**CITY OF NEWPORT BEACH**
**PLANNING COMMISSION**
**STAFF REPORT**
December 6, 2012 Meeting
Agenda Item 4

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| **SUBJECT:** | Port Theater Alcohol Service - (PA2012-070) |
| **SITE LOCATION:** | 2905 E. Coast Highway<br>Minor Use Permit No. UP2012-009 |
| **APPLICANT:** | Pand Realty LLC |
| **PLANNER:** | Makana Nova, Assistant Planner<br>(949) 644-3249, mnova@newportbeachca.gov |

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## PROJECT SUMMARY

A minor use permit for the Port Theater to allow the addition of a Type 47 (On-Sale General) Alcoholic Beverage Control License in conjunction with food service at a landmark theater. The requested hours of operation for alcohol service are from 8:00 a.m. to 11:00 p.m., daily. The existing theater operates from 8:00 a.m. to 2:00 a.m., daily. Alcohol service during theater shows would be provided on the second floor mezzanine and access to this area would be limited to patrons 21 years of age and older. Alcohol service is also proposed throughout the theater (both the first and second level) during theater shows that are limited to patrons over the age of 21.

## RECOMMENDED ACTION

1) Conduct a public hearing; and

2) Adopt Resolution No. ___ approving Minor Use Permit No. UP2012-009 Attachment No. PC 1).

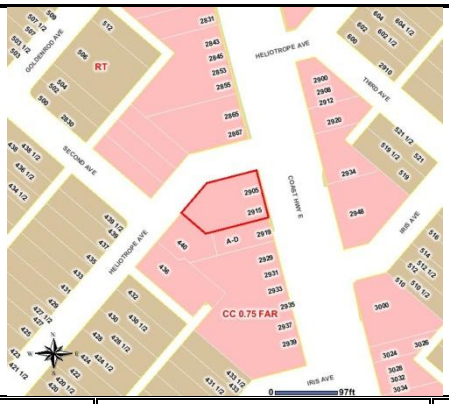
## INTRODUCTION

### Project Setting

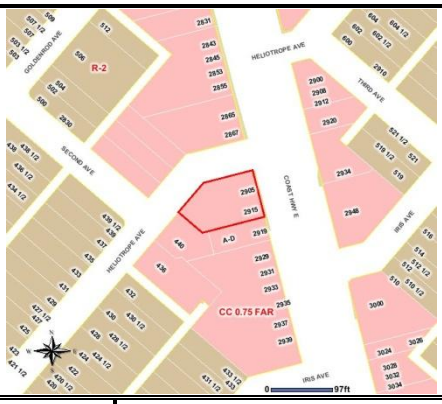
The subject property is bounded by East Coast Highway and Heliotrope Avenue. Office and retail uses are located along East Coast Highway to the north, south, and east. An existing restaurant and residential units are located to the west of the subject property. The property is 8,205 square feet (approximately 0.19 acres) in area and is developed with a 10,893-square-foot landmark theater. No parking is provided on-site.

## VICINITY MAP

## GENERAL PLAN




## ZONING




| LOCATION | GENERAL PLAN | ZONING | CURRENT USE |
|---|---|---|---|
| **ON-SITE** | CC (Corridor Commercial) | CC (Commercial Corridor) | Landmark theater |
| **NORTH** | CC (Corridor Commercial) | CC (Commercial Corridor) | Retail and office |
| **SOUTH** | CC (Corridor Commercial) | CC (Commercial Corridor) | Retail and office |
| **EAST** | CC (Corridor Commercial) | CC (Commercial Corridor) | Retail and office |
| **WEST** | CC (Corridor Commercial) and RT (Two-Unit Residential) | CC (Commercial Corridor) and R-2 (Two-Unit Residential) | Restaurant, single-family, and two-unit residential units |

04/16/2012

Background

The existing building has historically been utilized as a theater. According to County records, the building was originally constructed in 1949 and contained over 900 seats without the benefit of on-site parking. Both live and cinematic performances were historically held at the theater.

The theater closed in 1998 and remained vacant for over a decade. The Port Theater was remodeled and reopened in July of 2012 on the basis that they were considered a landmark under Section 20.38.070 (Landmark Structures) of the Zoning Code. The remodeled theater is consistent with the requirements of the Landmark Structures ordinance where parking demand, seating, and occupant loads are below that prior to the remodel of the theater. Thus, on-site parking was not required for the theater use to resume.

The theater was remodeled as a luxury theater with mobile leather seats. The remodeled theater is permitted an occupant load of 350 persons. Up to 12 events per year may exceed the 350 person occupant load with the approval of a special event permit. The theater has six varying floor plans approved for the first level that allows flexibility for a variety of showings. Five of the lower level plans provide seats ranging from from 108 seats to 300 seats. The sixth plan does not contain seats and has standing area for up to 500 people (although they must maintain no more than 350 people without a special event permit). The gross floor area of the establishment is 10,893 square feet, the interior seating areas total 7,491 square feet, and the entry lobby is 1,366 square feet in area. The theater provides a bar and concessions stand within the entry lobby and 46 fixed seats on the upper level mezzanine that includes a second bar and concesssions stand.

Project Description

The applicant requests a minor use permit to allow the addition of a Type 47 (On-Sale General) Alcoholic Beverage Control License that includes beer, wine, and liquor in conjunction with concessions food service at the landmark theater. The requested hours of operation for alcohol service are from 8:00 a.m. to 11:00 p.m., daily. The applicant proposes to maintain the current hours of operation for the business from 8:00 a.m. to 2:00 a.m., daily, for theater showings.

Alcohol service during theater shows would be provided on the second floor mezzanine bar and concessions stand and access to the second floor would be limited to patrons 21 years or older. Alcohol service is also proposed throughout the theater (both the first and second level) during shows that are limited to patrons 21 years or older. The applicant has supplied a description of their request, provided as Attachment No. PC 3.
Due to the operational hours for the theater, the characteristics of the use, the location of the theater, and the sensitivity of the community, this application has been referred to the

Planning Commission by the Zoning Administrator for consideration and action. Refer to the Zoning Administrator's memo to the Planning Commission (Attachment No. PC 4.)

## DISCUSSION

Consistency with General Plan/Coastal Land Use Plan/Zoning

The site is designated CC (Corridor Commercial) by the General Plan Land Use Element, the Coastal Land Use Plan, and the Zoning Code. These designations are intended to provide for areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The existing theater is consistent within these designations and is a permitted use within the CC zoning district. The proposed alcohol service is consistent with these land use designations. Inasmuch as this subject property is located within the Coastal Zone, this request to serve alcohol is not considered an intensification of the existing theater use. Thus, Coastal Commission approval will not be required.

The Zoning Code requires a minor use permit for food service uses with alcohol service with no late hours up to 11:00 p.m. However, the code is silent regarding alcohol service within theaters. The Community Development Director determined that a minor use permit was the appropriate discretionary permit application for the proposed use.

Findings

*Alcohol Sales*

In order to approve a use permit for alcohol sales, the Planning Commission must find that the use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales). In accordance with Section 20.48.030 (Alcohol Sales), the Planning Commission must make the following finding for approval of a new alcoholic beverage license:

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

The purpose and intent of Section 20.48.030 (Alcohol Sales) is to preserve a healthy and safe environment for residents and businesses by establishing a set of consistent standards for the safe operation of retail alcohol sales establishments. In finding that the proposed use is consistent with Section 20.48.030 (Alcohol Sales) of the Zoning Code, the following criteria must also be considered:

a) *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*

b) *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*

c) *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*

d) *The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

e) *Whether or not the proposed amendment will resolve any current objectionable conditions.*

The establishment is located within Police Department Reporting District 44 (RD 44), which includes Old Corona del Mar. For a map of the City of Newport Beach Reporting Districts, see Attachment No. PC 5. A summary of alcohol related statistics from 2011 is provided in Attachment No. PC 6. The Police Department does not object to the operations as proposed by the applicant.

The part one crimes rate, DUI/drunk arrests, calls for service, and per capita ratio of alcohol licenses in RD 44 for 2011 were higher than the three adjacent reporting districts. However, these same statistics are below the Citywide reporting district averages. The higher crime rate within this reporting district in comparison to adjacent districts is largely due to the number of visitors to Old Corona del Mar, the fact that East Coast highway bisects the reporting district, and Corona Del Mar State Beach draws thousands of visitors annually. Additionally, there is a higher concentration of restaurants and commercial uses in RD 44, compared to adjacent districts, which are predominantly if not completely developed with residential or institutional uses. For calendar years 2011 and 2012 (year-to-date), the Police Department reported one call for service to the theater in each year.

Homes are located 60 feet west of the subject property on Heliotrope Avenue. The project site is not located in close proximity to a daycare center or hospital. Sherman Gardens is located approximately 780 feet to the north. Corona del Mar State Beach and the Oasis Senior Center are located approximately 1,500 feet to the west and east, respectively. The nearest church, Our Lady of Mount Carmel Church, is located 375 feet to the northeast on Heliotrope Avenue across East Coast Highway. The nearest school, Harbor View Elementary School, is located 1,000 feet to the northeast. The theater is surrounded by other commercial retail and office uses along East Coast Highway.

The location of the theater is in close proximity to several establishments with alcohol licenses including Port Restaurant, The Place, and Mayur. There are 26 total alcohol licenses within RD 44 and the alcohol statistics indicate an over concentration of alcohol licenses. However, due to the type of license, a formal finding of public convenience and necessity is not required by the Department of Alcoholic Beverage Control to be made by the City.

The Police Department has thoroughly reviewed the proposed operation and has no objections. Refer to Attachment No. PC 7 for a copy of the Police Department Recommendation. The recommended conditions require all employees serving alcohol to be at least 21 years of age and receive ABC-required Licensee Education on Alcohol and Drugs (LEAD) training. Additionally, the Police Department will also require a security plan with provisions for licensed security personnel, security personnel attire, and a ratio for security personnel to patrons. The security plan will also address enhanced control of noise, loitering, litter, disorderly conduct, parking/circulation, and other potential disturbances resulting from the establishment.

Staff believes this finding can be made and that it is appropriate to allow the alcohol service within the existing theater because it was originally designed to accommodate a theater use and will be conditioned to remain consistent with this primary use. While the proposed establishment is located in close proximity to other establishments selling alcoholic beverages, staff believes the physical and operational characteristics of the establishment would make the service of alcoholic beverages acceptable. The service of alcoholic beverages would provide additional menu options for patrons and would enhance the economic viability of the business. The draft resolution includes conditions of approval to minimize alcohol related problems and ensure that the use remains compatible with the surrounding community.

*Use Permit Findings*

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits), the Planning Commission must also make the following findings for approval of a minor use permit:

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

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

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

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

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

The proposed use is consistent with the General Plan, Local Coastal Program Coastal Land Use Plan, and Zoning Code. Although crime and ABC licenses are higher than adjacent districts, the crime statistics for RD 44 are lower than the Citywide crime rate. The statistics relative to adjacent districts are directly attributed to the large commercial district located in RD 44, East Coast Highway, and the number or visitors to Corona del Mar State Beach. The existing theater is in the heart of a commercial area within Old Corona del Mar and is a permitted use consistent with the landmark structures ordinance.

Alcohol sales will be within the existing theater, which will be conditioned to minimize the impacts and limit objectionable conditions to the neighborhood. The 11:00 p.m. cutoff for alcohol service will help ensure late night operations do not contribute to neighborhood issues within Corona del Mar. The applicant does not propose dancing, thereby eliminating the probability for the establishment to evolve into a nightclub. The theater will maintain its current occupant loads with or without alcohol service and a security plan will be provided to the satisfaction of the Police Department. Emergency access and all required utilities are provided.

Alcohol service will be provided as a convenience to the public and provides additional choices for patrons. Staff is recommending approval given the limited hours for alcohol service, required security plan, designated alcohol service areas, and the fact that the site was a theater and it retains the infrastructure and occupant load for a theater with the addition of alcohol service to its menu. Staff believes the findings for approval can be made and the facts in support of the required findings are presented in the draft resolution (Attachment No. PC 1).

Alternatives

The following alternatives are available to the Planning Commission should they feel the facts are not in evidence of support for the project application:

1. The Planning Commission may suggest specific operational changes that are necessary to alleviate any concerns. If any additional requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.

2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission should deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2).

Environmental Review

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities). The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed application involves the addition of on-site alcoholic beverage service to an existing theater. Therefore, the use qualifies for a categorical exemption under Class 1.

If denied, projects which a public agency rejects or disapproves are not subject to the CEQA review, pursuant to Section 15270 of the CEQA Guidelines.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Makana Nova
Assistant Planner

Submitted by:

Brenda Wisneski, AICP, Deputy Director

**ATTACHMENTS**

PC 1 Draft Resolution for Approval with Findings and Conditions
PC 2 Draft Resolution for Denial
PC 3 Correspondence Memo and Applicant's Project Description
PC 4 Zoning Administrator's Memo
PC 5 Newport Beach Reporting Districts
PC 6 Alcohol Related Statistics
PC 7 Police Department Recommendation
PC 8 Site Photos
PC 9 Project plans

# Attachment No. PC 1

Draft Resolution for Approval with Findings and Conditions

**RESOLUTION NO. ####**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2012-009 TO ALLOW A TYPE 47 (ON-SALE GENERAL) ALCOHOL LICENSE LOCATED AT 2905 EAST COAST HIGHWAY (PA2012-070)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Pand Realty, LLC, with respect to property located at 2905 East Coast Highway, requesting approval of a minor use permit. The property is legally described as Lot 1, Block G, Tract 323, in the City of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 14, Pages 40 and 41 of miscellaneous maps, records of Orange County, California. Excepting therefrom the portion of the 14-foot alley abutting said Lot 1 on the southwest, vacated by the City of Newport Beach. Also excepting therefrom the following: beginning at the most westerly corner of said Lot 1; thence northeasterly along the northwesterly line of said lot, a distance of 50 feet to a point; thence southeasterly along a line parallel with the rear or alley line of said lot and the prolongation thereof to its intersection with the southerly line of said lot; thence westerly along the southerly line of said lot to its intersection with the rear or alley line of said lot; thence northwesterly along said rear or alley line of said lot to the point of beginning.

2. The request is for a minor use permit for the Port Theater to allow the addition of a Type 47 (On-Sale General) Alcoholic Beverage Control License in conjunction with food service at a landmark theater. The requested hours of operation for alcohol service are from 8:00 a.m. to 11:00 p.m., daily. The existing theater operates from 8:00 a.m. to 2:00 a.m., daily. Alcohol service during theater shows would be provided on the second floor mezzanine and access to this area would be limited to patrons 21 years of age and older. Alcohol service is also proposed throughout the theater (both the first and second level) during theater shows that are limited to patrons over the age of 21.

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

4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Corridor Commercial (CC-B).

5. A public hearing was held on December 6, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

DRAFT

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).

2. The proposed project involves the addition of on-site alcoholic beverage service to an existing theater. Therefore, the use qualifies for a categorical exemption under Class 1.

SECTION 3. REQUIRED FINDINGS.

Alcohol Service

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

Finding

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

Facts in Support of Finding

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

*i. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*

1. The establishment is located within Police Department Reporting District 44 (RD 44). Due to the high concentration of commercial land uses, the calls for service, number of arrests, and crime rate are greater than adjacent residential Reporting Districts. The theater is located in the heart of Corona del Mar and East Coast Highway bisects RD44. Corona del Mar State Beach is also located in this reporting district, which draws thousands of visitors annually. While the crime rate is higher than adjacent residential reporting districts, the crime rate for RD 44 is lower than the Citywide crime rate and the Newport Beach Police Department does not consider the number significant given the type of development within this Reporting District.

*ii. The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*

1. Due to the high concentration of commercial land uses, the calls for service, number of arrests, and crime rate are greater for RD 44 than for adjacent residential Reporting Districts; however, the Newport Beach Police Department does not consider the number significant given the type of development within this Reporting District.

*iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*

Residential units are located 60 feet west of the subject property on Heliotrope Avenue. The project site is not located in close proximity to a daycare center, hospital, or park. Sherman Gardens is located approximately 780 feet to the north of the subject property. Corona del Mar State Beach and the Oasis Senior Center are located in the vicinity approximately 1,500 feet to the west and east, respectively. The nearest church, Our Lady of Mount Carmel Church, is located 375 feet to the northeast of the subject property on Heliotrope Avenue across East Coast Highway. The nearest school, Harbor View Elementary School, is located 1,000 feet to the northeast of the subject property. The proposed use is surrounded by other commercial retail and office uses along East Coast Highway. Old Corona del Mar is generally characterized by a high number of visitors, in which commercial and residential zoning districts are located in close proximity to one another.

*iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

1. There are three other establishments in the vicinity which provide alcohol service to patrons. These include the Port Restaurant, The Place, and Mayur. While the proposed establishment is located in close proximity to other establishments selling alcoholic beverages, the theater is a destination point for Old Corona del Mar, the use is different than other establishments selling alcoholic beverages, and the service of alcoholic beverages is acceptable for this location.

v. *Whether or not the proposed amendment will resolve any current objectionable conditions*

1. The addition of alcohol service is a new request to an existing theater use. As such, there are currently no objectionable conditions on-site related to the service of alcohol.

2. The theater is adjacent to a highly-traveled commercial area along East Coast Highway. It is anticipated that the establishment will serve residents and visitors within the vicinity. The addition of alcohol service to the concessions menu will complement the food service and provide convenience to patrons of the theater.

Minor Use Permit

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

Finding

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

Facts in Support of Finding

1. The General Plan Land Use Element designates the subject property as Corridor Commercial (CC), which is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The existing landmark theater is consistent with the land uses permitted in the CC land use designation.

2. The addition of alcohol service to the existing landmark theater and food concessions is compatible with the land uses permitted within the surrounding neighborhood.

3. The subject property is not part of a specific plan area.

Finding

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

Facts in Support of Finding

1. The zoning designation for the subject property is Commercial Corridor (CC), which is intended to provide for areas appropriate for a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The existing landmark theater is a permitted use within the CC zoning district and is consistent with the standards of the Landmark Structures ordinance.

2. The project has been conditioned to limit objectionable conditions resulting from the service of alcohol at the theater and is required to comply with all applicable Municipal regulations.

3. The proposed use is consistent with the standards and permit requirements of Section 20.48.030 (Alcohol Sales) of the Zoning Code.

Finding

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

Facts in Support of Finding

1. The allowed uses in the vicinity include retail, office, and restaurant commercial uses. The existing theater and the proposed alcohol service are consistent with these surrounding land uses.

2. The remodeled theater is consistent with the requirements of Section 20.38.070 (Landmark Structures) of the Zoning Code, where parking demand, seating, and occupant loads are well below that prior to the remodel of the theater. Thus, on-site parking is not required for the theater use to continue.

3. A theater has operated in this location since 1949. The theater was recently remodeled and reopened in July of 2012.

4. Alcohol service within the theater will be restricted to the hours between 8:00 a.m. and 11:00 p.m., daily.

5. The operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure that the business remains a theater and does not become a bar, club, or tavern.

6. The applicant will obtain Health Department approval. The establishment will comply with the California Building Code and requirements of the Alcoholic Beverage Control Department to ensure the safety and welfare of customers and employees within the establishment.

Finding

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

Facts in Support of Finding

1. The theater renovation was checked for compliance with all life safety requirements during plan check and field inspections. Site access is provided by two public streets. Adequate public and emergency vehicle access, public services, and utilities are provided within the existing tenant space.

2. Tenant improvements are not required for the addition of alcohol service to the existing theater. The establishment will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

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

Facts in Support of Finding

1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.

2. Alcohol service within the theater will serve the surrounding neighborhood of Corona del Mar. The proposed establishment will provide alcohol service as a public convenience to the surrounding neighborhood. The service of alcohol will provide an economic opportunity for the property owner to maintain a successful business that is compatible with the surrounding community.

3. Alcohol service will not be provided after 11:00 p.m., daily, preventing late night detrimental impacts to the neighborhood.

SECTION 4. DECISION.

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

1. The Planning Commission of the City of Newport Beach hereby approves Minor Use Permit No. UP2012-009 (PA2012-070), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.

2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 6th DAY OF DECEMBER, 2012.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY:_____
Michael Toerge, Chairman

BY:_____
Fred Ameri, Secretary

**EXHIBIT "A"**

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan and floor plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).

2. Minor Use Permit No. 2012-009 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.

3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.

4. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Minor Use Permit.

5. This Minor Use Permit may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

6. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.

7. There shall be no alcoholic beverage sales permitted after 11:00 p.m.

8. No more than two alcoholic beverages shall be sold or served to any one person at any one time.

9. On the second level mezzanine, alcoholic beverage service and consumption shall be permitted, which shall only be accessible by patrons 21 years or older. On the lower level of the theater, alcoholic beverage service and consumption shall only be permitted when the shows or screenings are restricted to patrons 21 years and older.

10. Alcoholic beverage service in the lower level theater shall not be permitted for any public event or screenings when patrons or persons under 21 years old are present. Alcoholic beverage service may be offered on the second level mezzanine, accessible only to patrons 21 years or older. Access to the second level mezzanine during such events shall be strictly monitored.

11. Prior to implementation of this Minor Use Permit, a comprehensive security plan for the permitted uses shall be submitted to the Newport Beach Police Department for review and approval.

12. All owners, managers and employees selling alcoholic beverages shall be over the age of 21 and undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

13. Approval does not permit the venue to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Newport Beach Municipal Code, unless the Planning Commission first approves such permit.

14. Alcohol service and consumption shall only be permitted in conjunction with theater screenings, live shows, and other actual events. At no time shall stand alone alcohol service and consumption be permitted. This condition does not prohibit alcohol service and consumption during show intermissions and other routine breaks in entertainment.

15. The sale of alcoholic beverages for consumption off the premises is prohibited.

16. The applicant shall not share any profits or pay any percentage or commission to any outside promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.

17. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.

18. There shall be no dancing allowed on the premises at public events.

19. Strict adherence to maximum occupancy limits is required.

20. All proposed signs shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of Chapter 20.67 of the Newport Beach Municipal Code.

21. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior shall constitute a violation of this condition.

22. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.

23. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to this Minor Use Permit.

24. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.

25. A Special Event Permit shall be required for any event or promotional activity that involves more than 350 occupants or operates outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

26. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the City's approval of the Port Theater Alcohol Service including, but not limited to, Minor Use Permit No. UP2012-009 (PA2012-070). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

# Attachment No. PC 2

Draft Resolution for Denial

**RESOLUTION NO. ####**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING MINOR USE PERMIT NO. UP2012-009 FOR A TYPE 47 (ON-SALE GENERAL) ALCOHOL LICENSE LOCATED AT 2905 EAST COAST HIGHWAY (PA2012-070)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Pand Realty, LLC, with respect to property located at 2905 East Coast Highway, requesting approval of a minor use permit. The property is legally described as Lot 1, Block G, Tract 323, in the City of Newport Beach, County of Orange, State of California, as shown on a map recorded in Book 14, Pages 40 and 41 of miscellaneous maps, records of Orange County, California. Excepting therefrom the portion of the 14-foot alley abutting said Lot 1 on the southwest, vacated by the City of Newport Beach. Also excepting therefrom the following: beginning at the most westerly corner of said Lot 1; thence northeasterly along the northwesterly line of said lot, a distance of 50 feet to a point; thence southeasterly along a line parallel with the rear or alley line of said lot and the prolongation thereof to its intersection with the southerly line of said lot; thence westerly along the southerly line of said lot to its intersection with the rear or alley line of said lot; thence northwesterly along said rear or alley line of said lot to the point of beginning.

2. A minor use permit for the Port Theater to allow the addition of a Type 47 (On-Sale General) Alcoholic Beverage Control License in conjunction with food service at a landmark theater. The requested hours of operation for alcohol service are from 8:00 a.m. to 11:00 p.m., daily. The existing theater operates from 8:00 a.m. to 2:00 a.m., daily. Alcohol service during theater shows would be provided on the second floor mezzanine and access to this area would be limited to patrons 21 years of age and older. Alcohol service is also proposed throughout the theater (both the first and second level) during theater shows that are limited to patrons over the age of 21.

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

4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Corridor Commercial (CC-B).

5. A public hearing was held on December 6, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place, and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

DRAFT

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales), permits are required per Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards). Therefore, the requested alcohol service at an existing landmark theater requires the approval of a minor use permit based on the requirements for a food service establishment with alcohol service and no late hours after 11:00 p.m.

The Planning Commission may approve a minor use permit only after making each of the required findings set forth in Section 20.48.030 (Alcohol Sales) and Section 20.52.020.F (Use Permit, Findings and Decision). In this case, the Planning Commission was unable to make the required findings based upon the following:

1. The Planning Commission determined, in this case, that the proposed Minor Use Permit for the addition of a Type 47 (On-Sale General) alcohol license to an existing landmark theater is not consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code. The proposed project may prove detrimental to the community.

2. The design, location, size, and characteristics of the proposed project are not compatible with the single-family residences and commercial uses in the vicinity. The addition of alcohol service may result in negative impacts to residents and businesses in the vicinity and would not be compatible with the enjoyment of the nearby residential properties.

SECTION 4. DECISION.

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

1. The Planning Commission of the City of Newport Beach hereby denies Minor Use Permit No. UP2012-009 (PA2012-070).

2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 6th DAY OF DECEMBER, 2012.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY:_____
Michael Toerge, Chairman

BY:_____
Fred Ameri, Secretary

# Attachment No. PC 3

Correspondence Memo and
Applicant's Project Description

**Picoco LLC**
*4343 Von Karman Avenue, 3rd Floor*
*Newport Beach, CA 92660*
*Tel 949-640-0801 Fax 949-640-0802*

October 31, 2012

Zoning Commission
City of Newport Beach
Community Development Department, Planning Division
3300 Newport Boulevard
Newport Beach, CA 92663

***Re: Port Theater, UP2012-009 (PA2012-070), Amendment to Limit Alcohol Service Areas***

Dear Commission:

Please find below our proposed addition to the project description that was provided to the City on October 11, 2012 in connection with Port Theater's application for the above referenced use permit.

**Amendment to Include to Project Description Section F. Security Plan**

**Alcohol Service Areas.** When there are patrons of mixed ages in the theater, Port will limit service of alcohol to only the upstairs mezzanine and bar during public events. Thus, during normal movie showings or related public events, alcohol service and consumption will be limited to the upstairs of Port Theater, and no alcohol will be served or consumed on the lower level. By restricting the service and consumption of alcohol to the upper level of the theater during public events of mixed ages, Port employees can easily and clearly monitor alcohol consumption to ensure that no underage drinking occurs. The upstairs area will be heavily staffed by servers and bartenders with clear visibility of all patrons in the area making it open and obvious if any person who appears to be underage attempts to consume alcohol, and immediate steps can then be taken by Port to ensure that such consumption does not occur.

We hope that providing this additional restriction, compounded with our prior self-imposed restrictions, including the removal of our proposed dance activity, provides the City full confidence in supporting our use permit application and expediting the remainder of this application process prior to the pending expiration of our license application with the Ca. Dept. of Alcohol Beverage Control. In this regard, we look forward to receipt of formal notice scheduling us at the City's Planning Commission hearing on December 6, 2012. If you have any questions pertaining to any of the above, please do not hesitate to contact me.

Sincerely,

Jessica Prause, Esq.

**Pand Realty LLC**
*4343 Von Karman Avenue, 3rd Floor*
*Newport Beach, CA 92660*
*Tel 949-640-0801 Fax 949-640-0802*

RECEIVED BY
COMMUNITY
SEP 12 2012
DEVELOPMENT
CITY OF NEWPORT BEACH

September 12, 2012

Zoning Commission
City of Newport Beach
Community Development Department, Planning Division
3300 Newport Boulevard
Newport Beach, CA 92663

Dear Commission:

Please find enclosed the revised project description that was requested in the Notice of Incomplete Filing dated June 26, 2012, as well as other information that was separately requested by Makana Nova.

## Revised Project Description

The Port Theater was redeveloped with only one purpose in mind – to facilitate a venue in which events such as cinema, performing arts shows, pre- and post-show gatherings, lectures, films, corporate or community meetings, and other public or private events can be enjoyed by the community in a luxurious but relaxed atmosphere. The architecture, lighting, and acoustics of the theater were designed to accommodate the above uses.

Theaters in this day and age have come a long way from theaters of the past, with many theaters currently offering a variety of services and amenities that did not exist in theaters 30 or even 5 years ago. For example, upscale theaters now do not limit their food service to merely popcorn and hotdogs, but instead offer hot meals, gourmet desserts and full beverage service of spirits, beer and wine. The uses that the Port Theater is seeking are critical to the financial and functional viability of the theater given the varied and changing requirements imposed on theaters in today's market.

For example, recently, the city approved and supported the creation of a new theater in Fashion Island with alcohol service rights and a high degree of flexibility in food preparation and program planning similar to what we are requesting in this use permit. This city approval of these capabilities validates that modern theaters need to be able to offer their patrons a variety of updated amenities such as state of the art digital content, varied luxurious seating arrangements, and upgraded gourmet food and beverage services. To entice Patrons to leave the cocoons of their homes and choose to visit a theater rather than a variety of other entertainment venues, theaters must offer an exceptional experience, complete with an array of food and beverage offerings. The Port Theater wants to ensure that it has no fewer approvals than those granted to

similarly situated theaters; however, the Port Theater is not currently anticipating seeking uses that would categorize the theater as a bar, tavern, cocktail lounge, or nightclub.

Additionally, in August of 2011, the City of Newport Beach approved similar uses as above for the Balboa Performing Arts Theater (a sister theater with the same designated landmark status as the Port Theater), in order to allow for greater flexibility for the theater's operations including alcoholic service, a rooftop gathering place and an increase to its original volumetric space to ensure the financial viability of the project. The City explicitly recognized the challenges and changing needs imposed on modern community theaters.

**Management's Request to the City of Newport Beach**

Because we are currently operating and have invested significant sums to rejuvenate the Port Theater, we have elected to limit the hours of alcoholic beverage service to no later than 11:00 PM. Though this significantly reduces our service offerings, we have elected to impose this restriction in order to file this application with the Zoning Administrator and not be subjected to the lengthy public hearing process. As such, the Port Theater requests that the Zoning Administrator approve our application expeditiously.

## I. Information Requested in the Notice of Incomplete Filing date June 26, 2012

A. Food and Drink Service

Currently, food and drink is served from the concession stand in the lobby of the theater. If a particular food or beverage item takes some time to prepare, the patron must wait for it in the lobby area and pick it up when it is ready. Please see section "F" for operational protocols regarding alcohol service.

Future upgraded service to patrons may include servers bringing food and drink items to patrons at their seats.

B. Turn-Over Between Performances/Screenings

There are generally between four and six screenings scheduled per day. Once a screening has ended, patrons can exit the theater through two different sets of doors which lead to the lobby. The patrons waiting to see the following screening will only be allowed into the theater once all of the patrons have exited from the prior screening. This allows staff to reset the seating, clean the facilities, and perform other duties.

C. Hours of Operation

The hours of operation for the theater are generally 8:00AM to 2:00AM Monday through Sunday. These hours will vary with the hosting of community events, pre- and post-show gatherings, special television events or private events that may extend the hours of operation until later.

Each function of the theater, including food service, cinema screenings, and live performances will be available during the hours of operation listed above. Alcohol service will conclude by 11:00PM Monday through Sunday.

D. Floor Plans for Specific Events

The theater has five different approved floor plans, and management will decide which floor plan is most appropriate for each type of event prior to the event. The different floor plans provide greater flexibility due to the varied requirements imposed on theaters in today's market. While the Port Theater will show a variety of cinematic content, the theater will be available for other events such as performing arts shows, pre- and post-show gatherings, lectures, films, corporate or community meetings, and other public or private events. The increased flexibility in being able to choose which floor plan is best suited for each event is critical to the function of the theater and will improve the quality of events and patron experience.

Standing Room Occupancy Floor Plan- The standing room only floor plan will be used for events that do not require seating and may include usage as a dance floor as designated on the attached plans. With the dance floor limited to the flat portion of the theater in front of the main seating area, the occupancy count is 384 occupants.

E. Role of Cinema

Cinematic and other entertainment content is at the core of the attraction of the Port Theater for customers. As such, alcohol and gourmet food service are merely extensions of the food and beverage selections typically offered by theaters. Tickets must be purchased by each patron in order to watch screenings.

The theater used to represent a signature event for patrons, who would come dressed up in their finest attire when silent pictures were first shown. Over time, theaters have had to adapt to new and changing entertainment formats as patrons have had access to an ever greater selection of options. With the advent of VHS in the home and then DVD and Blu-ray, which offer high quality pictures, theaters have had to adapt to offer more of a better experience to convince consumers that they should leave the comfort of their homes. Across the industry and the country, the way forward for theaters has been to provide enhanced food and beverage options for patrons, more interesting content selections and to encourage greater community involvement with the theater. Theaters cannot survive unless they offer a reason for consumers to make the theater a part of their routine, which means that theaters need to offer better content, better food, better service and better amenities. The Port Theater has been designed from the ground up in order to meet the demands of today's consumers.

F. Security Plan

The theater has a number of security cameras strategically located throughout the property to provide maximum surveillance capabilities of employee and patron activity. In addition, the exterior doors are alarmed to protect against intrusion.

Alcohol will be served only from trained servers and bartenders who are 21 or over. All servers and bartenders will undergo appropriate alcohol service training (LEAD), including training on how to properly examine identification prior to the serving of alcohol to ensure that only those patrons who are 21 or over will be served. In addition, there will be distinct cups for both alcoholic and nonalcoholic beverages so employees can easily monitor which patrons have which type of beverage. Alcoholic service will only be provided when a designated Port employee is present.

1. Mezzanine Level - Alcohol will be served at the mezzanine bar area where patrons under the age of 21 will not be permitted when alcohol is being served. A barrier will be used at the bottom of the stairs where an employee will verify each patron's identification and only allow those patrons who are 21 and over access to the mezzanine area. The exclusion of minors from the mezzanine area will serve as an effective enforcement mechanism by ensuring that only patrons aged 21 and over will be served alcohol. However, when alcohol is not served at the mezzanine bar area, patrons of all ages will be permitted in the mezzanine area.

In addition, the mezzanine bar area will be under the constant supervision of employees as there will always be at least one employee staffed in the area at all times, making the mezzanine bar an extremely controlled space. Unlike other movie theaters that must send an employee into the theater with a flash light to verify alcohol consumption or patrons' ages, the Port Theater will ensure that the mezzanine space is overseen at all times by employees. Further,

the mezzanine will have enhanced illumination as its lights for the bar area are on a separate circuit to improve the employees' ability to monitor alcohol service.

2. Lower Seating - Patrons 21 and over will also be permitted to consume alcohol in the lower seating area by ordering a beverage from a server who will deliver the beverage from the mezzanine level. This lower seating area will be sufficiently illuminated to allow servers and other staff members to effectively supervise alcohol consumption.

3. Private Events - Regarding private events, alcohol is permitted, and a security plan will be developed prior to each event to ensure proper security measures will be in place. The Port Theater will continue to abide by legal non-conforming use for private events.

No alcoholic beverages will be permitted outside of the building at any time. Theater employees will be staffed regularly at entrances and exits to ensure that alcoholic beverages are not taken outside the theater. The Port Theater is committed to ensuring that alcohol is only served in a safe and regulated environment.

G. Maximum Number of Employees

The maximum number of employees on-site during the hours of operation will vary depending on the time of day, day of the week, and occurrence of special events. Port Theater management will ensure that the theater is appropriately staffed at all times.

H. Parking Management

The Port Theater received a landmark designation which was represented to the owner as having the effect of grandfathering certain features such as its parking requirement. The theater owner relied on those grandfathered features when deciding to redevelop the theater

Further, the redevelopment of the Port Theater reduced the demand on parking because of the severe reduction in seating from the original 900+ seats to seating plans allowing up to 367 seats. As a result, there is a significant reduction in the demands that used to be placed on surrounding infrastructure. Often, it is anticipated that the Port Theater will operate with less than 250 occupants.

## II. Information requested in Makana Nova's email to Joe Moschella date July 11, 2012

A. Food will be prepared in the kitchen, the kitchen prep pantry, and at the concession stand. All food preparation will be executed in accordance with Orange County Health Care Agency regulations.

B. There are no changes from Chapter 4 of CPC 2007.

C. There are no changes from Chapter 11 of CBC 2007.

D. The mezzanine level will be used for seating and dining and will also serve as a bar. Only those patrons who are 21 years of age and older will be permitted in the mezzanine area

when alcohol service is provided. (See Section "F" above for more details on the mezzanine level). Dancing will not be permitted on the mezzanine level.

A full service kitchen is located on the upper floor slightly above the mezzanine level as shown in previous plans and in the plans submitted in this revised application.

# Attachment No. PC 4

Zoning Administrator's Memo

**CITY OF NEWPORT BEACH**
**COMMUNITY DEVELOPMENT DEPARTMENT**
**3300 NEWPORT BOULEVARD, BLDG. C**
**NEWPORT BEACH, CA 92658-8915**
**(949) 644- 3297**

# Memorandum

**To:** Makana Nova, Assistant Planner

**From:** Brenda Wisneski, Zoning Administrator

**Date:** October 9, 2012

**Re:** Port Theater Use Permit (PA2012-070) – Referral to Planning Commission

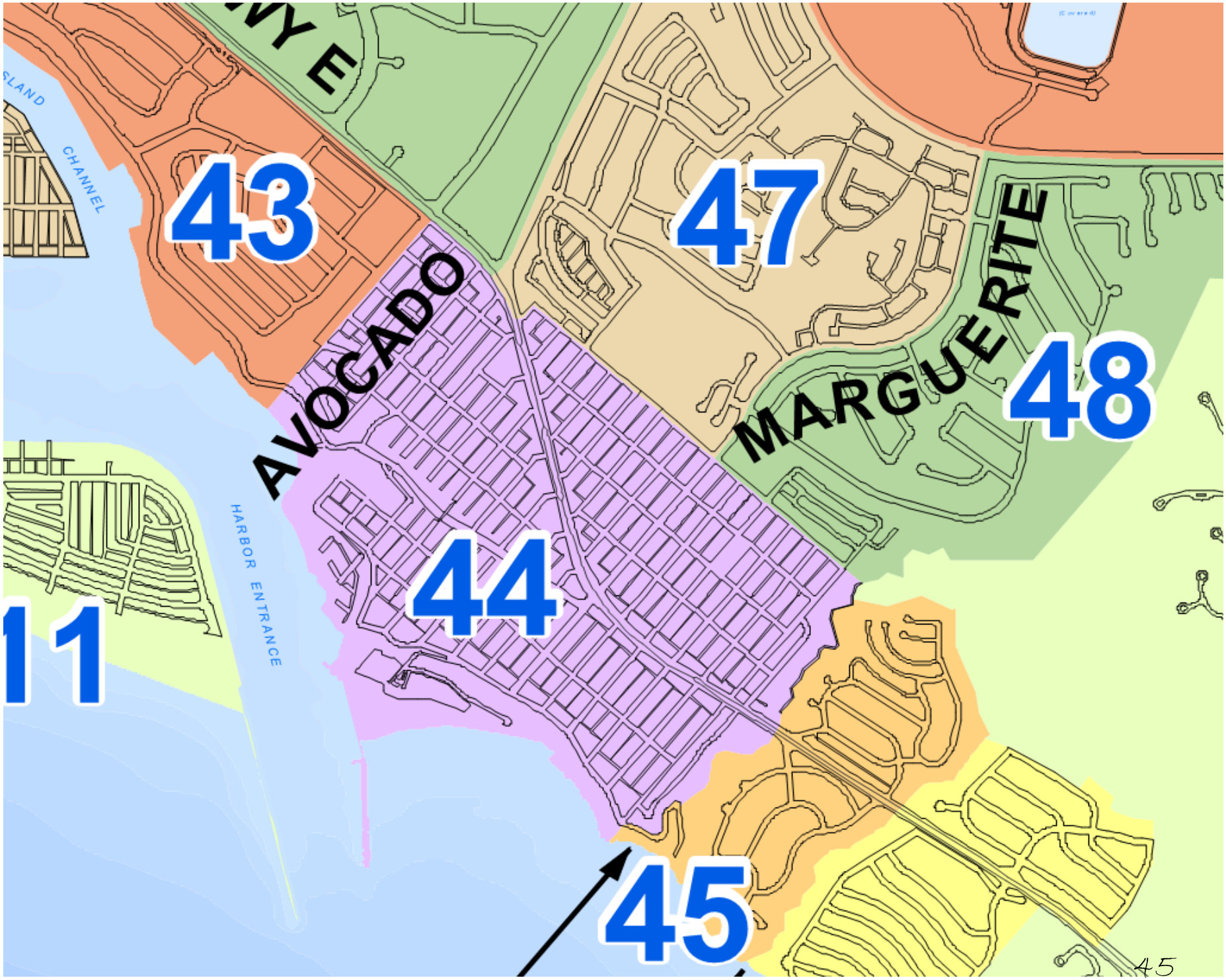
---

I understand the Port Theater has submitted a minor use permit for the Port Theater to allow the addition of a Type 47 (On-Sale General) Alcoholic Beverage Control License in conjunction with food service at a landmark theater. The requested hours of operation for alcohol service are from 8:00 a.m. to 11:00 p.m., daily. The theater operates from 8:00 a.m. to 2:00 a.m., daily.

Due to the hours of operation for the establishment (operational hours of the theater extend beyond 11:00 p.m. although alcohol service is proposed to end at 11:00 p.m.), the characteristics of the use, the location of the theater in a difficult parking area, and the sensitivity of the community, I feel it is appropriate at this time to refer the review of the minor use permit request to the Planning Commission and to provide the applicant timely review and consideration of their request.

# Attachment No. PC 5

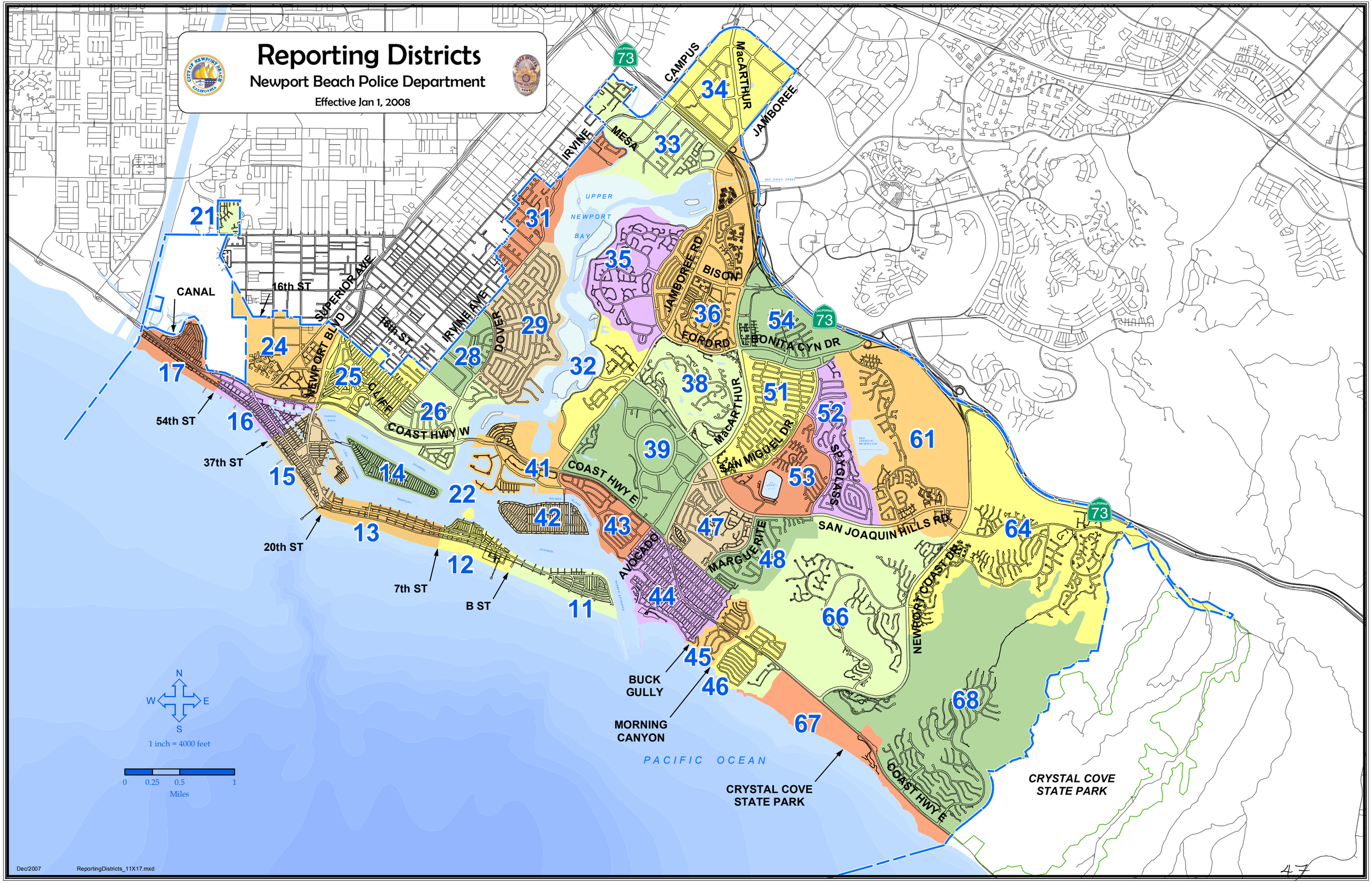
Newport Beach Reporting Districts


43
47
48
44
45
11
AVOCADO
MARGUERITE
HARBOR ENTRANCE
CHANNEL

# Reporting Districts

## Newport Beach Police Department

Effective Jan 1, 2008




Dec/2007 ReportingDistricts_11X17.mxd

47

# Attachment No. PC 6

Alcohol Related Statistics

Chief Jay R. Johnson

# NEWPORT BEACH POLICE DEPARTMENT

*Crime Analysis Unit*

870 Santa Barbara Drive · Newport Beach · CA 92660 · 949·644·3791

## CRIME AND ALCOHOL-RELATED STATISTICS - 2011

| Subject: | Calls For Service | Crimes | | | Arrests | | | | Citations | ABC Info | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Part I Crimes | Part II Crimes | Crime Rate | All Arrests | DUI | Public Intoxication | Liquor Law | Alcohol Related | Active Licenses | License Per Capita |
| **Port Theater** | 1 | 0 | 0 | *not applicable* | 0 | 0 | 0 | 0 | 0 | 1 | *not applicable* |
| **Subject RD: RD44** | 4,459 | 121 | 209 | 1,888.56 | 185 | 29 | 47 | 1 | 74 | 26 | 246 |
| **Adjacent RD: RD43** | 660 | 23 | 25 | 1,196.67 | 20 | 5 | 1 | 0 | 2 | 5 | 384 |
| **Adjacent RD: RD45** | 411 | 25 | 20 | 1,230.31 | 11 | 6 | 3 | 0 | 8 | 3 | 677 |
| **Adjacent RD: RD47** | 506 | 18 | 15 | 528.63 | 15 | 6 | 0 | 0 | 1 | 3 | 1,135 |
| **Newport Beach** | 66,374 | 2,405 | 3,343 | 2,816.95 | 3,177 | 643 | 654 | 7 | 1,245 | 394 | 217 |
| **California** | *not available* | 1,146,072 | *not available* | 3,076.38 | 1,357,573 | 195,276 | 105,388 | 17,007 | *not available* | 44,536 | 836 |
| **National** | *not available* | 10,329,135 | *not available* | 3,345.52 | 13,120,947 | 1,412,223 | 560,718 | 512,790 | *not available* | *not applicable* | *not applicable* |

### Summary for Port Theater at 2905 E. Coast Hwy. (RD44)

**In 2011, RD44 had a total of 330 reported crimes, compared to a city-wide reporting district average of 152 reported crimes. This reporting district is 178 crimes, or 117%, OVER the city-wide average.**

**The number of active ABC licenses in this RD is 26, which equals a per capita ratio of one license for every 246 residents. Orange County averages one license for every 504 residents and California averages one license for every 836 residents. This location is within an RD that is OVER the Orange County and California per capita averages of ABC licenses.**

*Notes:*

*Part I Crimes are the 8 most serious crimes as defined by the FBI Uniform Crime Report - Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny-Theft, Auto Theft, and Arson.*

*This report reflects City of Newport Beach data for calendar year 2011, which is the most current data available.*

*California and National figures are based on the 2010 Uniform Crime Report, which is the most recent edition.*

*Crime Rate refers to the number of Part I Crimes per 100,000 people.*

*Number of Active ABC Licenses is the total of all types of licenses known to the NBPD as of the date of this document.*



10/30/2012

# Attachment No. PC 7

Police Department Recommendation

# City of Newport Beach
# Police Department

## Memorandum

November 7th, 2012

**TO:** Makana Nova, Assistant Planner

**FROM:** Detective Mario Montero

**SUBJECT:** Port Theatre, 2905 E. Coast Hwy, Corona Del Mar
Use Permit No. UP2012-009 (PA2012-070).

At your request, the Police Department has reviewed the project application for the *Port Theatre,* located at 2905 E. Coast Highway, Corona Del Mar. The applicant is requesting a conditional use permit which would allow the addition of a Type 47 (On-Sale General) Alcoholic Beverage Control License in conjunction with hot food service while operating a single-screen cinema. The proposed hours of operation are 8:00 am to 2:00 am daily. Alcoholic beverages would only be served from 8:00 am until 11:00 pm daily. As proposed the establishment would not operate as a bar and dancing would not be permitted.

I have included a report by Senior Crime Analyst Caroline Staub that provides detailed statistical information related to calls for service in and around the applicant's place of business. This report indicates that the location is within a reporting district where reported crimes are 117% *higher* than the city-wide average. Additionally, this location is also within a reporting district that is over the Orange County and California per capita of ABC licenses.

**Applicant History**

The establishment is a movie theatre venue, which was first built in 1949. The facility operated as a movie theatre until 1998 at which time it closed down and remained closed until July 2012 when the current operator, Mr. Fariborz Maseeh of Picoco LLC, performed renovations and re-opened again as a movie theatre. The applicant believes the service of alcoholic beverages and gourmet food items is necessary to be competitive and profitable in today's changing market. The permit was originally applied for in June 2012, but the application was incomplete. Since the original application there have been revisions to the applicant's plan. The Port Theatre is not affiliated with the Port Restaurant which is adjacent to the business.

**Recommendations**
The Police Department has no objection to the operation as described by the applicant. With the conditions listed below it is the opinion of the Police Department that the Port Theatre will not have a negative impact on the community and police services.

**Signs and Displays**
Any signs or displays would need to conform to City requirements. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this section.

**Hours of Operation**
The proposed hours of operation would be 8:00 am to 2:00 am daily, with alcoholic beverage service from 8:00 am until 11:00 pm only.

**Security**
The Police Department reviewed the applicant's proposed security policy as described in section F and in the revision dated October 31st, 2012. The Police Department recognizes the recent trend of movie theatre venues offering alcoholic beverage service to patrons. The Department also recognizes Port Theatre's intention to operate as a flexible venue by offering to show live sporting events, provide live performances and host other special events. Considering the services offered beyond traditional movie screenings the Police Department recommends the applicant's proposed policy should also include a provision for the use of licensed security services. Specifically, the Department recommends that clearly identifiable security personnel be employed when alcohol service is permitted in the lower theatre. The security personnel should be assigned only to security duties and be trained and licensed according to California Department of Consumer Affairs rules. Attire for security employees should be uniform in appearance, clearly identifying their purpose. Uniform appearance, for the purpose of this recommendation, may consist of traditional security uniforms or professional business attire (such as suits, ties or polo type shirts of the same color). A ratio of one security employee for every fifty patrons is recommended. Security personnel should not undertake other duties, such as food service or concession sales, which would distract them from their primary duties.

**Employee Training**
Require all owners, managers, and employees selling alcoholic beverages to undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.

**Recommended Conditions**
To maintain quality of life for area residents and ensure the location remains consistent with the proposed business model of a modern multi-use theatre, the Police Department

has determined that the following conditions would be appropriate for the Conditional Use Permit:

1. Approval does not permit the venue to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code, unless the Planning Commission first approves such permit.

2. Alcohol service and consumption shall only be permitted in conjunction with theatre screenings, live entertainment and other actual events. At no time shall stand alone alcohol service and consumption be permitted. This condition does not prohibit alcohol service and consumption during show intermissions and other routine breaks in entertainment.

3. The sale of alcoholic beverages for consumption off the premises is prohibited.

4. No more than two (2) alcoholic beverages shall be sold or served to any one (1) person at any one (1) time.

5. Alcoholic beverage service shall be permitted on the second level mezzanine, which shall only be accessible by patrons 21 years or older.

6. Alcoholic beverage service and consumption shall only be permitted on the lower level of the theatre for public events when the event or screenings are restricted to patrons 21 years and older.

7. Alcoholic beverage service in the lower level theatre shall not be permitted for any public event or screenings when patrons or persons under 21 years old are present. Alcoholic beverage service may be offered on the second level mezzanine, accessible only to patrons 21 years or older. Access to the second level mezzanine during such events will be strictly monitored.

8. Alcoholic beverage service on the lower level theatre may be permitted for closed private events or special events only after obtaining a Special Event Permit from The City.

9. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed at any time.

10. There shall be no alcoholic beverage sales or alcoholic beverage consumption permitted after 11:00 p.m.

11. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted at any time.

12. The applicant shall not share any profits or pay any percentage or commission to any outside promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.

13. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.

14. There shall be no dancing allowed on the premises. The applicant may apply for a Special Event permit granting an exception to this condition when an event, such as a wedding or other private function, might require such consideration.

15. Strict adherence to maximum occupancy limits is required.

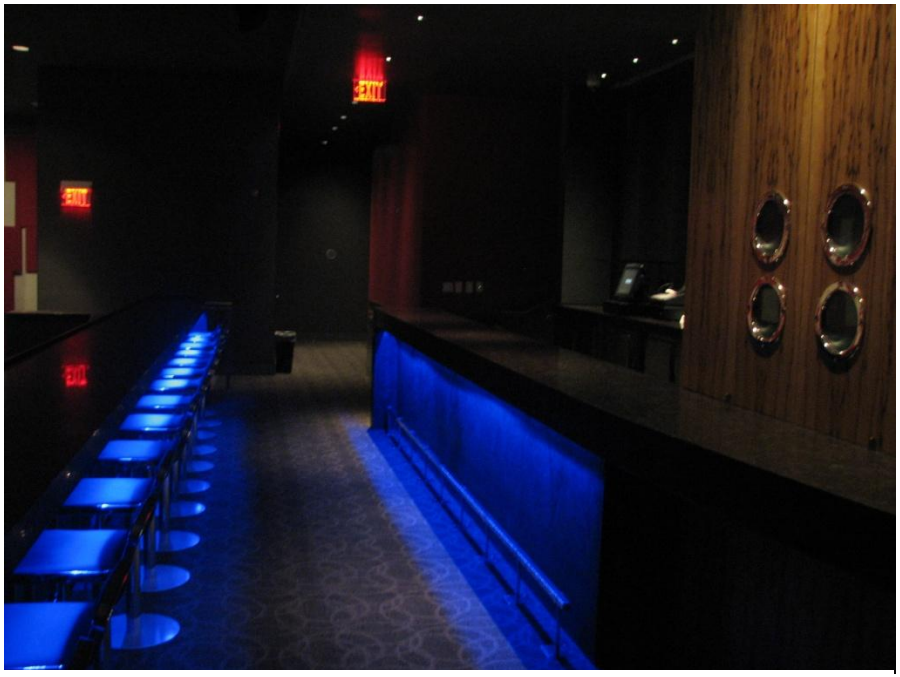
If you have any questions, please contact Detective Mario Montero at (949) 644-3706.

Mario Montero, ABC/Vice/Intelligence
Detective Division

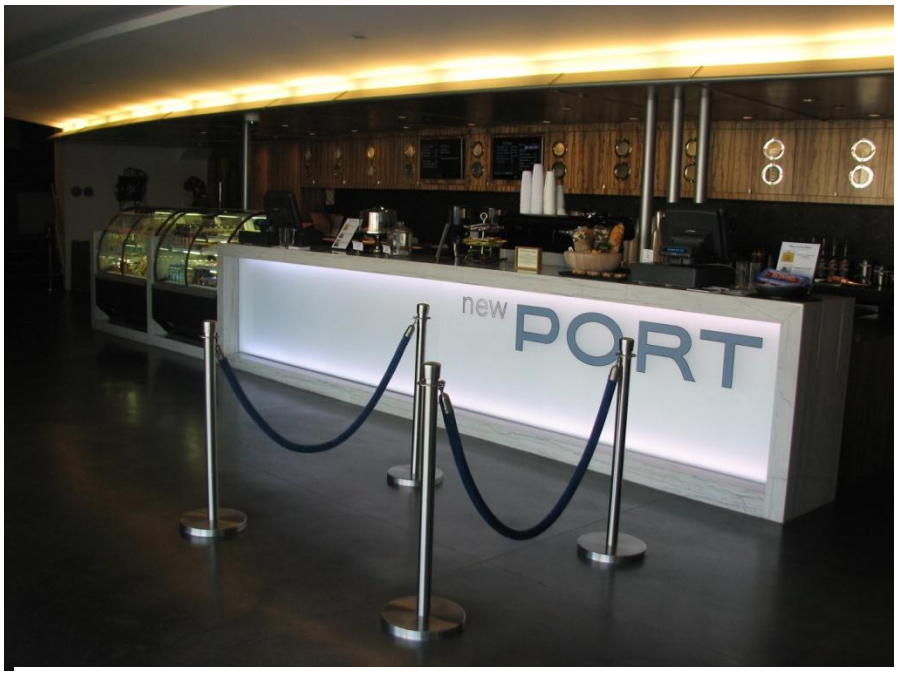
Dale Johnson, Captain
Detective Division Commander

# Attachment No. PC 8

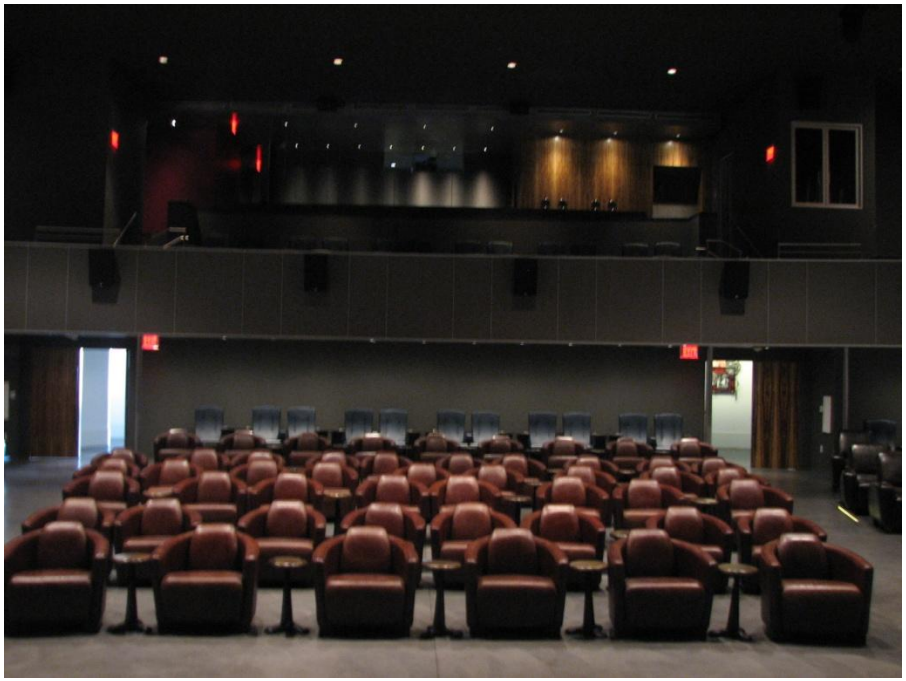
Site Photos



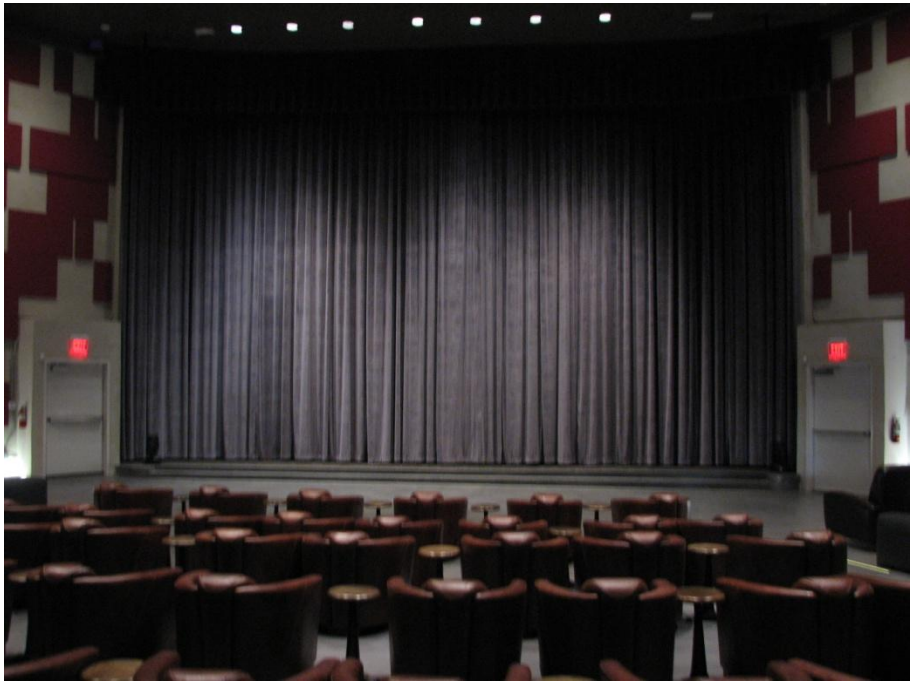

Second level mezzanine bar/concessions area, taken 11-20-12




Lobby entrance concessions area, taken 11-20-12



First level seating and second level mezzanine, taken 11-20-12



View of the screen from the first level seating area, taken 11-20-12

Exterior of the Port Theater, taken 04-27-12

Exterior of the Port Theater entrance from East Coast Highway
Taken 08-03-12

Lobby concessions stand, taken 11-20-12

Food and beverage display case at the lobby concession stand,
taken 11-20-12

Exterior of the Port Theater from the south side of East Coast Highway while under construction, taken 03-21-12

Exterior of the Port Theater from the north side of East Coast Highway while under construction, taken 03-21-12

Adjacent uses from the south side of East Coast Highway while under construction, taken 11-20-12

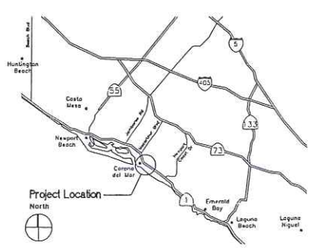
Adjacent commercial uses taken from the south of the subject property, taken 11-20-12

# Attachment No. PC 9

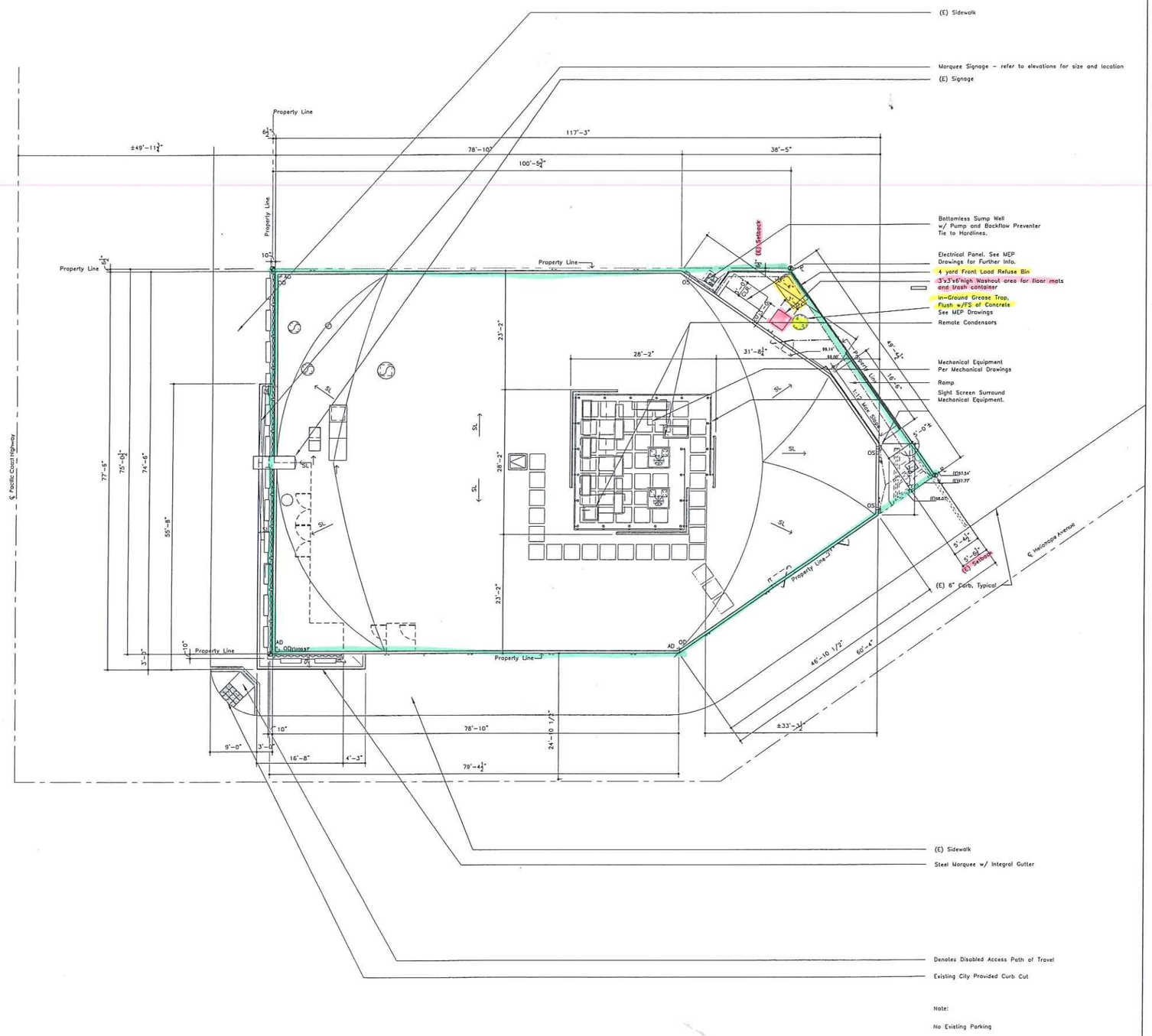
Project Plans

| | |
|---|---|
| Point of Contact | Lisa Hanscom<br>(949) 988.7324 |
| Project Address: | 2905 East Coast Highway<br>Corona Del Mar, CA 92625 |
| Occupancy / Const.: | Group A-1<br>Assembly uses intended for the viewing of motion pictures |
| Zone: | RSC (Retail Service Commercial) |
| Lot Area: | 8,142.36 sf. |
| Floor Area Ratio(FAR): | 10,892.90/8,142.36 sf. = 133.78%<br>Lot Area = 8,142.36 sf.<br>Gross Floor Area = 10,892.90 sf. |
| Parking: | 0 Parking |
| Height: | Refer to elevations for specific conditions |
| Construction Type: | Type V-B Sprinklered |
| AREA BUILDING per Chapter 5: | First Level = 7,178.66ft²<br>Second Level = 3,788.84ft² |

3 Project Information




2 Vicinity Map




1 Site Plan

Scale- 1/8" = 1'-0"

LS architects
LAIDLAW SCHULTZ

PROJECT
Port Theater Building - Remodel
2905 East Coast Highway
Newport Beach, CA 92625

DRAWING DESCRIPTION
Site Plan

| DATE | ISSUE/REVISION | REVIEW |
|---|---|---|
| 05.29.2012 | Use Permit | |
| 08.24.2012 | Use Permit | |

North

A.100
SHEET NO.

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of Laidlaw Schultz Architects.

3111 Second Avenue
Corona del Mar, CA 92625-2323
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www.LSarchitects.com

71

## General Notes

### Motion Picture Projection Rooms:

Per 2007 Title 24 Volume 1 CBC
Section 409

409.1–General. the provisions of this section shall apply to rooms in which ribbon–type cellulose acetate or other safety film is utilized in conjunction with electric arc, xenon or other light–source projection equipment that develops hazardous gases, dust or radiation. Where cellulose nitrate film is utilized or stored, such rooms shall comply with NFPA 40.

409.1.1 Projection room required. Every motion picture machine projecting film as mentioned within the scope of this section shall be enclosed in a projection room. Appurtenant electrical equipment, such as rheostats, transformers and generators, shall be within the projection room or in an adjacent room of equivalent construction.

409.2 Construction of Projection Rooms. Every projection room shall be of permanent construction consistent with the construction requirements for the type of building in which the projection room is located. Openings are not required to be protected.
The room shall have a floor area of not less than 80 square feet for a single machine and at least 40 square feet for each additional machine. Each motion picture projector, floodlight, spotlight or similar piece of equipment shall have a clear working space of not less than 30 inches by 30 inches on each side and at the rear thereof, but only one such space shall be required between two adjacent projectors. The projection room and the rooms appurtenant thereto shall have a ceiling height of not less than 7 feet 6 inches. The aggregate of openings for projection equipment shall not exceed 25 percent of the area of the wall between the projection room and the auditorium. Openings shall be provided with glass or other approved material, so as to close completely the opening.

409.3 Projection room and equipment ventilation. Ventilation shall be provided in accordance with the California Mechanical Code.

409.3.1 Supply Air. Each projection room shall be provided with adequate air supply inlets so arranged as to provide well–distributed air throughout the room. Air inlet ducts shall provide an amount of air equivalent to the amount of air being exhausted by projection equipment. Air is permitted to be taken from the outside; from adjacent spaces within the building, provided the volume and infiltration rate is sufficient; or from the building air–conditioning system, provided it is so, arranged as to provide sufficient air when other systems are not in operation.

409.3.2 Exhaust air. Projection rooms are permitted to be exhausted through the lamp exhaust system. The lamp exhaust system shall be positively interconnected with the lamp so that the lamp will not operate unless there is the required airflow. Exhaust air ducts shall terminate at the exterior of the building in such a location that the exhaust air cannot be readily recirculated into any air supply system. The projection room ventilation system is permitted to also serve appurtenant rooms, such as the generator and rewind rooms.

409.3.3 Projection Machines. Each projection machine shall be provided with an exhaust duct that will draw air from each lamp and exhaust it directly to the outside of the building. The lamp exhaust is permitted to serve to exhaust air from the projection room to provide room air circulation. Such ducts shall be of rigid materials, except for a flexible connector approved for the purpose. The projection lamp or projection room exhaust system, or both, is permitted to be combined but shall not be interconnected with any other exhaust or return system, or both, within the building.

409.4 Lighting Control. Provisions shall be made for control of the auditorium lighting and the means of egress lighting systems of theaters from inside the projection room and from at least one other convenient point in the building.

409.5 Miscellaneous Equipment. Each projection room shall be provided with rewind and film storage facilities.

## Accessibility for Group A Occupancies

### Section 1104B
### Accessibility for Group A Occupancies
Per 2007 Title 24 Volume 1 CBC

1104B.1 General. All Group A occupancies shall be accessible as provided in this chapter. See also the general requirements in Section 1114.1.1

1104B.2 Assistive–listening systems in assembly areas. Assembly areas, conference and meeting rooms shall provide assistive–listening systems for persons with hearing impairments as provided in this section.
Exception: This section does not apply to systems used exclusively for paging, or background music, or a combination of these two uses.
1.Number of personal receivers required. The minimum number of receivers to be provided shall be equal to 4 percent of the total number of seats, but in no case less than two.
2.Types of listening systems. Types of assistive–listening systems include, but are not limited to, audio–induction loops, radio frequency systems (AM or FM) and infrared transmission.
3.Location. If the assistive–listening system provided is limited to specific areas or seats, then such areas or seats shall be within a 50–foot viewing distance of the performance area.
4.Signage. A sign shall be posted in a prominent place (for example, a customer service counter, ticket booth or assembly area entrance) indicating the availability of assistive–listening devices. The sign complying with Section 1117B.5.1, Items 2 and 3 shall include the International Symbol of Access for Hearing Loss complying with figure 11B–14C and include wording that states, "Assistive–Listening System Available."
5.Fees and charges. Nothing in this section shall preclude a facility charging for such assistive–listening system its usual fee for audiovisual equipment. However, no surcharge may be placed directly on any particular individual with a disability or any group of individuals with disabilities to cover the costs of such equipment.
6.Permanent and portable systems. Permanently installed assistive–listening systems are required in areas if (1) they accommodate at least 50 persons or if they have audio–amplification systems. and (2) they have fixed seating. If portable assistive–listening systems are used for conference or meeting rooms the systems may serve more than one room. An adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive–listening system shall be provided.

1104B.3.1 Seating. In all assembly places where seating is provided, there shall be spaces for persons using wheelchairs and semi–ambulant persons, as provided in this section.
Exceptions:
1. In existing buildings and facilities when the enforcing agency determines that compliance with the seating requirements of this code would create an unreasonable hardship, such requirements shall not apply. When the unreasonable hardship finding is applied, at least 1 percent of the total seating provided shall be accessible to and usable by persons with disabilities who use wheelchairs, and such seating shall comply with the level requirements and the individual space requirements of this code.
2. When an existing theater is subdivided into more than one facility having upper levels not accessible by ramp or elevator, and the enforcing agency determines that full compliance with this code would create an unreasonable hardship, such upper levels need not be made accessible, provided all facilities at grade are accessible and any event, showing of motion pictures or other activities made available to the public in all of the facilities are scheduled to ensure that all such functions are available to the public in the accessible facility.

1104B.3.2 Accessibility to key facilities. Seating for persons with disabilities shall be accessible from the main lobby or from a primary entrance, together with related toilet facilities.

1104B.3.3 Variety of locations. Accessible seating or accommodations in places of public amusement and resort, including theaters, concert halls and stadiums, shall be provided in a variety of locations so as to provide persons with disabilities a choice of admission prices otherwise available to members of the general public.

### Section 1104B
### Accessibility for Group A Occupancies–Continued
Per 2007 Title 24 Volume 1 CBC

1104B.3.4 Wheelchair Spaces.

1. The number of such spaces is as shown in Table 11B–1.

TABLE 11B–1.WHEELCHAIR SEATING SPACES

| SEATING CAPACITY | NO. OF WHEELCHAIR SEATING SPACES |
|---|---|
| 4 to 26 | 1 |
| 27 to 50 | 2 |
| 51 to 300 | 4 |
| 301 to 500 | 6 |

In addition, 1 percent, but not less than one, of all fixed seats, shall be aisle seats with no armrests on the aisle side, or removable or folding armrests on the aisle side. Each such seat shall be identified by a sign or marker with the International Symbol of Accessibility (see Figure 11B.6). Signage notifying patrons of the availability of such seats shall be posted at the ticket office. Signs and markers shall comply with Section 1117B.5.1, Items 2 and 3 as applicable.

2. When the seating capacity exceeds 500, one additional wheelchair seating space shall be provided for each total seating capacity increase of 100.

3. The ground or floor at spaces shall be level and shall comply with Section 1124B.

1104B.3.5 Placement of wheelchair locations. Wheelchair areas shall be an integral part of any fixed seating plan, and shall be arranged so as to provide persons with disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. Each wheelchair area shall adjoin an accessible route which shall also serve as a means of egress in case of emergency. At least one companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds 300, wheelchair spaces shall be provided in more than one location in addition to complying with Section 1104B.3.3.

EXCEPTIONS:
1. Accessible viewing positions where seating capacity is less than 300 may be clustered for bleachers, balconies and other areas having sight lines that require slopes of greater than one unit vertical in 20 units horizontal (5 percent slope.)
Equivalent accessible viewing positions may be located on levels having accessible egress.
2. Where it is determined that dispersing accessible seating throughout an existing assembly area would create an unreasonable hardship, accessible seating areas may be clustered. Each accessible seating area shall have provisions for companion seating and shall be located on an accessible route that also serves as a means of emergency egress.

1104B.3.6 Size of wheelchair location. Each wheelchair location shall provide minimum clear floor or ground space as shown in Figure 11B–15, and shall adjoin an egress aisle on at least one side.

1104B.3.7 Removable seats. Readily removable seats may be installed in these wheelchair spaces when such spaces are not required to accommodate wheelchair users.

1104B.3.8 Seating for semi–ambulant individuals. In addition to spaces provided for wheelchair users as noted in Sections 1104B.3.4 through 1104B.3.7 above, there shall be provided seating for semi–ambulant individuals. The number of such seating shall be equal to at least 1 percent of the total seating and shall be no fewer than two. Such seats shall provide at least 24 inches (610 mm) clear leg space between the front of the seat to the nearest obstruction or to the back of the seat immediately in front.

1104B.3.9 Life safety. In determining the location of seating for persons with disabilities, life safety shall be considered, and all seating provided must comply with the fire and panic safety requirements of the state fire marshal.

1104B.3.10 Access to performing areas. An accessible route shall connect wheelchair seating locations with performing areas, including stages, arena floors, dressing rooms, locker rooms and other spaces used by performers.

1104B.3.11 Stages, enclosed and unenclosed platforms, and orchestra pits. Stages, enclosed and unenclosed platforms, and orchestra pits shall be made accessible to persons with disabilities.

EXCEPTIONS:
1. When the enforcing agency finds that requiring compliance with this code, for an enclosed or unenclosed platform or depressed area not more than 24 inches (610 mm) above or below an adjacent accessible level, would create an unreasonable hardship, the enclosed and unenclosed platform or depressed area shall be made accessible by a portable ramp with a slope not exceeding 1 unit vertical to 12 units horizontal (8.33% slope).

2. In existing buildings and facilities, all stages, enclosed or unenclosed platforms, and orchestra pits need not be accessible when the enforcing agency determines that compliance with this code would create an unreasonable hardship.

1104B.3.12 Ticket booths. Customer and employee sides of ticket booths and of concession and refreshment sales facilities shall be made accessible to persons with disabilities.

1104B.3.13 Miscellaneous areas. Public toilets and other public areas shall be made accessible to persons with disabilities.

### Section 1104B
### Accessibility for Group A Occupancies–Continued
Per 2007 Title 24 Volume 1 CBC

1104B.5 Dining, Banquet and Bar Facilities.

1. General. Dining, banquet, and bar facilities shall be made accessible to persons with disabilities as provided in this section. All areas where each type of functional activity occurs shall be made accessible.

EXCEPTIONS:
1. In existing buildings, when the enforcing agency determines that compliance with any regulation under this section would create an unreasonable hardship, an exception shall be granted when equivalent facilitation is provided.

2. In existing buildings, these regulations shall not apply when legal or physical constraints would not allow compliance with these regulations or equivalent facilitation without creating an unreasonable hardship. See Section 109.1.5.

2. Entrance. Access to these facilities shall be provided at entrances and exits as required by Section 1133B.1.1.
3. Raised or sunken areas. All raised or sunken areas, including dining areas, loggias and outdoor seating areas, shall be accessible. A raised platform where a head table or speaker's lectern is located shall be accessible. Open edges of raised or sunken areas shall be protected as required by Sections 1013 Guards, 1133B.8.1 Warning Curbs, or by other means as required by this code. For Existing buildings, see Section 1120B, Floors and Levels.
4. Seating. Each dining, banquet and bar area shall have one wheelchair seating space for each 20 seats, with at least one minimum wheelchair seating space per functional area. Such seating shall be designed and arranged to permit use by wheelchair occupants, and shall comply with Section 1122B, Fixed or Built–in Seating, Tables, and Counters. Access to such seating spaces shall be provided with main aisles not less than 36 inches (914 mm) clear width. In establishments where separate areas are designated for smoking and nonsmoking patrons, the required number of accessible fixed tables (or Counters) shall be proportionally distributed between the smoking and nonsmoking areas. Accessible seating spaces shall be integrated with general seating to allow a reasonable selection of seating area and to avoid having one area specifically highlighted as the area for persons with disabilities. The ratio of accessible seating is based on the total number of seats provided. Where food or drink is served at counters exceeding 34 inches in height for consumption by customers seated or standing at the counter, a portion of the main counter which is 60 inches in length minimum shall be proved in compliance with section 1122B.
5. Food service aisles. Food service aisles shall be a minimum of 36 inches (914 mm) of clear width with a preferred width of 42 inches (1067 mm) where passage of stopped wheelchairs by pedestrians is desired. Tray slides shall be mounted no higher than 34 inches (864 mm) above the floor as shown in Figure 11B–16. If self–service shelves are provided, at least 50 percent of each type must be within the reach ranges in Sections 1118B.5 and 1118B.6.
6. Tableware and condiment areas. Self–service tableware, dishware, condiments, food and beverage display shelves and dispensing devices shall comply with Sections 1118B and 1122B.4. See Figure 11B–17.
7. Restrooms. Restrooms and powder rooms shall conform to requirements in Section 1115B.
8. Food preparation areas. Access to food preparation areas shall comply with the provisions for entrance doors and doorways in Section 1008, and aisles in Sections 1014.4 and 1014.4.1.

2 | Assembly/Theater Notes

**CITY OF NEWPORT BEACH**
**BUILDING DEPARTMENT**
3300 NEWPORT BLVD.
P.O.BOX 1768, NEWPORT BEACH, CA 92658
(949) 644-3275

**DOCUMENTATION OF UNREASONABLE HARDSHIP**

1. Finding of unreasonable hardship for projects under ... CBC Definitions ... Exception ... Other 1104B.3.1 Seating (Exception #1)

Distribution: Owner; [X] Petitioner; Inspection; [X] Plan Check; File

2. Job Address: 2905 East Coast Highway

3. Property Owner: PANG REALTY, LLC

3. Petitioner: Craig Schultz - Laidlaw Schultz Architects; Position/Relationship: Architect; Address: 3111 Second Avenue, Corona del Mar

Project Info: P.C.# 0126-2007; Use: Theater; Stories: 2 Stories

4. Total cost of construction contemplated (not including disabled access work): 1.5 Million

Identify the accessibility features, which will NOT be brought into compliance if the request is granted. Provide an estimate of the cost of compliance for each item.

Lift to Mezzanine Seating - Cost and Physical Constraints: 55,000
Total cost of providing compliance: 55,000

Identify the accessibility features and equivalent facilities, which will be provided or brought into compliance as required by Code. Provide an estimate of the cost of each item.

| | |
|---|---|
| 1. Doors and Hardware | 6,500 |
| 2. Restroom Facilities | 88,000 |
| 3. Path of Travel throughout lower Level of the Theater | 15,000 |
| 4. Accessibility of Concessions - lower level + second level | 25,000 |
| 5. Elevator to Second Level | 85,000 |
| 6. Lift to Platform (first level of Theater) including shared ... | 25,000 |
| TOTAL | 244,500 |

5. Describe the impact of required access improvements on financial feasibility of the project:

6. Describe the nature of accessibility which would be gained or lost:

7. Describe the nature of the use of the facility:

8. Fill out this section if the path of travel from the disabled parking spaces to the tenant space is not accessible. List projects (tenant improvements, additions, remodels, etc.) performed within the previous three years where no disabled access improvement was performed in conjunction with the project.

Project Description | Date Construction was Completed | Cost of Construction

The petitioner understands that although the City may approve this request of unreasonable hardship and the proposed equivalent access, the City reserves the right to require additional access compliance upon receiving a complaint of inaccessible access at this location.

9. Petitioner's signature: [signature] Date: November 07, 2007

10. Owner's signature or authorized representative: [signature] Date: November 07, 2007

Please pay $130.00 fee at the permit counter prior to submitting this form.

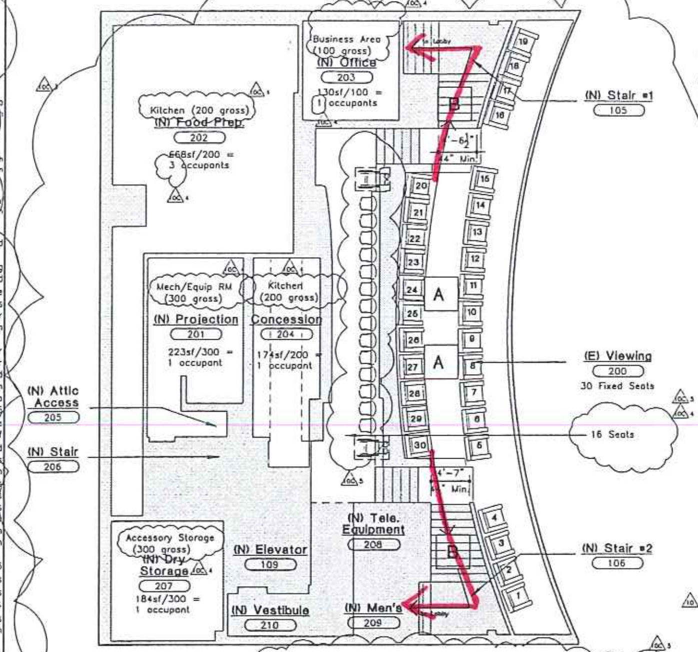
FOR CITY USE ONLY

1. Total cost of proposed construction: $ 1.5 Million
2. Cost of disabled access improvement: $ 244,500

Approved by: [signature] Date: 11/30/09

* The $50,000 is in 1981 dollars, which is approximately $126,000 as of January 1, 2009.

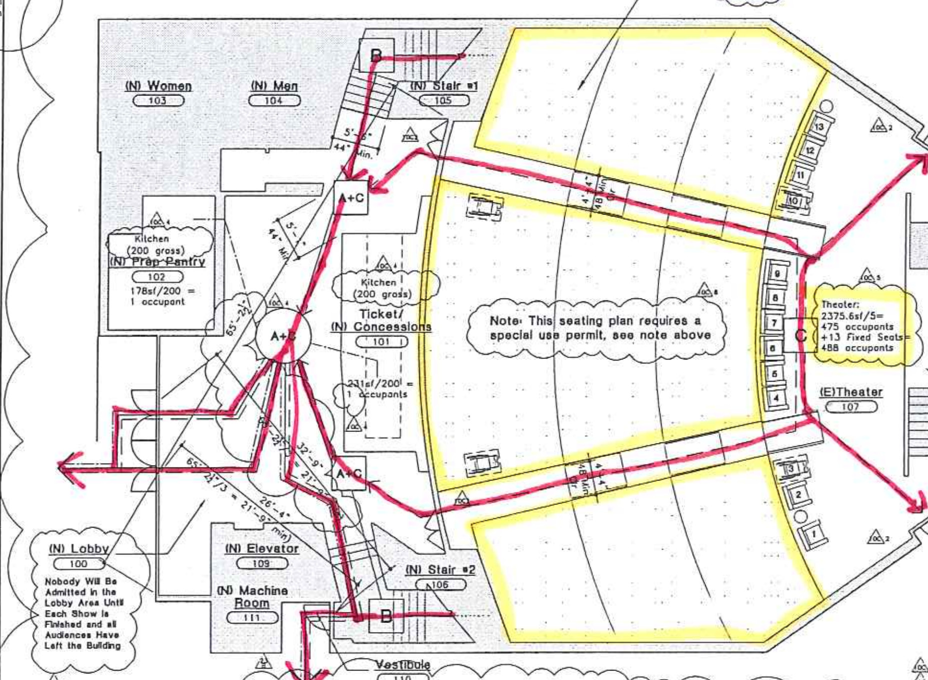
3 | Hardship Approval Form




**Second Level** (Occupant Load: 7staff + 16adj seats + 30 fixed seats = 53 total occupants) (1+1+3+1+1=7staff)

(Hatched Area=2375.6sf) Standing Space (5 net)

"The seating plans shall accommodate a maximum of 350 occupants without the requirement of a Special Event Permit issued by the City. When the building contains more than 350 occupants, a Special Event Permit is required to be issued by the City prior to the event. A maximum of 12 Special Event Permits shall be issued in the first year of operation, and the number of Special Event Permits for subsequent years is subject to review by the City. A seating diagram depicting each seating layout shall be required to be posted in the lobby prior to accommodating the occupancy of each seating layout. Any deviation from an approved seating plan requires review by the City's Fire Department and Building Department."




**Lower Level** (Occupant Load: 488theater + 2staff + 12platform =502 total occupants [Note: lobby occupants considered as part of theater occupancy) 13 fixed seats + 475 standing + 1 storage + 11 platform + 1 Prep Pantry + 1 Concessions = 502 occupants)

| Actual Occupant Load | | Stairways = .2"/Occupant (CBC Table 1005.1) | Other Egress Components = .15"/Occupant (CBC Table 1005.1) .2 at A |
|---|---|---|---|
| A 2nd Level Theater | Occupant Load 53 occupants (7staff + 46seats) | | Egress Width (44" Min) 53 occupants x .2 = 10.60" 10.60"/2 exit access components = **05.30" clr** |
| B 2nd Level Stair | Occupant Load 53 occupants (7staff + 46seats) | Egress Width (44" min) 53 occupants x .20 = 10.60" 10.60"/2 exit access components = **05.30" clr** | |
| C Theater | Occupant Load 500 occupants (475+13+11+1) | | Egress Width (44" min) 500 occupants x .2 = 100" 100"/4 exit access components = **25.00" clr** |
| | | | |
| Main Exit | Occupant Load Theater = 500/2 = 250; 2nd Level = 53; Lobby = 2 (not occupied separately); Total = 305 | | Egress Width (44" min) 305 occupants x .2 = 61" 61"/2 exit access components = 30.5" VS. (per CBC 1025.2) 534 (488+53) x .2 = 106.8"/2 = 53.4" **53.4" clr** |

Assembly without Fixed Seats Calculated as Standing Room - 5sf/occupant

Note- Per CBC Section 1025-
Group A occupancies that have an occupant load greater than 300 shall be provided with at least 0.20-inch total exit width for each occupant served.

Per CBC Section 1025.12 Exception 4.
In places of assembly where flexibility of the seating arrangement is an integral part of the design function of the space and seating is on tiered levels, maximum of 200 seats shall not be required to be fastened to the floor. Plans showing seating, tiers and aisles shall be submitted for approval.

Note- As No one will be admitted in the lobby area until each show is finished and all audiences have left the building, the lobby occupant load has not been used in exit calculations.

1 | Exit Diagram

Scale- 1/8" = 1'-0"

LS architects
LAIDLAW SCHULTZ

PROJECT
Port Theater Building - Remodel
2905 East Coast Highway
Newport Beach, CA 92625

DRAWING DESCRIPTION
Assembly/Theater Notes and Exit Diagram

| DATE | ISSUE/REVISION | REVIEW |
|---|---|---|
| 11.06.07 | Progress Print | |
| 12.05.07 | Progress Print | |
| 12.20.07 | Plan Check | |
| 01.22.08 | Plan Check #2 | |
| 02.07.08 | Plan Check #3 | |
| 02.27.08 | Plan Check #4 | |
| 03.14.08 | Plan Check #5 | |
| 08.27.08 | Bulletin 10- Interior Revisions for Plancheck | |
| 12.26.08 | Bulletin 10C-Interior Revisions for Pricing and Plancheck | |
| 05.05.09 | Bulletin 23B-Backcheck Corrections | |
| 07.07.09 | Bulletin 10C3-Plancheck Corrections | |
| 09.21.09 | Bulletin 10C 4-Plancheck Corrections | |
| 11.02.09 | Bulletin 10C 5-Plancheck Corrections | |
| 01.13.10 | Bulletin 10C 6-Plancheck Corrections | |

LICENSED ARCHITECT CRAIG H. SCHULTZ C-22287 March-2011 RENEWAL STATE OF CALIFORNIA

A.002
SHEET NO.

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Corona del Mar, CA 92625-2322
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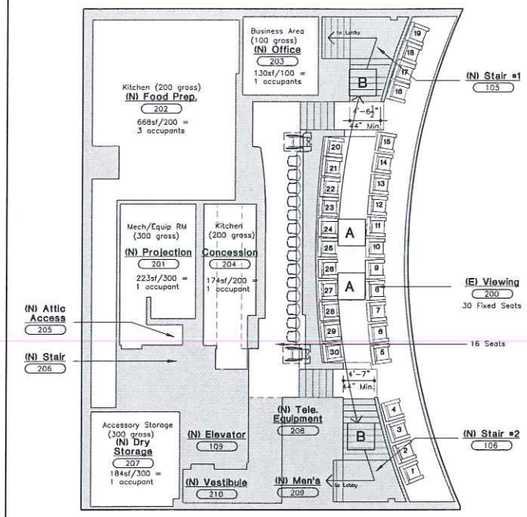
www.LSarchitects.com

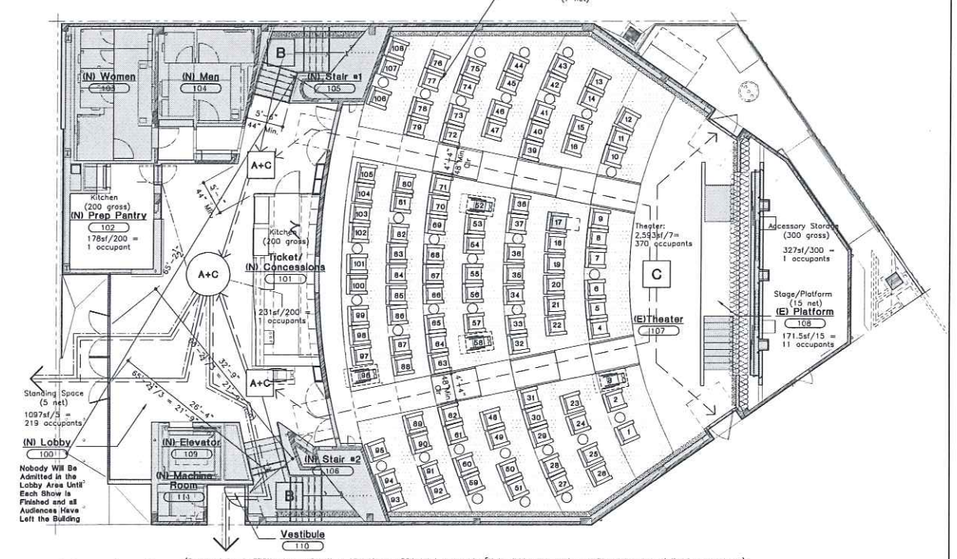



"The seating plans shall accommodate a maximum of 350 occupants without the requirement of a Special Event Permit issued by the City. When the building contains more than 350 occupants, a Special Event Permit is required to be issued by the City prior to the event. A maximum of 12 Special Event Permits shall be issued in the first year of operation, and the number of Special Event Permits for subsequent years is subject to review by the City. A seating diagram depicting each seating layout shall be required to be posted in the lobby prior to accommodating the occupancy of each seating layout. Any deviation from an approved seating plan requires review by the City's Fire Department and Building Department."

## Second Level

(Occupant Load: 7staff + 16adj seats + 30 fixed seats = 53 total occupants)
(1+1+3+1+1=7staff)

(Hatched Area=259.3sf)
Concentrated Seating
(7 net)




## Lower Level

(Occupant Load: 370theater + 2staff + 12platform =384 total occupants [Note: lobby occupants considered as part of theater occupancy)
370concentrated seating + 1 storage + 11 platform + 1 Prep Pantry + 1 Concessions = 384 occupants)

| Actual Occupant Load | Stairways = .2"/Occupant (CBC Table 1005.1) | Other Egress Components = .15"/Occupant (CBC Table 1005.1) .2 at A |
|---|---|---|
| A 2nd Level Theater — Occupant Load 53 occupants (7staff + 46seats) | | Egress Width (44" Min) 53 occupants x .2 = 10.60" 10.60"/2 exit access components = **05.30" clr** |
| B 2nd Level Stair — Occupant Load 53 occupants (7staff + 46seats) | Egress Width (44" min) 53 occupants x .20 = 10.60" 10.60"/2 exit access components = **05.30" clr** | |
| C Theater — Occupant Load 382 occupants (370+11+1) | | Egress Width (44" min) 382 occupants x .2 = 76.4" 76.4"/4 exit access components = **19.10" clr** |
| | | |
| Main Exit — Occupant Load: Theater = 382/2 = 191; 2nd Level = 53; Lobby = 2 (not occupied separately); Total = 246 | | Egress Width (44" min) 246 occupants x .2 = 49.2" 49.2"/2 exit access components = 24.6" VS. (per CBC 1025.2) 423 (370+53) x .2 = 84.6"/2 = 42.3" **42.3" clr** |

Assembly without Fixed Seats
Calculated as Concentrated Seating - 7sf/occupant

Note- Per CBC Section 1025-
Group A occupancies that have an occupant load greater than 300 shall be provided with at least 0.20-inch total exit width for each occupant served.

Per CBC Section 1025.12 Exception 4.
In places of assembly where flexibility of the seating arrangement is an integral part of the design function of the space and seating is on tiered levels, maximum of 200 seats shall not be required to be fastened to the floor. Plans showing seating, tiers and aisles shall be submitted for approval.

Note- As No one will be admitted in the lobby area until each show is finished and all audiences have left the building, the lobby occupant load has not been used in exit calculations.

LS architects
LAIDLAW SCHULTZ

PROJECT
Port Theater Building - Remodel
2905 East Coast Highway
Newport Beach, CA 92625

DRAWING DESCRIPTION:
Assembly/Theater Notes and Exit Diagram

| DATE | ISSUE/REVISION | REVIEW |
|---|---|---|
| 11.06.07 | Progress Print | |
| 12.05.07 | Progress Print | |
| 12.20.07 | Plan Check | |
| 01.22.08 | Plan Check #2 | |
| 02.07.08 | Plan Check #3 | |
| 02.27.08 | Plan Check #4 | |
| 03.14.08 | Plan Check #5 | |
| 01.05.10 | Bulletin 10C 7-Plancheck Corrections | |
| 01.13.10 | Bulletin 10C 8-Plancheck Corrections | |

LICENSED ARCHITECT
KARL W. SCHULTZ
C-22287
March-2011
RENEWAL
STATE OF CALIFORNIA

A.002a
SHEET NO

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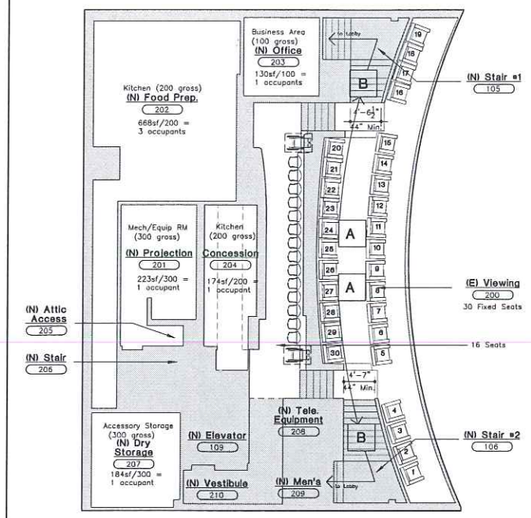
2 | Exit Diagram (Representative of 108 Seats, re- 203) | Scale- 1/8" = 1'-0"

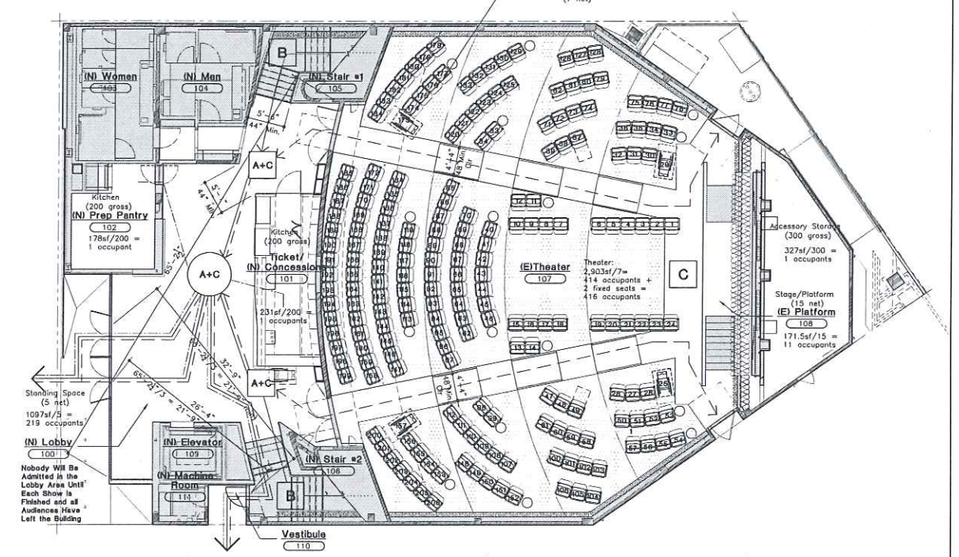



"The seating plans shall accommodate a maximum of 350 occupants without the requirement of a Special Event Permit issued by the City. When the building contains more than 350 occupants, a Special Event Permit is required to be issued by the City prior to the event. A maximum of 12 Special Event Permits shall be issued in the first year of operation, and the number of Special Event Permits for subsequent years is subject to review by the City. A seating diagram depicting each seating layout shall be required to be posted in the lobby prior to accommodating the occupancy of each seating layout. Any deviation from an approved seating plan requires review by the City's Fire Department and Building Department."

**Second Level**

(Occupant Load: 7staff + 16adj seats + 30 fixed seats = 53 total occupants)
(1+1+3+1+1=7staff)

(Hatched Area=2303sf)
Concentrated Seating
(7 net)




**Lower Level**

(Occupant Load: 416theater + 2staff + 12platform =430 total occupants [Note: lobby occupants considered as part of theater occupancy)
414concentrated seating + 2 fixed seats + 1 storage + 11 platform + 1 Prep Pantry + 1 Concessions = 430 occupants)

## Actual Occupant Load

| | | Stairways = .2"/Occupant (CBC Table 1005.1) | Other Egress Components = .15"/Occupant (CBC Table 1005.1) .2 at A |
|---|---|---|---|
| A 2nd Level Theater (AD.8) | Occupant Load<br>53 occupants (7staff + 46seats) | | Egress Width (44" Min)<br>53 occupants x .2 = 10.60"<br>10.60"/2 exit access components =<br>**05.30" clr** |
| B 2nd Level Stair | Occupant Load<br>53 occupants (7staff + 46seats) | Egress Width (44" min)<br>53 occupants x .20 = 10.60"<br>10.60"/2 exit access components =<br>**05.30" clr** | |
| C Theater | Occupant Load<br>428 occupants (416+11+1) | | Egress Width (44" min)<br>428 occupants x .2 = 85.6"<br>85.6"/4 exit access components =<br>**21.40" clr** |
| | | | |
| **Main Exit** | Occupant Load<br>Theater = 428/2 = 214<br>2nd Level = 53<br>Lobby = 2 (not occupied separately)<br>Total = 269 | | Egress Width (44" min)<br>269 occupants x .2 = 53.8"<br>53.8"/2 exit access components = 26.9"<br>VS. (per CBC 1025.2)<br>469 (416+53) x .2 = 93.8"/2 = 46.9"<br>**46.9" clr** |

Assembly without Fixed Seats
Calculated as Concentrated Seating - 7sf/occupant

Note- Per CBC Section 1025-
Group A occupancies that have an occupant load greater than 300 shall be provided with at least 0.20-inch total exit width for each occupant served.

Per CBC Section 1026.12 Exception 4.
In places of assembly where flexibility of the seating arrangement is an integral part of the design function of the space and seating is on tiered levels, maximum of 200 seats shall not be required to be fastened to the floor. Plans showing seating, tiers and aisles shall be submitted for approval.

Note- As No one will be admitted in the lobby area until each show is finished and all audiences have left the building, the lobby occupant load has not been used in exit calculations.

2 Exit Diagram (Representative of 206 Seats, re: 203a)

Scale- 1/8" - 1'-0"

LS architects
LAIDLAW SCHULTZ

PROJECT
Port Theater Building - Remodel
2905 East Coast Highway
Newport Beach, CA 92625

DRAWING DESCRIPTION
Assembly/Theater Notes and Exit Diagram

| DATE | ISSUE/REVISION | REVIEW |
|---|---|---|
| 11.08.07 | Progress Print | |
| 12.05.07 | Progress Print | |
| 12.20.07 | Plan Check | |
| 01.22.08 | Plan Check #2 | |
| 02.07.08 | Plan Check #3 | |
| 02.27.08 | Plan Check #4 | |
| 03.14.08 | Plan Check #5 | |
| 01.05.10 (AD.6) | Bulletin 10C 7-Plancheck Corrections | |
| 01.13.10 (AD.8) | Bulletin 10C 8-Plancheck Corrections | |

LICENSED ARCHITECT
LAIDLAW H. SCHULTZ
C-22287
March-2011
RENEWAL
STATE OF CALIFORNIA

(AD.7)
A.002b
SHEET NO.

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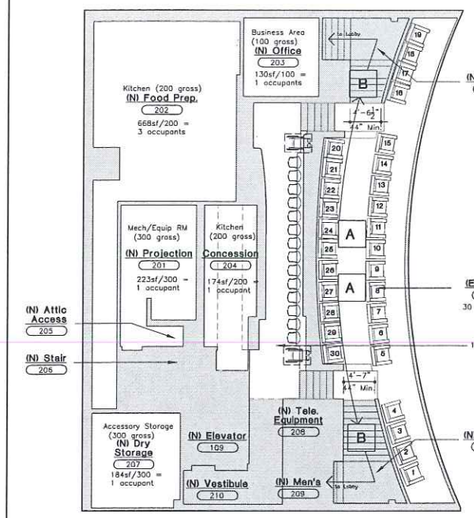
74

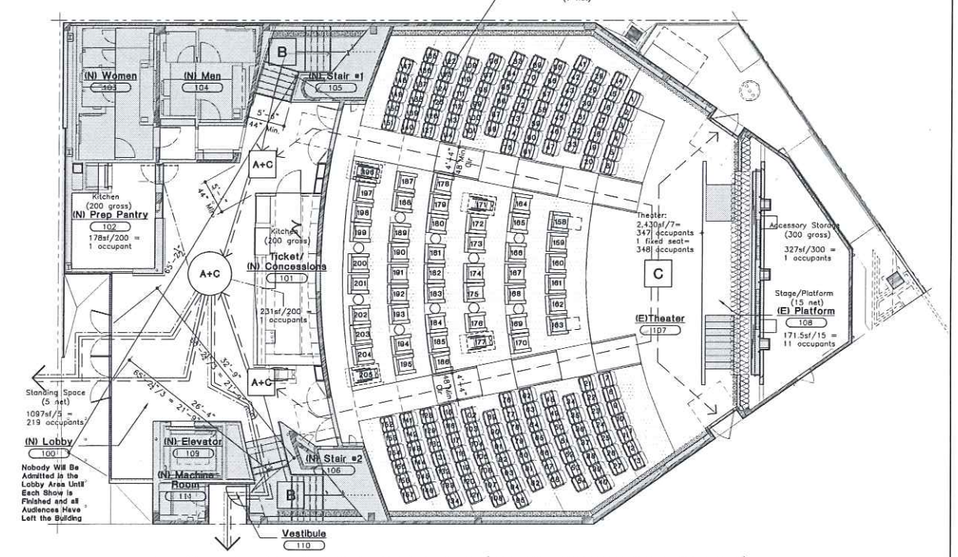



"The seating plans shall accommodate a maximum of 350 occupants without the requirement of a Special Event Permit issued by the City. When the building contains more than 350 occupants, a Special Event Permit is required to be issued by the City prior to the event. A maximum of 12 Special Event Permits shall be issued in the first year of operation, and the number of Special Event Permits for subsequent years is subject to review by the City. A seating diagram depicting each seating layout shall be required to be posted in the lobby prior to accommodating the occupancy of each seating layout. Any deviation from an approved seating plan requires review by the City's Fire Department and Building Department."

**Second Level**

(Occupant Load: 7staff + 16adj seats + 30 fixed seats = 53 total occupants)
(1+1+3+1+1=7staff)

(Hatched Area=2430sf)
Concentrated Seating
(7 net)




**Lower Level**

(Occupant Load: 348theater + 2staff + 12platform =362 total occupants [Note: lobby occupants considered as part of theater occupancy)
347concentrated seating + 1 fixed +1 storage + 11 platform + 1 Prep Pantry + 1 Concessions = 362 occupants)

| Actual Occupant Load | | Stairways = .2"/Occupant (CBC Table 1005.1) | Other Egress Components = .15"/Occupant (CBC Table 1005.1) .2 at A |
|---|---|---|---|
| A 2nd Level Theater (Ver. 8) | Occupant Load<br>53 occupants (7staff + 46seats) | | Egress Width (44" Min)<br>53 occupants x .2 = 10.60"<br>10.60"/2 exit access components =<br>**05.30" clr** |
| B 2nd Level Stair | Occupant Load<br>53 occupants (7staff + 46seats) | Egress Width (44" min)<br>53 occupants x .20 = 10.60"<br>10.60"/2 exit access components =<br>**05.30" clr** | |
| C Theater | Occupant Load<br>360 occupants (348+11+1) | | Egress Width (44" min)<br>360 occupants x .2 = 72.0"<br>72.0"/4 exit access components =<br>**18.00" clr** |
| | | | |
| **Main Exit** | Occupant Load<br>Theater = 360/2 = 180<br>2nd Level = 53<br>Lobby = 2 (not occupied separately)<br>Total = 235 | | Egress Width (44" min)<br>235 occupants x .2 = 47.0"<br>47.0"/2 exit access components = 23.5"<br>VS. (per CBC 1025.2)<br>401 (348+53) x .2 = 80.2"/2 = 40.1"<br>**40.1" clr** |

Assembly without Fixed Seats
Calculated as Concentrated Seating - 7sf/occupant

Note- Per CBC Section 1025-
Group A occupancies that have an occupant load greater than 300 shall be provided with at least 0.20-inch total exit width for each occupant served.

Per CBC Section 1025.12 Exception 4.
In places of assembly where flexibility of the seating arrangement is an integral part of the design function of the space and seating is on tiered levels, maximum of 200 seats shall not be required to be fastened to the floor. Plans showing seating, tiers and aisles shall be submitted for approval.

Note- As No one will be admitted in the lobby area until each show is finished and all audiences have left the building, the lobby occupant load has not been used in exit calculations.

2 Exit Diagram (Representative of 205 Seats, re: 203b)

Scale- 1/8" - 1'-0"

LS architects
LAIDLAW SCHULTZ

PROJECT
Port Theater Building - Remodel
2905 East Coast Highway
Newport Beach, CA 92625

DRAWING DESCRIPTION
Assembly/Theater Notes and Exit Diagram

| DATE | ISSUE/REVISION | REVIEW |
|---|---|---|
| 11.08.07 | Progress Print | |
| 12.05.07 | Progress Print | |
| 12.20.07 | Plan Check | |
| 01.22.08 | Plan Check #2 | |
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| 03.14.08 | Plan Check #5 | |
| (Ver. 7) 01.05.10 | Bulletin 10C 7-Plancheck Corrections | |
| (Ver. 8) 01.13.10 | Bulletin 10C 8-Plancheck Corrections | |

LICENSED ARCHITECT
LARRY W. SCHULTZ
C-22287
March-2011
RENEWAL
STATE OF CALIFORNIA

(Ver. 7)
A.002c
SHEET NO.

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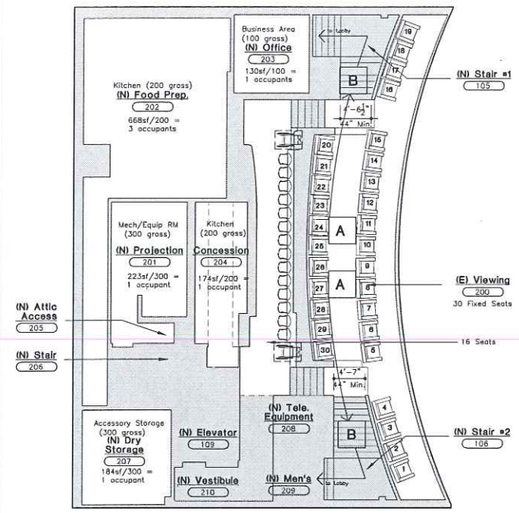
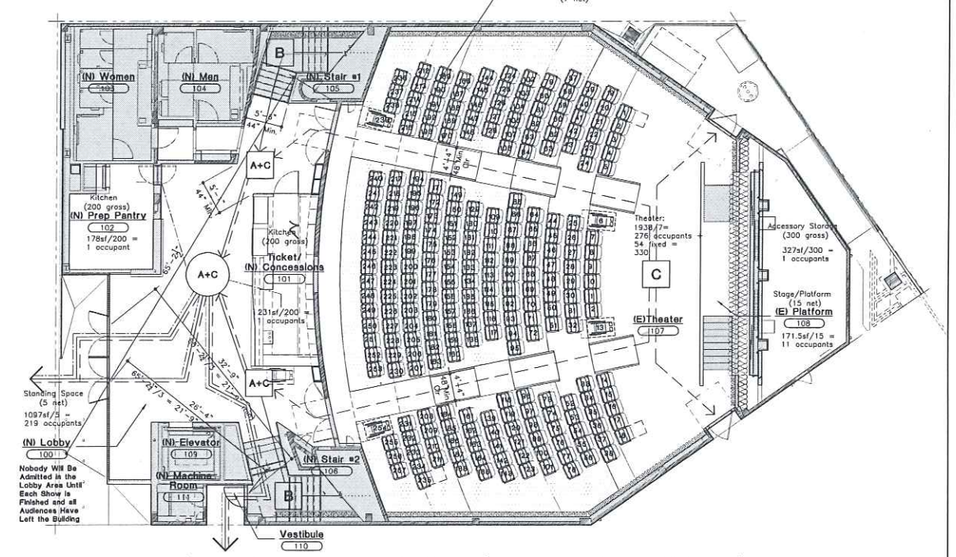



"The seating plans shall accommodate a maximum of 350 occupants without the requirement of a Special Event Permit issued by the City. When the building contains more than 350 occupants, a Special Event Permit is required to be issued by the City prior to the event. A maximum of 12 Special Event Permits shall be issued in the first year of operation, and the number of Special Event Permits for subsequent years is subject to review by the City. A seating diagram depicting each seating layout shall be required to be posted in the lobby prior to accommodating the occupancy of each seating layout. Any deviation from an approved seating plan requires review by the City's Fire Department and Building Department."

## Second Level

(Occupant Load: 7staff + 16adj seats + 30 fixed seats = 53 total occupants)
(1+1+3+1+1=7staff)

(Hatched Area=1938sf)
Concentrated Seating
(7 net)




## Lower Level

(Occupant Load: 330theater + 2staff + 12platform =344 total occupants (Note: lobby occupants considered as part of theater occupancy)
276concentrated seating + 54fixed+ 1 storage + 11 platform + 1 Prep Pantry + 1 Concessions = 344 occupants)

| Actual Occupant Load | | Stairways = .2"/Occupant (CBC Table 1005.1) | Other Egress Components = .15"/Occupant (CBC Table 1005.1) .2 at A |
|---|---|---|---|
| A 2nd Level Theater (ad.s) | Occupant Load<br>53 occupants (7staff + 46seats) | | Egress Width (44" Min)<br>53 occupants x .2 = 10.60"<br>10.60"/2 exit access components =<br>**05.30" clr** |
| B 2nd Level Stair | Occupant Load<br>53 occupants (7staff + 46seats) | Egress Width (44" min)<br>53 occupants x .20 = 10.60"<br>10.60"/2 exit access components =<br>**05.30" clr** | |
| C Theater | Occupant Load<br>342 occupants (330+11+1) | | Egress Width (44" min)<br>342 occupants x .2 = 68.4"<br>68.4"/4 exit access components =<br>**17.10" clr** |
| | | | |
| **Main Exit** | Occupant Load<br>Theater = 342/2 = 171<br>2nd Level = 53<br>Lobby = 2 (not occupied separately)<br>Total = 226 | | Egress Width (44" min)<br>226 occupants x .2 = 45.2"<br>45.2"/2 exit access components = 22.6"<br>VS. (per CBC 1025.2)<br>383 (330+53) x .2 = 76.6"/2 = 3.8.3"<br>**38.3" clr** |

Assembly without Fixed Seats
Calculated as Concentrated Seating - 7sf/occupant

Note- Per CBC Section 1025-
Group A occupancies that have an occupant load greater than 300 shall be provided with at least 0.20-inch total exit width for each occupant served.

Per CBC Section 1025.12 Exception 4.
In places of assembly where flexibility of the seating arrangement is an integral part of the design function of the space and seating is on tiered levels, maximum of 200 seats shall not be required to be fastened to the floor. Plans showing seating, tiers and aisles shall be submitted for approval.

Note-As No one will be admitted in the lobby area until each show is finished and all audiences have left the building, the lobby occupant load has not been used in exit calculations.

2 Exit Diagram (Representative of 257 Seats, re: 203c)

Scale- 1/8" = 1'-0"

LS architects
LAIDLAW SCHULTZ

PROJECT
Port Theater Building - Remodel
2905 East Coast Highway
Newport Beach, CA 92625

DRAWING DESCRIPTION
Assembly/Theater Notes and Exit Diagram

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LICENSED ARCHITECT
DAVID M. SCHULTZ
C-22287
March-2011
RENEWAL
STATE OF CALIFORNIA

A.002d
SHEET NO.

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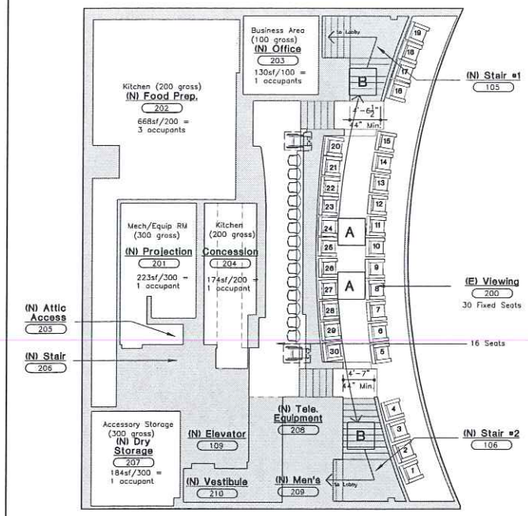


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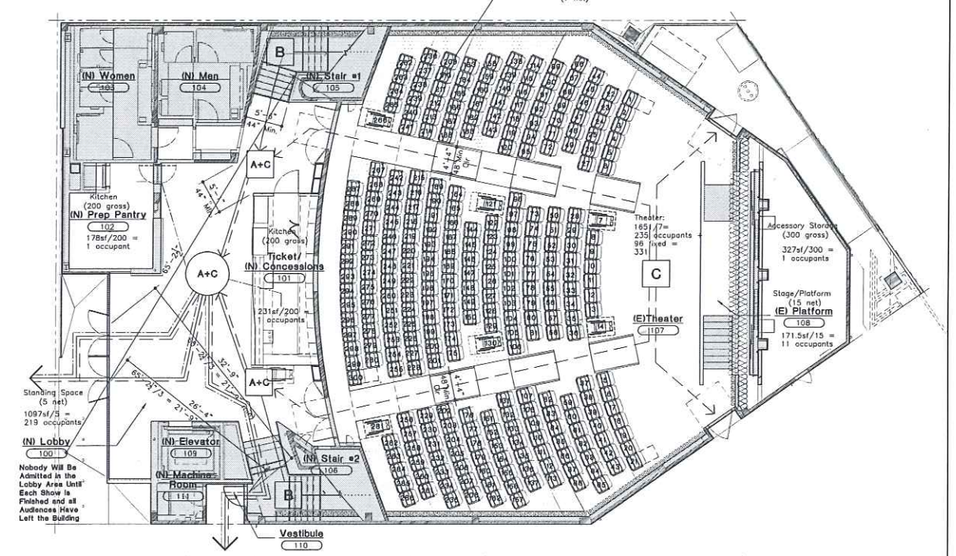
## Second Level

(Occupant Load: 7staff + 16adj seats + 30 fixed seats = 53 total occupants)
(1+1+3+1+1=7staff)

(Hatched Area=1651sf)
Concentrated Seating
(7 net)




## Lower Level

(Occupant Load: 331theater + 2staff + 12platform =345 total occupants [Note: lobby occupants considered as part of theater occupancy)
235concentrated seating + 96fixed+ 1 storage + 11 platform + 1 Prep Pantry + 1 Concessions = 345 occupants)

| Actual Occupant Load | | Stairways = .2"/Occupant (CBC Table 1005.1) | Other Egress Components = .15"/Occupant (CBC Table 1005.1) .2 at A |
|---|---|---|---|
| A 2nd Level Theater | Occupant Load<br>53 occupants (7staff + 46seats) | | Egress Width (44" Min)<br>53 occupants x .2 = 10.60"<br>10.60"/2 exit access components =<br>**05.30" clr** |
| B 2nd Level Stair | Occupant Load<br>53 occupants (7staff + 46seats) | Egress Width (44" min)<br>53 occupants x .20 = 10.60"<br>10.60"/2 exit access components =<br>**05.30" clr** | |
| C Theater | Occupant Load<br>343 occupants (331+11+1) | | Egress Width (44" min)<br>343 occupants x .2 = 68.6"<br>68.6"/4 exit access components =<br>**17.15" clr** |
| | | | |
| **Main Exit** | Occupant Load<br>Theater = 343/2 = 171.5<br>2nd Level = 53<br>Lobby = 2 (not occupied separately)<br>Total = 226.5 | | Egress Width (44" min)<br>226.5 occupants x .2 = 45.3"<br>45.3"/2 exit access components = 22.7"<br>VS. (per CBC 1025.2)<br>.384 (331+53) x .2 = 76.8"/2 = 38.4"<br>**38.4" clr** |

Fixed Seats
Calculated as Concentrated Seating - 7sf/occupant

Note- Per CBC Section 1025-
Group A occupancies that have an occupant load greater than 300 shall be provided with at least 0.20-inch total exit width for each occupant served.

Per CBC Section 1026.12 Exception 4.
In places of assembly where flexibility of the seating arrangement is an integral part of the design function of the space and seating is on tiered levels, maximum of 200 seats shall not be required to be fastened to the floor. Plans showing seating, tiers and aisles shall be submitted for approval.

Note- As No one will be admitted in the lobby area until each show is finished and all audiences have left the building, the lobby occupant load has not been used in exit calculations.

2 Exit Diagram (Representative of 300 Seats, re: 203d)

Scale- 1/8" = 1'-0"

LS architects
LAIDLAW SCHULTZ

PROJECT
Port Theater Building - Remodel
2905 East Coast Highway
Newport Beach, CA 92625

DRAWING DESCRIPTION
Assembly/Theater Notes and Exit Diagram

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LICENSED ARCHITECT
LARRY H. SCHULTZ
C-22287
March-2011
RENEWAL
STATE OF CALIFORNIA

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SHEET NO

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77

Net Public Area: First Floor – 5,719 sf
Second Floor – 1,772 sf
Total – 7,491 sf

Floor Area (Assembly w/o Fixed Seats:
First Floor – 1,925 sf
Occupancy – A-1 Assembly w/o fixed seats 5 net
Occupant Load – 1,925 /5 =385 Occupants + 43 Seats = 428 Occupants
Note: 488 Occupants Approved under permit(475 assembly occupants + 13 fixed seats approved = 488 occupants)

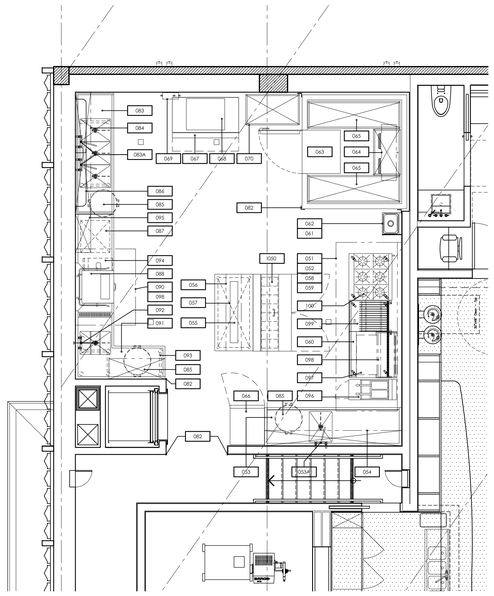
| Plumbing Fixtures: | Required per CBC: | Lav | WC | Urinal | Provided: | Lav | WC | Urinal |
|---|---|---|---|---|---|---|---|---|
| Men: | | 1 | 1 | 1 | | 3 | 3 | 2 |
| Women: | | 1 | 4 | 0 | | 3 | 5 | 0 |
| Drinking Fountains: | 2 | | | | 2 | | | |

## 5 Notes

| | | | |
|---|---|---|---|
| 050 | Sandwich Prep Refrigerator | 083 | Scullery Sink |
| 051 | Exhaust Hood (New) | 083A | Faucet, Wall Mount |
| 052 | Exhaust system & Make-up Air (New) | 084 | Shelf, Wall Mount |
| 053 | Prep Table with sink | 085 | Trash Receptacle |
| 053A | Faucet, wall Mount | 086 | Pot Rack, Wall mount |
| 054 | Shelf, Wall mount | 087 | Clean Dishtable |
| 055 | Warmer, Food Overhead | 088 | Warewasher, High Temp |
| 058 | Fire System (New) | 090 | Exhaust system |
| 059 | Wall Flashing/ Hood Trim | 091 | Soiled Dishtable |
| 060 | Refrigerator, Shorty (New) | 092 | Pre Rinse Faucet, Wall Mount |
| 061 | Soap & Towel Dispenser | 093 | Slant Rack Shelf |
| 062 | Hand Sink | 094 | Enclosure Panel |
| 063 | Walk-In Cooler (10'-0") Remote | 095 | Shelf, Wall Mount |
| 064 | Evaporator Coil | 096 | Fryer, Deep Fat, Gas (New) |
| 065 | Cooler Shelving | 097 | Griddle (36" wide max), Gas (New) |
| 066 | Freezer, Reach-in (New) | 098 | Cheese Melter, Gas |
| 067 | Bin, Ice | 099 | Broiler (24" wide max), Under-fired/gas (New) |
| 068 | Ice Maker | | |
| 069 | Filter System, Icemaker | 100 | Range with conv. oven (New) |
| 070 | Dry Storage Shelving | | |
| 082 | Corner Guards | | |

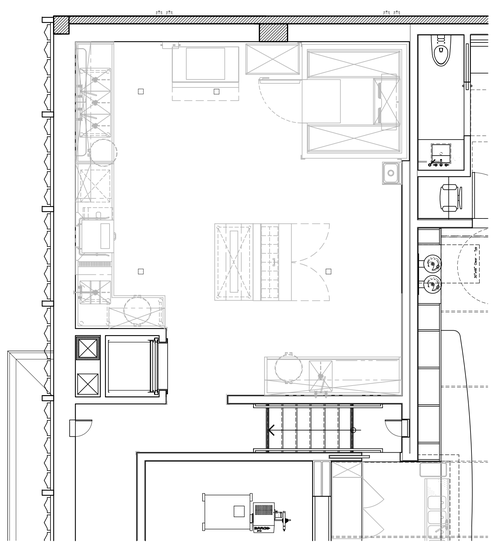
Note: All items not noted as (New) are existing

## 4 Kitchen Appliances



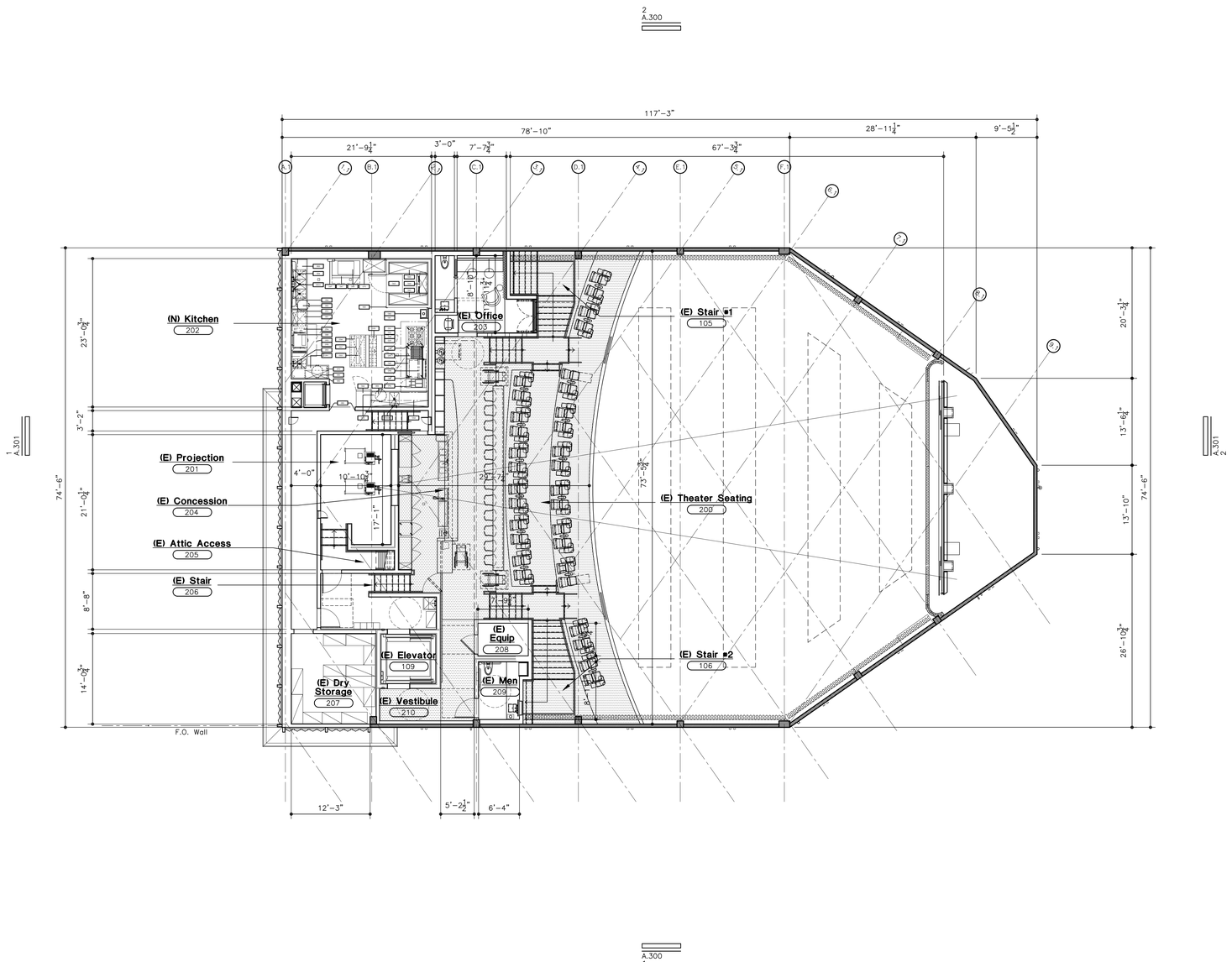
## 2 New Kitchen

Scale- 1/4" = 1'-0"



## 2 Existing Kitchen

Scale- 1/4" = 1'-0"




## 1 Second Level Construction Plan

Scale- 1/8" = 1'-0"

LS architects
LAIDLAW SCHULTZ

PROJECT
**Port Theater Building - Remodel**
**2905 East Coast Highway**
**Newport Beach, CA 92625**

DRAWING DESCRIPTION
**Construction Floor Plan-Mezzanine Level**

| DATE | ISSUE/REVISION | REVIEW |
|---|---|---|
| 05.29.2012 | Use Permit | |
| 08.24.2012 | Use Permit | |
| 08.30.2012 | Use Permit | |
| 11.21.2012 | Back Check | |

North

# A.201a

SHEET NO.

LICENSED ARCHITECT
CRAIG N. SCHULTZ
C-22287
RENEWAL
March-2013
STATE OF CALIFORNIA

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78