

CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Seimone Jurjis, Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the

week ending April 5, 2019.

COMMUNITY DEVELOPMENT DIRECTOR OR PLANNING DIVISION STAFF ACTIONS

(Non-Hearing Items)

Item 1: Newport Place Shopping Center Comprehensive Sign Program No. CS2019-002 (PA2019-035)

Site Address: 4221-4225 MacArthur Boulevard

Action: Approved Council District 3

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.



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. CS2019-002 (PA2019-035)

Applicant Priority Signs

Site Address 4221-4225 MacArthur Boulevard

Newport Place Plaza

Legal Description Parcel 1 of Resubdivision No. 347

On April 4, 2019, the Zoning Administrator approved Comprehensive Sign Program No. CS2019-002, allowing a change to the number of wall signs authorized by an approved sign program (CS2012-004) for a multi-building, multi-tenant retail plaza located at 4221-4225 MacArthur Boulevard. The amended Comprehensive Sign Program provides for the installation of one additional wall sign on 4225 MacArthur Boulevard and shall supersede Comprehensive Sign Program No. CS2012-004. Modification Permit No. MD2012-007, which allowed an increase in height for one monument sign, shall remain in effect. The approval is in accordance to the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code.

The property is located within the Newport Place Planned Community (PC-11). The General Plan Land Use Element category is Mixed-Use Horizontal (MU-H2). This approval is based on the following findings and standards and subject to the following conditions.

A comprehensive sign program is required for this site because it maintains a frontage along a public right-of-way totaling more than 300 lineal feet and to allow the following deviations from the Zoning Code:

- 1. Allow more than one freestanding sign along the MacArthur Boulevard frontage;
- 2. Allow identification of additional retail tenants, in addition to restaurant and project identification;
- 3. Allow an increase in the maximum wall sign area by up to 30 percent and the maximum sign height by up to 20 percent in some cases;
- 4. Allow multiple signs per tenant that may include more than one wall sign, and pedestrian-oriented signs and/or window signs;

5. Allow the addition of a project identification sign on the main building.

FINDINGS AND STANDARDS FOR APPROVED SIGNS

Finding

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

Fact in Support of Finding:

1. Class 11 exempts minor structures accessory to existing commercial facilities, including signs. The proposed 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 there is a building with frontage along a public right-of-way totaling more than 300 lineal feet. As proposed, wall signs will be increased in size based in part to the width of the tenant frontage, some tenants will be provided more than one wall sign, and each tenant will be allowed one additional pedestrian-oriented sign and/or window 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 in both directions on MacArthur Boulevard, which is a street 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 shopping center. 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

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to achieve a unified design theme that meets the purpose and intent of the Zoning Code.

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 for use by multiple retail commercial tenants and the signage design has been integral with the design and character of the building.
- 2. Each tenant will be permitted signage that will ensure adequate visibility is provided on site and from MacArthur Boulevard to the greatest extent possible.
- 3. Each tenant will be permitted signage pursuant to the submitted Newport Place Sign Program Matrix to allow tenants in the multi-tenant building to have one or two wall signs, one pedestrian-oriented or window sign, and limited identification on the freestanding signs, as part of the application. 4225 MacArthur Boulevard, if occupied by a single-tenant, will be allowed to have one wall sign on each of four building facades as depicted on the site plan. If the frontage of any tenant space is changed or 4225 MacArthur Boulevard is divided into multiple tenancy, deviation from this approval shall be reviewed and approved by the Planning Division to determine substantial conformance with this approval. The size and location of the letters and logos of the signs will ensure that adequate visibility is provided, and not be abrupt in scale with the individual tenant frontage.

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 Newport Beach Municipal Code Chapter 20.42 (Sign Standards).

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 project site is for the use of multiple commercial tenants and has been designed to be effective for such uses.
- It is not anticipated that future revisions to the program will be necessary to accommodate normal changes in tenants or uses. However, flexibility has been incorporated into the Sign Program Matrix to allow minor deviations from the proposed signs.
- 3. Consistent with Chapter 20.42, the Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Standard

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

Facts in Support of Standard

- 1. The Comprehensive Sign Program requests deviation in the number of signs, size and location of wall signs and an increase in the number of freestanding signs which will enhance the identification and visibility of the commercial tenants from MacArthur Boulevard.
- 2. The sign provisions of the Newport Place Planned Community District Regulations limit tenant signs to 4-inch letters in a single location over a doorway. The Zoning Code generally allows one wall sign per tenant, with an area of up to 1.5 times the linear footage of the tenant space. The use of the Zoning Code provisions is a more appropriate use in this retail commercial setting to provide adequate identification and visibility for the commercial tenants.
- 3. The placement of the proposed wall signage does not provide the required separation from other signage or location, placement within the center 50 percent of the tenant frontage. However, the requirements as recommended for the tenants with narrow width shall provide a minimum distance of 6 feet from neighboring signs. This should provide adequate distance to avoid visual clutter and satisfy the intent of the Zoning Code provisions.
- 4. Specifically, this amendment to the Comprehensive Sign Program will allow the addition of one additional wall sign on the west elevation of 4225 MacArthur Boulevard. The proposed sign height is 42 inches, which deviates from the maximum 36-inch sign height standard of the Zoning Code. Currently, there is no sign permitted on the west elevation, thus making it difficult for motorists to identify

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4225 MacArthur Boulevard from Dove Street and Dolphin-Striker Way. The proposed wall sign, with additional height, will provide necessary identification on the west elevation.

Standard

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

Fact in Support of Standard

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

<u>Standard</u>

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

Fact in Support of Standard

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

CONDITIONS

- 1. The development shall be in substantial conformance with the approved site plan, details, and elevations, except as noted in the following conditions.
- Upon demolition or substantial structural and nonstructural changes to the exterior of the development on which this approval is based, this Comprehensive Sign Program shall be rendered nullified and a new Comprehensive Sign Program shall be obtained for the new or altered development in accordance with the Newport Place Planned Community District Regulations and the Zoning Code Provisions in effect at the time the new development is approved.
- 3. Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Attachment No. ZA 2.
- 4. All signs shall be maintained in accordance with Section 20.42.170 (Maintenance Requirements) of the Newport Beach Municipal Code. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42 of the Newport Beach Municipal Code.
- 5. Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Attachment No. ZA 2 and any applicable sight distance provisions of Chapter 20.42 of the Newport

Beach Municipal Code or required by the Public Works Department (City Standard 110-L, using S=525 feet for MacArthur Boulevard). Additionally, the applicant shall provide Sight Distance Exhibits for review and approval by the Public Works Department prior to issuance of building permits.

- 6. In accordance with Municipal Code Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected. This may include deviations on the tenant configurations, such as combining or dividing suites.
- 7. No permanent structures are allowed within the Orange County Sanitation District easement. Show on the site plan that the monument signs are not located within the easement area, verification required prior to issuance of building permits for the signs.
- 8. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Planning 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 approval and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
- 9. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
- 10. A copy of the approval action letter, including conditions of approval and sign matrix, shall be incorporated into the City and field sets of plans prior to issuance of the building permits for the freestanding signs, and the initial wall sign installations to identify this approval as the authority for location, size and placement.
- 11. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Newport Place Shopping Center Sign Program including, but not limited to Comprehensive Sign Program No. CS2019-002 (PA2019-035)** and the determination that the project is exempt under the requirements of the California Environmental Quality Act. 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, Assistant Planner

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. CS2019-002 PA2019-035

4221-4225 MacArthur Boulevard

Attachment No. ZA 2

Comprehensive Sign Program Matrix

EXHIBIT " B"

SIGN PROGRAM MATRIX

Frontages:

Building A: Street Elevation - LF: 65 feet 9 inches

North Elevation (parking lot) - LF: 62 feet 3 inches
South Elevation (parking lot) - LF: 55 feet 9 inches
Building B: Street Elevation — LF: 65 feet 6 inches

North Elevation (parking lot): LF: 127 feet

(Amended Sign Standards in Italics)

Type of Sign & Location	Primary Frontage Size limitations, where applicable	Secondary Frontage Size limitations, where applicable	Other Requirements
SIGN TYPE A (Wall Signs) 4225 MacArthur Blvd, Suite A-01	Street Elevation Max Number: 1 (One). Max Sign Area: 75 sq ft. Max Sign Width: 50% of Tenant Frontage LF.	North Elevation Max Number: 1 (One). Max Sign Area: 47 sq ft. Max Sign Width: 50% of Tenant Frontage LF. South Elevation Max Number: 1 (One) Max Sign Area: 47 sq ft. Max Sign Width: 50% of Elevation LF. West Elevation Max Number: 1 (One) Max Sign Area: 13 sq ft. Max Sign Width: 10% of Elevation LF.	Building A Max Vertical Dimension, Logo or Letter: 36 Inches. West Elevation Vertical Logo Dimension: 42" Location: May be located within the Center 75% of Tenant Frontage. Minimum Distance (LF) from other wall signs: 10 feet.
SIGN TYPE A (Wall Signs) 4221 MacArthur Blvd, Suite B-01	 Street Elevation Max Number: 1 (One). Max Sign Area: 70 sq ft. Max Sign Width: 50% of Tenant Frontage LF. 	North Elevation Max Number: 1 (One). Max Sign Area: 54 sq ft. Max Sign Width: 50% of Tenant Frontage LF.	Building B Max Vertical Dimension, Logo or Letter: 36 inches. Location: May be located within the Center 75% of Tenant Frontage. Minimum Distance (LF) from other wall signs: 6 feet.
SIGN TYPE A (Wall Sign) 4221 MacArthur Blvd, Suites B-02, B-03, B- 04	 North Elevation Max Number: 1 (One per tenant. Max Sign Area: 39 sq ft. (if suites are combined, the sign width shall not exceed 1.5 x Tenant Frontage LF. Max Sign Width: 14 feet. 		
SIGN TYPE A (Wall Signs) 4221 MacArthur Blvd, Suite B-05	North Elevation Max Number: 1 (One). Max Sign Area: 45 square feet. Max Sign Width: 14 feet.	 West Elevation Max Number: 1 (One). Max Sign Area: 49 sq ft. Max Sign Width: 50%. of Tenant Frontage LF. 	

Type of Sign & Location	Primary Frontage Size limitations, where applicable	Secondary Frontage Size limitations, where applicable	Other Requirements	
SIGN TYPE G (Building Address Signs)	Bldg A and Bldg B Max Number: 1 (One) per building elevation. Minimum Letter/Digit Height: 8 in. Max Sign Area: 3 sq. ft.			
SIGN TYPE M (Monument Sign – Multi-panel and Project Identification Sign) 4221 MacArthur Blvd Approved by Modification Permit No. MD 2012-007 SIGN TYPE M (Monument Sign – Multi-panel and Project Identification Sign)	 Location: Minimum 10 from from freestanding sign located at 422 Shall not identify more than 6 re Max Height: 4 ft. average. Max Length: 4 ft., excluding hor Max Sign Area: 20 sq. ft. Max Vertical Dimension, Logo or 	etail tenants. rizontal architectural elements or lefter: 36 in; 6-in minimum lette	eet from base. er height.	
4225 MacArthur Blvd	 Location: Minimum 10 feet from front property line and minimum 60 feet from Freestanding sign located at 4221 MacArthur Blvd. Shall not identify more than 2 retail tenants. 			
SIGN TYPE F (Wall Sign - Project/Building Identification Sign) 4221 MacArthur Blvd	Location: North Elevation on Buildir Max Sign Area: 11 ft. X 1.5 ft = 16.5			
SIGN TYPE C (Pedestrian Oriented Signs)	Max Number: 1 (One) per tenant. Max Sign Area: 3 sq. ft. Minimum Vertical Clearance from ground: 8 ft. Max Length: 4 ft.			
SIGN TYPE E (Window Signs)	Max Sign Area 20% per each window opening. Shall be counted as part of the allowed Maximum Tenant Wall Sign Area. Number of Signs: One sign per window, not to exceed 20% of window area. Locations: Limited to upper or lower 12 inches of window only.			

NOTES/REQUIREMENTS:

- a) LF = Linear Feet, a horizontal dimension.
- b) Requirements for all signs per Municipal Code Chapter 20.42, wall sign specifically Section 20.42.080 I and freestanding signs per Section 20.42.080 C, except as provided in this sign matrix. The use located at 4241 MacArthur Blvd may be identified on only one Type M sign
- c) Sign area is the area measured by two perpendicular sets of parallel lines that surround the proposed logo and sign copy. All signs shall substantially conform to the approved attached sign.
- d) Wall signs shall not extend above the building façade or roof, with the exception of Sign Type F which shall not extend above the architectural element as proposed.
- e) Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to the Sign Program if the intent of the original approval is not affected. This may include deviations on the tenant configurations resulting from combining or dividing suites.
- f) Temporary Banners are exempt signs pursuant to Chapter 20.42, NBMC.

Attachment No. ZA 3

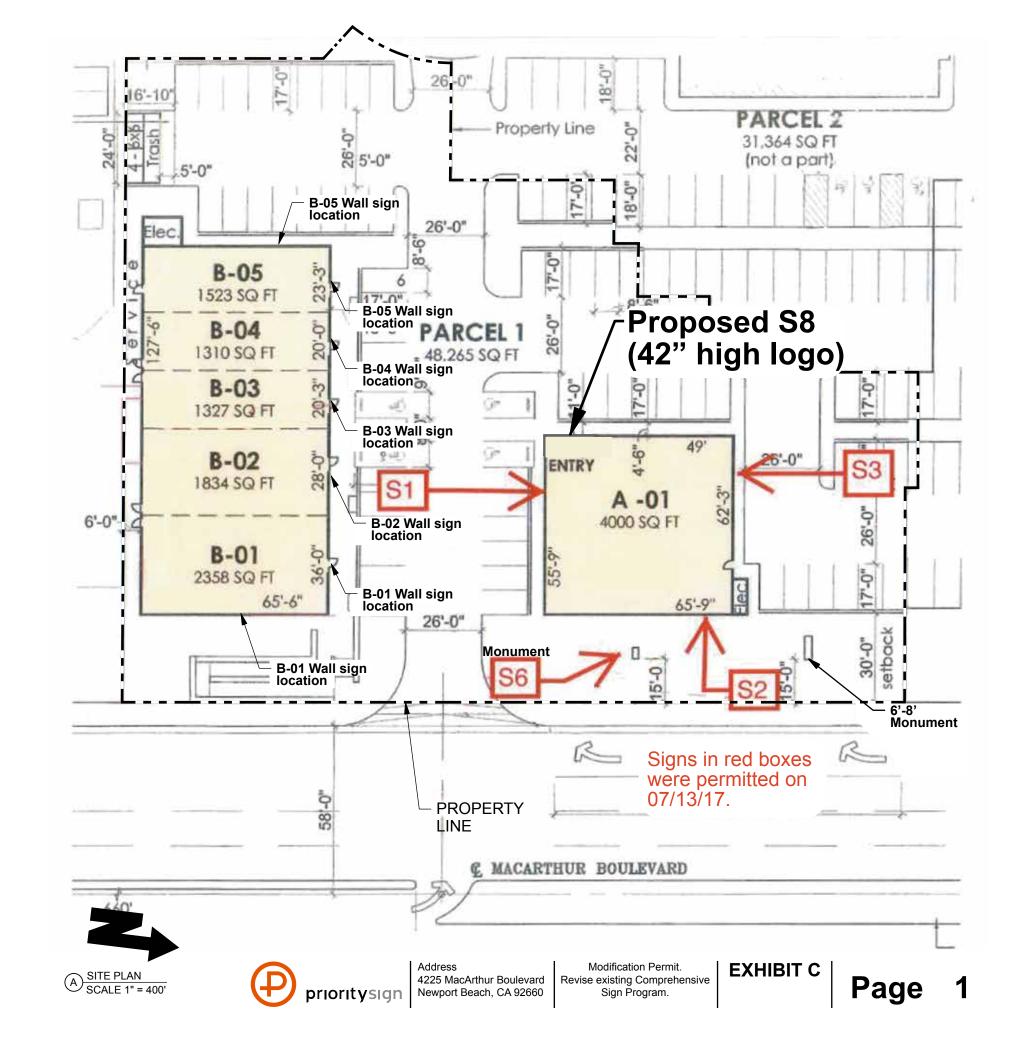
Project Plans

Exhibit C

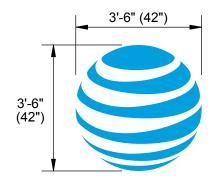
Modification to existing Comprehensive Sign Program #CS2012-004

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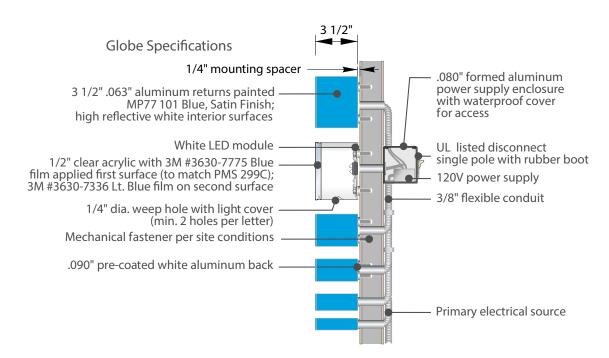


SIGN DETAILS (Proposed Sign #S8)



12.25 SQ FT As measured with four straight lines

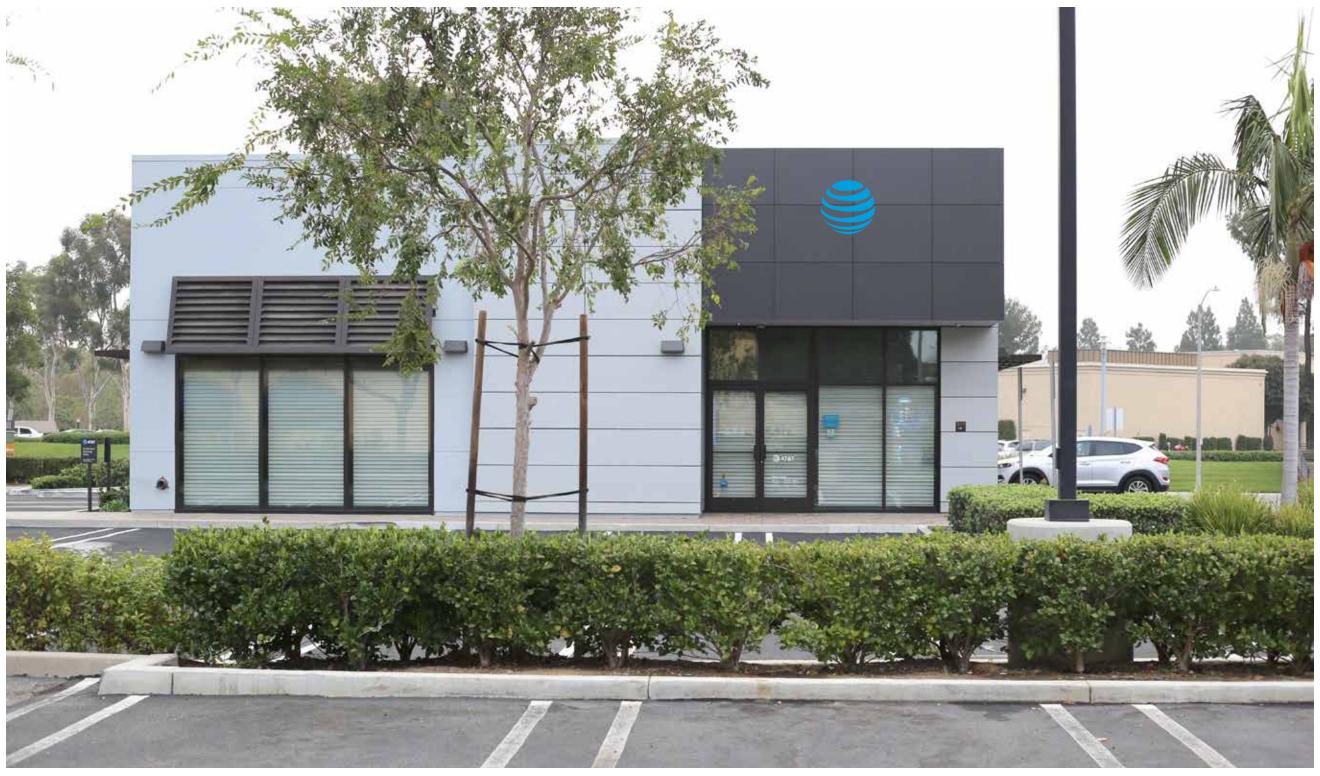
A SIGN
SCALE 3/8" = 1'



B SECTION VIEW NTS

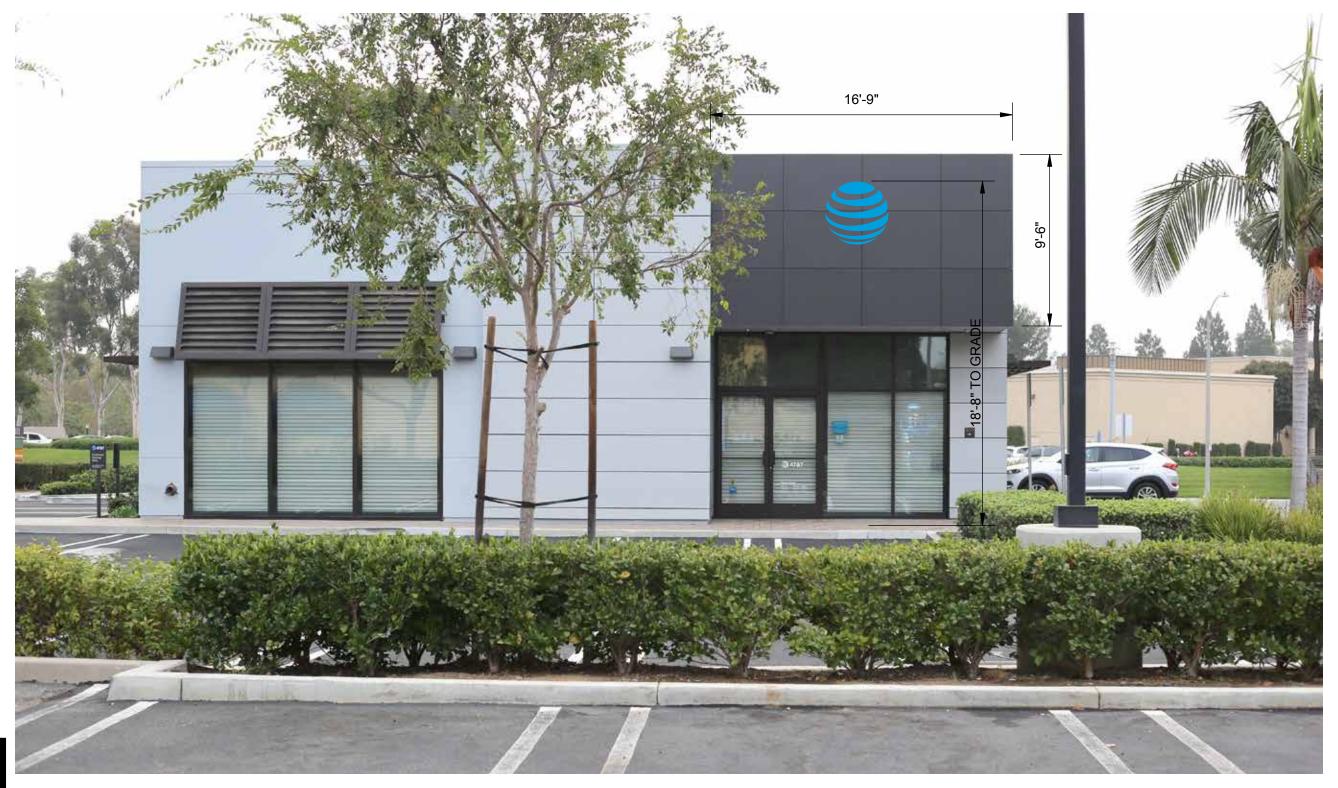


PHOTO-COMPOSITE (SOUTHWEST CORNER NTS

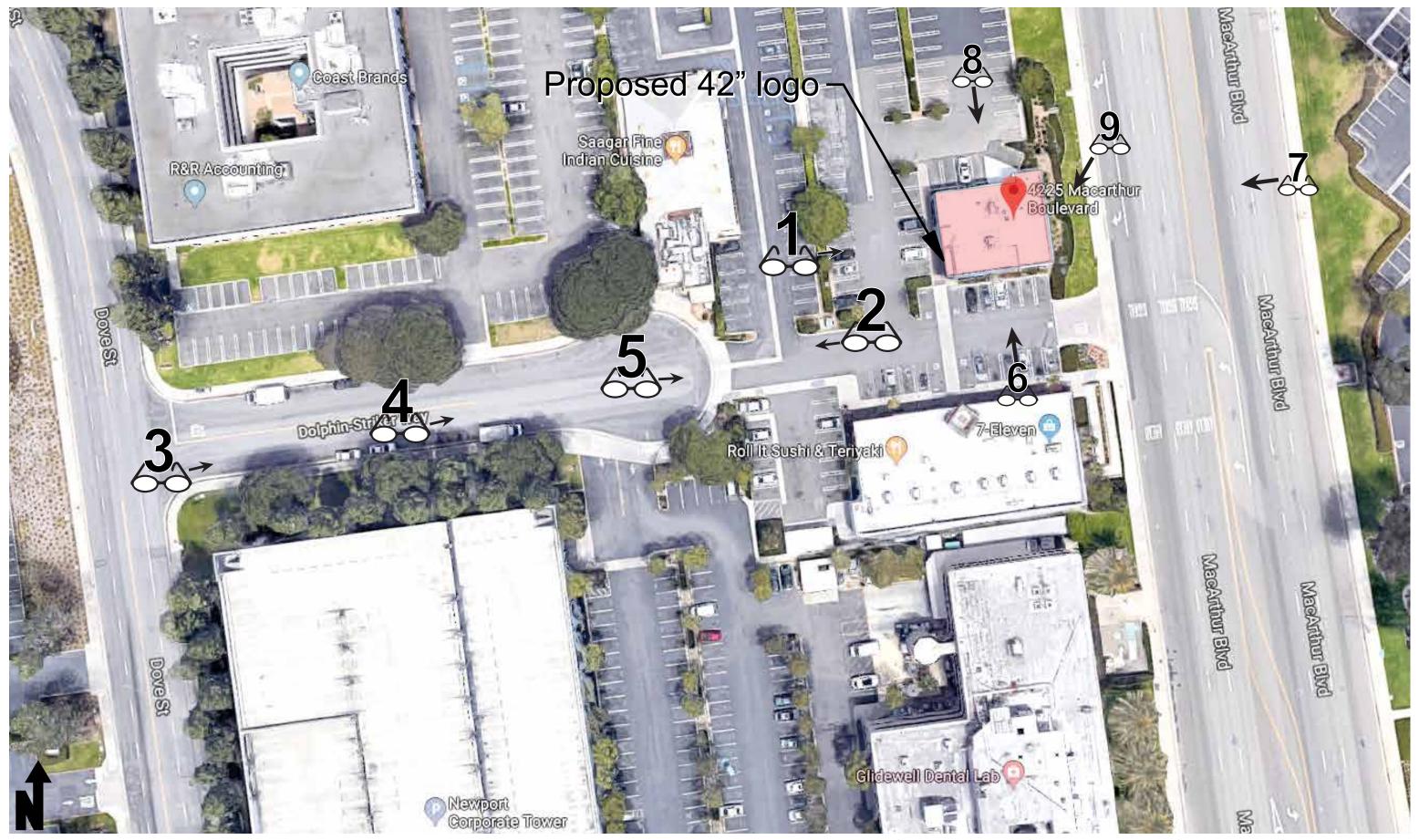


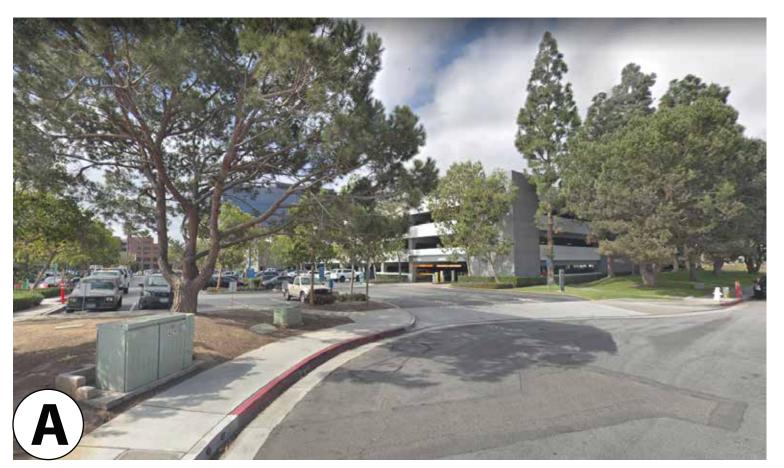


SCALED PHOTO-COMPOSITE SHOWING CONFORMING 36" HIGH LOGO.







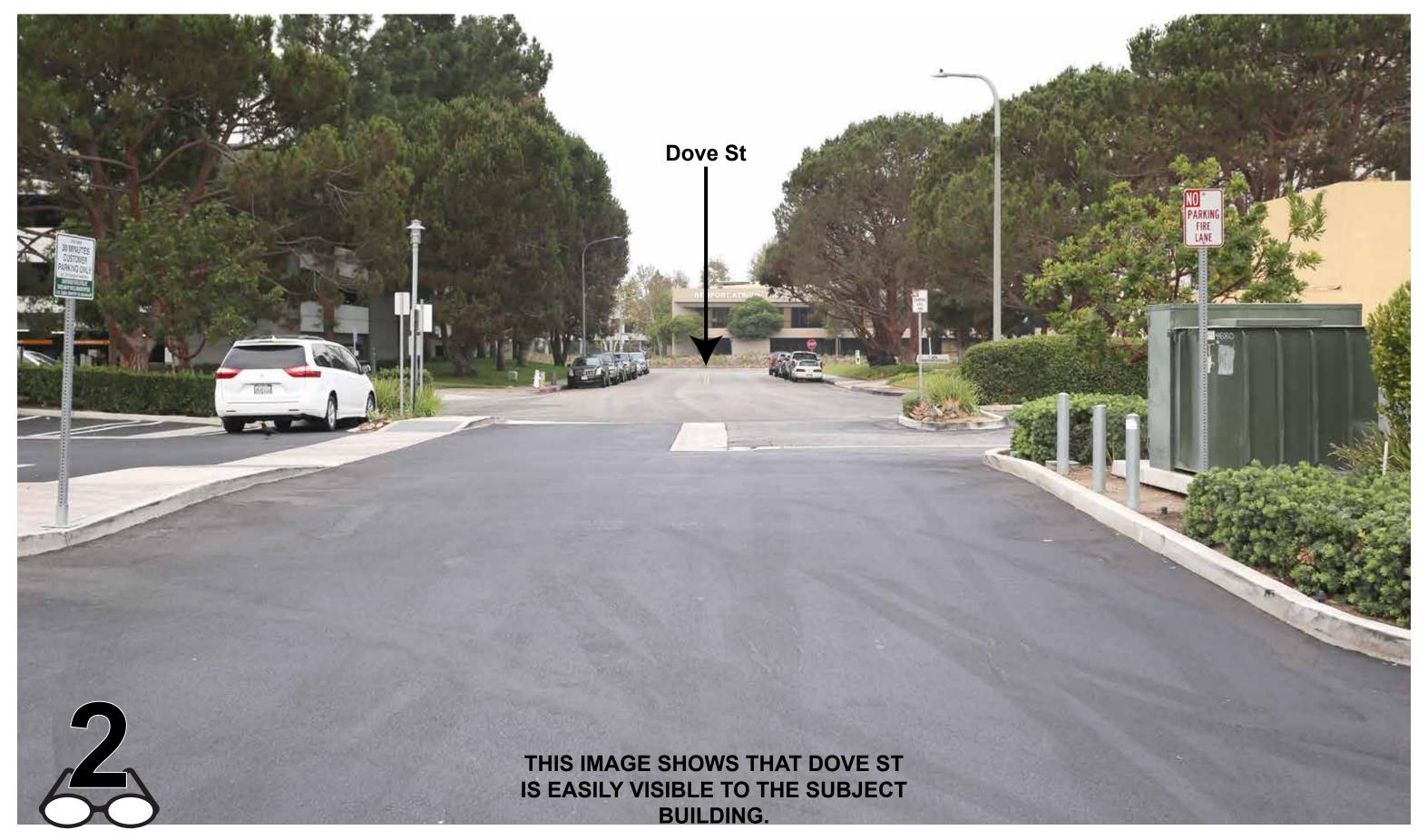


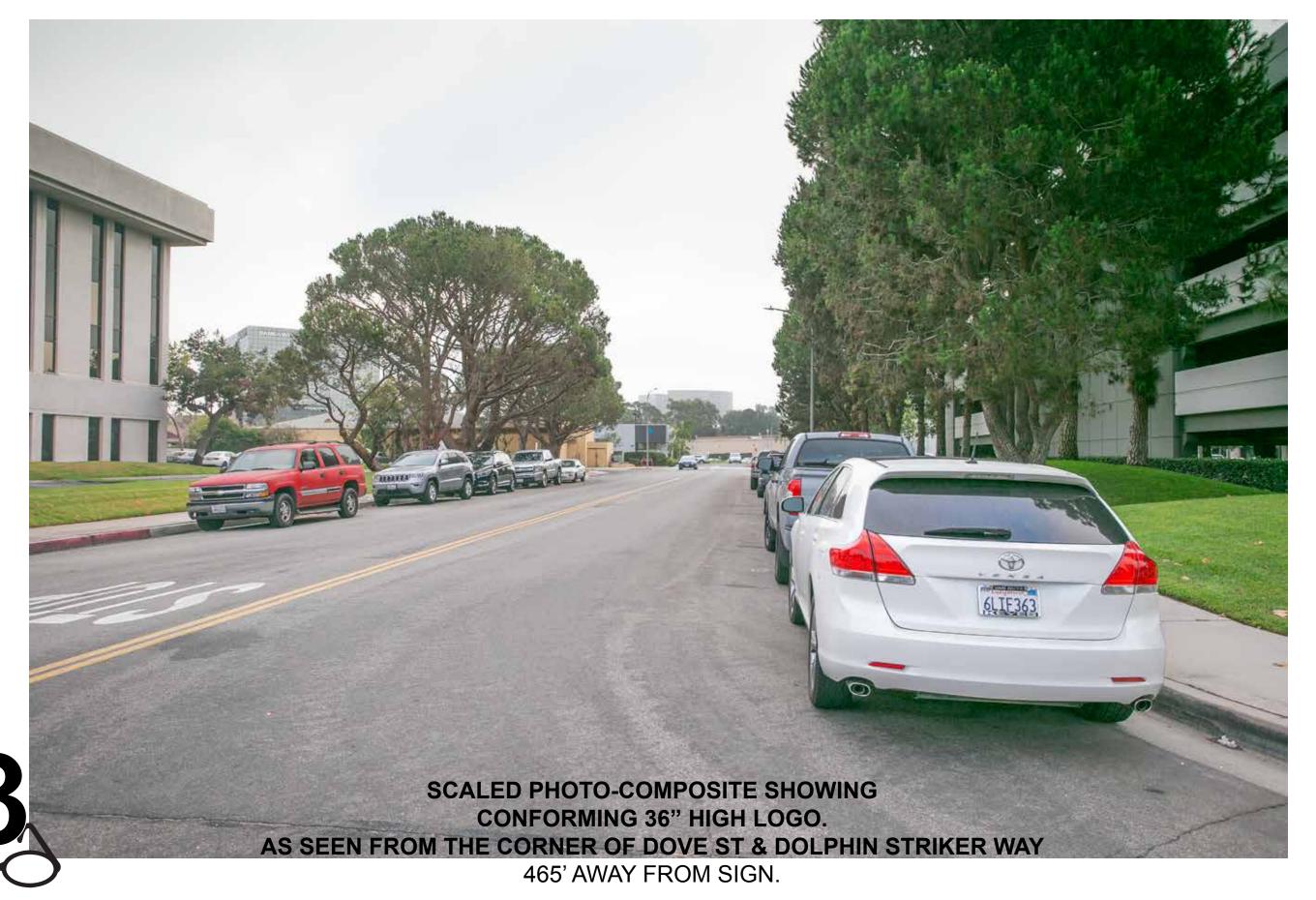
VIEWS OF NEIGHBORING PROPERTIES WHERE THE SUBJECT PROPERTY ABUTS DOLPHIN STRIKER WAY



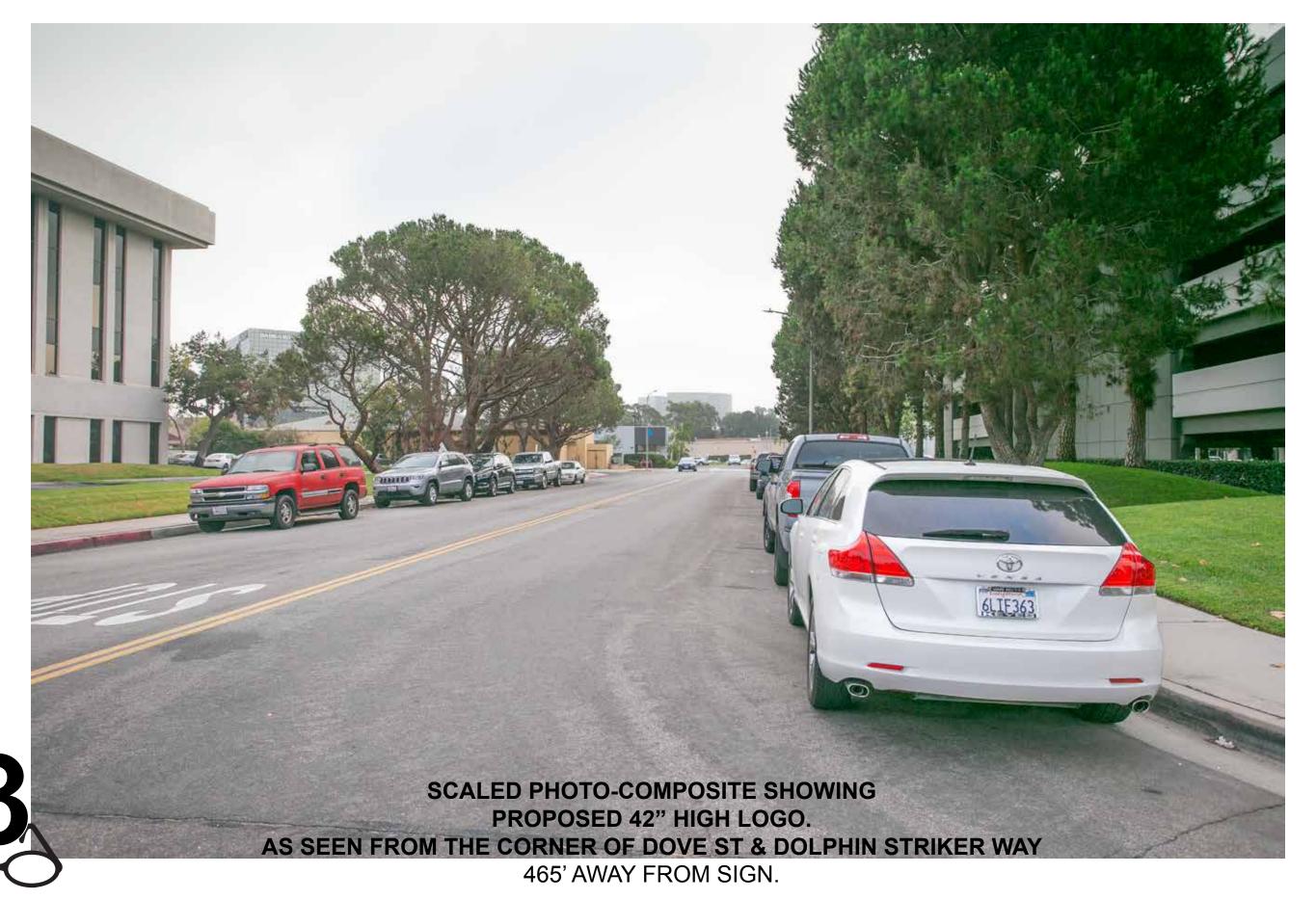








WEST ELEVATION
SCALE 1" = 50' (AT BUILDING FACADE)



WEST ELEVATION
SCALE 1" = 50' (AT BUILDING FACADE)











PHOTOS OF BUILDING B









PHOTOS OF BUILDING B



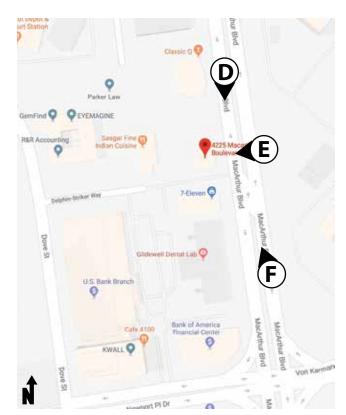








VIEWS OF SUBJECT PROPERTY. MACARTHUR BLVD







VIEWS OF NEIGHBORING PROPERTIES ACROSS THE STREET. **MACARTHUR BLVD**





