



July 24, 1968

Mr. Carl L. Key  
700 Lido Park Drive  
Newport Beach, California

Subject: Use Permit No. 1390

Dear Mr. Key:

The Planning Commission on July 18, 1968 approved the above referenced application.

In accordance with Section 20.46.060C of the Newport Beach Municipal Code, the use permit shall not become effective for 15 days after being approved. Also, the application shall be revoked if not used within 18 months from the date of approval.

If you have any questions regarding this application, do not hesitate to contact this office.

Very truly yours,

Ernest Mayer, Jr.  
Planning Director

EM:hh

CITY OF NEWPORT BEACH

July 18, 1968

TO: Planning Commission  
FROM: Planning Department  
SUBJECT: Use Permit Application No. 1390

Carl L. Key  
Sea Shanty Restaurant  
630 Lido Park Drive  
Zone M-1

Application

This applicant requests approval of expanding an existing restaurant. The M-1 Zone requires a use permit (Section 20.30.040) for restaurants.

Subject Property and Surrounding Land Use

The site contains the existing subject Sea Shanty Restaurant, a small coffee shop and Davey's Locker, a sportfishing landing. Across the channel is a former fish cannery. Across Lido Park Drive are apartments and adjoining on the south is a large trailer park.

Developmental Characteristics

The existing restaurant and bar is enjoying a very good business. The applicant has said there are not enough seats for his bar area and this expansion is to provide seating for those customers who now have to stand.

The wall between the restaurant and the former adjoining office is proposed to be removed thus making the additional space truly a part of the existing bar area. This will provide approximately 20 additional seats.

Analysis and Recommendation

The proposed expansion appears to be quite logical for a growing business. The adjoining parking lot has a capacity of approximately 200 cars which presently seems to function quite well. During the time of heavy use by Davey's Locker the restaurant is closed and after the fishermen have returned the restaurant business picks up and continues into the evening hours.

It therefore seems that the joint use of the parking lot works out exceptionally well in this case because of the different times of parking demand. It further seems that no additional parking needs to be provided.

TO: Planning Commission - 2.

Therefore staff recommends approval.

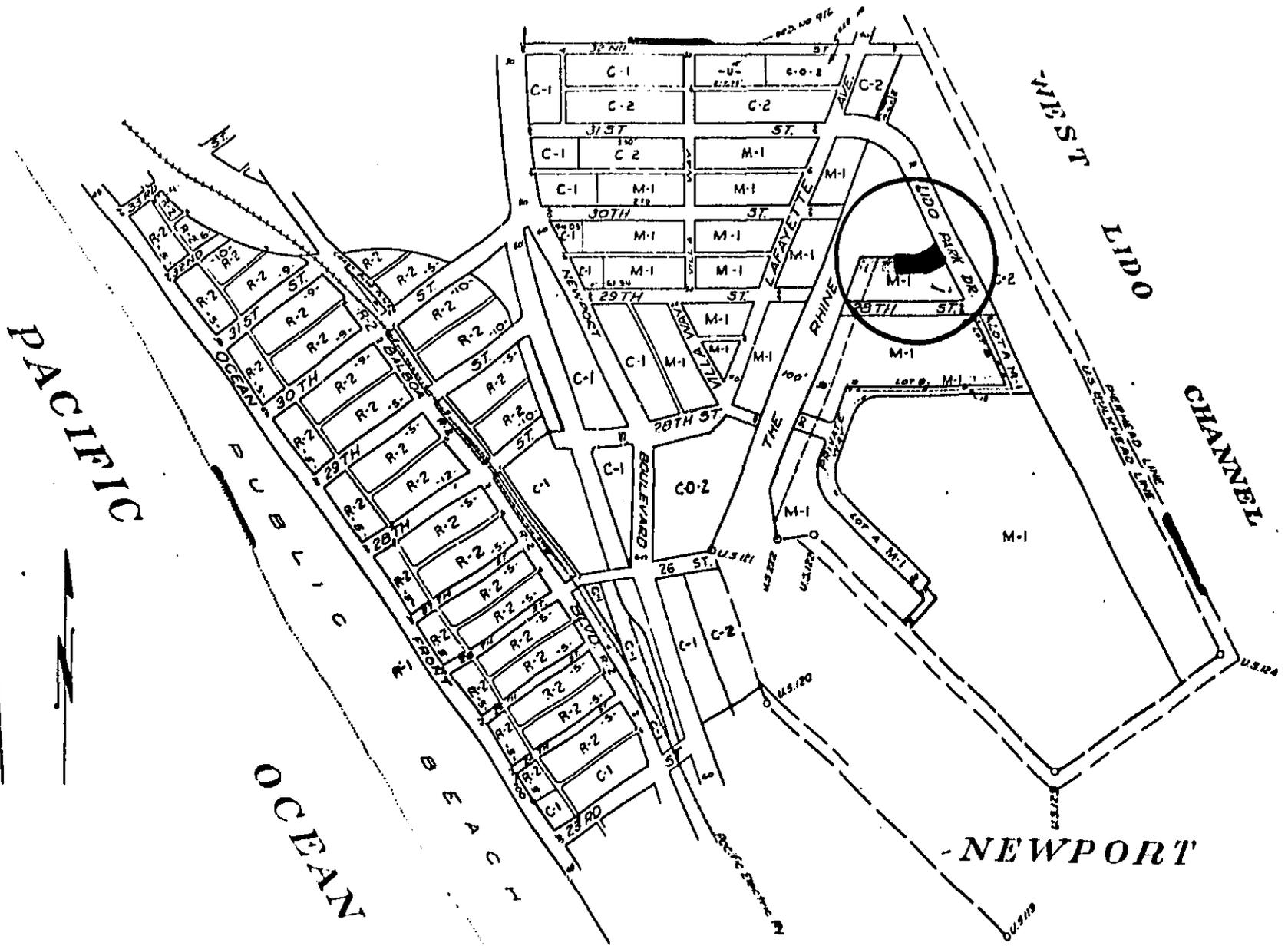
Respectfully submitted,

Ernest Mayer, Jr.  
Planning Director

By Willis C. Warner  
Willis C. Warner  
Senior Planner

EM:WCW:hh

Attachments: Vicinity Map  
Plot Plan  
Parking Layout



U.P. 1390  
 CARL L. KEY  
 630 LIDO PARK DR.

# AFFIDAVIT OF PUBLICATION

## NEWPORT HARBOR ENSIGN

STATE OF CALIFORNIA } ss.  
 County of Orange }

I, ARVO E. HAAPA, being first duly sworn, and on oath depose and say that I am the printer and publisher of the Newport Harbor Ensign, a weekly newspaper printed and published in the City of Newport Beach, County of Orange, State of California, and that the Notice of Public Hearing

\_\_\_\_\_ of which copy attached hereto is a true and complete copy, was printed and published in the regular issue(s) of said newspaper, and not in a supplement, 1 consecutive times: to-wit the issue(s) of

July 4, 1968

(Signed) Arvo E. Haapa

Subscribed and sworn to before me this 13th day of July, 1968.

Mary A. Hanga  
 Notary Public in and for the County of Orange, State of California.  
 MY COMMISSION EXPIRES Dec. 13, 1971



**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING**  
 Notice is hereby given that the Planning Commission of the City of Newport Beach will hold a public hearing on the application of Carl L. Key for a Use Permit 1390 to permit expansion of an existing restaurant in the M-1 Zone located at 630 Lido Park Drive.

Notice is hereby further given that said public hearing will be held on the 18th day of July, 1968, at the hour of 8:00 p.m. in the Council Chambers of the Newport Beach City Hall, at which time and place any and all persons interested may appear and be heard thereon.

Ray Y. Copelin, secretary  
 Newport Beach City  
 Planning Commission  
 Publish: July 4, 1968, in  
 The Newport Harbor Ensign

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH WILL HOLD A PUBLIC HEARING ON THE APPLICATION OF

Carl L. Key

FOR A  VARIANCE \_\_\_\_\_  USE PERMIT 1390

TO PERMIT expansion of an existing restaurant in the M-1 Zone  
located at 630 Lido Park Drive.

NOTICE IS HEREBY FURTHER GIVEN THAT SAID PUBLIC HEARING WILL BE HELD ON THE 18 DAY OF July 19 68, AT THE HOUR OF 8:00 P.M. IN THE COUNCIL CHAMBERS OF THE NEWPORT BEACH CITY HALL, AT WHICH TIME AND PLACE ANY AND ALL PERSONS INTERESTED MAY APPEAR AND BE HEARD THEREON.

RAY Y. COPELIN, SECRETARY  
NEWPORT BEACH CITY  
PLANNING COMMISSION

Publication Date July 4 1968  
Received for Pub. July 1 1968  
By [Signature]

USE PERMIT APPLICATION  
CITY OF NEWPORT BEACH

No. 1638

Fee \$150.00

Department of Community Development  
Zoning and Ordinance Administration Division  
3300 Newport Boulevard  
Phone (714) 673-2110

Applicant Sea Enterprises Phone 673-9883

Mailing Address 632 Lido Park Drive Newport Beach, Ca.

Property Owner Sea Enterprises Phone 673-9883

Mailing Address 632 Lido Park Drive Newport Beach, Ca.

Address of Property Involved 632 Lido Park Drive Newport Beach, Ca.

Purpose of Application (describe fully) Addition to existing Delaney's  
Sea Shanty Restaurant. See attached sheet.

Zone \_\_\_\_\_ Present Use Restaurant

Legal Description of Property Involved (if too long, attach sheet)  
Parcel 5; Lots 11, 12, 14, 15, 16, 17 Tract #815 in the City of Newport  
Beach.

[Signature] 10-4-72  
Signature of Applicant or Agent Date

[Signature] 10-4-72  
Signature of Owner Date

XX

DO NOT COMPLETE APPLICATION BELOW THIS LINE

Date Filed 10/4/72 Fee Pd. \$150.00 Receipt No. 57398

Hearing Date 11/3/72 Publication Date 10/19/72

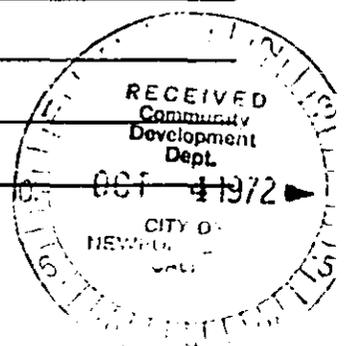
Posting Date \_\_\_\_\_ Mail Date \_\_\_\_\_

P. C. Action Appn. Cond. 11/10/72

Date \_\_\_\_\_ Appeal \_\_\_\_\_

C. C. Hearing \_\_\_\_\_ C.C. Action \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_



CITY OF NEWPORT BEACH  
OFFICE OF  
CITY ATTORNEY

*Jim H,*  
*[Signature]*

TO: Doris George, Acting  
City Clerk

FROM: Hugh R. Coffin, Assistant  
City Attorney

SUBJECT: Grant of Easement Over  
Delaney's Deck

March 3, 1976

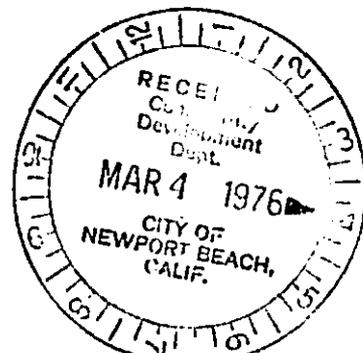
I am transmitting to you an executed copy of the Grant of Easement from Sea Enterprises over the property generally described as "Delaney's Deck" in conjunction with Harbor Permit No. 221-632.

Would you please have the document recorded and when it is returned to your office, forward to me a copy of the document with the record data showing thereon.

*[Signature]*  
HUGH R. COFFIN  
Assistant City Attorney

HRC:yz

cc: David Harshbarger, Acting  
Marine Director  
Richard V. Hogan, Director  
Community Development  
Joseph Devlin, Director  
Public Works





# CITY OF NEWPORT BEACH

February 18, 1976

Mr. James C. Person, Jr.  
Attorney at Law  
901 Dover Drive, Suite 120  
Newport Beach, California

Re: Grant of Public Access  
Rights Over Delany's Deck

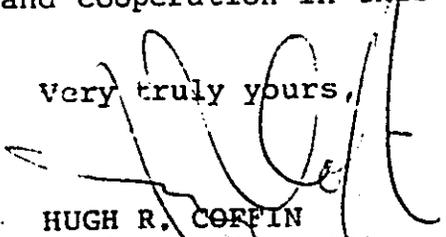
Dear Buz:

I am sending you, pursuant to your request of February 17, 1976, a modified second and third page of the above referenced grant. We now properly spell Phil's name and would request that you substitute the new original second and third pages in your documents.

After the document has been executed, as I indicated earlier, please return the executed copies to this office for further processing.

Thank you for your courtesy and cooperation in this regard.

Very truly yours,

  
HUGH R. CORFIN  
Assistant City Attorney

HRC/v

cc: James Hewicker ✓  
Assistant Director/Planning

otherwise, including but not limited to, the right to install light posts, railings, place tables and chairs, ornamental decorative devices and materials except that in no event shall said rights unreasonably interfere with or obstruct pedestrian ingress and egress over said easement.

Grantor further reserves the right to construct and maintain a building or structure over said easement, provided that Grantor will, in that case, provide and maintain an eight (8) foot wide pedestrian ingress and egress way over said easement along the bayward side of said easement, provided, Grantor may maintain such light posts, railings, tables and chairs, ornamental decorative devices and materials which will not unreasonably interfere with or obstruct pedestrian ingress and egress over said easement.

Said easement for pedestrian ingress and egress as hereinbefore described shall not be constructed to constitute a public street, alley, or public sidewalk for the purpose of applying Section 10.04.010 of the Newport Beach Municipal Code as it now exists or may be amended in the future.

Said easement is shown on the attached drawing dated January 13, 1976, which is attached hereto, marked Exhibit "A" and by this reference is incorporated herein as if fully set forth.

DATED: \_\_\_\_\_

SEA ENTERPRISES, A Partnership

By \_\_\_\_\_  
PHILLO R. TOZER, General Partner

By \_\_\_\_\_  
EARL R. KING, General Partner

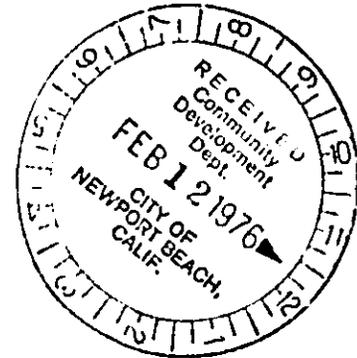




# CITY OF NEWPORT BEACH

February 11, 1976

Mr. James C. Person, Jr.  
Attorney at Law  
901 Dover Drive, Suite 120  
Newport Beach, California



Re: Grant of Public Access  
Rights Over Delaney's Deck

Dear Buz:

Attached is an original and two copies of a proposed Grant of Easement over the property hereinbefore described as "Delaney's Dock."

Please review the document and determine if it meets the needs of your client. You will note that it has been modified to indicate an eight foot wide pedestrian way and that an attachment in the form of a drawing is available to delineate the area subject to the easement. Further, the easement specifically declares that it does not create a public sidewalk for purposes of applying Section 10.04.010 of the Newport Beach Municipal Code.

If the easement is satisfactory to you and satisfactory to your client, please cause the easement to be executed and returned to this office for further processing and final completion of the conditions of the Harbor Permit.

Should you have any questions regarding this matter or require changes to the easement, please don't hesitate to contact me.

Very truly yours,

HUGH R. COFFIN  
Assistant City Attorney

HRC:yz  
cc: James D. Hewicker

AC

*Law Offices of*

**JAMES COLEMAN PERSON, JR.**  
801 DOVER DRIVE, SUITE 120  
NEWPORT BEACH, CALIFORNIA 92660  
(714) 845-3800

OF COUNSEL  
EDWIN TRAIN CALDWELL  
SAN FRANCISCO

December 18, 1975

Mr. Richard V. Hogan  
Director, Community Development Department  
City of Newport Beach  
City Hall  
3300 Newport Blvd.  
Newport Beach, California 92663

Re: Grant of Public Access Rights over Delaney's Deck

Dear Dick:

This will confirm the terms of our understanding which was reached at the meeting between myself, Phil Tozer, Jim Hewicker and you on Thursday, December 11, 1975. As I understand the situation, at the time of our conversations, it was agreed that the City of Newport Beach would accept an 8 foot easement around the outside of Delaney's deck on the two water sides of the deck.

By copy of this letter, I am advising Hugh Coffin of our agreement. It would be nice if you could come up with a legal description for me inasmuch as the City is the grantee. If there are any problems with respect to this, I am sure that you and I can resolve same upon my return from vacation around the first of the year.

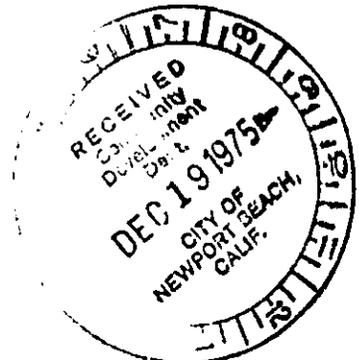
Thank you for your courtesy in this regard.

Very truly yours,

*James C. Person, Jr. /dh*  
James C. Person, Jr.

JCP/dh

cc: Hugh Coffin, Esq.  
Mr. P. R. Tozer  
Mr. Norman Tewes

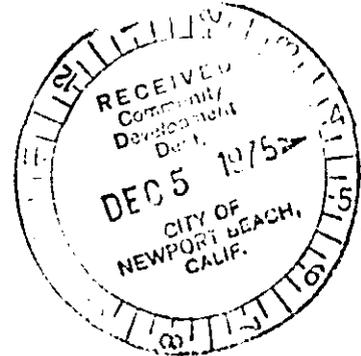




## CITY OF NEWPORT BEACH

December 5, 1975

Mr. James C. Person, Jr.  
Attorney at Law  
901 Dover Drive, Suite 120  
Newport Beach, California



Re: Grant of Public Access Rights  
Over Delaney's Deck

Dear Buz:

Pursuant to your request of December 2, 1975, I have again reviewed the matter of the public walkway on the deck constructed by your client adjacent to Delaney's Sea Shanty restaurant. The conclusion appears to be that the City desires to require the ten foot walkway.

The rationale is that when application was made to the Planning Commission to construct the waiting room, Use Permit No. 1638 on October 4, 1972, a four foot wide walkway was proposed and the platform was to be 19.53 feet along Lido Park Drive and twenty-six feet perpendicular thereto. The Planning Commission approval of the Use Permit on a ten foot walk on November 16, 1972 and, thereafter, the Harbor Permit was revised to permit the deck to be approximately thirty-six feet in length parallel to Lido Park Drive and thirty-one feet perpendicular to Lido Park Drive to accommodate the wider walk, and for no other reason that we are aware of.

Because the size of the deck was expanded, and, it should be noted by more than the necessary six feet to provide the ten foot walkway, it is the position of the Community Development Department and the Public Works Department that the originally conceived ten foot walkway should be approved in conjunction with the grant of easement to the City. Therefore, it appears that the grant should be ten feet. If you desire to further

Mr. James Person, Jr.  
December 5, 1975  
Page Two

to further pursue this matter, I would suggest that you meet directly with the Community Development Director and the Public Works Director to cure these matters.

I am sending you a copy of the draft grant of easement in revised form to further eliminate the possibility of violating Section 10.04.010 of the Newport Beach Municipal Code.

If you have any additional questions or comments regarding this matter, please don't hesitate to contact me.

Very truly yours,

HUGH R. COFFIN  
Assistant City Attorney

HRC:yz  
Enc.

cc: Richard V. Hogan, Director  
Community Development

James D. Hewicker, Asst. Director  
Planning

GRANT OF EASEMENT

as owner of that certain hereinafter described real property, hereby grants to the CITY OF NEWPORT BEACH, a Municipal Corporation, the following easement for pedestrian ingress and egress purposes over real property situated in the City of Newport Beach, County of Orange, State of California, described as follows:

Grantor reserves for himself, and for his heirs, successors and assigns, all rights of use, improvement and otherwise, including but not limited to, the right to install light posts, railings, place tables and chairs, ornamental decorative devices and materials except that in no event shall said rights unreasonably interfere with or obstruct pedestrian ingress and egress over said easement.

Grantor further reserves the right to construct and maintain a building or structure over said easement, provided that Grantor will in that case provide and maintain a ten foot wide public pedestrian ingress and egress way over said easement along the Bayward side of said easement, provided, Grantor may maintain such light posts, railings, tables and chairs, ornamental decorative devices and materials which will not unreasonably interfere with or obstruct pedestrian ingress and egress over said easement.

Said easement for pedestrian ingress and egress as hereinbefore described shall not be construed to constitute a public street, alley, or public sidewalk for the purpose of

applying Section 10.04.010 of the Newport Beach Municipal Code as it now exists or may be amended in the future.

Said easement is shown on the attached drawing dated \_\_\_\_\_, which is attached hereto, marked Exhibit "A" and by this reference is incorporated herein as if fully set forth.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Grantor

CITY OF NEWPORT BEACH  
OFFICE OF  
CITY ATTORNEY



TO: James D. Hewicker  
Assistant Director/Planning

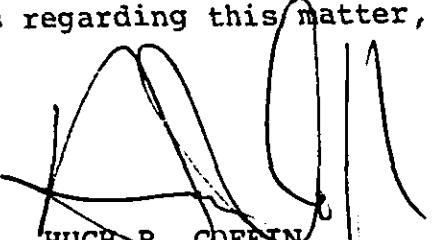
FROM: Hugh R. Coffin  
Assistant City Attorney

RE: Delaney's Sea Shanty  
Harbor Permit

December 4, 1975

Could you please provide this office with an accurate legal description of the Delaney's Sea Shanty Deck and an appropriate drawing which may be attached to the Grant of Easement proposed in conjunction with said harbor permit.

If you have any questions regarding this matter, please don't hesitate to contact me.

  
HUGH R. COFFIN  
Assistant City Attorney

HRC:yz



## Department of Community Development

DATE: November 12, 1975

TO: Hugh Coffin

FROM: Jim Hewicker

SUBJECT: Public walkway in front of Delaney's Sea Shanty

In response to your memo of October 30, 1975, the following information and recommendation is provided:

1. When Use Permit No. 1638 was initially submitted on October 4, 1972, a 4 foot walk bayward of the deck was proposed. The platform at that time had a dimension of 19.53 feet along Lido Park Drive and 26.00 feet along the bulkhead line. The proposed walk extended another 4.0 feet in each direction.
2. When the condition providing for a ten foot walk or lesser width was added by the Planning Commission on November 16, 1972, the Harbor Permit was revised and the deck was extended approximately 11 feet bayward along Lido Park Drive and 13 feet along the pier head line for the expressed purpose of accommodating the wider walk required by the Planning Commission.
3. The Department of Community Development would therefore recommend that if the proposed easement is to be confined to a specific area of the deck, it be confined to a dimension 10 feet in width perpendicular to Lido Park Drive and 10 feet in width parallel to Lido Park Drive. The rationale for this is that it would accommodate the walk originally envisioned by the Planning Commission in approving Use Permit No. 1638, and by the City Council in approving the revision to Harbor Permit No. 221-632; it would provide a public easement over most of the public tidelands between the bulkhead and pierhead lines; and it would coincide with the 10' walk to be built with the Rhine Wharf Project.



## Department of Community Development

DATE: October 6, 1975

TO: Dennis O'Neil

FROM: Jim Hewicker

SUBJECT: Delaney's Deck Area

Pursuant to your memorandum of September 26, 1975, the following information is provided:

1. As near as I can determine the deck in front of the Sea Shanty Restaurant is both on private property and on City tidelands. As noted on the attached drawing the deck is approximately 36 feet wide and 30.53 feet deep. That portion on City tidelands would be the 11 feet between the U. S. Bulkhead Line and the U. S. Pierhead Line. It should be pointed out that when Use Permit No. 1638 was initially submitted, the deck was designed to extend only 4 feet beyond the bulkhead line and that 4 feet was to be used as a public walk around the outside of a proposed waiting room which was to be constructed on top of the pier. In approving the Use Permit on November 16, 1972, the Planning Commission attached a condition which states that "the public walkway around the proposed guest waiting room shall have a minimum width of 10 feet or such lesser width agreed upon by the property owners and Community Development and Public Works Departments." By building the deck out to the U.S. Pierhead Line, I presume it is the intent of the property owner to ultimately provide a public walk 11 feet in width across that portion of the deck and to connect that walk with the Rhine Wharf project when it is built.
2. That the portion of Use Permit 1638 allowing the construction of the waiting room and connecting foyer was never exercised. However, the deck to support the waiting room and surrounding walk was constructed pursuant to a separate Harbor Permit approved by the City Council and would not have required a separate Use Permit. The Use Permit does not address itself specifically to the question of consumption of alcoholic beverages either within that area that was to be occupied by the waiting room or the surrounding walk. However, if it were the intent of the Commission to prohibit the consumption of alcoholic beverages in either area, I presume that it would have been specifically addressed. It should also be noted that Mr. Delaney has been instructed not to use any of the deck area for food or beverage service of any kind. However, we have not prohibited him from allowing patrons to purchase a drink inside at the bar and walk outside with it. This aspect of the restaurant operation is controlled by the ABC.

TO: Dennis O'Neil - 2.

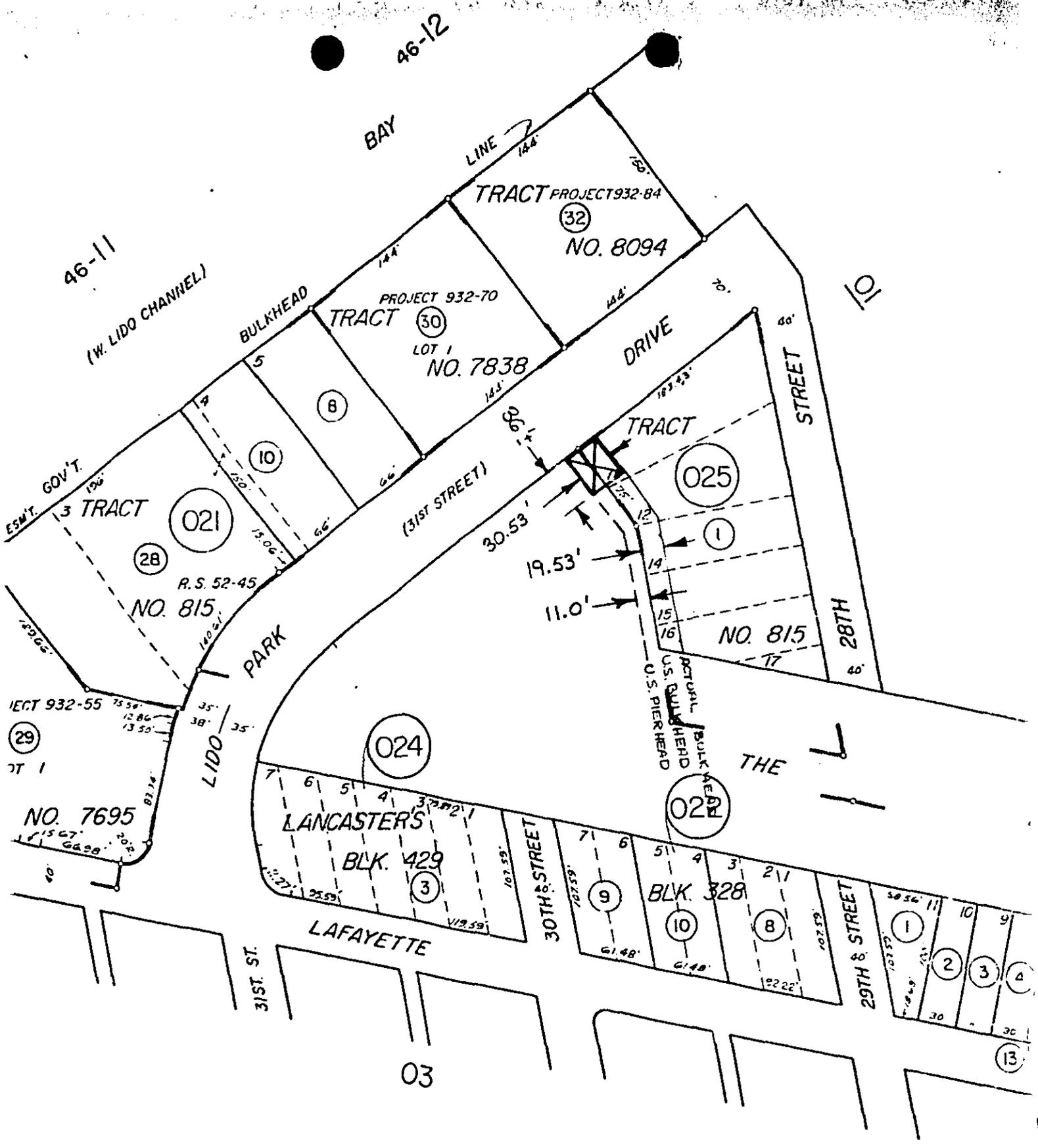
3. As near as I can determine, the deck is not an extension of the parking lot. The pier was never intended to be a parking lot, has never been striped as a parking lot, has never been used as a parking lot nor will it ever be used as a parking lot. It should also be noted that the pier is physically located on the opposite side of the restaurant from the parking lot, and all access to the pier from the parking lot is controlled by gates at three points.

As far as Section 10.04.010 of the Newport Beach Municipal Code is concerned, I don't find that it prohibits the consumption of alcoholic beverages on private decks or private piers. It does prohibit, however, the consumption of alcoholic beverages on public piers such as Balboa Pier and the Newport Pier.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
R. V. HOGAN, DIRECTOR

By James D. Hewicker  
James D. Hewicker  
Assistant Director-Planning

JDH;dlt



LANCASTER'S ADD.  
 TRACT NO. 815  
 TRACT NO. 7695  
 TRACT NO. 7838  
 TRACT NO. 8094

M. M. 5-14  
 M. M. 26-44  
 M. M. 302-14, 15  
 M. M. 306-33, 34  
 M. M. 316-31, 32

NOTE - ASSESSOR'S BLOCK  
 PARCEL NUMBERS  
 SHOWN IN CIRCLES

MEMORANDUM

Jim H.  
R/L

TO: JOE DEVLIN, PUBLIC WORKS DIRECTOR  
RICHARD HOGAN, COMMUNITY DEVELOPMENT DIRECTOR  
BOB REED, MARINE DIRECTOR

FROM: HUGH R. COFFIN, ASSISTANT CITY ATTORNEY

DATE: OCTOBER 30, 1975

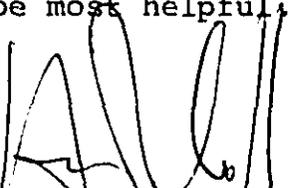
RE: HARBOR PERMIT NO. 221-632, 632 LIDO PARK DRIVE  
DELANEY'S SEA SHANTY RESTAURANT

On December 13, 1972, the City Council approved Harbor Permit Application No. 221-632 in conjunction with the construction of a pier 26 feet wide and 34 feet long adjacent to DeLaney's Sea Shanty restaurant.

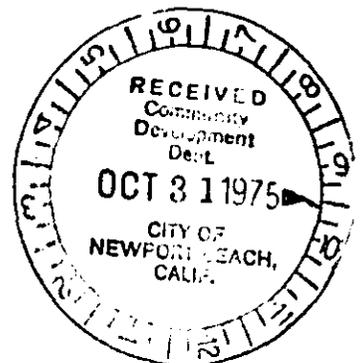
Condition 2a. stated, "The public walkway around the proposed guest waiting room shall have a minimum width of ten feet or such lesser width agreed upon between the property owners and Community Development and Public Works Departments."

Pursuant to Condition 4, this office is preparing a document providing for the continued public use of the pier and we have received a request from the property owner that he desires the condition 2a to be amended to provide a six foot wide public walkway around the proposed guest waiting room. The rationale for this request is that the extension of this walkway in front of the Kettle of Fish Restaurant is six feet and six feet across the pier would be consistent therewith.

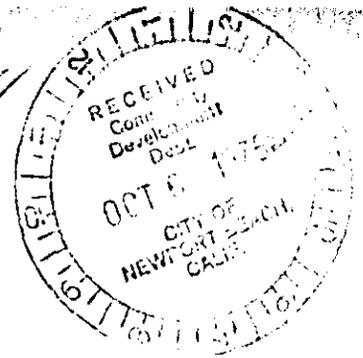
The owner has requested that the public right be limited to six feet and I would appreciate a response from your Departments as to a final determination of the width of the public way. If this could be resolved before November 4, 1975, it would be most helpful.

  
HUGH R. COFFIN  
Assistant City Attorney

HRC:dt



CITY OF NEWPORT BEACH  
OFFICE OF  
CITY ATTORNEY



TO: Robert L. Wynn  
City Manager

FROM: City Attorney

SUBJECT: Delaney's Sea Shanty Restaurant  
Parking Lot

October 3, 1975

On Friday, October 3, 1975, I met with Mr. Phil Tozer, Mr. Buz Person, Dick Hogan, Jim Hewicker and Hugh Coffin to discuss a resolution of the apparent conflict of uses which exist on the Delaney restaurant parking lot. It was determined that in 1968 when Delaney applied for a use permit to remodel the restaurant he in effect subjected the restaurant to the parking requirements of the City. At that time, there was a one parking space per three seats parking requirement. There is some evidence in the record that when the Planning Commission approved the Delaney use permit in 1968 that there was a joint use of what was assumed to be approximately 200 parking spaces on the subject property. Because of what was thought to be adequate parking in the area, no specific parking spaces were specifically allotted to the restaurant use. It turns out that in fact it was unlikely that 200 parking spaces existed on the subject property at that time.

Some months ago, Jim Hewicker went over to the restaurant and physically counted the seats and calculated that the restaurant would require a maximum of 55 parking stalls in the parking lot. Again, it turns out that there are only 55 parking spaces in the lot behind the restaurant.

When we were made aware of the fact approximately two weeks ago that there was an agreement between Mr. Tozer and Mr. Delaney to allow for joint use of the subject parking lot for the restaurant and for the lessees of the slips it became our opinion that the lease agreement between Tozer and Delaney was void. This is due to the fact that Delaney could no longer provide the required 55 spaces for the exclusive use of his restaurant.

Mr. Robert L. Wynn  
Page Two

In an effort to resolve this situation, we advised Mr. Person and Mr. Tozer that either Delaney would have to provide the additional parking spaces to satisfy the parking requirement for the slips or amend the lease to delete the clause allowing for joint use. Mr. Person and Mr. Tozer have elected to amend the lease and return the slips to a legal non-conforming use.

I believe that it is the concern of perhaps yourself and others that once a legal non-conforming use voluntarily complies with the parking requirement that they are thereafter bound by that parking standard and cannot revert back to their legal non-conforming status. We have taken the position, which we believe we can legally substantiate, that in this instance Tozer can return the slips to the legal non-conforming status even though it appears that on the record he voluntarily complied with the parking standards. Our position is based on the following arguments:

1. The lease between Tozer and Delaney was void on its face from the outset because Delaney could not legally contract away the required restaurant parking spaces;
2. The City never gained any jurisdiction over Tozer to require him to provide parking for the slips; and
3. Nothing in our Code relating to non-conforming uses states that once a non-conforming use is made to comply completely voluntarily and without City jurisdiction, that the non-conforming use cannot be reinstated.

Our position is that unless the non-conforming use is changed to a different use, is abandoned, or is modified and some City contact is required, then that non-conforming use remains in existence.

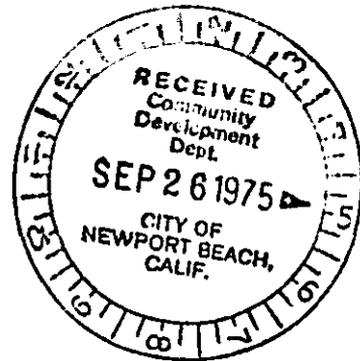


DENNIS D. O'NEIL  
City Attorney

DDO:yz  
cc: Dick Hogan, Director  
Community Development

MEMORANDUM

TO: JIM HEWICKER  
FROM: DENNIS O'NEIL  
DATE: September 26, 1975  
RE: DELANEY'S DECK AREA



Jim, I understand that there may be a problem connected with the drinking of alcoholic beverages on the deck area adjacent to Delaney's Restaurant on the Rhine. I would appreciate it if you would advise me on the following:

- 1) Is the subject deck area public or private property;
- 2) Does Delaney's use permit allow for the consumption of alcoholic beverages in this area; and
- 3) Are you of the opinion that the subject deck area is to be considered an extension of Delaney's parking lot, thereby falling within the prohibition of §10.04.010?

  
Dennis D. O'Neil  
City Attorney

DDO:dt  
Enc.



# CITY OF NEWPORT BEACH

CALIFORNIA 92660

City Hall  
3300 Newport Blvd.  
(714)673-2110

September 22, 1975

Mr. John B. Kingsley, President  
Moana Community Association  
711 Lido Park Drive  
Newport Beach, California 92663



Dear Mr. Kingsley:

This letter will attempt to answer a number of questions posed in your letters dated September 5th and September 12th, 1975. 28th Street is a 40' easement, purchased by the City in 1919. Parking is not permitted on the north side of 28th Street because of the angular parking existing on the south side. The angular parking requires 20' and if parallel parking is permitted on the north side of the street, it would only leave 12' of driving width between the two parking areas. Additionally, there is insufficient room to permit parallel parking on both sides of the street. Attached you will find a copy of a rough drawing indicating the space and distance needed to accommodate parking on both sides. If parking is permitted on both sides, it would leave approximately 14' for the two driving lanes. 20 to 24' is considered a minimum for two driving lanes.

The building permit authorizing the construction of the restaurant, formerly known as "Charlie's Chile", was issued by the City on March 29, 1962. At that time the property was zoned M-1 and no parking spaces were required by the regulations in existence at that time. The building permit authorizing the remodel of the restaurant now known as "Kettle of Fish" was issued pursuant to Section 20.08.191 B.2. of the Newport Beach Municipal Code, which provides that any non-conforming building may be repaired, altered, or remodeled without complying with the current parking requirements.

All of the boat slips mentioned in your letter were installed to the best of our knowledge between 1951 and 1953. This information can be verified by the Marine Department, and also by an aerial photo of the site published on July 9, 1953, by the Newport-Balboa Press. Current parking requirements for boat slips were established by the City Council on August 24, 1964. The existing slips, there-

Mr. John B. Kingsley

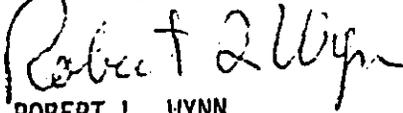
Page -2-

fore, are non-conforming uses and may continue without providing the parking as required by City Resolution No. 6019.

Hopefully, Delaney's Sea Shanty will have restriped their parking lot by the time you receive this letter and the encroachment, therefore, on 28th Street removed.

If you need additional data or wish to question me about the subject letter, please feel free to contact me.

Sincerely,



ROBERT L. HYNN  
City Manager

RLW:mm

Attachment

CC: Community Development Department  
Marine Department  
Police Department  
Traffic Department





## Department of Community Development

DATE: September 19, 1975

TO: City Manager

FROM: Department of Community Development

SUBJECT: Parking - Delaney's Kettle of Fish Restaurant

In response to Mr. Kingsley's inquiry, the following information may be helpful.

The building permit authorizing the construction of the restaurant formerly known as "Charlie's Chile" was issued by the City on March 29, 1962. At that time the property was zoned M-1 and no parking spaces were required by the regulations in existence at that time.

The building permit authorizing the remodel of the restaurant now known as "Kettle of Fish" was issued pursuant to Section 20.08.191 B.2. of the Newport Beach Municipal Code which provides that any nonconforming building may be repaired, altered or remodeled without complying with the current parking requirements.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
R. V. HOGAN, DIRECTOR

By James D. Hewicker  
James D. Hewicker,  
Assistant Director - Planning

JDH/sh



# CITY OF NEWPORT BEACH

CALIFORNIA 92660

City Hall  
3300 Newport Blvd.  
(714) 673-2110

September 17, 1975

Mr. John B. Kingsley, President  
Moana Community Association  
711 Lido Park Drive  
Newport Beach, California 92663



Dear Mr. Kingsley:

Thank you for your letter of September 12th concerning the parking situation on 28th Street. A review of the available records has been made and the subject street was surveyed by the City crews to establish the north line of 28th Street. It may be interesting for you to know that 28th Street was obtained in 1919 by the City for \$10.00. The City owns a public easement only, the fee title belonging to the adjacent property owner. Of course, you already know the south side has curbs and gutters and is striped and metered to permit angular parking. The north side is improved only with surfacing material and lacks curbs and gutters.

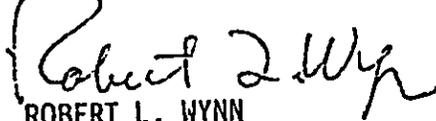
The survey revealed that Mr. Delaney's parking lot striping encroaches into the public right of way from three to four feet. He has been notified to rearrange his parking lot so as to eliminate the encroachment upon the 28th Street easement. It seems fair to give Mr. Delaney a reasonable period of time to make this adjustment, inasmuch as he will have to contact the property owner, Mr. Phil Tozier for arrangements as to layout, striping, etc. Mr. Delaney, however, has been notified to comply and has indicated that he would.

The Traffic Engineer reports to me that because of the angular parking on the south side of the street, parallel parking will not be permitted on the north of 28th Street. Parking on the north side of the street would not leave adequate room for ingress and egress to the angular parking stalls on the south side of the street. It should be pointed out, however, that there are three unmetered stalls at the end of 28th Street which are public and may be used by anyone.

Page -2-

If you have other questions with respect to the parking, please feel free to contact me. In the meantime, I am still doing research with respect to the boat slips.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Wynn". The signature is written in dark ink and is positioned above the typed name.

ROBERT L. WYNN  
City Manager

RLW:mm



## Department of Community Development

DATE: September 17, 1975

TO: City Manager

FROM: Department of Community Development

SUBJECT: Parking - Delaney's Sea Shanty and Boat Slips

In response to Mr. Kingsley's letter of September 12, 1975, the following information may be helpful.

### 1. Restaurant Parking

An inspection of the seating arrangement at approximately 10:30 AM on September 16, 1975 and an observation of seating practices over the past several years indicates that a maximum of 164 persons could actually be seated in the restaurant at any one time.

On July 18, 1968, the Planning Commission approved Use Permit No. 1390 of Carl L. Key which permitted the expansion of the existing restaurant and the improvement of the seating arrangement. Although no occupant load nor seating count was specified in the use permit, the physical arrangement of the interior has not been substantially changed.

At the time Use Permit No. 1390 was approved in 1968, the parking requirement for restaurants was one space for each 3 seats. Because of restaurant parking problems which subsequently developed, the requirement was later interpreted as one space for each 3 occupant load as determined by the Fire Marshal. Finally, because of the arguments which would always develop over seats vs. occupant load, a formula based upon net public area was developed.

In this particular case, I believe the Sea Shanty's parking should be based upon their actual seating arrangement which was the practice at the time it was expanded. Based upon a formula of 1 space for each 3 seats, the restaurant today would require 55 spaces.

Whether or not 55 spaces can be accommodated in the lot with the elimination of the encroachments in 28th Street remains to be seen. I have asked Fran to contact Richard Dodd for a new parking layout and I will review it with Bill Darnell when it arrives.

### 2. Boat Slip Parking

All of the boat slips mentioned in Mr. Kingsley's letter were installed between 1951 and 1953. This information was verified by the Marine Safety Department and an aerial photo of the site published on July 9, 1953 in the Newport-Balboa Press. Current parking requirements for boat slips were established as policy by

TO: City Manager - 2.

the City Council on or after August 24, 1964 (Resolution No. 6019).  
Therefore the existing slips are not required to provide parking.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
R. V. HOGAN, DIRECTOR

By James D. Hewicker  
James D. Hewicker,  
Assistant Director - Planning

JDH/sh



# CITY OF NEWPORT BEACH

CALIFORNIA 92660

City Hall  
3300 Newport Blvd.  
(714) 673-2110

September 17, 1975

Mr. Fran Delaney  
Delaney's Sea Shanty Restaurant  
632 Lido Park Drive  
Newport Beach, Calif. 92663

Dear Fran,

This letter will summarize the points discussed with you on Tuesday Morning, September 16, 1975.

1. All parking stalls at the end of 28th Street and portions of stalls encroaching into 28th Street along the south-east boundary of the restaurant site shall be removed.
2. Removal shall be accomplished by sandblasting the painted lines and moving the wheel stops so as to allow cars to park entirely on-site.
3. Prior to restriping the lot, a parking lot layout shall be submitted to the City for review by myself and Bill Darnell, the City's Parking and Traffic Engineer. The new layout shall provide spaces for a minimum of 55 cars (1 space for each 3 seats) although more spaces would be desirable.
4. A count of place settings prior to the restaurant opening and my own personal observations over the past several years indicates that a maximum of 164 patrons could be seated inside at any one time.
5. Phil Tozier was not available on Tuesday and you will be out of town on Wednesday, September 17th. However, you will try to have at least a part of the work accomplished by the weekend (9/21/75).
6. A review of the City's requirements for boat slip parking indicates that no requirement existed prior to 1964. Therefore, the existing slips do not require parking spaces.

Mr. Fran Delaney

- 2 -

September 17, 1975

I am sure you are aware of the situation which has necessitated this request and your cooperation is appreciated.

Very truly yours,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
R. V. HOGAN, DIRECTOR

By James D. Hewicker  
James D. Hewicker,  
Assistant Director - Planning

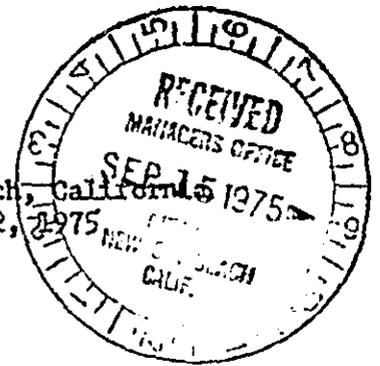
cc: City Manager  
Bill Darnell

JDH/sh

Moana Community Association

711 LIDO PARK DRIVE  
NEWPORT BEACH, CALIFORNIA 92660

Newport Beach, California  
September 12, 1975



City Manager Robert Wynn  
City Hall  
Newport Beach, California 92663

Dear Bob,

In reference to my letter of Sept. 5, 1975 to the Newport Beach City Council concerning my request to know as soon as possible from the City Manager, after a consultation with the Chief of Police, whether ALL citizens have the immediate right to use the NW side of 28th street on Lido Peninsula for parallel parking.

I want to thank you for your prompt consideration and attention to this City problem by having the surveying crews establish and mark the City's property line on this NW side of 28th street on this Friday morning. This survey does clearly establish the fact that the "Special Privilege" angle parking customers of Delaney's restaurant were using the public street for private parking use as I had claimed in my letter.

While others feel we should make a Court case to establish the rights of ALL citizens in this "Special Privilege" case, I have decided to place my faith in you as City Manager to resolve this matter. If you and the Chief of Police feel that you can-not resolve the issue of ALL citizens rights and decide that it is a matter for City Council action, I will abide with your decision so to do.

As I understand that the proposed "Delaney's Cannery Village" interests have taken over control of the slips for approximately 22 boats involved on this property, I would appreciate you advising me as to whether there is compliance with the laws governing parking requirements in this regard. This investigation should also include the approximately 15 boats surrounding the present Delaney's restaurant. Also whether the present Delaney's restaurant itself with its total seating capacity would then be in compliance with the parking laws.

Please quietly resolve this issue concerning the laws of our City in your own very capable and tactful way as I would not want to endure another hour of the lowest bar-room cursing from Mr. Delaney, with threats to throw me in the bay, and an "Arab employae with a foreign culture" sticking a long knife into me. While this actually happened this Friday morning as the survey crews were completing their work, I managed to keep my "Polish" temper, and after Mr. Delaney had exhausted his "Irish" temper and rid himself of his pent-up hatred, venom and frustations, he felt much better, said he was sorry, stuck out his hand, and I shook hands with him and forgave him his "Sins" providing he asked the "Man Upstairs" to forgive him also.

As a tough fighter, I told him I too was sorry if, during my year long fight, I had offended him in any personal way but, as a matter of principle, I would have to continue to oppose further commercialization of Lido Peninsula. Let us hope that, with you managerial ability, the issue of what the people want, and what is best for our community, can and will be resolved in a proper, legal manner.

Very Respectfully Yours,

*John B. Kingsley*  
JOHN B. KINGSLEY, President

Moana Community Association

711 LIDO PARK DRIVE  
NEWPORT BEACH, CALIFORNIA 92660

Newport Beach City Council  
City Hall  
Newport Beach, California 92663

Newport Beach, California  
September 5, 1975

I would like to call your attention to what I believe to be an illegal or "Special Privilege" use of the North West side of 28th street on Lido Peninsula for the private parking use of Delaney restaurant customers and the denial of the same right to this side of the public street to all other citizens of Newport Beach for free parking.

If the City of Newport Beach has in mind the leasing of this side of a public street for private parking, it should be legally done by Ordinance with open bidding so that ALL citizens can participate in the bidding, including myself. If this is just another "Inadvertance", I would urge that, until a curb can be installed, the City temporarily mark the City's property line of the NW side of 28th street, a 40' public street, with white paint and do one of three or more possible solutions.

1. Install ONE hour meters for parallel parking so that the City can get some more additional income from this street use, including the dead-end at the bay.
2. Permit Free parallel parking for ALL citizens of Newport Beach, not just the "Special Privilege" angle parking customers of Delaney's restaurant.
3. Install NO PARKING signs and prohibit any parking, including partial angle parking, on the NW side and the dead-end at the bay because of the narrowness of 28th St.

Incidentally, I would respectfully suggest that ALL City Officials involved, and including the City Attorney, study the City Charter, the Ordinances, and all applicable State laws very carefully before entering into any deal to trade part of 28th Street, a 40' public street, to the private Delaney Interests to accomodate their private parking problems, so that a "Cross Error" will not again happen through ignorance of the law.

I would like to urge that the white line marking the City's property line on the NW side of this 40' public street be done at once. And I particularly would like to know as soon as possible from City Manager Wynn, after consultation with the Chief of Police, whether ALL citizens have the immediate right to use the NW side of 28th street on Lido Peninsula for parallel parking. I cannot believe that the City has entered into any "Special Deal" that might be in violation of our many laws or set a dangerous precedent concerning curbs, driveways, sidewalks and parking for the rest of the City. If all other parking lots in the City could dispense with curbs, sidewalks, have an entrance driveway running the entire length of a City block, and angle parking with cars projecting 3' to 5' into the public street, one can readily see the chaos ensuing.

I would also like to ask whether Delaney's totally inadequate parking facilities comply with the intent of even the old parking Ordinance. I would also like to call your attention to the pollution of the bay and violation of good health standards that has taken place daily at about 7:30 A.M. as the filth and garbage from under the outdoor tables of this restaurant is washed into the bay.

Very Respectfully Submitted,

*John B. Kingsley*  
JOHN B. KINGSLEY, President



9-5-75  
Copies put in  
Councilman files.

Harbor District Palisades 1961  
 1952 (Alan Walden)

occupant load (Fire 184)

" " (Parted 182)

Boat slips  
 8

Boat Slips 1958±

6 side  
 trees

slip  
 Traily Park  
 actual 25 with zoning  
 m.T. Park  
 72' doubles  
 + side trees

5  
 boats

Cricket Parking not incl. R/W = 53'

Parkway Park incl tandem right to left = 63'

Top of town looking down

Delaney " " used Boat slip

Seats { 5 4's  
 8 4's  
 3 4's  
 6 2's

11/12  
 narrow

2  
 20  
 32  
 18  
 12  
 12  
 26  
 14  
 11  
 145

145  
 19  
 164  
 3  
 55  
 6  
 3  
 19

Delaney 69  
 11/30 1969

3 4's maybe 2 Δ  
 26 Ban

7 2's maybe 3's 3 single

11 Pains  
 July '53

SEA ENTERPRISES  
632 LIDO PARK DRIVE  
NEWPORT BEACH, CA. 92660

Dec. 5, 1973

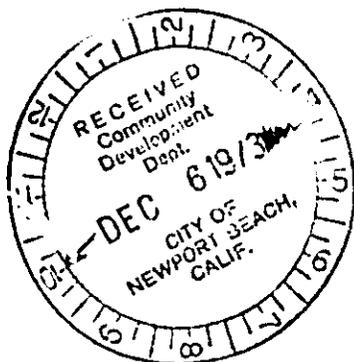
Dept. of Community Development  
Newport Beach, Ca. 92660

Gentlemen:

This letter will confirm the result of our meeting on Dec. 3, 1973, regarding changes in the plans for Delaney's Sea Shanty remodeling project at 630 Lido Park Drive, permit #62763.

In return for an encroachment at the South end of building "B" into a designated parking space, we will not provide any facilities for customer use of the new waiting area adjacent to building "A" subject to your prior approval and re-examination of parking requirements.

We appreciate very much your continued help and cooperation.



Sincerely,  
*Bill Rozer*  
Sea Enterprises

PRT/mf



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2711  
LOS ANGELES, CALIFORNIA 90053

*221-632*

SPLCO-0

17 August 1973

Sea Enterprises  
632 Lido Park Drive  
Newport Beach, California 92660

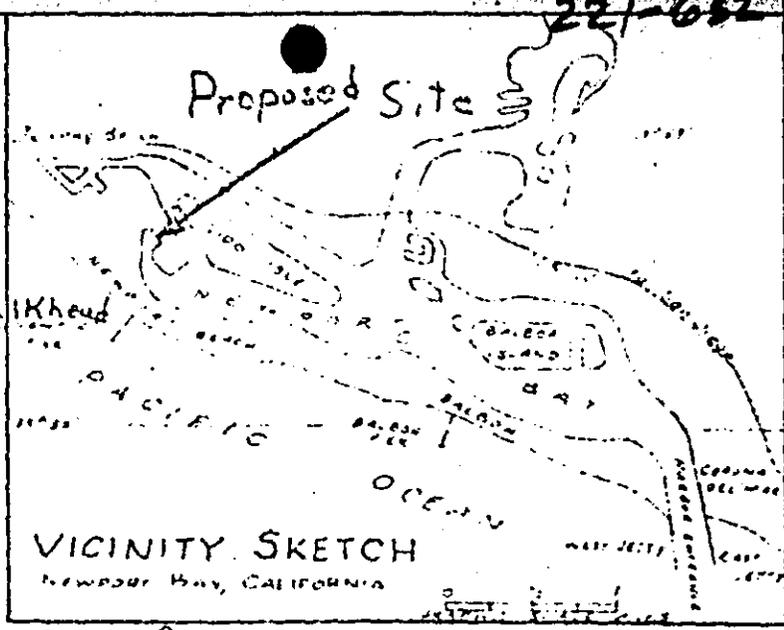
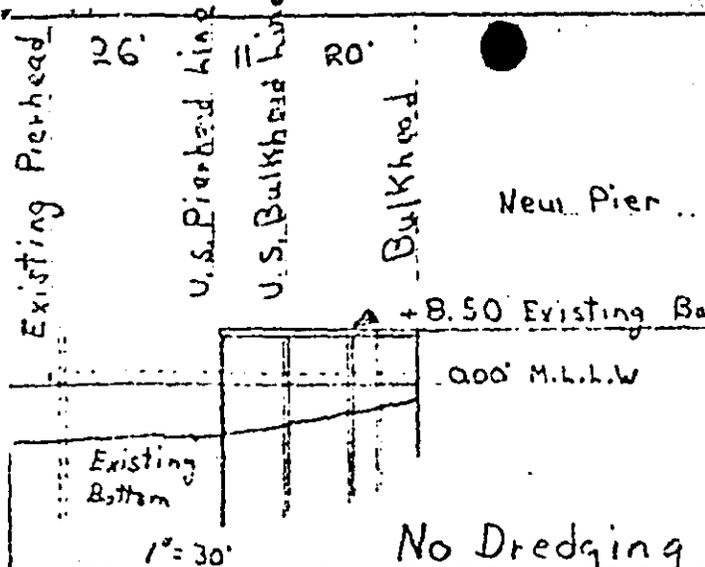
Gentlemen:

Reference is made to your request of 25 January 1973, for permission to construct a pier and public walkway in Newport Bay. Upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the Act of Congress approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army to construct a pier and a walkway extending 30 feet and 6 feet, respectively, bayward of Lots 8 through 12, Block 815, Landcaster Addition Tract, Newport Beach, Orange County, California, as shown on the attached drawing and subject to the attached conditions (a) through (t).

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

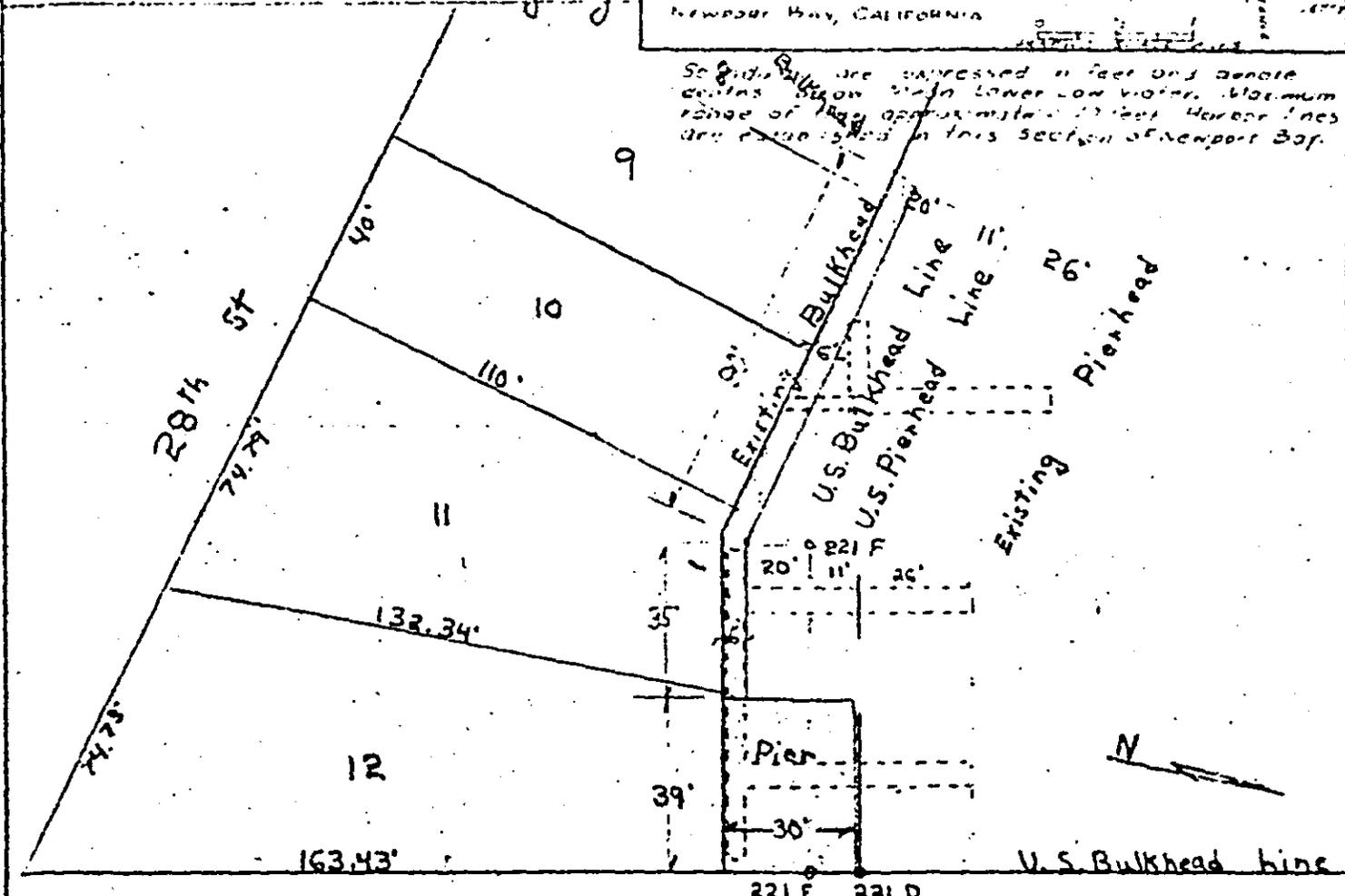
JOHN V. FOLEY  
COL, CE  
District Engineer

221-632



No Dredging

Section Bulk are expressed in feet and denote  
 centers. Section 221 in lower low water. Maximum  
 range of tides approximately 23 feet. Harbor lines  
 are shown in this section of Newport Bay.



hido Park Drive

Scale 1" = 40'

Sea Enterprises		
APPLICANT'S NAME		
632 hido Park Drive		
JOB ADDRESS		
Landcaster	815	11 + 12
Add	BLOCK	LOT
Gillis & Derby		1/24/73
DRAWN BY		DATE

(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Environmental Protection Agency and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Environmental Protection Agency and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.\*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest.\* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.\*

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before the 31st day of December 1976, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in the interest of the permittee.

(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

---

\*A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to, navigation, water supply, flood damage prevention, ecosystems, and, in general, the needs and welfare of the people.

U. S. Corps of Engineers  
Post Office Box 2711  
Los Angeles, California 90053

Attention: Waterways Control Section

Subject: Harbor Permit Application No. 221-632

Dear Sir:

I hereby request a U. S. Corps of Engineers' Permit for the construction and installation of a revision of existing pier & dock and appurtenances thereto, to be located in Newport Bay, Bayward of Lot No. 11212, Block No. 815, Tract LANCASTER ADD., Newport Beach, California. I am the owner of the aforementioned property, and I have made application for a Harbor Permit to the City of Newport Beach.

The adjoining property owners are:

LIDO PARK DRIVE  
Lot \_\_\_\_\_, Block \_\_\_\_\_  
Tract Lancaster Add.

Lot 10, Block 815  
Tract Lancaster Add.

CITY OF NEWPORT BEACH

SEA ENTERPRISES

3300 NEWPORT BEACH BLVD.

632 LIDO PARK DRIVE

Newport Beach, Calif. 92660

Newport Beach, Calif. 29 92660

Respectfully submitted,

Date \_\_\_\_\_

Enc. Plans dated \_\_\_\_\_  
1 Sepia  
4 copies

Sea Enterprises by  
Blues & Lopez

632 Lido Park Drive

Newport Beach, Calif. 92660

CITY OF NEWPORT BEACH APPROVAL

The Harbor and Tidelands Administrator of the City of Newport Beach has reviewed Harbor Permit application by Sea Enterprises and subject to the approval of the U. S. Corps of Engineers, will issue Harbor Permit No. 221-632.

Ma. / 12/14/72

Date 11/22/72

cc:

Capt. J. D. Haultanger  
C. M. DAVIS  
Harbor & Tidelands Administrator

COE PERMIT

MARINE SAFETY DEPARTMENT  
70 Newport Pier

January 29, 1973

Mr. Walter Boyle  
Corps of Engineers  
Los Angeles District  
P. O. Box 2711  
Los Angeles, Calif. 90053

Attn: Waterways Control Section

Dear Mr. Boyle:

Please find attached a revision of the City Harbor Permit #221-632 sent to you on December 14, 1972. The application is for Sea Enterprises.

The revised application has been approved by the City of Newport Beach based on a City requirement that the applicant have a wider and extended public walkway in conjunction with the proposed upland restaurant redevelopment.

If you have any questions, please call me.

Sincerely,

D. Harshbarger, Captain  
Marine Safety Department

DH:lf

Enclosure

*Jim*  
*[Signature]*

MARINE SAFETY DEPARTMENT  
70 Newport Pier

January 29, 1973

TO: DICK HOGAN, COMMUNITY DEVELOPMENT  
FROM: Captain D. Harshbarger, Marine Safety Department  
SUBJECT: PROPOSED DEBRIS TRAP (SEA SHANTY)

I've reviewed the drawings for the proposed debris trap submitted by Mr. Tozer (Sea Shanty) with regards to Use Permit #1638 condition #5.

The debris trap concept, as you know, is a new approach to the floating debris problem. The principal behind the proposed debris trap seems sound, but it is impossible to say just what success this will have. I've discussed the drawings with a local marine contractor and it was his feelings the proposed trap will probably work; however, it is a little more elaborate than possibly necessary.

I'm sure Mr. Tozer would be amenable to modifying the trap if experience shows it doesn't work. Because of the lack of precedents in this line I would recommend approval with the note that if the system doesn't work, we might request modifications.

*D. Harshbarger*

D. Harshbarger, Captain  
Marine Safety Department

DH:lf



# CITY OF NEWPORT BEACH

MINUTES

COUNCILMEN

RYCKOFF  
 KYMLA  
 ROGERS  
 MINNIS  
 CROUL  
 COSTA  
 STONE

ROLL CALL

January 22, 1973

INDEX

15. The application of Pacific Tides Marine, Inc. for Harbor Permit No. 119-227 to revise the existing harbor permit to allow the attachment of three 45' x 3' finger floats to the current "U" shaped float configuration at 227 20th Street was approved, subject to the conditions recommended by the Marine Safety Department and to the prior approval of the U.S. Corps of Engineers. (A report from the Marine Safety Department was presented.)

Harbor  
Permit  
  
Pacific  
Tides  
Marine

16. The application of Sea Enterprises for Harbor Permit No. 221-632 to extend and construct a 6' wide pile-supported walkway bayward of the existing bulkhead line in front of Lots 9, 10 and 11 at 632 Lido Park Drive was approved, subject to the prior approval of the U.S. Corps of Engineers. (A report from the Marine Safety Department was presented.)

Sea  
Enterprises

17. The following Budget Amendments were approved:

(a) A report from the City Manager regarding mid-year Budget Amendments was presented.

BA-34, \$348,466.99 increase in Fund Balance, a net increase in Budget Appropriations of \$33,086.11, an increase in Revenue Estimates of \$373,930.00 and a decrease in prior years encumbrances of \$7,603.10, General Fund.

BA-35, \$26,763.30 decrease in Fund Balance, a net increase in Budget Appropriations of \$6,508.30, and a decrease in Revenue Estimates of \$20,255.00, Park & Recreation Fund.

BA-36, \$1,345 decrease in Fund Balance, a decrease in Budget Appropriations of \$2,570.00, and a decrease in Revenue Estimates of \$3,915, Library Fund.

BA-37, \$211,870.00 increase in Fund Balance and an increase in Revenue Estimates, Federal Revenue Sharing Fund.

BA-38, \$20,000.00 decrease in Fund Balance, and a decrease in Revenue Estimates, Traffic Safety Fund.

BA-39, \$10,000.00 decrease in Fund Balance and a decrease in Revenue Estimates, Parking Meter Fund.

BA-40, \$4,225.00 decrease in Fund Balance and a decrease in Revenue Estimates, Tide & Submerged Lands Fund.

MARINE SAFETY DEPARTMENT  
70 Newport Pier

January 22, 1973

ITEM NO. 4-16

TO: MAYOR AND CITY COUNCIL  
FROM: Captain D. Harshbarger, Marine Safety Department  
SUBJECT: HARBOR PERMIT APPLICATION #221-632 (Revision)

APPLICATION TO: Revise the current harbor permit to allow the extension of 6' pile supported wood walkway parallel with the existing bulkhead in front of Lots 9, 10, and 11.

APPLICANT: Sea Enterprises, 632 Lido Park Dr., Newport Beach (Sea Shanty Restaurant)

RECOMMENDATION: If desired, approve harbor permit application #221-632 (revision) subject to the following conditions:

1. The approval of the U. S. Corps of Engineers.
2. The wooden walkway shall have a minimum width of ten feet or such lesser width agreed upon between the property owners and Community Development and Public Works Department.

DISCUSSION:

1. The City Council approved harbor permit application #221-632 December 18, 1972 for a pile supported pier and "L" shaped float bayward of Lot #12. This permit included a public walkway around the guest waiting room.
2. The applicant has requested that the City Council consider a revision to the harbor permit approved December 18, 1972 which would allow the extension of the walkway in front of Lot 9, 10 and 11.
3. The proposed walkway extension would be 14' landward of the U. S. Bulkhead Line and is consistent with the general redevelopment plans for this section of the Rhine, which have been reviewed by the Joint Harbor Committee, Planning Commission and City Staff.

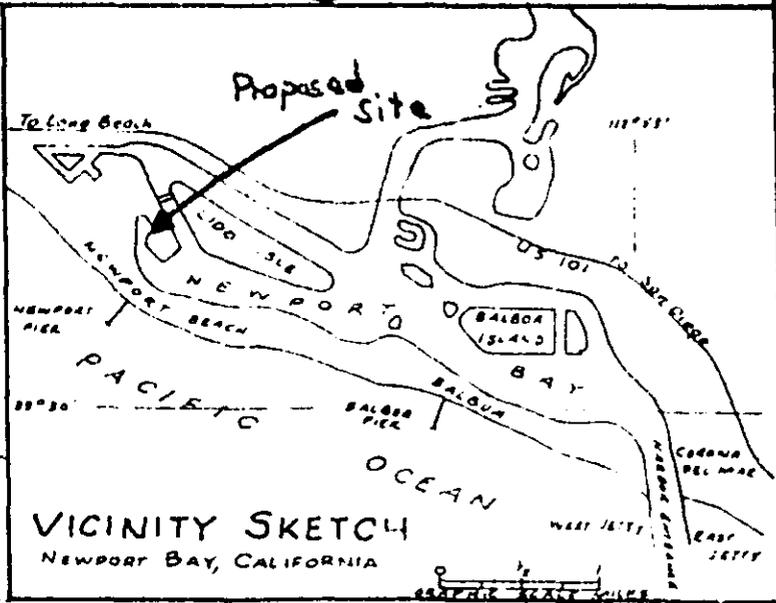
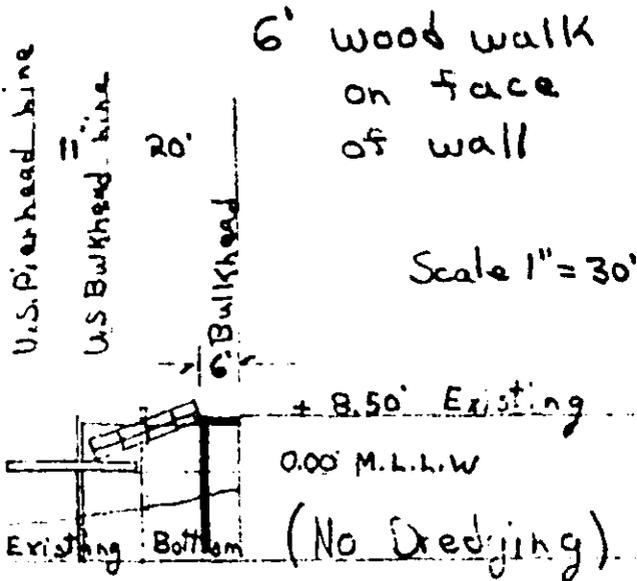
4. It is felt that the width of the walkway around the guest waiting room and the proposed extension should be the same. Condition #2 under Recommendation, keeps the harbor permit application (revision) consistent with the harbor permit approved December 18, 1972 and the Use Permit approved November 16, 1972.



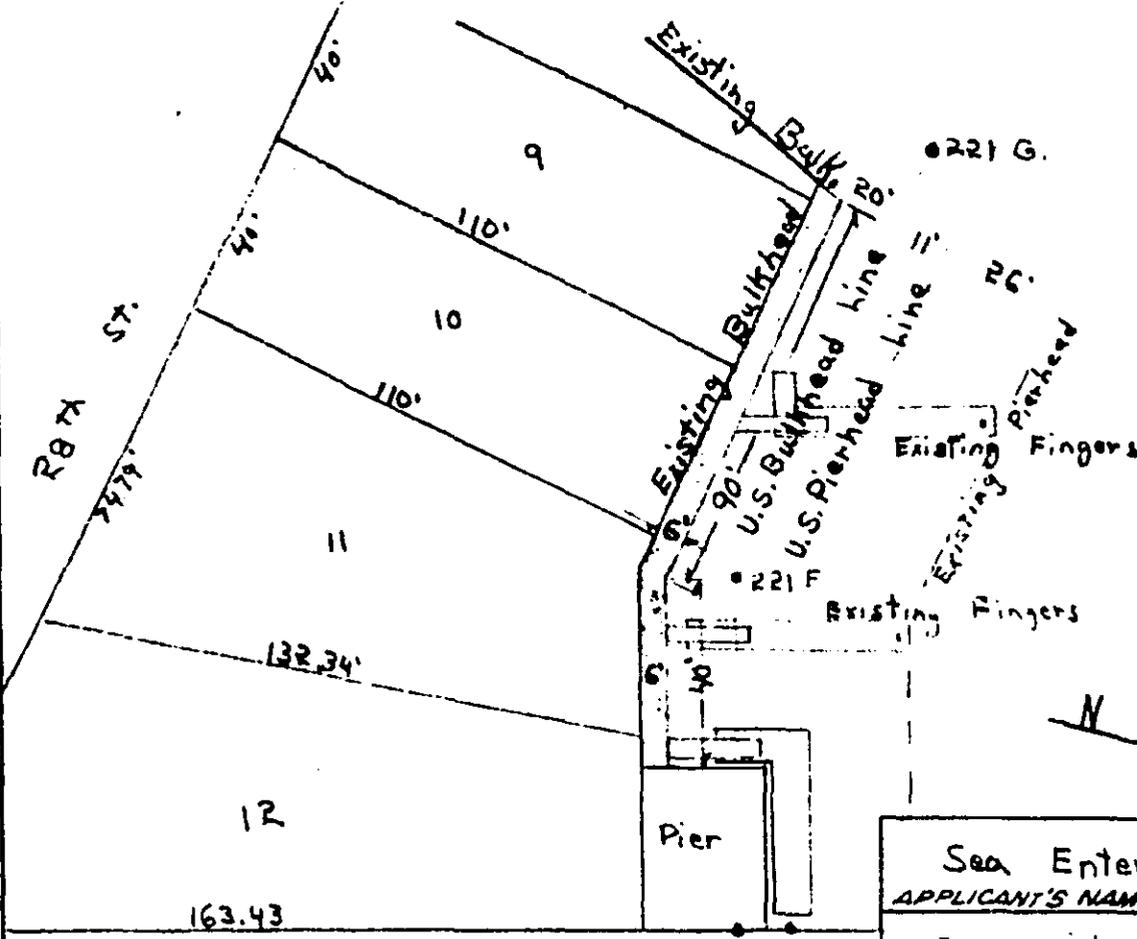
D. Harshbarger, Captain  
Marine Safety Department

Attachment

CITY OF NEWPORT BEACH HARBOR APPLICATION NO. \_\_\_\_\_



Soundings are expressed in feet and denote depths below Mean Lower Low Water. Maximum range of tide approximately 10 feet Harbor lines are established in this section of Newport Bay.



Lido Park Drive

Scale 1" = 40'

Sea Enterprises		
APPLICANT'S NAME		
632 Lido Park Drive		
JOB ADDRESS		
Landcaster 815	9-10-11-12	
TRACT	BLOCK	LOT
Gillis & Derby	12/18/72	
DRAWN BY	DATE	



MARINE SAFETY DEPARTMENT  
70 Newport Pier

UP-1635

December 18, 1972

ITEM NO. H-9 (b)

TO: MAYOR AND CITY COUNCIL  
FROM: Captain D. Harshbarger, Marine Safety Department  
SUBJECT: HARBOR PERMIT APPLICATION #221-632 (Revision)

APPLICATION TO: Revise the current Harbor Permit to permit the construction of a rectangular 26' x 34' pier with an 8' wide "L" shaped float bayward of the pier.

APPLICANT: Sea Enterprises, 632 Lido Park Drive, Newport Beach (Restaurant Property - Sea Shanty)

RECOMMENDATION: If desired approve Harbor Permit Application #221-632 subject to the following conditions:

1. The approval of the U. S. Corps of Engineers
2. Incorporate the following City Planning Commission Use Permit (#1638) conditions with the Harbor Permit.
  - a. The public walkway around the proposed guest waiting room shall have a minimum width of ten feet or such lesser width agreed upon between the property owners and Community Development and Public Works Department.
  - b. Consideration shall be given to debris accumulation between pilings.
  - c. Plans, including proposals for the control of debris and protection of the adjoining channel during construction, shall be submitted to and approved by the Director of Community Development prior to the issuance of building permits.
  - d. That the developer shall be instructed to request the California Regional Water Quality Control Board to submit to the Planning Commission the specific water quality control plan they intend to follow to insure that there will be no pollution of the bay during demolition, grading and construction.

3. That the permittee maintain the portion of the pier supported public walkway bayward of the bulkhead line in such a manner that there will be no hazard to public safety.

4. That the proposed public walkway bayward of the bulkhead line be kept open to use by the general public. If necessary, a document satisfactory to the City Attorney providing for such continued public use shall be supplied by the permittee.

**SITUATION:**

The existing bulkhead is 20' landward of the U. S. Bulkhead Line. As drawn, the proposed pier would extend 6' bayward of the U. S. Bulkhead Line. The proposed 8' wide float would be 5' bayward of the U. S. Pierhead Line.

Currently, an existing finger float (to be removed) extends 26' bayward of the U. S. Pierhead Line. The new permit, if approved, will reduce the encroachment bayward of the U. S. Pierhead Line by 21' for the area under consideration.

Use Permit condition (a), as identified under recommendation, does not specifically spell out the width of the walkway on the pier structure. The reason for that is that the walkway is proposed to be consistent with the general Rhine area and Lido Park Drive, which is at this time an item of study between the City staff and several of the upland property owners.

**DISCUSSION:**

1. The approval of the City Council on this application is required because:
  - a. The proposed Harbor Permit Application is located in the Rhine.
  - b. The abutting upland property is zoned commercial.
2. The approval of the Joint Harbor Committee was required because the proposed float would extend bayward of the pierhead line. The committee approved the project during their monthly meeting Tuesday, December 12.
3. The Newport Beach Planning Commission approved Use Permit No. 1638 for the Sea Shanty Restaurant on November 16, 1972.

The Use Permit conditions pertaining to the Harbor Permit are restated as part of the Harbor Permit recommendations.

4. Concern was expressed at the Joint Harbor Committee as to who would be responsible for maintaining the pier supported public walkway. The applicant has agreed to maintain the structure in a condition consistent with City standards.

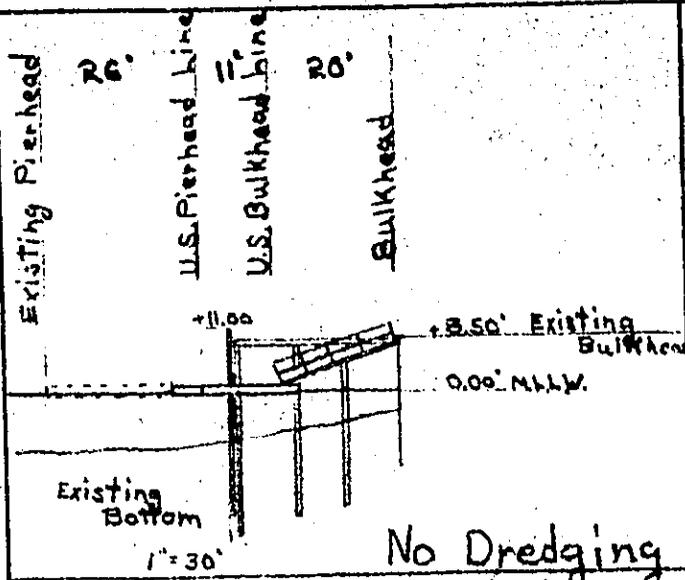


D. Harshbarger, Captain  
Marine Safety Department

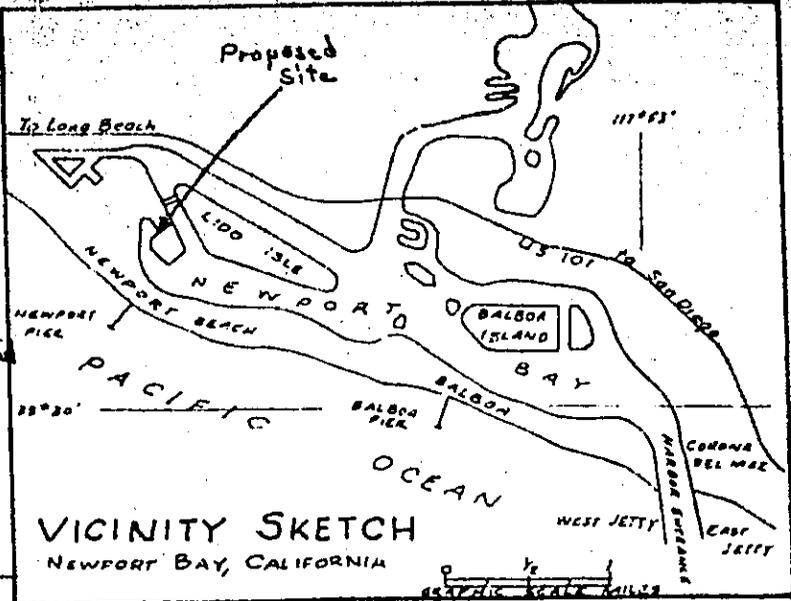
DH:lf

Attachment

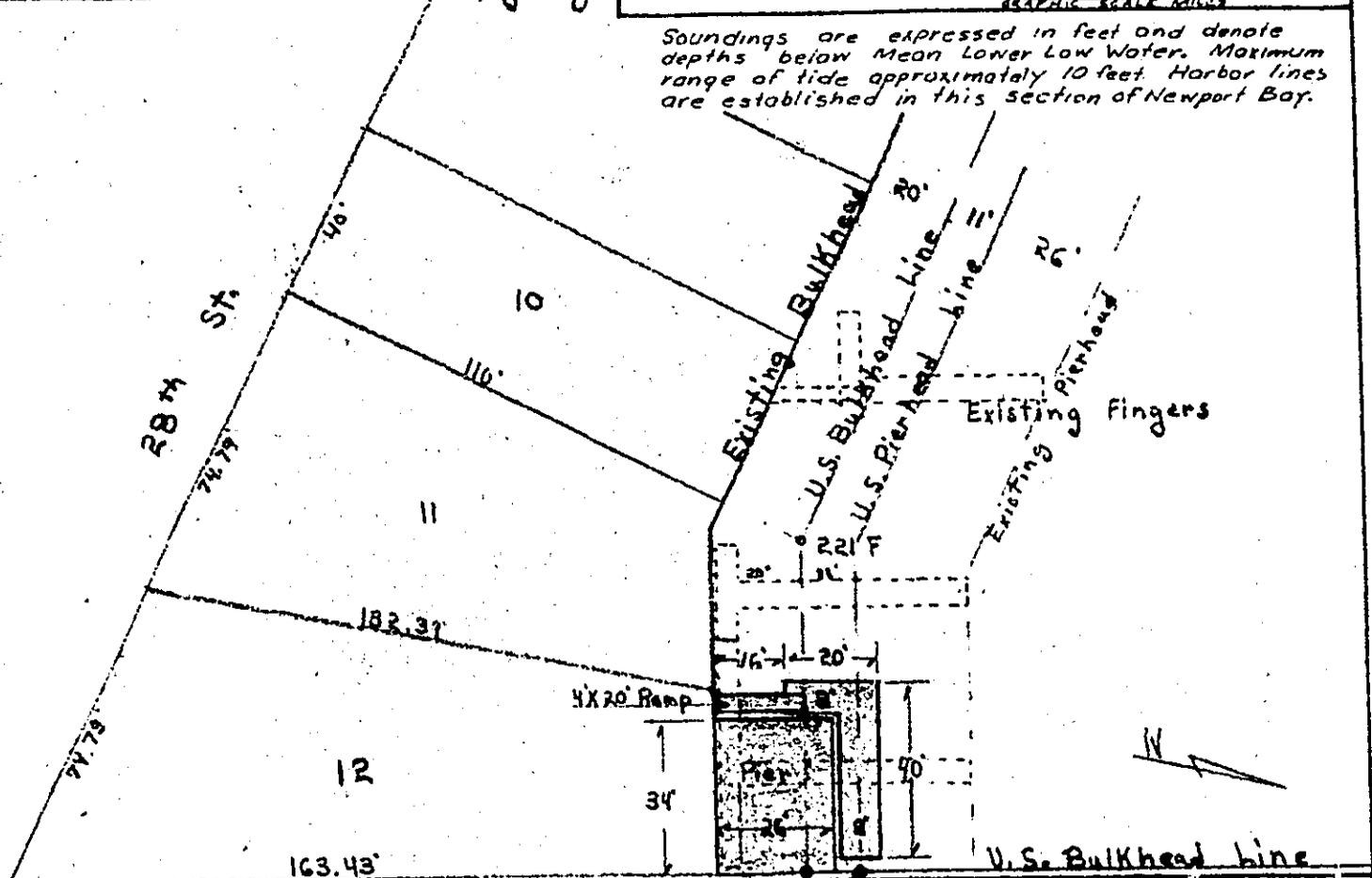
# CITY OF NEWPORT BEACH HARBOR APPLICATION NO. \_\_\_\_\_



No Dredging



Soundings are expressed in feet and denote depths below Mean Lower Low Water. Maximum range of tide approximately 10 feet. Harbor lines are established in this section of Newport Bay.



Lido Park Drive

281 D <b>Sea Enterprises</b>		
APPLICANT'S NAME		
632 Lido Park Drive		
JOB ADDRESS		
Handcaster Add.	815	11+12
TRACT	BLOCK	LOT
Gillis + Derby		1/14/72
DRAWN BY		DATE

Scale 1" = 40'

November 16, 1972

ROLL CALL

INDEX

ROSENER  
MARTIN  
HEATHER  
HAZEWINKEL  
GLASS  
BECKLEY  
AGEE

Motion  
Ayes X  
Absent

Chairman Glass opened the Public Hearing.  
Bob Davis, General Manager of Pacific Marine Yachts, appeared before the Planning Commission to answer questions in connection with this request.

There being no others desiring to appear and be heard on this matter, Chairman Glass closed the Public Hearing.

Following discussion, the Planning Commission approved Use Permit Application No. 1598 (Amendment) subject to the following conditions:

1. This approval shall be for a one year period; any request for extension to be acted upon by the Modifications Committee.
2. That the dock shall remain moored at this location and shall not be moved from place to place in the harbor.
3. That repair and maintenance work on boats shall not be done before 7:00 A.M. nor after 9:00 P.M.
4. That at least 3 parking spaces shall be provided on abutting land for this dock.
5. That there shall be no dry disk sanding of hull bottoms.
6. That the dry dock shall not exceed a height of 12 feet.
7. That there shall be no projection beyond the pierhead line.
8. That fire protection (wet standpipe and fire extinguishers) shall be approved by the Fire Department.

Item #4

Request to construct additions to an existing restaurant (including a public sidewalk beyond the bulkhead line).

Location: Lots 11, 12, 14, 15, 16 and 17, Tract 815, located at 632 Lido Park Drive, adjacent to the Rhine, on the Lido Peninsula.

Zone: M-1

USE  
PERMIT  
1638  
APPROVED  
CONDITIONALLY

November 16, 1972

INDEX

ROSENER  
MARTIN  
HEATHER  
HAZEWINKEL  
GLASS  
BECKLEY  
AGEE

ROLL CALL

Applicant: Sea Enterprises (Delaney's Sea Shanty Restaurant), Newport Beach

Owner: Same as Applicant

Chairman Glass reviewed the application and staff report with the Planning Commission.

Assistant Community Development Director Hewicker stated that no Environmental Impact Report was requested due to the size of the addition.

Following discussion, Chairman Glass opened the Public Hearing.

Phil Tozer, one of owners of the property, appeared before the Planning Commission and stated that they concurred with the staff recommendations and expanded on their plans which they felt would enhance the area and with the inception of their trash trap aid in clearing the bay of debris. Mr. Tozer added that they felt the 10 ft. walkway was excessive but would abide by that decision.

City Engineer Nolan stated that the plans for the 10 ft. walk were tentative at this time.

Community Development Director Hogan added that a proposed meeting was planned with Mr. Tozer and other property owners in that area to discuss methods for beautifying the area. In response to the Planning Commission, Mr. Hogan stated that the walkway would start at 30th Street, go across end of channel to connect with Delaney's, and hopefully extend from there.

Discussion followed and the Planning Commission recommended amending Condition No. 3 to 10 ft. or such lesser width that is agreed upon.

Following discussion, Chairman Glass closed the Public Hearing, there being no others desiring to appear and be heard on this matter.

Following discussion, the Planning Commission recommended the addition of a condition on water quality control during construction.

After further discussion, the Planning Commission approved Use Permit Application No. 1638 subject to the following conditions:

1. That development be according to the approved plot plan and elevations except for minor

Motion									
Ayes	XX	X	X	X	X	X			
Absent							X		

ROSENER  
MARTIN  
HEATHER  
HAZEWINKEL  
GLASS  
BECKLEY  
AGEE

November 16, 1972

INDEX

ROLL CALL

modifications approved by the Department of Community Development.

2. A harbor permit approved by the City Council and the U. S. Army Corps of Engineers shall be required for the new construction in the Rhine and proposals for any revisions to existing pier, ramp or boat slips.
3. The public walkway around the proposed guest waiting room shall have a minimum width of ten feet or such lesser width agreed upon between the property owners and Community Development and Public Works Departments.
4. Consideration shall be given to debris accumulation between pilings.
5. Plans, including proposals for the control of debris and protection of the adjoining channel during construction, shall be submitted to and approved by the Director of Community Development prior to the issuance of building permits.
6. That the developer shall be instructed to request the California Regional Water Quality Control Board to submit to the Planning Commission the specific water quality control plan they intend to follow to insure that there will be no pollution of the bay during demolition, grading and construction.

Item #5

Request to permit the illumination of three tennis courts in the Planned Residential Development of Northbluff.

USE  
PERMIT  
1639

Location: Portion of Lot 66 of Tract 6905, located southerly of Vista Umbrosa and westerly of Laver Way in Northbluff.

APPROVED  
CONDI-  
TIONALLY

Zone: R-3-B

Applicant: Newport Beach Tennis Club, Newport Beach

Owner: Same as Applicant

Chairman Glass reviewed the application and staff report with the Planning Commission and opened the Public Hearing.

November 2, 1972

INDEX

ROLL CALL

AGEE  
BECKLEY  
GLASS  
HAZEMINTEL  
HEATHER  
MARTIN  
ROSENER

Motion  
All Ayes

X

Location: Bayward of Portion of Lot H, Tract 919, located at 2751 West Coast Highway, on the southerly side of West Coast Highway.

Zone: C-0-Z

Applicant: Pacific Marine Yachts, Inc., Newport Beach

Owner: Same as applicant.

Planning Commission continued this matter to the meeting of November 16, 1972, due to the lateness of the hour.

Request to utilize an existing building for the construction and assembly of boats.

Location: A portion of Lot 812½ of the 1st Addition to the Newport Mesa Tract, located at 825 West 16th Street on the south side of 16th Street, between Monrovia and Placentia Avenues.

Zone: M-1-A

Applicant: R. N. MacGregor/MacGregor Yacht Corp., Costa Mesa

Owner: Bob and Margaret Nay, Newport Beach

Planning Commission determined that this request did not require a use permit, therefore the request was withdrawn and the fee was refunded.

CONT. TO  
NOV. 16

Item #13

USE  
PERMIT  
1637

WITHDRAWN

Motion  
All Ayes

X

Request to construct additions to an existing restaurant (including a public sidewalk beyond the bulkhead line).

Location: Lots 11, 12, 14, 15, 16, and 17, Tract 815, located at 632 Lido Park Drive, adjacent to the Rhine, on the Lido Peninsula.

Zone: M-1

Item #14

USE  
PERMIT  
1638

CONT. TO  
NOV. 16

COMMISSIONERS

CITY OF NEWPORT BEACH

MINUTES

November 2, 1972

ROLL CALL

INDEX

ROSENER  
MARTIN  
HEATHER  
HAZEWINKEL  
GLASS  
BECKLEY  
AGEE

ROLL CALL	ROSENER	MARTIN	HEATHER	HAZEWINKEL	GLASS	BECKLEY	AGEE	MINUTES	INDEX
Motion All Ayes			X					<p><u>Applicant:</u> Sea Enterprises (Delaney's Sea Shanty Restaurant), Newport Beach</p> <p><u>Owner:</u> Same as Applicant.</p> <p>Planning Commission continued this matter to the meeting of November 16, 1972, due to the lateness of the hour.</p>	
Motion All Ayes			X					<p>Request to permit the illumination of three tennis courts in the Planned Residential Development of Northbluff.</p> <p><u>Location:</u> Portion of Lot 66 of Tract 6905, located southerly of Vista Umbrosa and westerly of Laver Way in Northbluff.</p> <p><u>Zone:</u> R-3-B</p> <p><u>Applicant:</u> Newport Beach Tennis Club, Newport Beach</p> <p><u>Owner:</u> Same as applicant.</p> <p>Planning Commission continued this matter to the meeting of November 16, 1972, due to the lateness of the hour.</p>	<p><u>Item #15</u></p> <p><u>USE PERMIT 1639</u></p> <p><u>CONT. TO NOV. 16</u></p>
Motion All Ayes			X					<p>Request to permit a restaurant with on-sale beer and wine within two hundred feet of a residential district.</p> <p><u>Location:</u> Portion of Lots 2, 3, and 4, of Resubdivision No. 241, located at the northwest corner of Eastbluff Drive and Vista del Sol in the Eastbluff Shopping Center.</p> <p><u>Zone:</u> C-N-H</p> <p><u>Applicant:</u> Flying Butler, Inc. DBA Egg and Ale, Costa Mesa</p> <p><u>Owner:</u> The Irvine Company, Newport Beach</p> <p>Planning Commission continued this matter to the meeting of November 16, 1972, due to the lateness of the hour.</p>	<p><u>Item #16</u></p> <p><u>USE PERMIT 1640</u></p> <p><u>CONT. TO NOV. 16</u></p>

## CITY OF NEWPORT BEACH

October 31, 1972

TO: Planning Commission

FROM: Department of Community Development

SUBJECT: Use Permit Application No. 1638 (Public Hearing)  
Request to construct additions to an existing restaurant (including a public sidewalk beyond the bulkhead line).

LOCATION: Lots 11, 12, 14, 15, 16, and 17, Tract 815, located at 632 Lido Park Drive, adjacent to the Rhine, on the Lido Peninsula

ZONE: M-1

APPLICANT: Sea Enterprises (Delaney's Sea Shanty Restaurant), Newport Beach

OWNER: Same as applicant.

Application

This application requests the expansion of the existing Delaney's Sea Shanty Restaurant. In accordance with Section 20.30.040, restaurants shall be permitted in the M-1 District subject to the securing of a use permit. (The Planning Commission approved an expansion of the existing restaurant on July 18, 1968 - Use Permit No. 1390.)

Subject Property and Surrounding Land Use

The site contains the existing restaurant, Charlie's Chili Restaurant, and vacant space that was formerly occupied by Davey's Locker, a sportfishing landing facility. To the north is the Rhine; to the east, across Lido Park Drive, are the Cabanas Marinas apartments and a vacant site where a condominium project is under construction; to the south, across 28th Street, is a large trailer park; and to the west is the Rhine.

Analysis

The applicant proposes to construct a 19½' x 26' (509 sq.ft.) waiting room for dining guests and a new entrance to the existing restaurant. The proposed waiting room will be built on pilings placed beyond the existing bulkhead and will extend to the bulkhead line. A four foot wide public walk is proposed to extend from Lido Park Drive around the proposed building addition to the existing walk in front of the Sea Shanty and Charlie's Chili restaurants so as to retain public pedestrians' access along the Rhine. (The City Engineer has indicated that this walk should be a minimum of ten feet in width so as to be in conformance with proposed plans for a pedestrian promenade adjoining Lido Park Drive.)

TO:

Planning Commission - 2.

13

The occupancy of the restaurant and proposed waiting room is approximately 170 persons and would require approximately 57 off-street parking spaces. There presently are sixty on-site parking spaces in addition to fifty-three metered public parking stalls adjacent to the Sea Shanty Restaurant which in the past were utilized by Davey's Locker. Charlie's Chili Restaurant would require approximately five additional parking stalls, exclusive of outdoor seating areas.

The applicant also is proposing to redesign the facade of the restaurant and adjoining building along the Rhine to "create an impression of the type of structure one would find on Monterey's Cannery Row." The redecorating of the building facades will be accomplished by adding false fronts and roofs to the existing buildings. The attached rendering indicates the "architectural feeling" proposed, including an old roof sign and painted wall sign identifying the restaurant. A "fish market" sign is also included, retaining the old historical feeling of the entire facade. It should be noted that the attached rendering does not show the proposed public walk around the proposed waiting room since the walk was added after the rendering was drawn.

Staff feels that the proposed expansion appears to be in keeping with the current redevelopment of the Rhine area, and the new facades will enhance the Cannery Village atmosphere. The public walkway beyond the bulkhead line also is reasonable since the Planning Commission approved a six foot wide public walkway beyond the bulkhead line for the Cannery Restaurant, across the Rhine from the subject property (Use Permit No. 1521, approved on April 29, 1971).

Staff recommends approval of Use Permit Application No. 1638, subject to the following conditions:

1. That development be according to the approved plot plan and elevations except for minor modifications approved by the Department of Community Development.
2. A harbor permit approved by the City Council and the U.S. Army Corps of Engineers shall be required for the new construction in the Rhine and proposals for any revisions to existing pier, ramp or boat slips.
3. The public walkway around the proposed guest waiting room shall have a minimum width of ten feet.
4. Consideration shall be given to debris accumulation between pilings.
5. Plans, including proposals for the control of debris and protection of the adjoining channel during construction, shall be submitted to and approved by the Director of Community Development prior to the issuance of building permits.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
R. V. HOGAN, Director

By William R. Laycock  
WILLIAM R. LAYCOCK, Senior Planner

WRL/kk

Attachments: Vicinity Map  
Letter from Phillo R. Tozer dated 10/2/72  
Rendering  
Enclosure: Plot Plan

Newport Beach, Ca.  
October 2, 1972

Newport Beach Planning Commission  
Newport Beach,  
California

Gentlemen:

Sea Enterprises, a local partnership, is presently engaged in improving its property at 632 Lido Park Drive. We are re-designing and re-decorating Delaney's Sea Shanty Restaurant to create an impression of the type of structure one would find on Monterey's Cannery Row. We believe this architectural style will most closely coincide with and enhance the general impression being created in this area with the construction of the Cannery Village Restaurant across the channel and other adjacent shops.

Design and decoration is being done by Arthur Valdes & Co., whom we believe to be the best available in this particular style.

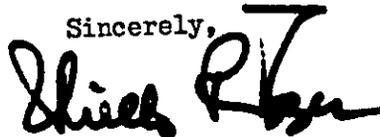
Most of the effects will be achieved by adding false facades to the existing building and veneering the exterior walls with authentic old redwood siding which we have obtained from an ancient barn in Northern California.

However, we firmly believe that if we are to achieve the desired effect, we must have part of the building on pilings over the bay. There is no legal problem here as the structure would be within our legal bulkhead lines. The new addition would also serve as a waiting room for this very popular restaurant and provide an attractive and much needed adjunct with guest docking.

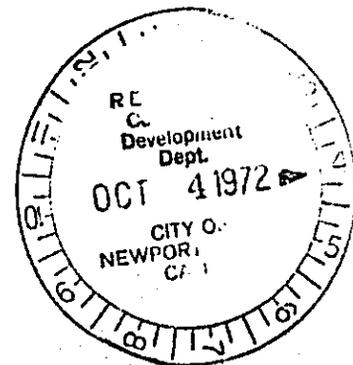
We have adequate on-site parking; there are 53 spaces of adjacent metered parking, and we recently re-located Davey's Locker to further relieve any parking pressure on this property.

Since the addition required a Use Permit we respectfully request that you grant our application and help expedite the re-development of the Cannery Village area in this very desirable direction.

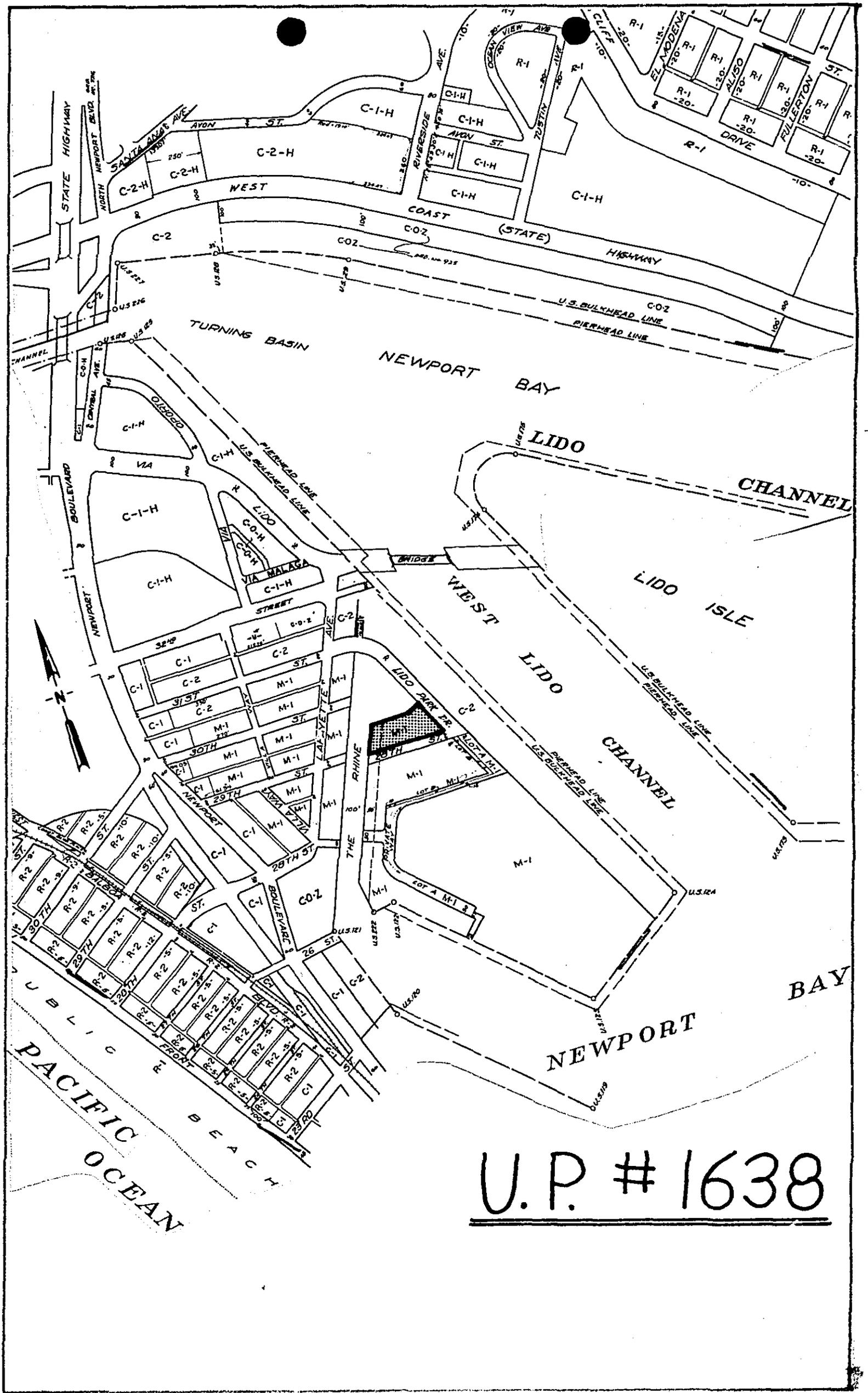
Sincerely,



Phillo R. Tozer  
Sea Enterprises



PRT/mf



U.P. # 1638

CITY OF NEWPORT BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLAN REVIEW REQUEST

*Ben Molan*

Date October 16, 1972

- ADVANCE PLANNING DIVISION
- PUBLIC WORKS DEPARTMENT
- TRAFFIC ENGINEER
- FIRE DEPARTMENT
- PLAN REVIEW DIVISION
- PARKS & RECREATION
- POLICE DEPARTMENT
- HARBOR & TIDELANDS
- GENERAL SERVICES

- PLANS ATTACHED (PLEASE RETURN)
- PLANS ON FILE IN ZONING AND ORDINANCE ADMINISTRATION DIVISION

APPLICATION OF Sea Enterprises

FOR A  VARIANCE  USE PERMIT 1638

RESUBDIVISION  TRACT MAP

TO PERMIT the construction of an addition to an existing restaurant.

ON LOTS 11, 12, 14, 15, 16, 17 BLOCK            TRACT 815

Parcel 5, City of Newport Beach

ADDRESS 632 Lido Park Drive, Newport Beach

REPORT REQUESTED BY October 19, 1972

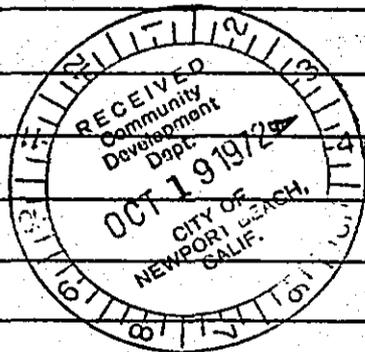
COMMISSION REVIEW November 2, 1972

COMMENTS

*NONE*

*(A HARBOR PERMIT WILL BE REQUIRED.)*

*(THE WALKWAY SHOWN SHOULD PROBABLY BE 10'-12' WIDE.)*



SIGNATURE *B. D. Molan*

DATE 10-19-72

CITY OF NEWPORT BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT

PLAN REVIEW REQUEST

*Bob Fowler*

Date October 16, 1972

- ADVANCE PLANNING DIVISION
- PUBLIC WORKS DEPARTMENT
- TRAFFIC ENGINEER
- FIRE DEPARTMENT
- PLAN REVIEW DIVISION
- PARKS & RECREATION
- POLICE DEPARTMENT
- HARBOR & TIDELANDS
- GENERAL SERVICES

- PLANS ATTACHED (PLEASE RETURN)
- PLANS ON FILE IN ZONING AND ORDINANCE ADMINISTRATION DIVISION

APPLICATION OF Sea Enterprises

FOR A  VARIANCE  USE PERMIT 1638

RESUBDIVISION  TRACT MAP

TO PERMIT the construction of an addition to an existing restaurant.

ON LOTS 11, 12, 14, 15, 16, 17 BLOCK \_\_\_\_\_ TRACT 815

Parcel 5, City of Newport Beach

ADDRESS 632 Lido Park Drive, Newport Beach

REPORT REQUESTED BY October 19, 1972

COMMISSION REVIEW November 2, 1972

COMMENTS hic, Architect must prepare & sign  
working Dwg's

This Bldg might Be over size for  
a type IN Bldg, — suggest  
this Be checked Before Design  
goes too far

4500 \$

SIGNATURE

*[Signature]*

DATE

10-16-72

COMMENTS: A Harbor Permit approved by the City Council and the U. S. Army Corps of Engineers will be required for the proposed new construction.

The attached drawing shows a 48" public walk extending beyond the bulkhead line. It has been Council policy not to allow walkways, decks, or solid structures to be built bayward of the bulkhead line except in private waterways, (ie) Linda Isle.

Some consideration to debris accumulation beneath the proposed construction (on pilings ) should be considered if the construction is approved.

The attached drawing does not show what type of pier, ramp, and slip revisions will be requested, if any. The limit of bayward float extension for the Rhine has been the U. S. Pierhead Line. It is doubtful the City Council, U. S. Corps of Engineers, or the Joint Harbor Committee would approve floats extending beyond the pierhead line. The attached drawing shows only 7' between the walkway and the pierhead line.

The attached artist's rendition does not illustrate the public walk as shown on the drawing.

*Comments received  
from Maine Dept.*

# AFFIDAVIT OF PUBLICATION

## NEWPORT HARBOR ENSIGN

STATE OF CALIFORNIA }  
 County of Orange } ss.

I, ARVO E. HAAPA, being first  
 duly sworn, and on oath depose and say that I am the  
 printer and publisher of the Newport Harbor Ensign, a  
 weekly newspaper printed and published in the City of  
 Newport Beach, County of Orange, State of California,  
 and that the NOTICE OF PUBLIC HEARING

..... of which  
 copy attached hereto is a true and complete copy, was  
 printed and published in the regular issue(s) of said  
 newspaper, and not in a supplement, .....<sup>1</sup>..... consecu-  
 tive times: to-wit the issue(s) of

Oct. 19, 1972

(Signed) Arvo E. Haapa

Subscribed and sworn to before me this 31st day of  
October, 19 72

Mary A. Haapa  
 Notary Public in and for the  
 County of Orange, State of California.



**LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**  
 Notice is hereby given that a public hearing will be held on the 29th day of November, 1972, at the hour of 7:30 P.M. in the Council Chambers of the Newport Beach City Hall, at which time and place any and all persons interested may appear and be heard thereon.  
 Jackie Reuther, Secretary  
 Newport Beach City  
 Planning Commission  
 Public: Oct. 19, 1972, in the  
 Newport Harbor Ensign.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Newport Beach will hold a public hearing on the application of Sea Enterprises

for a  Variance \_\_\_\_\_  Use Permit 1638

on property located at 632 Lido Park Drive, Newport Beach

to permit the construction of an addition to an existing restaurant.

Notice is hereby further given that said public hearing will be held on the 2nd day of November 1972, at the hour of 7:30 P.M. in the Council Chambers of the Newport Beach City Hall, at which time and place any and all persons interested may appear and be heard thereon.

Jackie Heather, Secretary  
Newport Beach City  
Planning Commission

Publication Date \_\_\_\_\_  
Received for Pub. \_\_\_\_\_  
By J. Heather

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Newport Beach will hold a public hearing on the application of

Sea Enterprises

for a  Variance \_\_\_\_\_  Use Permit 1638

on property located at 632 Lido Park Drive, Newport Beach

to permit the construction of an addition to an existing restaurant.

Notice is hereby further given that said public hearing will be held on the 2nd day of November 1972, at the hour of 7:30 P.M. in the Council Chambers of the Newport Beach City Hall, at which time and place any and all persons interested may appear and be heard thereon.

Jackie Heather, Secretary  
Newport Beach City  
Planning Commission

Publication Date \_\_\_\_\_  
Received for Pub. \_\_\_\_\_  
By \_\_\_\_\_

2/20/56

53 PUBLIC PARKING SPACES  
ADJACENT TO DELANEY ST  
SEE SHED



20th STREET

357.80

76.0'

108.40

TOTAL PARKING - 60 SPACES

100 PARK DRIVE

SERVICE

KITCHEN

EXIST. OFFICE & RESTAURANT

EXIST. BULKHEAD  
158.63'

BULKHEAD LINE

U.S. PERHEAD LINE

PLOT PLAN

AS 1/8" = 1'-0"



	PARKING STATION:
	4.564 TOTAL SERVICE AREA
	454/CAR
	57.050

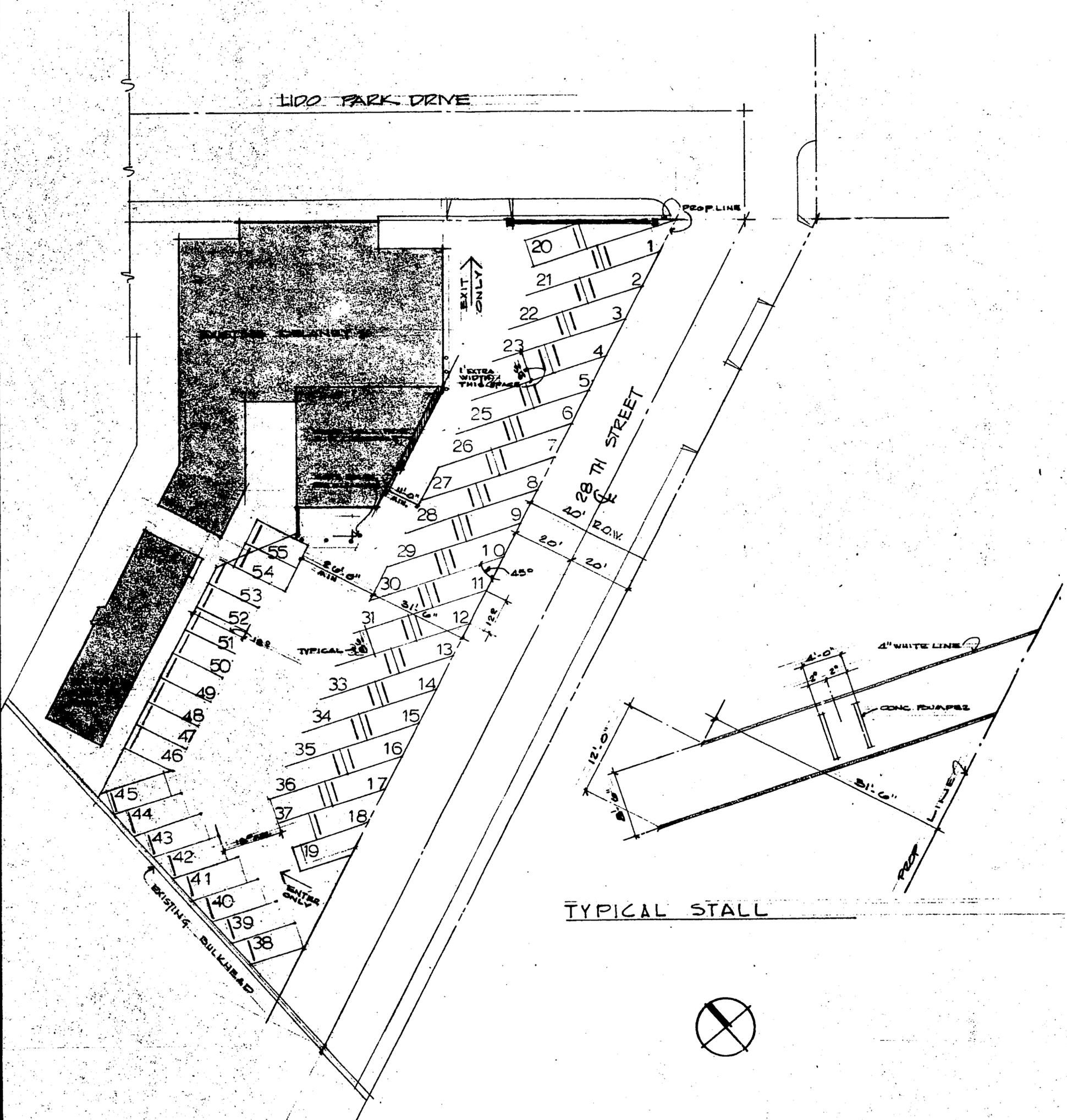
U.P. 1638  
182

ARTHUR VALDES & CO., LTD.

DELANEY COUNTY

242 BAYVIEW DRIVE, SEVENTH BEACH, CALIF. 94065 (714) 575-2000

PLANNING AND DESIGN SERVICES



PARKING LAYOUT SCALE 1" = 20'-0"

V.P. 1638 282

DELANEY'S  
 650 LIDO PARK DR. NEWPORT BEACH CA

PARKING LOT LAYOUT

DATE: 9/18/75  
 DRAWN BY: R.H.D.  
 CHECKED BY:

C-2860 714-848-8818  
 RICHARD H. BOGARD ASSOCIATES ARCHITECTURE  
 1617 WESTCLIFF DR., SUITE 106  
 NEWPORT BEACH, CA. 92660

SCALE: NOTED

REVISIONS

SHEET NO. 1