Designer | Date     | Revision Notes                                |
|-----|----------|----------|-----------------------------------------------|
| 7   | Chris C. | 04-29-16 | Refer to PATHFINDER request for more details. |
| 8   | Flor B.  | 05-24-16 | Refer to PATHFINDER                           |
| 9   | Chris C. | 08-15-16 | Refer to PATHFINDER request for more details. |
| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
| 12  |          |          |                                               |

|                                                          |
|----------------------------------------------------------|
| <b>SIGN PROGRAM</b> 3 of 11                              |
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**GENERAL SPECIFICATIONS:**  
 .177" LEXAN FACE WITH TRANSLUCENT VINYL  
 APPLIED FIRST SURFACE

**(B) (P) D/F INTERNALLY-ILLUMINATED MONUMENT SIGN**  
 SCALE: 1 1/2" = 1'-0" 6 SF

| COLOR LEGEND                                                                          |                                          |
|---------------------------------------------------------------------------------------|------------------------------------------|
|  | VINYL: 3M 3630-2382 RED TRANSLUCENT      |
|  | VINYL: 3M 3630-22 BLACK TRANSLUCENT      |
|  | LEXAN: WHITE<br>PAINT: WHITE             |
|  | PAINT: A-100 FLAT (OC-87 BENJAMIN MOORE) |



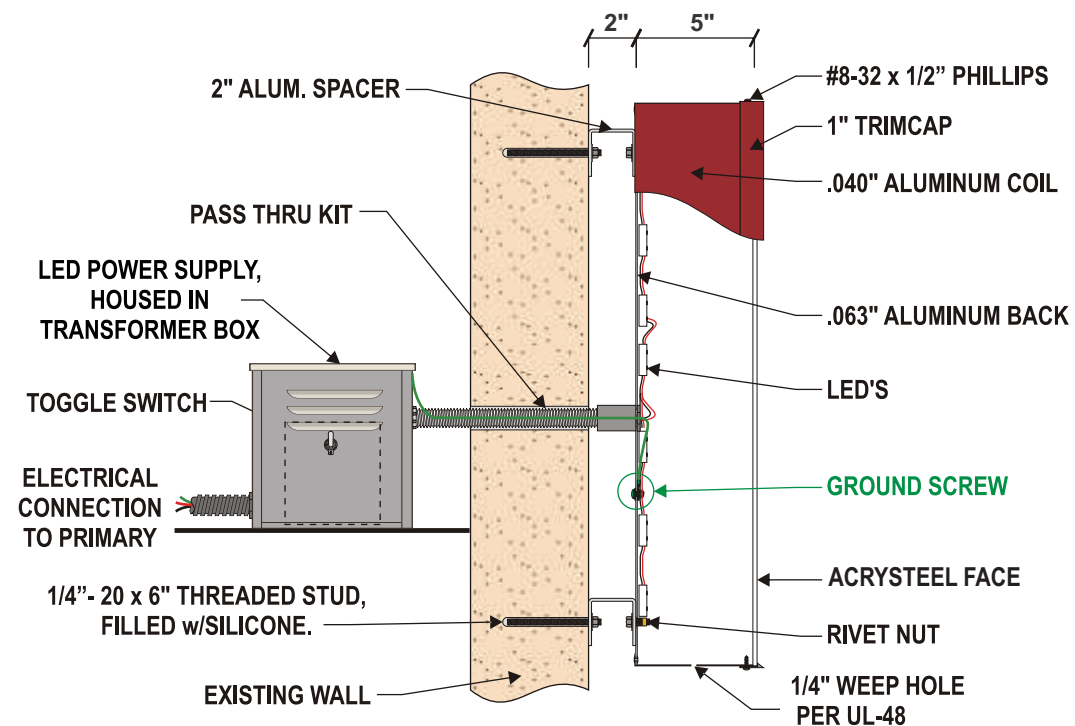
|                 |                                    |
|-----------------|------------------------------------|
| Date: 10-25-13  | Project Name: MARRIOT              |
| Scale: NTS      | Address: 900 Newport Center Drive  |
| Drawn: Chris C. | City / State: Newport, CA 92660    |
| Sales: FS       | Client Approval: _____ Date: _____ |

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| 8   | Flor B.  | 05-24-16 | Refer to PATHFINDER                           |
| 9   | Chris C. | 08-15-16 | Refer to PATHFINDER request for more details. |
| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
| 12  |          |          |                                               |

**SIGN PROGRAM 4 of 11**  
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**SECTION DETAIL @ LED CHANNEL LETTERS:**  
SCALE: NTS

**Ca Cb INTERNALLY-ILLUMINATED CHANNEL LETTERS & LOGO**  
SCALE: 1/4" = 1'-0"

- GENERAL SPECIFICATIONS:**
- 3/16" ACRYSTEEL PIGMENTED WHITE #2447 W/ RED 3M VINYL APPLIED FIRST SURFACE
  - RED TRIMCAP
  - "MARRIOTT" TO BE PERFORATED BLACK VINYL (BLACK BY DAY, ILLUM. WHITE AT NIGHT)

| COLOR LEGEND |                                                                         |
|--------------|-------------------------------------------------------------------------|
|              | PAINT: RED MATTHEWS MP08937 (SATIN FINISH) OR EQUIV. VINYL: 3M VT 11331 |
|              | PAINT: BLACK                                                            |
|              | VINYL: BLACK PERFORATED DAY/NIGHT VINYL                                 |

**COAST SIGN**  
INCORPORATED  
1500 West Embassy St. Anaheim, CA 92802  
(714) 520-9144 FAX: (714) 520-5847

|                 |                                    |
|-----------------|------------------------------------|
| Date: 10-25-13  | Project Name: MARRIOTT             |
| Scale: NTS      | Address: 900 Newport Center Drive  |
| Drawn: Chris C. | City / State: Newport, CA 92660    |
| Sales: FS       | Client Approval: _____ Date: _____ |

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| 8   | Flor B.  | 05-24-16 | Refer to PATHFINDER                           |
| 9   | Chris C. | 08-15-16 | Refer to PATHFINDER request for more details. |
| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
| 12  |          |          |                                               |

**SIGN PROGRAM 5 of 11**

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**INTERNALLY-ILLUMINATED CHANNEL LETTERS - EXISTING TO REMAIN**

Not to Scale

88 SF






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|-----------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------|-----------------------------------------------|-----------------------------------------------|
| 10-25-13        | MARRIOT                            |                                                                                                                                                                                                                                                                                                                         | 7       | Chris C. | 04-29-16                                      | Refer to PATHFINDER request for more details. |
| Scale: NTS      | Address: 900 Newport Center Drive  |                                                                                                                                                                                                                                                                                                                         | 8       | Flor B.  | 05-24-16                                      | Refer to PATHFINDER                           |
| Drawn: Chris C. | City / State: Newport, CA 92660    |                                                                                                                                                                                                                                                                                                                         | 9       | Chris C. | 08-15-16                                      | Refer to PATHFINDER request for more details. |
| Sales: FS       | Client Approval: _____ Date: _____ |                                                                                                                                                                                                                                                                                                                         | 10      | Chris C. | 08-18-16                                      | Refer to PATHFINDER request for more details. |
|                 |                                    | 11                                                                                                                                                                                                                                                                                                                      | John A. | 09-01-16 | Refer to PATHFINDER request for more details. |                                               |
|                 |                                    | 12                                                                                                                                                                                                                                                                                                                      |         |          |                                               |                                               |

**SIGN PROGRAM 6 of 11**

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**DEV-MARR-00057-R12**

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| COLOR LEGEND                                                                        |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|  | PAINT: RED MP08937 (SATIN FINISH) OR EQUIV.<br>VINYL: 3M VT 11331 |
|  | PAINT: WHITE                                                      |
|  | VINYL: BLACK                                                      |



**E** **NON-ILLUMINATED POST-MOUNTED PARKING SIGN**  
SCALE: 1 1/2" = 1'-0" (QTY. 2) 3 SF

**GENERAL SPECIFICATIONS:**  
.125" PAINTED ALUMINUM PANEL WITH  
VINYL COPY APPLIED FIRST SURFACE

**F** **NON-ILLUMINATED POST-MOUNTED PARKING SIGN**  
SCALE: 1" = 1'-0" (QTY. 3) 1.5 SF

**GENERAL SPECIFICATIONS:**  
.125" PAINTED ALUMINUM PANEL WITH  
VINYL COPY APPLIED FIRST SURFACE



|                 |                                    |
|-----------------|------------------------------------|
| Date: 10-25-13  | Project Name: MARRIOT              |
| Scale: NTS      | Address: 900 Newport Center Drive  |
| Drawn: Chris C. | City / State: Newport, CA 92660    |
| Sales: FS       | Client Approval: _____ Date: _____ |



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| 8   | Flor B.  | 05-24-16 | Refer to PATHFINDER                           |
| 9   | Chris C. | 08-15-16 | Refer to PATHFINDER request for more details. |
| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
| 12  |          |          |                                               |

|                                                          |
|----------------------------------------------------------|
| <b>SIGN PROGRAM</b> 7 of 11                              |
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| COLOR LEGEND                                                                        |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|  | PAINT: RED MP08937 (SATIN FINISH) OR EQUIV.<br>VINYL: 3M VT 11331 |
|  | PAINT: WHITE                                                      |
|  | VINYL: BLACK                                                      |



**NON-ILLUMINATED POST-MOUNTED INCIDENTAL PARKING SIGN**

SCALE: 1" = 1'-0" (QTY. 2) 6 SF

**GENERAL SPECIFICATIONS:**

.125" PAINTED ALUMINUM PANEL WITH VINYL COPY APPLIED FIRST SURFACE



**NON-ILLUMINATED WALL-MOUNTED PARKING SIGN**

SCALE: 1 1/2" = 1'-0" (QTY. 1) 3 SF

**GENERAL SPECIFICATIONS:**

.125" PAINTED ALUMINUM PANEL WITH VINYL COPY APPLIED FIRST SURFACE






|                 |                                    |
|-----------------|------------------------------------|
| Date: 10-25-13  | Project Name: MARRIOT              |
| Scale: NTS      | Address: 900 Newport Center Drive  |
| Drawn: Chris C. | City / State: Newport, CA 92660    |
| Sales: FS       | Client Approval: _____ Date: _____ |

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| 8   | Flor B.  | 05-24-16 | Refer to PATHFINDER                           |
| 9   | Chris C. | 08-15-16 | Refer to PATHFINDER request for more details. |
| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
| 12  |          |          |                                               |

|                                                          |
|----------------------------------------------------------|
| <b>SIGN PROGRAM</b> 8 of 11                              |
| Request Number:<br><b>DEV-MARR-00057-R12</b>             |
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| COLOR LEGEND                                                                        |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|  | PAINT: RED MP08937 (SATIN FINISH) OR EQUIV.<br>VINYL: 3M VT 11331 |
|  | PAINT: WHITE                                                      |
|  | VINYL: BLACK                                                      |



**I** **NON-ILLUMINATED WALL-MOUNTED PARKING SIGN**  
 SCALE: 3" = 1'-0" (QTY. 1) 1.1 SF

**GENERAL SPECIFICATIONS:**  
 .125" PAINTED ALUMINUM PANEL WITH  
 VINYL COPY APPLIED FIRST SURFACE



**J** **NON-ILLUMINATED POST-MOUNTED PARKING SIGN**  
 SCALE: 3" = 1'-0" (QTY. 6) .75 SF

**GENERAL SPECIFICATIONS:**  
 .125" PAINTED ALUMINUM PANEL WITH  
 VINYL COPY APPLIED FIRST SURFACE



|                 |                                    |
|-----------------|------------------------------------|
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| Drawn: Chris C. | City / State: Newport, CA 92660    |
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| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
| 12  |          |          |                                               |

|                                                          |
|----------------------------------------------------------|
| <b>SIGN PROGRAM</b> 9 of 11                              |
| Request Number:<br><b>DEV-MARR-00057-R12</b>             |
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| COLOR LEGEND                                                                        |                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|  | PAINT: RED MP08937 (SATIN FINISH) OR EQUIV.<br>VINYL: 3M VT 11331 |
|  | PAINT: WHITE                                                      |
|  | VINYL: BLACK                                                      |



**K** NON-ILLUMINATED POST-MOUNTED PARKING SIGN  
SCALE: 1 1/2" = 1'-0" (QTY. 2) 3 SF

**GENERAL SPECIFICATIONS:**  
.125" PAINTED ALUMINUM PANEL WITH  
VINYL COPY APPLIED FIRST SURFACE



**L** NON-ILLUMINATED WALL-MOUNTED PARKING SIGN  
SCALE: 1 1/2" = 1'-0" (QTY. 1) 3 SF

**GENERAL SPECIFICATIONS:**  
.125" PAINTED ALUMINUM PANEL WITH  
VINYL COPY APPLIED FIRST SURFACE

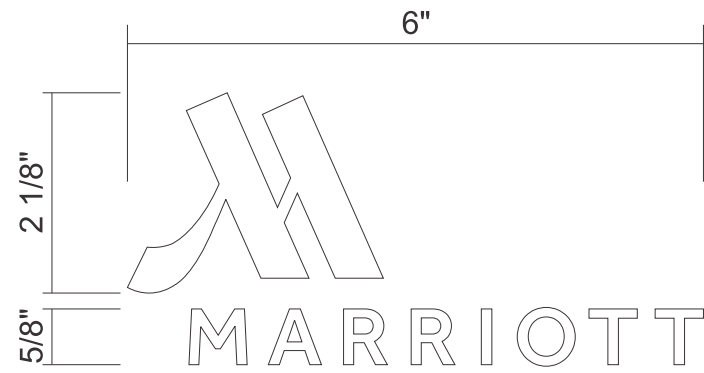


|                 |                                    |
|-----------------|------------------------------------|
| Date: 10-25-13  | Project Name: MARRIOT              |
| Scale: NTS      | Address: 900 Newport Center Drive  |
| Drawn: Chris C. | City / State: Newport, CA 92660    |
| Sales: FS       | Client Approval: _____ Date: _____ |




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| 9   | Chris C. | 08-15-16 | Refer to PATHFINDER request for more details. |
| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
| 12  |          |          |                                               |

|                                                          |
|----------------------------------------------------------|
| <b>SIGN PROGRAM</b> 10 of 11                             |
| Request Number:<br><b>DEV-MARR-00057-R12</b>             |
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**N** **NON-ILLUM. INFORMATIONAL SIGN**  
 SCALE: 1:2 (QTY. 1) .125 SF  
**GENERAL SPECIFICATIONS:**  
 VINYL COPY APPLIED FIRST SURFACE

| COLOR LEGEND                                                                         |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|   | PAINT: RED MP08937 (SATIN FINISH) OR EQUIV.<br>VINYL: 3M VT 11331 |
|   | PAINT: WHITE<br>VINYL: WHITE                                      |
|  | VINYL: BLACK                                                      |



**M** **NON-ILLUMINATED WALL-MOUNTED PARKING SIGN**  
 SCALE: 1 1/2" = 1'-0" (QTY. 1) 3 SF  
**GENERAL SPECIFICATIONS:**  
 .125" PAINTED ALUMINUM PANEL WITH VINYL COPY APPLIED FIRST SURFACE



**O** **NON-ILLUM. PORTABLE PARKING SIGN**  
 SCALE: 1:2 (QTY. 4) .13 SF  
**GENERAL SPECIFICATIONS:**  
 DIGITALLY PRINTED VINYL COPY APPLIED FIRST SURFACE



|                 |                                    |
|-----------------|------------------------------------|
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| 10  | Chris C. | 08-18-16 | Refer to PATHFINDER request for more details. |
| 11  | John A.  | 09-01-16 | Refer to PATHFINDER request for more details. |
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|                                                          |
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| <b>SIGN PROGRAM</b> 11 of 11                             |
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