



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Assistant City Manager/Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator and/or Community Development Director for the week ending September 27, 2024.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS SEPTEMBER 26, 2024

Item 1: Thai Massage Body Balance Minor Use Permit (PA2023-0080)
Site Address: 4425 Jamboree Road, Suite 170

Action: Approved by Resolution No. ZA2024-053 Council District 3

Item 2: Lux Spa Newport LLC Minor Use Permit (PA2024-0056)
Site Address: 2727 Newport Blvd, Suite 204

Action: Approved by Resolution No. ZA2024-054 Council District 2

COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)

Item 1: Balboa Plaza Comprehensive Sign Program (PA2024-0101)
Site Address: 200 Main Street

Action: Approved Council District 1

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 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.

Wendy Joe, Civilian Investigator, NBPD (*Telecom - Massage – ABC License*)
Mark Short, Police Sergeant, NBPD (*Massage – ABC License*)

RESOLUTION NO. ZA2024-053

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT FOR A MASSAGE ESTABLISHMENT LOCATED AT 4425 JAMBOREE ROAD, SUITE 170 (PA2023-0080)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Bob Hudgins, concerning property located at 4425 Jamboree Road, Suite 170, and legally described as Parcel 1 of Resubdivision 0557 requesting approval of minor use permit.
2. The applicant requests a minor use permit to allow the operation of a massage establishment within an existing tenant space. The project involves the occupancy of an approximately 1,846 square-foot commercial/office suite with seven individual massage rooms, a lobby, and reception area. The project also includes a kitchenette, break room, and storage closet for employee use. The proposed business would operate daily, and no late hours are proposed (after 11:00pm). Included is a request to modify the parking rate for massage.
3. The subject property is designated Mixed Use Horizontal (MU-H2) by the General Plan Land Use Element and is located within the Koll Center Planned Community (PC-15) - Office Site G Zoning District.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on September 26, 2024, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

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, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The project includes tenant improvements to an existing office suite to convert it to a massage establishment. No additions are proposed.

SECTION 3. REQUIRED FINDINGS.***Minor Use Permit***

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The project site designated MU-H2 in the Land Use Element of the General Plan, which is intended to provide a horizontal intermixing of uses intended to include regional commercial office, multi-family residential, vertical mixed-use buildings, industrial, hotel rooms and ancillary neighborhood commercial uses.
2. Land Use Policy LU 2.1 (Resident-Serving Land Uses) of the Land Use Element of the General Plan is intended to accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.
3. The proposed massage establishment is consistent with this designation as it will provide a service use for the surrounding area, office employees, as well as residents within the newer residential developments in the area.
4. The subject property is not part of a specific plan area.

Finding:

B. *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 subject property is located in the Koll Center Planned Community (PC-15) Zoning District which is intended to provide a range of professional office uses including doctors, dentists, optometrists, oculists, chiropractors and others licensed by the State of California to practice the healing arts.
2. While the existing office building is adjacent to a new residentially oriented planned community, Uptown Newport, the tenant space is oriented towards the parking lot and facing the opposite direction towards other offices, and food services within the PC-15

Zoning District. These properties provide a range of office and various food service uses.

3. The massage use is not specifically provided a parking rate in PC-15. Therefore, Title 20 (Planning and Zoning) of the NBMC is also relied on for the purpose of establishing parking requirements for the use. Pursuant to Table 3-10 of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC, parking for a massage use is one space per 200 square feet of gross floor area, or the City may establish the parking requirements for a massage establishment through the use permit process. Using a rate of one space per 200 square feet of floor area (1,846 square feet) would result in a parking requirement of 10 parking spaces. Although seven massage rooms are provided, the project has been conditioned to be limited to a maximum of five massage technicians on-site at any given time, which would reduce the parking demand during the typical business hours of the existing office building. Based on the proposed condition, a rate of one parking space for every 250 square feet of floor area is appropriate for this use (8 spaces). The existing tenant space was previously used for general office with a parking rate of one parking space for every 225 square feet of net floor area (9 spaces), therefore no additional parking is required.
4. The existing office building includes a shared parking lot. The existing offices have typical office hours of 8 a.m. to 6 p.m., Monday through Friday. Therefore, the condition limiting the number of massage technicians on-site at any given time shall not apply outside of the typical office hours (Monday through Friday after 6 p.m., or on Saturdays or Sundays).
5. The proposed massage establishment is consistent with the legislative intent of Section 20.48.120 (Massage Establishments and Services) and Chapter 5.50 (Massage Establishments) of the NBMC. These sections provide standards for the establishment, location, and operation of massage establishments operated as an independent use. The intent is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration that may accompany and result from large numbers of massage establishments.

Finding:

- C. *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 proposed massage establishment is located within an approximately 1,846 square-foot tenant space on the first floor within an existing office building. The proposed use will consist of seven individual massage rooms, a lobby, and reception area. The project also includes a kitchenette, break room, and storage closet for employee use; all of which are included in the existing tenant space.
2. The proposed hours of operation are between 10:00 a.m. and 8:00 p.m., daily. The surrounding uses consist of various offices, new residential development at Uptown

Newport, and restaurants. The proposed hours of operation are compatible with the surrounding uses and the project does not propose late hours (past 11:00 p.m.) which will minimize any disturbances to residences near the property. Staff has conditioned the hours, 9:00 a.m. to 9:00 p.m., daily to allow some flexibility without an amendment to the use permit.

3. The existing office building is oriented towards a parking lot and runs parallel to Jamboree Road. Uptown Newport, the recently constructed condominium and apartment project, is approximately 240 feet from the entrance to the subject office building. However, the entrance to the office building faces the parking lot away from the residential uses.

Finding:

- D. 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; and*

Facts in Support of Finding:

1. The site is located on Jamboree Road with an existing parking lot accessed by a driveway from Jamboree Road.
2. The property is improved with a total of 86 parking surface level open spaces, shared by the entire office building. The proposed use will require eight parking spaces and Fact 3 in support of Finding B is incorporated herein by reference.
3. The project is conditioned to comply with specific requirements from the Building Division, including the requirement to obtain a building permit for tenant improvements.
4. The project is conditioned to obtain all appropriate permits from the Fire Prevention Division (Fire Department) to ensure adequate public and emergency vehicle access is provided.

Finding:

- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The proposed use has been conditioned with typical daytime and evening hours of operation that will minimize any detriment to the surrounding area.

2. The proposed massage establishment will provide additional services to the residents in the surrounding area, employees in the area, and visitors to the City.
3. The proposal has been reviewed by the Building, Code Enforcement, and Police Departments and recommended conditions have been included to limit any effects to the City or persons living, visiting, or working in the surrounding neighborhood.
4. The NBPD has reviewed the project and has no objections to this project as proposed. Condition of Approval No. 25 has been included to ensure the applicant obtains an Operator's Permit from the NBPD in compliance with Chapter 5.50 (Massage Establishments) of the NBMC.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Minor Use Permit (PA2023-0080), subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director by the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF SEPTEMBER 2024.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division

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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. 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 Minor Use Permit.
4. *The hours of operation shall be between 9:00 a.m. and 9:00 p.m., daily.*
5. *There shall be no more than five (5) massage technicians onsite at any given time. This condition does not apply Monday through Friday, after 6 p.m., or on Saturday and Sunday.*
6. All proposed signs shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.
7. *This Minor Use Permit, as part of PA2023-0080, shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
8. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
9. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Use Permit.
10. 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.

11. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
12. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
13. 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.
14. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) 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. Noise-generating construction activities are not allowed on Sundays or Holidays.
15. No outside paging system shall be utilized in conjunction with this establishment.
16. 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 debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
17. 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).
18. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
19. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
20. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or 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.

21. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Thai Massage Body Balance including, but not limited to, Minor Use Permit (PA2023-0080)**. 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

22. 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.
23. A tenant improvement building permit is required prior to commencement of the change of use to the massage establishment. The following conditions are required to be implemented with the tenant improvement:
- a) There shall be an accessible path of travel from the parking lot and the public right-of-way to the tenant space.
 - b) All counters within the tenant space shall be accessible pursuant to Section 11B-227.3 of California Building Code (CBC) 2022.
 - c) When more than one exit or exit access doorway is required, the exit access shall be arranged such that there is no dead end in a corridor exceeding 20 feet and 50 feet in a sprinkler building.
 - d) Provide a minimum turning space at the dead-end corridor next to the existing break room and storage area sufficient for a wheelchair.
 - e) Provide a minimum maneuvering clearance pursuant to Table 11B-404.2.4.1 of the CBC 2022, for the push side of doors at the existing reception, kitchen and break room and storage.

Police Department

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24. Strict adherence to Newport Beach Municipal Code Chapter 5.50 (Massage Establishments) shall be upheld.
 25. Prior to operation, the applicant business shall apply for and obtain an Operator's Permit from the Chief of Police and keep said permit in good standing.
 26. All employees of the applicant business who conduct massage services on the premises must be certified by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt).

Code Enforcement

27. All windows (except treatment room windows) shall remain visible and transparent in nature. Window signage shall comply with the NBMC.
28. The names of employees shall be posted upon entry and contact information and list of state certifications shall be provided upon request. A current list of employees shall be kept on-site and maintained at all times.
29. The owner, operator, or responsible manager's contact information for the massage establishment shall be provided to the City of Newport Beach Code Enforcement Division.

RESOLUTION NO. ZA2024-054

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MINOR USE PERMIT AND ADJUSTING THE PARKING RATE FOR A MASSAGE ESTABLISHMENT AND DAY SPA LOCATED AT 2727 NEWPORT BOULEVARD, SUITE 204 (PA2024-0056)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by David Dunlap of Lux Spa Newport Beach Massage, LLC, with respect to property located at 2727 Newport Boulevard, Suite 204, and legally described as Lake Tract, Lot 4 Block 127, and Lots 5 to 14 including portion of Lots 2/3 lying northerly of 26th Street, and all -except street- Lots 15 to 19, including all in Block 127, Tract 418, requesting approval of a minor use permit.
2. The applicant requests a minor use permit to allow the operation of a massage establishment and day spa. The project will improve an approximately 855 square-foot office suite within an existing, multi-tenant, commercial building into a massage and day spa with five treatment rooms, lobby, reception room, and utility area for employee use. Provided services will include massage, hair treatments and shampooing, waxing, and facials. The business would operate from 9:00 a.m. to 9:00 p.m., daily. Included is a request to modify the parking rate for massage.
3. The subject property is categorized as Visitor Serving Commercial (CV) by the Land Use Element of the General Plan and is located within the Commercial Visitor-Serving (CV) Zoning District.
4. The subject property is located within the Coastal Zone. The Coastal Land Use Plan category is Visitor Serving Commercial – (0.0 – 0.75 FAR) (CV-A) and the Coastal Zoning District is Commercial Visitor-Serving (CV). The project is not considered development pursuant to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) and no coastal development permit is required.
5. A public hearing was held on September 26, 2024, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

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, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Class 1 exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The project includes tenant improvements to convert an existing office suite with no intensification in use. Additionally, no new floor area is proposed.

SECTION 3. REQUIRED FINDINGS.

Minor Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits – Findings and Decision) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable specific plan;*

Facts in Support of Finding:

1. The project site is categorized as CV by the Land Use Element of the General Plan. The CV categorization is intended to provide areas appropriate for accommodations, goods, and services intended to serve visitors primarily to the city.
2. Land Use Policy LU 2.1 (Resident-Serving Land Uses) of the Land Use Element of the General Plan is intended to accommodate uses that support the needs of Newport Beach residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.
3. The proposed massage establishment and day spa is consistent with the land uses suggested by the CV categorization as the proposed use will provide an additional service to the nearby residents and visitors to the City, in an otherwise vacant tenant space.
4. The subject property is not part of a specific plan area.

Finding:

- B. *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 subject property is located within the CV Zoning District. Similar to the CV land use category, the CV Zoning District is intended to provide areas appropriate for accommodations, goods, and services that primarily serve visitors to the city.
2. Pursuant to Table 2-5 of Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the NBMC, both a massage establishment and a day spa are permitted in the CV Zoning District, subject to approval of a minor use permit.
3. Pursuant to Table 3-10 of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC, the City may establish the parking requirements for a massage establishment through the use permit process. Of the five treatment rooms, only two rooms would be used for massage purposes at any given time. Condition of approval No. 5 limits the business to a maximum of two massage technicians providing massage services during hours of operation. Because more than half of the tenant space would be providing personal services, including waxing, facials, and hair treatments, the parking rate for Personal Services, General is appropriate. The Personal Services, General use is parked at a rate of one space required for every 250 square feet of gross floor area and parking requirement is four spaces. This is the same number of required spaces as the previous office use.
4. The proposed massage establishment is consistent with the legislative intent of Section 20.48.120 (Massage Establishments and Services) and Chapter 5.50 (Massage Establishments) of the NBMC. These sections provide standards for the establishment, location, and operation of massage establishments operated as an independent use. The intent is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration that may result from an overconcentration of massage establishments.

Finding:

- C. *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 tenant space is located on the second floor of a multi-tenant commercial building. The suite would be improved with five treatment rooms, lobby, reception room, and utility area. While treatment rooms provide a sink for shampooing and other treatment related purposes, restrooms are located outside of the suite and are common to the building.
2. The existing commercial building is located within a commercial center where there are other established commercial uses. Residential dwellings are located approximately 85 feet away, across Balboa Boulevard to the west.

- Hours of operations are proposed from 9:00 a.m. to 9:00 p.m., daily. Surrounding uses within the same commercial center include fast casual restaurants, retail, general office, and other personal services. The project does not propose late hours (i.e., past 11:00 p.m.) and is not likely to cause noise or disruptions to surrounding uses.

Finding:

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

Facts in Support of Finding:

- The project site is located between Newport Boulevard and Balboa Boulevard, within an existing, two-story, multi-tenant, commercial building. There is a shared, 88-space, surface, parking lot, accessed from either Newport Boulevard or Balboa Boulevard, that serves both the two-story commercial building, and the smaller, single-story, commercial building also addressed as 2727 Newport Boulevard.
- Fact 3 in Support of Finding B hereby incorporated by reference.
- As the project does not intensify parking demand, the provided parking should be adequate to accommodate the use.
- The Fire Department has reviewed the project to ensure adequate public and emergency vehicle access is provided and has no concerns with the project.

Finding:

- Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

- The project is conditioned with typical daytime and evening hours of operation that are intended to encourage compatibility within the surrounding neighborhood.
- The proposed massage establishment and day spa will provide therapeutic services to the residents in the surrounding area and to visitors within the City.
- The project was reviewed by the Building Division, Public Works Department, Fire Department, Code Enforcement Division, and Newport Beach Police Department (NBPD). All recommended conditions of approvals have been included to help limit any negative effects to persons visiting or working in the surrounding neighborhood.

4. The NBPD has reviewed the project and has no objections to this project as proposed. Condition of Approval No. 25 is included to ensure the applicant obtains an Operator's Permit from the NBPD in compliance with Chapter 5.50 (Massage Establishments) of the NBMC.

Location

In accordance with Section 20.48.120(B) (Massage Establishments and Services – Waiver of Location Restrictions) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of such findings are set forth:

Finding:

- F. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;*

Facts in Support of Finding:

1. The intent of this section is to promote the operation of legitimate massage services and to prevent problems of blight and deterioration, which accompany and are brought about by a large number of massage establishments and the misuse of massage therapy as a front for prostitution and other illegal activities.
2. While a massage establish shall not be located within 500 feet of a public or private school, park or playground, civic center, cultural site, or religious institution, or within 500 feet of another massage establishment site.
3. Although the project is located within 500 feet of the public beach, the project is not anticipated to negatively impact beachgoers as the proposed use is over 450 feet away from the nearest public beach and the suite is oriented towards the interior of the property and within an existing multi-tenant commercial building.
4. The proposed use is within a managed, multi-tenant commercial building, which should help discourage the operation of illegal activities.
5. The lack of late hours should also help prevent the business from being used for illegal activities.
6. Fact 4 in Support of Finding E is hereby incorporated by reference.

Finding:

- G. The proposed use will not enlarge or encourage the development of an urban blight area; and*

Facts in Support of Finding:

1. The subject property is not located within a blighted area and is well maintained.
2. Condition of Approval No. 28 requires all windows (except treatment room windows) to remain visible and transparent in nature.
3. Condition of Approval No. 6, requires any signage to comply with the requirements of Chapter 20.42 (Signs) of the NBMC. This condition should help prevent the proliferation of signs advertising massage services or the installation of prohibited sign types, such as animated and changeable copy signs or luminous tube lighting (i.e., neon).
4. While there are other massage establishments on the Balboa Peninsula, there does not appear to be an overconcentration creating blight.

Finding:

- H. The proposed use will not adversely affect a religious institution, school, park, or playground;*

Facts in Support of Finding:

1. Fact 3 in Support of Finding F is hereby incorporated by reference.
2. The NBPD has reviewed the request for a waiver of location restrictions and has no concerns regarding the location.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Minor Use Permit (PA2024-0056), subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. 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 26TH DAY OF SEPTEMBER 2024.



Benjamin M. Zieba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division

1. The development shall be in substantial conformance with the approved site plan and floor plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. 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 Minor Use Permit.
4. *The hours of operation shall be between 9:00 a.m. and 9:00 p.m., daily.*
5. *There shall be no more than two (2) massage technicians onsite at any given time.*
6. All proposed signs shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of Chapter 20.42 (Signs) of the NBMC.
7. This Minor Use Permit, as part of PA2024-0056, shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
8. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
9. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and may require an amendment to this Minor Use Permit or the processing of a new Use Permit.
10. Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
11. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

12. 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.
13. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, 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. Noise-generating construction activities are not allowed on Saturdays, Sundays or Holidays.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. 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 debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
16. 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).
17. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
18. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
19. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or 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.
20. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Lux Massage Spa including, but not limited to, Minor Use Permit (PA2024-0056)**. 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.

Fire Department

21. *Fire sprinkler plans shall be submitted for any tenant improvement work that may obstruct or affect the water spray pattern of the fire sprinkler system.*

Building Division

22. 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 (CBC). The construction plans must meet all applicable State Disabilities Access requirements.
23. *An accessible path of travel is required from the parking lot and public right of way to the tenant space, in accordance with 11B-202.3 of the CBC.*

Police Department

24. *Strict adherence to Chapter 5.50 (Massage Establishments) of the NBMC shall be required.*
25. *Prior to operation, the applicant shall apply for and obtain an Operator's Permit from the Chief of Police and keep said permit in good standing.*
26. *All employees of the applicant business who conduct massage services on the premises must be certified by the California Massage Therapy Council (CAMTC) (physicians, physical therapists, and chiropractors exempt).*
27. *The business shall maintain requirements of operation and submit to inspections by officers of the NBPD.*

Code Enforcement Division

28. *All windows (except treatment room windows) shall remain visible and transparent in nature. Window signage shall comply with the NBMC.*
29. *The names of employees shall be posted upon entry and contact information and list of state certifications shall be provided upon request. A current list of employees shall be kept on-site and maintained at all times.*

30. *The owner, operator, or responsible manager's contact information for the massage establishment shall be provided to the City of Newport Beach Code Enforcement Division.*



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
949-644-3200
www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Subject: **Balboa Plaza Sign Program (PA2024-0101)**
▪ Comprehensive Sign Program

Site Location **200 Main Street**

Applicant **JSL Balboa LLC**

Legal Description **Lot 9 of Block 11 of the Balboa Tract**

On **September 26, 2024**, the Zoning Administrator approved Comprehensive Sign Program No. PA2024-0101 to establish signage for an existing commercial building located at 200 Main Street (Property). This approval is in accordance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code (NBMC).

LAND USE AND ZONING

- **General Plan Land Use Category:** Mixed-Use Vertical (MU-V)
- **Zoning District:** Mixed-Use Vertical (MU-V)
- **Coastal Land Use Category:** Mixed-Use Vertical (MU-V)
- **Coastal Zoning District:** Mixed-Use Vertical (MU-V)

SUMMARY

A comprehensive sign program serves to integrate all project signage while providing a means for flexible application of regulations when projects require multiple signs in a way that achieves, and does not circumvent, the purpose of Chapter 20.42.

In this case, a comprehensive sign program is required pursuant to Subsection 20.42.120(B) (Comprehensive Sign Program – Applicability), due to the extensive remodeling of an existing nonresidential building with three or more tenants. As part of the application for the Comprehensive Sign Program (CSP), the Applicant is requesting deviations from the maximum number of wall signs as follows:

1. Two wall signs (one letter and one logo) for each tenant on the primary frontage (Balboa Boulevard), where the Zoning Code allows for one wall sign for each tenant on the primary frontage; and
2. Two wall signs (one letter and one logo) for a single tenant on the secondary frontage (Main Street), where the Zoning Code allows for one wall sign for each tenant on the secondary frontage.

This approval is based on the following findings and standards identified in Subsection 20.42.120(E) (Comprehensive Sign Program – Standards), and subject to the following conditions.

FINDINGS AND STANDARDS FOR APPROVED SIGNS

Finding

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

Fact in Support of Finding

1. Class 11 exempts minor structures that are accessory to existing commercial facilities, including signs. The CSP includes signs that 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 (Sign Standards)], 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. The purpose of a comprehensive sign program is to integrate all project signs while providing the flexible application of sign regulations for projects that require multiple signs to provide incentive and latitude in the design and display of signs, and to achieve, not circumvent, the purpose of Chapter 20.42 of the NBMC. As proposed, the CSP will allow for the installation of two wall signs for each tenant on the primary frontage (Balboa Boulevard), where the Zoning Code only allows for one wall sign for each tenant, and two wall signs for a single tenant on the secondary frontage (Main Street), where the Zoning Code only allows for one wall sign for each tenant.
2. Table 3-16 (Signs Allowed in Commercial and Industrial Zoning Districts) in Section 20.42 (Signs Standards) of the NBMC specifies that one sign per primary tenant frontage is allowed with a size limitation of 1.5 square feet per lineal foot of tenant frontage, with a maximum size of 75 square feet. The primary frontage along Balboa Boulevard is shared by two tenant spaces that each have approximately 53 lineal feet, where up to one 75-square-foot sign would be allowed for each tenant. The proposed CSP will allow for the installation of two walls signs (one letter and one logo) per tenant on the primary frontage, with a cumulative sign area of 22 square feet which is well below the maximum allowed area of one sign.

3. Table 3-16 also specifies that one sign per secondary tenant frontage is allowed with a size limitation of 50% of that of the primary tenant's frontage sign. The primary frontage maximum sign size is 75 square feet, therefore a up to one 37.5-square-foot sign is allowed on the secondary frontage. The proposed CSP will allow for the installation of two wall signs (one letter and one logo) per tenant on the secondary frontage with a cumulative sign area of 22 square feet which is below of what is allowed for one sign.
4. The additional sign per primary and secondary tenant frontages will allow for the tenants to accommodate a logo sign in addition to a letter sign intended to add uniformity to the signage. One of the tenants is located on the corner of Main Street and East Balboa Boulevard, where a total of four wall signs are proposed (two wall signs on the primary and secondary frontage). The additional signs will allow for greater visibility to vehicular and pedestrian traffic traveling along Main Steet and East Balboa Boulevard.
5. The CSP complies with the purpose and intent of Chapter 20.42 of the NBMC because it provides the commercial building with adequate identification while guarding against an excessive proliferation of signs. Project tenant signs will be limited to metal pan channel construction proportional to the building façade in the general locations depicted on the Project Plans (Attachment No. ZA 3). The font, colors, and materials of all proposed signage are coordinated to complement the architecture of the building. The project wall signs comply with all other standards of Section 20.42.070 (Standards for Permanent Signs) of the NBMC, including compliance with height, sign area, and illumination standards.
6. The CSP is consistent with the Citywide Sign Design Guidelines because the proposed signs are designed to be compatible with the building design in terms of scale, size, and materials. The proposed signs are designed to effectively identify the tenants without creating sign clutter by using legible text that contrasts with the background. The placement and size of the signs are consistent with the proportions of the street frontages on which they are located. The proposed signage is adequately spaced to prevent large clusters of signage and appear less obtrusive to neighboring motorists and pedestrians.
7. The CSP is also consistent with the Balboa Village Design Guidelines because the proposed signs are compatible with the architectural style of the renovated building which adds to the character of the Balboa Village. The signage activates the façade of the building and serves to creates more pedestrian visibility. The proposed signs have a consistent color pallet that is complementary to the renovated building façade.

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 Property is developed with an existing commercial building and the proposed signage has been integrated with the design and character of the building. The CSP will allow for the installation of two wall signs for each tenant on the primary frontage (Balboa Boulevard), where the Zoning Code only allows for one wall sign, and two wall signs for a single tenant on the secondary frontage (Main Street), where the Zoning Code only allows for one wall sign. The proposed signage will comply with each tenant's respective sign area limitations based on lineal footage of the individual frontage. The number and location of signs will not contribute to an overabundance of signage that will have a detrimental effect on the neighborhood.
2. The proposed wall signs are located along East Balboa Boulevard and Main Street. The signs are designed such that they are visible to motorists and pedestrians along both cross streets without being excessively visually obtrusive to visitors of the area.
3. Each tenant will be permitted signage under the Sign Program Matrix (Attachment No. ZA 2) to allow tenants in the commercial building to have two project wall signs per applicable frontage. 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.
4. All proposed signage will be in harmony with the character and architectural style of the building. The placement and size of the project wall signs are complementary to the building's frontage as the proposed signs are well within the size limitations for each respective frontage and will comply with the limitations in the CSP Matrix and Project Plans. The proposed signs have been designed to use a consistent color pallet that is complementary to the building façade. The proposed signs are not excessively illuminated.

Standard

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

Fact in Support of Standard

1. The CSP includes all project signage. Any future temporary and exempt signs not specifically addressed in the Program shall be regulated by the provisions of Chapter 20.42 of the NBMC.

Standard

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

Fact in Support of Standard

1. The CSP has been developed to be effective for the commercial building. The Program provides adequate identification from Main Street and East Balboa Boulevard. It is not anticipated that future revisions to the CSP will be necessary to accommodate changes in tenants or uses. However, consistent with Section 20.42.120 (Sign Standards - Comprehensive Sign Program) of the NBMC, the Community Development Director may approve minor revisions to the CSP 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 (Sign Standards)], 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.*

Fact in Support of Standard

1. Facts 2, 3 and 4 in Support of Standard B are hereby incorporated by reference.

Standard

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

Fact in Support of Standard

1. The CSP does not authorize the installation of any new prohibited signs.

Standard

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

Fact in Support of Standard

1. The CSP does not contain regulations affecting sign message content.

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, details, and elevations, except as noted in the following conditions.

2. 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 in accordance with the Zoning Code provisions in effect at the time the new development is approved.
3. Locations of the signs are limited to the general locations depicted on the Project Plans included in Attachment No. ZA 3 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 (Sign Standards - Maintenance Requirements) of the NBMC. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42 (Sign Standards) of the NBMC.
5. In accordance with 20.42.060 (Sign Standards - Provisions Applying to All Sign Types), each illuminated sign shall be subject to a 30-day review period, during which time the Director may determine that a reduction in illumination is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Director may order the dimming of any illumination found to be excessively bright. The Director's determination will be made without regard to the message content of the sign.
6. In accordance with Section 20.42.120(F) (Sign Standards - Comprehensive Sign Program) of the NBMC, the Community Development Director may approve minor revisions to the CSP 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. A building permit shall be obtained prior to commencement of the construction and/or installation of the signs.
8. 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.
9. 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 **Balboa Plaza Sign Program including, but not limited to Comprehensive Sign Program filed as PA2024-0101** 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 or City Clerk, as applicable, within 14 days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Approved by:



Jerry Arregui
Assistant Planner



Benjamin M. Zueba, AICP, Zoning Administrator

DL/ja

Attachments: ZA No. 1 Vicinity Map
 ZA No. 2 Comprehensive Sign Program Matrix
 ZA No. 3 Project Plans

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Comprehensive Sign Program
PA2024-0101

200 Main Street

Attachment No. ZA 2

Comprehensive Sign Program Matrix

SIGN PROGRAM MATRIX

Primary Frontage (East Balboa Boulevard)	Secondary Frontage (Main Street)
<p>Wall Sign Limitations</p> <p><i>Maximum number: Two per tenant</i> <i>Sign Type: One letter and one logo sign per tenant</i></p> <p><i>Area: Cumulative sign area of the wall signs per tenant shall not exceed 22 square feet</i> <i>Placement: As Depicted in Project Plans</i></p> <p>Letter Signs: <i>Maximum Vertical Dimension: 18 inches</i> <i>Area: 18 square feet</i></p> <p>Logo Signs: <i>Maximum Vertical Dimension: 24 inches</i> <i>Area: 4 square feet</i></p>	<p>Wall Sign Limitations</p> <p><i>Maximum number: Two</i> <i>Sign Type: One letter and one logo sign</i></p> <p><i>Area: Cumulative area of the wall signs per tenant shall not exceed 22 square feet</i> <i>Placement: As Depicted on Project Plans</i></p> <p>Letter Sign: <i>Maximum Vertical Dimension: 18 inches</i> <i>Area: 18 square feet</i></p> <p>Logo Sign: <i>Maximum Vertical Dimension: 24 Inches</i> <i>Area: 4 square 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 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 matrix.
- c) 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.

Attachment No. ZA 3

Project Plans

BALBOA PLAZA

NEWPORT BEACH

PROJECT ADDRESS 200 E MAIN ST
NEWPORT BEACH. CA 92666

OWNER JSL BALBOA LLC 219 S Beverly Dr, #266
Beverly Hills, CA 90212

CITY PLANNING PLANNING DIVISION 100 CIVIC CENTER
DRIVE NEWPORT BEACH, CA 92666
Tel: 949-644-3204

SIGN CONSULTANT Printbyme Inc.
2558 Merced Ave.
South El Monte CA 91733
Tel: (626) 571-1300
Lic# 996117

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INTRODUCTION

The purpose of this sign criteria is to establish the tenant sign identification standards necessary to ensure a coordinated, proportional exposure for each and every tenant. Performance shall be strictly enforced and any installation of non-conforming signs shall be removed by the tenant at tenants sole expense. This sign program has been developed to allow each tenant flexibility and creativity of individual signage within the limits of their leasehold.

APPROVAL

The design and construction of any exterior tenant sign requires written approval by both the landlord and the city before it is either fabricated or installed. The landlord and City will base their approvals on conformity to this sign criteria (including fabrication and installation standards) and the requirements of the city's municipal codes and designs guidelines. The landlord and city shall refuse approval of any sign that does not conform to these standards.

1. Prior to application for a sign permit the tenant shall submit to the Landlord for written approval, two (2) copies of scaled drawings indicating the size, location, design and color of the proposed sign, with manufacturing and installation details and the width and the height of the leased store front.
2. Prior to manufacturing signs, the tenant shall submit the plan to the City of Newport Beach Planning Division using City's Civic portal and obtain a valid sign permit from the Building Division

DESIGN REQUIREMENTS

1. A scaled storefront drawing for each wall, canopy or other feature upon which a sign will be erected, showing all dimensions of both the sign and the storefront width of the tenant's premises.
2. A plot plan and elevation indicating the location of any and all signs you proposed fully dimensioned and drawn to scale.
3. Section views through sign and facade to show its construction and installation method.

GENERAL REQUIREMENTS

1. No sign shall be constructed until approved sign permits have been issued by City of Newport Beach's Building Division.
2. All work to be prepared and constructed by a reputable, state licensed sign contractor.
3. Tenants shall pay for all their signs, their installation (including final connection, transformer, all labor, materials and city permit fees). The tenant's sign contractor must file, pay for, and obtain all licensed and permit required by city of Newport Beach.
4. Each tenant shall be fully responsible for and repair any damage to the property upon which the sign is placed, whether occurring during installation, use or removal of sign, including any costs or damage to any others property or person of any type. Should tenant's sign require maintenance or repair, Landlord shall give tenant thirty (30) days written notice to effect said maintenance or repair. Should Tenant fail to complete, landlord shall undertake repairs and tenant shall reimburse Landlord with ten (10) days from receipt of invoice.
5. Tenant's sign contractor shall carry workman's compensation and public liability insurance against all damage suffered or done by and all persons and/or property while engaged in the construction or erection of signs in the amount of \$2,000,000 per occurrence. Evidence of this insurance must be provided to Landlord prior to installation naming JSL Balboa LLC, JTNA management Inc or other party as may be required, as additionally insured.
6. The old tenants shall be responsible to remove their signs when they vacate. Removal of the sign shall include repair of the wall surface back to its original condition.
7. No filed changes are permitted without first notifying the Landlord in writing. Changes of signs to the placement and/or location from the approved plans, will be the tenant's responsibility to repair and relocated the sign to the proper placement at the tenant's expense. All field change shall further be approved by City of Newport Beach in writing.
8. The advertising or information content on the sign shall be limited to letters designating the store name of the establishment or to the goods and services(no brand names) sold on the premises on which the sign is located.
9. All signs shall be reviewed by the overall design quality. Approval or disapproval of sign submittal are based on aesthetics of design shall remain the sole right of Landlord.
10. All exterior signage must maintain current aesthetic and integrity of building facade.
11. All electrical components related to exterior signage must be contained within tenant space.

PROHIBITED SIGNS

1. Animated Signs: sign consisting of anything swinging, rotating, flashing, blinking, including any moving electronic message boards or centers, or temporary lighting, such as but not limited to search, flood, or fluorescent gel lights.
2. Temporary advertising devices such as attraction board, banner and flags.
3. Any temporary promotional or advertising sign on parked vehicles are prohibited.
4. Exposed raceway, junction boxes, lamps, transformers, tubing, conduits or neon crossovers of any types.
5. Cabinet Signs
6. The use of decals, stick-on or transfer letters, or tape on the wall or parapets or building, fences, walls or other structures.
7. Commercial mascots.
8. Inflated display signs.
9. Pole signs.
10. Roof signs.
11. Vehicle signs, subject to the definition of vehicle signs in Section 20.42.040 (Definitions). (Ord. 2014-17 § 1, 2014; Ord. 2010-21 § 1 (Exh. A)(part), 2010)

WINDOW GRAPHICS

DOOR SIGNS:

Sign(s) indication hours of operation, emergency information, accepted credit cards, code requirements, etc

1. Maximum sign are: 1 s.f. per tenant
2. Color: white only no exception
3. No hand painted lettering
4. Fonts: Bebas

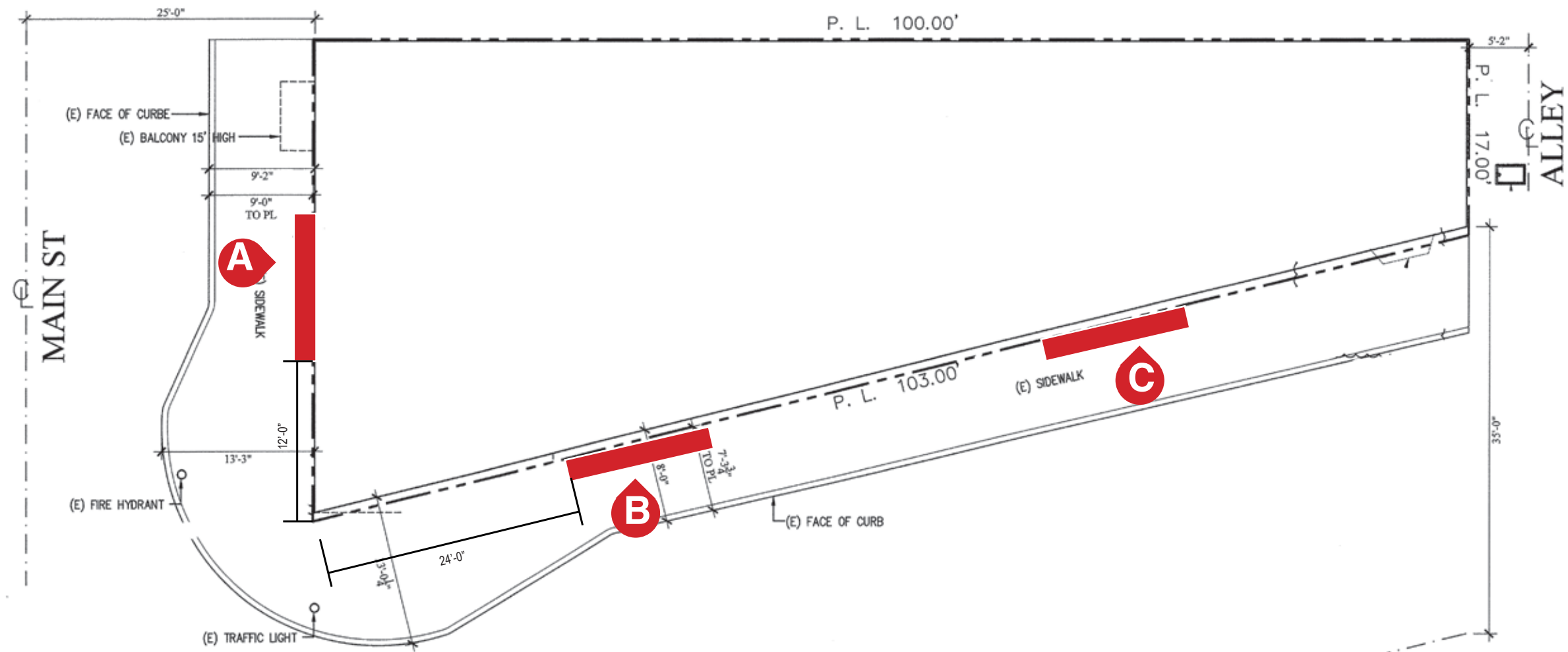
WINDOW SIGNS:

All Window graphics is subject to landlord written approval.

TEMPORARY PROMO SIGNS:

All temporary promo signs, such as banner, flags, grass signs, A-Stands are subject to landlord approval and approval of temporary banner permit by the City of Newport Beach.

Plan showing exact position of signs to be submitted along with permit application.



LEGEND

- A First Tenant Signage Facing Main St.
- B First Tenant Signage Facing Balboa Blvd.
- C Second Tenant Signage Facing Balboa Blvd.

SITE PLAN
SCALE: 1/8"=1'



STORE FRONT SIGNAGE (WEST ELEVATION UNIT A) LOCATION A

- Purpose: To identify primary business names.
- Maximum Number: One (1) business sign is permitted per unit. There shall be no more than one sign per business per elevation.
- Letter Location: Centered left to right on facade.
- Logo Location: Equal alignment with letter location, centered left to right on building column.
- Sign Style: Fabricated Metal Letters.
- Sign Copy: One line only
- Logo: Maximum 24" high & maximum 24" width. A maximum 4 square feet.
- Letters Height: All Letters Maximum Height to be 18"
- Letters Length: Maximum 108 (Not Included Logo)
- Maximum Area: 18 Square Feet. (Included Logo)
- Sign Material: Stainless Steel or Non-corrosive Metal
- Color: White color with auto paint finish.
- Illumination: Subject to City of Newport Beach Approval.
- Letter Return: 2" Metal
- Letter Protrusion: Not more than 4" into the public right of way

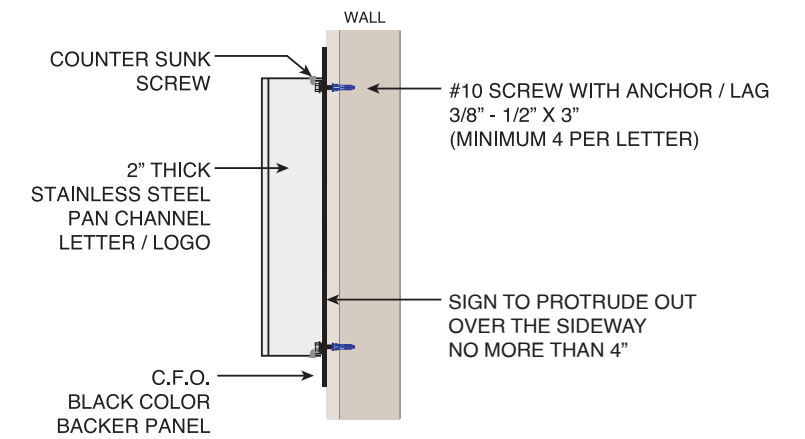
FONTS: BEBAS

A B C D E F G H I J K L M
 N O P Q R S T U V W X Y Z
 0 1 2 3 4 5 6 7 8 9



**BALBOA
P L A Z A**

CROSS SECTION & DETAIL



Letters to be fabricated metal (stainless steel or Non-corrosive Metal), pan channel construction.

Letter to be painted white color.

Sign to be installed on a Offset Outline Black Color Backer Panel.

Panel to be F.C.O. Aluminum (or other materials), to create an offset outline around copy/graphics.

All exposed electrical components related to signage are prohibited. (Junction Box, Conduit, Raceway)

SIGN COLOR SAMPLE



White color Auto Paint finish

STORE FRONT SIGNAGE (SOUTH ELEVATION UNIT A) LOCATION B

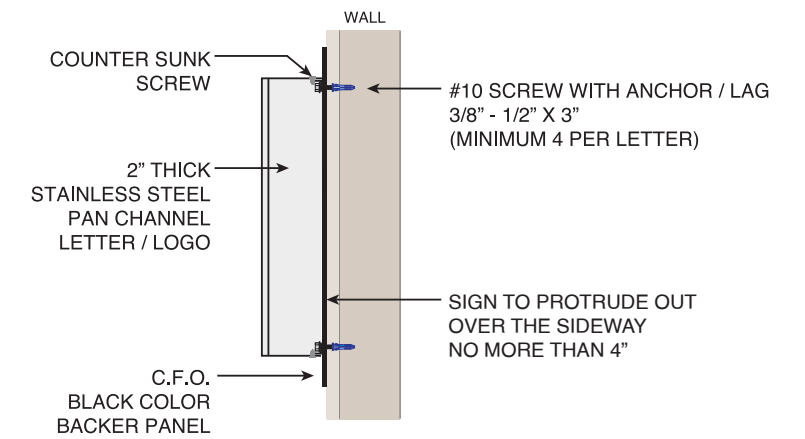
- Purpose: To identify primary business names.
- Maximum Number: One (1) business sign is permitted per unit.
There shall be no more than one sign per business per elevation.
- Letter Location: Centered left to right on fascia.
- Logo Location: Equal alignment with letter location, centered left to right on building column.
- Sign Style: Fabricated Metal Letters.
- Sign Copy: One line only
- Logo: Maximum 24" high & maximum 24" width. A maximum 4 square feet.
- Letters Height: All Letters Maximum Height to be 18"
- Letters Length: Maximum 108 (Not Included Logo)
- Maximum Area: 18 Square Feet. (Included Logo)
- Sign Material: Stainless Steel or Non-corrosive Metal
- Color: White color with auto paint finish.
- Illumination: Subject to City of Newport Beach Approval.
- Letter Return: 2" Metal
- Letter Protrusion: Not more than 4" into the public right of way

FONTS: BEBAS

A B C D E F G H I J K L M
 N O P Q R S T U V W X Y Z
 0 1 2 3 4 5 6 7 8 9



CROSS SECTION & DETAIL



Letters to be fabricated metal (stainless steel or Non-corrosive Metal), pan channel construction.

Letter to be painted white color.

Sign to be installed on a Offset Outline Black Color Backer Panel.

Panel to be F.C.O. Aluminum (or other materials), to create an offset outline around copy/graphics.

All exposed electrical components related to signage are prohibited. (Junction Box, Conduit, Raceway)

SIGN COLOR SAMPLE



White color Auto Paint finish

STORE FRONT SIGNAGE (SOUTH ELEVATION UNIT B) LOCATION C

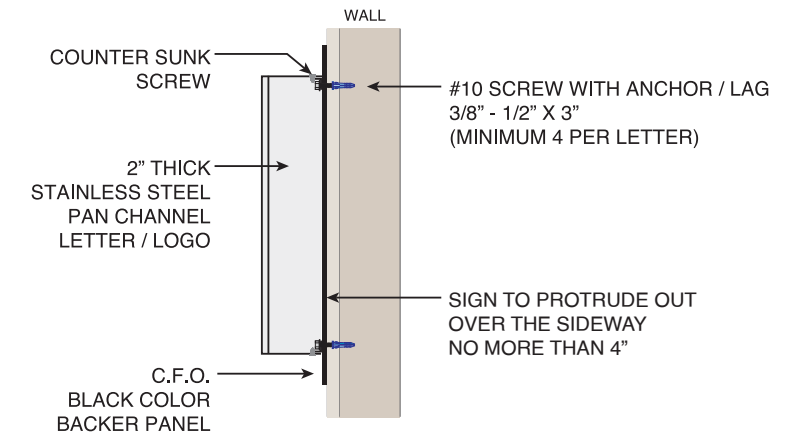
- Purpose: To identify primary business names.
- Maximum Number: One (1) business sign is permitted per unit.
There shall be no more than one sign per business per elevation.
- Letter Location: Centered left to right on facade.
- Logo Location: Equal alignment with letter location, centered left to right on building column.
- Sign Style: Fabricated Metal Letters.
- Sign Copy: One line only
- Logo: Maximum 24" high & maximum 24" width. A maximum 4 square feet.
- Letters Height: All Letters Maximum Height to be 18"
- Letters Length: Maximum 108 (Not Included Logo)
- Maximum Area: 18 Square Feet. (Included Logo)
- Sign Material: Stainless Steel or Non-corrosive Metal
- Color: White color with auto paint finish.
- Illumination: Subject to City of Newport Beach Approval.
- Letter Return: 2" Metal
- Letter Protrusion: Not more than 4" into the public right of way

FONTS: BEBAS

A B C D E F G H I J K L M
 N O P Q R S T U V W X Y Z
 0 1 2 3 4 5 6 7 8 9



CROSS SECTION & DETAIL



Letters to be fabricated metal (stainless steel or Non-corrosive Metal), pan channel construction.
 Letter to be painted white color.
 Sign to be installed on a Offset Outline Black Color Backer Panel.

Panel to be F.C.O. Aluminum (or other materials), to create an offset outline around copy/graphics.

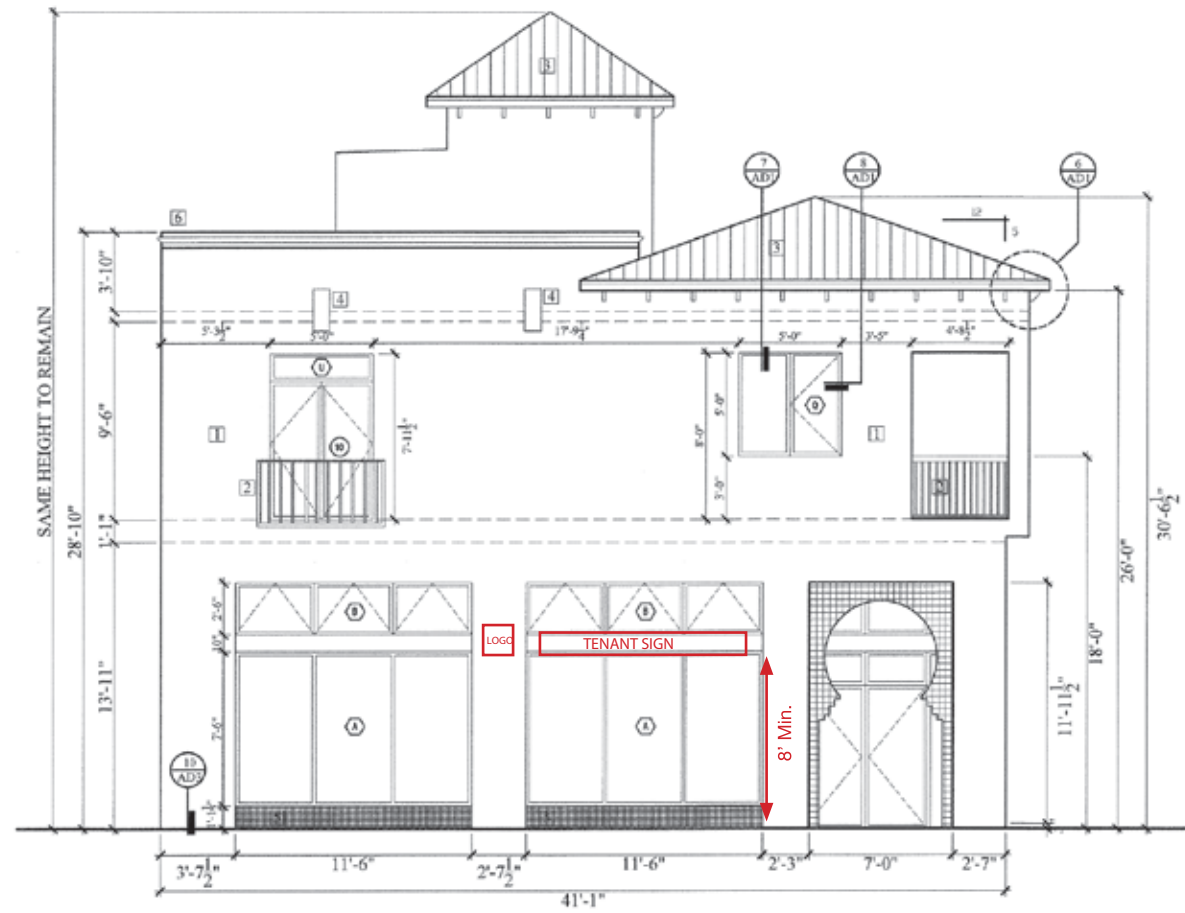
All exposed electrical components related to signage are prohibited. (Junction Box, Conduit, Raceway)

SIGN COLOR SAMPLE



White color Auto Paint finish

TENANT SIGNAGE LOCATIONS



West Elevation
 • Unit A
 • Location A



South Elevation
 • Unit A
 • Location B

South Elevation
 • Unit B
 • Location C

BALBOA PLAZA

NEWPORT BEACH

SIGN CRITERIA

