



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
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**CITY OF NEWPORT BEACH  
ZONING ADMINISTRATOR STAFF REPORT**

March 27, 2014  
Agenda Item No. 1:

**SUBJECT:** Juliette Restaurant Expansion (PA2013-248)  
1000 Bristol Street North, Suites 11 and 12  
Minor Use Permit No. UP2013-029

**APPLICANT:** Fountainhead Restaurant, Inc., dba Juliette Kitchen + Bar

**PLANNER:** Fern Nueno, Associate Planner  
(949) 644-3227, [fnueno@newportbeachca.gov](mailto:fnueno@newportbeachca.gov)

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**ZONING DISTRICT/GENERAL PLAN**

- **Zone:** PC-11 (Newport Place Planned Community)
- **General Plan:** CG (General Commercial)

**PROJECT SUMMARY**

The applicant requests a Minor Use Permit (Amendment No. 2 to UP1838) for the expansion of an existing restaurant. The business currently operates a restaurant in Suite 11 and operates a retail store in the front portion of Suite 12 that includes wine sales. The expansion of the restaurant would increase the net public area (seating area) into Suite 12 by 180 square feet and it will accommodate approximately 12 additional seats. The rear of the suite would remain office and storage use for the restaurant. A small portion (approximately 15 percent) of the floor area within Suite 12 would be devoted to accessory retail sales including wine sales. The restaurant currently operates with a Type 47 ABC license and no late hours (after 11:00 p.m.) are proposed as part of this application.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Minor Use Permit No. UP2013-029 (Attachment No. ZA 1).

## **DISCUSSION**

- The subject property is located in the Plaza Newport Shopping Center near Jamboree Road and State Route 73. The center includes a mix of general commercial uses such as restaurants, retail sales, personal services, and an urgent care center. The site is developed with four (4) multi-tenant commercial buildings and a surface parking lot with 222 spaces.
- Use Permit No. UP1838 was approved for Suite 11 by the Planning Commission in August 1977 to allow the establishment of a restaurant facility with incidental on-sale beer and wine. A minimum of one parking space for each 40 square feet of net public area was required. The staff report indicated the hours of operation would be from 11:00 a.m. to 9:00 p.m. daily, although no conditions of approval were adopted limiting the hours of operation.
- In August 1991, the City signed an ABC zoning affidavit for an upgrade of licensed privileges from the Type 41 License (beer and wine) to allow a Type 47 License (full liquor) for Suite 11, with a note stating “no changes in the operational characteristics.”
- In August 1993, the Planning Commission approved an amendment to Use Permit No. UP1838 allowing an expansion of the existing restaurant with a 480-square-foot outdoor dining area resulting in a total of 1,670 square feet of net public area. The Planning Commission waived the requirement for the provision of additional parking spaces, and established a condition of approval requiring a minimum of 30 parking spaces for the restaurant facility at all times. The hours of operation discussed in this staff report were 11:00 a.m. to 11:00 p.m. daily, and the applicant indicated the restaurant “may stay open later on Friday and Saturday nights.” However, no conditions of approval were adopted limiting the limited hours of operation.
- On April 13, 2013, the Community Development Director approved Staff Approval No. SA2012-008 (PA2012-033) determining substantial conformance with Use Permit No. UP1838 (Amended), allowing for the addition of a retail component to the existing restaurant in Suite 11 with an expansion into an adjoining tenant space (Suite 12), including alcohol sales.
- The restaurant use is typical for this type of shopping center development and the proposed expansion of the restaurant into Suite 12 with accessory retail wine sales is consistent with the CG General Plan Land Use Element category.
- Pursuant the PC-11 Development Plan Part II (Commercial), Section II (Permitted Uses), Group II (Commercial Uses), F (General Commercial), General Commercial sites allow for commercial uses such as retail, restaurant, hobby stores, professional services, offices, and other uses of similar nature. A retail store, including the sale of wine, is an allowed use within this district. A restaurant with no late hours is a general

commercial use that is allowed subject to the approval of a Minor Use Permit. Use Permit procedures are outline within Zoning Code Section 20.52.020 (Conditional Use Permits and Minor Use Permits).

- Other uses in the shopping center include restaurants, urgent care, hair and nail salons, mail services, health/fitness facility, and retail uses. The project is compatible with existing and allowed uses within the shopping center.
- The Police Department has reviewed the project and has no objection to the operation as described by the applicant.
- For most land uses, General Commercial Site 3 utilizes a blended parking requirement of one (1) space for every 250 square feet of net floor area. The parking requirement for restaurant uses is established by Use Permit. Suite 11 is required to provide 30 parking spaces pursuant to Use Permit No. UP1838 based on the interior net public area of 1,190 square feet. No parking was required for the 480-square-foot outdoor dining area due to its small size. Suite 12 is currently required to provide five parking spaces for the 1,200-square-foot retail sales use. The proposed restaurant expansion would result in an additional 180 square feet of net public area within Suite 12. The parking requirement for the restaurant is one (1) space for every 40 square feet of net public area; therefore, the expansion of the restaurant would require five parking spaces and the conversion of the retail sales use for the proposed expansion would not increase the parking requirement. The rear half of Suite 12 is used for storage and office for the restaurant and as such, it does not require parking. Approximately 15 percent of the floor area within Suite 12 that would remain devoted to retail sales would not require additional parking as it is accessory to the primary restaurant use.
- This Minor Use Permit supersedes Staff Approval No. SA2012-008 (PA2012-033), which will be null and void should this subject application be approved and exercised.
- Use Permit No. UP1838 (Amended), including all conditions of approval, is still in effect. Additional operational conditions of approval are included in the draft Resolution to ensure the proposed expansion is not detrimental to the community.
- As demonstrated in the attached draft Resolution, staff believes the proposed project meets the requirements of the Zoning Code and the findings for approval can be made.

### **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities), which exempts minor alterations to existing facilities involving negligible expansion of use beyond that

existing at the time of the lead agency's determination. The proposed project is for a change of use for a tenant suite within an existing commercial building.

**PUBLIC NOTICE**

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

**APPEAL PERIOD**

An appeal may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



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Fern Nueno, Associate Planner

JC/fn

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Applicant's Project Description
	ZA 4	Project Plans

# **Attachment No. ZA 1**

Draft Resolution

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## RESOLUTION NO. ZA2014-0##

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2013-029 (AMENDMENT NO. 2 TO USE PERMIT NO. UP1838) FOR AN EXPANSION OF A RESTAURANT FOR PROPERTY LOCATED AT 100 BRISTOL STREET NORTH, SUITES 11 AND 12 (PA2013-248)

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John Hughes, Fountainhead Restaurant, Inc., dba Juliette Kitchen + Bar, with respect to property located at 1000 Bristol Street North, Suites 11 and 12, and legally described as Parcel 1 of Resubdivision 0541 requesting approval of a Minor Use Permit.
2. The applicant requests a Minor Use Permit (Amendment No. 2 to UP1838) for the expansion of an existing restaurant. The business currently operates a restaurant in Suite 11 and operates a retail store in the front portion of Suite 12 that includes wine sales. The expansion of the restaurant would increase the net public area (seating area) into Suite 12 by 180 square feet and it will accommodate approximately 12 additional seats. The rear of the suite would remain office and storage use for the restaurant. A small portion (approximately 15 percent) of the floor area within Suite 12 would be devoted to accessory retail sales including wine sales. The restaurant currently operates with a Type 47 ABC license and no late hours (after 11:00 p.m.) are proposed as part of this application.
3. The subject property is located within the Newport Place Planned Community (PC-11) Zoning District that designates the site for General Commercial use, and the General Plan Land Use Element category is General Commercial (CG).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on March 27, 2014, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

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

1. This project has been determined to be categorically exempt pursuant to the State California Environmental Quality Act (CEQA) Guidelines under Class 1 (Existing Facilities).

2. Class 1 exempts minor alterations to existing facilities involving negligible expansion of use beyond that existing at the time of the lead agency's determination. The proposed project is for a change of use for a tenant suite within an existing commercial building.

SECTION 3. REQUIRED FINDINGS.

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

Finding

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

Facts in Support of Finding

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

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
  1. The proposed establishment is located within Reporting District 34, wherein the crime rate is higher than adjacent Reporting Districts (RDs) and the City. The adjacent RDs (33 and 36) have a lower crime rate as they are primarily developed with residential uses and have fewer commercial uses than RD34. Due to the high concentration of commercial land uses in the Airport Area, the crime rate is greater than in the adjacent primarily residential RDs; however, the Police Department does not consider the number significant given the type of development is located within RD34.
- ii. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
  1. In 2013, there were 64 calls for service at 1000 Bristol Street North, one of which was for drunk driving in progress. The crime statistics are summarized in the table below:

Location	Calls for Service	Part I Crimes	Part II Crimes	DUI Arrests	Public Intoxication Arrests
1000 Bristol Street N	64	1	4	0	0
RD34	3985	93	180	28	14
RD33	1722	56	124	15	1
RD36	2958	66	86	19	3

2. Due to the high concentration of commercial uses, the calls for service, crimes, and number of arrests are greater than in adjacent primarily residential Reporting Districts.

The Police Department does not believe the crime rate is a concern because of the lack of residential uses and concentration of restaurants and commercial uses within the Airport Area (RD34).

- iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
- 1. The Plaza Newport Shopping Center does not abut sensitive land uses and is separated from other uses by parking lots, roadways, and other commercial uses. The Airport Area allows for some mixed-use nearby, although no residential units have been developed to date. The proposed use is not located in close proximity to any residential districts, day care centers, park and recreation facilities, places of religious assembly, or schools.
- iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*
- 1. The subject restaurant has the only active ABC licenses within the Newport Place Shopping Center (Type 47 – On-Sale General Eating Place and Type 58 – Caterer Permit). There are 32 active licenses within RD34.
- v. Whether or not the proposed amendment will resolve any current objectionable conditions.*
- 1. The existing restaurant does not have any current objectionable conditions. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the restaurant. Operational conditions of approval relative to the sale of alcoholic beverages will help ensure compatibility with the surrounding uses and minimize alcohol related impacts.

In accordance with Section 20.52.020 of the Newport Beach Municipal Code, the following findings and facts in support of such findings 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 proposed use is designated as CG (General Commercial) within the Land Use Element of the General Plan, which is intended to provide a wide variety of commercial activities oriented primarily to serve citywide or regional needs. An eating and drinking establishment is a commercial use that serves local and regional needs and is consistent with the CG designation.

2. The subject property is not located within 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 site is located in the PC-11 (Newport Place Planned Community) Zoning District within General Commercial Site 3. Pursuant the PC-11 Development Plan Part II (Commercial), Section II (Permitted Uses), Group II (Commercial Uses), F (General Commercial), General Commercial sites allow for commercial uses such as retail, restaurant, hobby stores, professional service uses, and offices. Restaurants are an allowed use subject to approval of a Use Permit. Retail stores are an allowed use within this district. The proposed application does not present any conflicts with the purpose and intent of this district.
2. For most land uses, General Commercial Site 3 utilizes a blended parking requirement of one (1) space for every 250 square feet of net floor area. The parking requirement for restaurant uses is established by Use Permit. Suite 11 is required to provide 30 parking spaces pursuant to Use Permit No. UP1838 based on the interior net public area of 1,190 square feet. No parking was required for the 480-square-foot outdoor dining area due to its small size. Suite 12 is currently required to provide five parking spaces for the 1,200-square-foot retail sales use. The proposed restaurant expansion would result in an additional 180 square feet of net public area within Suite 12. The parking requirement for the restaurant is one (1) space for every 40 square feet of net public area; therefore, the expansion of the restaurant would require five parking spaces and the conversion of the retail sales use for the proposed expansion would not increase the parking requirement. The rear half of Suite 12 is used for storage and office for the restaurant and as such, it does not require parking. Approximately 15 percent of the floor area within Suite 12 that would remain devoted to retail sales would not require additional parking as it is accessory to the primary restaurant use.

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. General commercial uses are allowed in the vicinity, including retail sales, personal service, restaurant, and office uses. The subject suite is located among other commercial uses within a shopping center near Jamboree Road and State Route 73.

2. Suite 12 is 1,200 square feet and is located within a multiple-tenant commercial building. The shopping center is located within a commercial area with mixed-use allowed in the Airport Area and the John Wayne Airport nearby. The shopping center fronts Bristol Street North. Other uses in the shopping center include restaurants, hair and nail salons, mail services, health/fitness facility, and retail uses. The project is compatible with existing and allowed uses within the shopping center.
3. The existing multiple-tenant commercial building is not changing as a result of this project. The existing building design, location, and size previously used for commercial uses have not proven detrimental to the nearby residential uses. The site is developed with adequate shared parking and trash storage facilities.
4. The operational characteristics of the proposed establishment would be that of a typical restaurant that would serve residents, visitors, and employees, with accessory retail wine sales. The proposed use would not increase the parking requirement, have late hours of operation, nor create any adverse noise impacts outside of the establishment. The abutting properties are commercial and the abutting streets. Therefore, the operating characteristics would be compatible with the allowed commercial uses in the vicinity.

Finding:

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

Facts in Support of Finding:

1. The shopping center property is approximately 3.91 acres, and is developed with four (4) multiple-tenant commercial buildings and a surface parking lot with 222 spaces. The existing building and parking lot have functioned satisfactorily with the current configuration. The lot fronts Bristol Street North and has two (2) vehicular access points into and out of the shopping center.
2. The site is developed with an existing multiple-tenant commercial building that is not physically changing as a result of this project. The design, location, shape, and size have been suitable for the commercial uses on site. Adequate public and emergency vehicle access, public services, and utilities are provided within the existing property and the proposed project will not negatively affect emergency access.
3. The Public Works Department, Building Division, and Fire Department have reviewed the application. The project is required to obtain all applicable permits from the City Building and Fire Departments and must comply with the most recent, City-adopted version of the California Building Code.

Finding:

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

Facts in Support of Finding:

1. The proposed use is similar to and compatible with other commercial uses in the vicinity, and complements the retail sales and service uses in the immediate area. The use will serve nearby residents, employees, and visitors to the area.
2. The proposed use will not have late hours of operation or create any adverse noise impacts outside the establishment as no changes to the outdoor patio are authorized.
3. The proposed use will not impact parking within the shopping center as no additional off-street parking is required.
4. The Police Department has reviewed the project and has no objection to the operation as described by the applicant.
5. Compliance with the Municipal Code is required and will further ensure that the proposed use will not be detrimental.

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SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2013-029, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Staff Approval No. SA2012-008 (PA2012-033), which upon vesting of the rights authorized by this Minor Use Permit, shall become null and void.

**PASSED, APPROVED AND ADOPTED THIS 27<sup>TH</sup> DAY OF MARCH, 2014.**

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Brenda Wisneski, AICP, Zoning Administrator

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**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

1. All conditions of approval of Use Permit No. UP1838 (Amended) shall remain in effect.
2. 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.
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 Use Permit.
5. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed use 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. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
8. The interior net public area shall be limited to a maximum of 1,400 square feet. The net public area of the outdoor dining area shall be limited to 480 square feet.
9. The hours of operation shall be limited to between 8:00 a.m. and 11:00 p.m., daily.
10. A minimum of one parking space for each 40 square feet of net public area, excluding outdoor dining, shall be maintained in the shared parking lot.
11. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code, unless the Planning Commission first approves an amended Use Permit.
12. Food service from the regular menu must be available to patrons up to 30 minutes before the scheduled closing time.

13. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
14. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when offered in conjunction with food ordered from the full service menu. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
15. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
16. 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.
17. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit issued by the City of Newport Beach.
18. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of this restaurant business that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
19. There shall be no live entertainment allowed on the premises.
20. There shall be no dancing allowed on the premises.
21. Strict adherence to the maximum occupancy limits shall be required.
22. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
23. 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.
24. All owners, managers, and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other

certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the Minor Use Permit. 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.

25. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
26. No outside paging system or loudspeaker shall be utilized in conjunction with this establishment.
27. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
28. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
29. 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.
30. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
31. Prior to issuance of a building permit for any future renovations to the project site, a new approved reduced pressure backflow assembly will be required to protect the existing domestic water service, unless otherwise approved by the Public Works Department.
32. All exterior signs shall be in accordance with the approved development standards allowed for signs in Newport Place.
33. 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.

34. 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.
35. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
36. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Juliette Restaurant Expansion including, but not limited to, the Minor Use Permit No. UP2013-029. 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.

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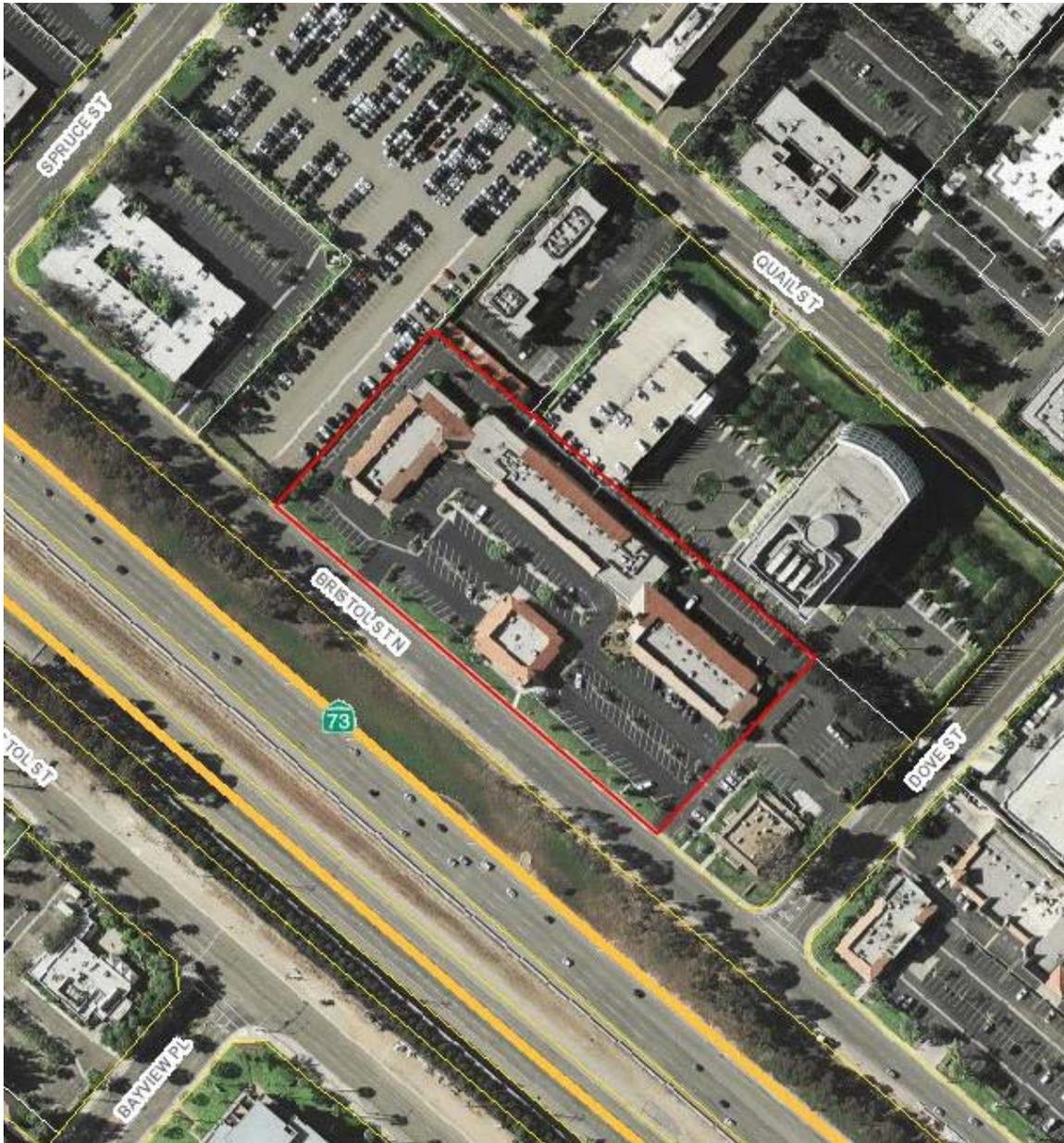
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# **Attachment No. ZA 2**

Vicinity Map

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# VICINITY MAP



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Minor Use Permit No. UP2013-029  
PA2013-248

**1000 Bristol Street North, Suites 11 and 12**

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# **Attachment No. ZA 3**

Applicant's Project Description

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Applicant: Fountainhead Restaurant, inc. dba Juliette Kitchen + Bar  
Request Approval of Conditional Use Permit (ABO) permitting the expansion of Type 47 On Sale General Eating Place License(beer, wine and distilled spirits) to adjoining suite(#12) of the existing Juliette Kitchen + Bar (formerly Tradition By Pascal) and commonly referred to as Suite 11).  
Proposed Use: Restaurant With On-Sale Service of Beer, Wine & Distilled Spirits  
Address: 1000 Bristol St. North, Ste.11&12, Newport Beach, CA 92660

## **PROJECT NARRATIVE**

The proposed project is for the approval of Conditional Use Permit (ABO) permitting the expansion of Type 47 On-Sale General Eating Place License (beer, wine and distilled spirits) to adjoining suite(#12) of the existing Juliette Kitchen + Bar(formerly Tradition by Pascal and commonly referred to as suite 11) located in the airport area at 1000 Bristol Street, Suite 11&12, Newport Beach, CA 92660. The existing restaurant is "Juliette Kitchen + Bar" and is owned and operated by John Hughes and Juliette Chung. "Juliette Kitchen + Bar" is a full service casual fine dining restaurant.

This request is to permit the sale of beer, wine and distilled spirits for on-sale consumption in conjunction with the operations of the restaurant. Service of beer wine and distilled spirits is made for the convenience of patrons dining at the restaurant. The subject property is located within the airport area. The site is bounded by other commercial and office uses. There are no residents in the general area. The proposed restaurant will serve the local residents of the surrounding community, tourists and office workers.

The restaurant is open six(6) days a week. The current hours of operation are as follows:

Monday-Thursday 11:00 am to 10:00 pm

Friday 11:00 AM to 10:30pm

Saturday 4:00 pm to 10:30pm

Sunday (closed)

The restaurant currently seats 78 interior seats, eight(8) of which are bar seats in compliance with the current CUP. There are 12 additional patio seats on the outside dining patio, which are available for dining after 4:00 pm only.

Suite 12 is currently approved by the City of Newport Beach as a retail usage with a net public area of 100 SF and six(6) seats. The current parking requirement for Suite 12 is 5/1000 and translates to six(6) parking spaces for the Suite 12 which is 1,200 SF. Applicant is not requesting any additional seating for Suite 12.

Applicant's request for Approval of Conditional Use Permit (ABO) permitting the expansion of Type 47 On-Sale General Eating Place License shall not require any additional parking other than that which is currently granted for Suites 11 and 12, which is currently Juliette Kitchen + Bar (formerly Tradition by Pascal). The current parking requirement and approval for Suite 11 is thirty(30) parking stalls and Suite 12 is six(6) parking stalls.

The project will employ approximately 7 employees that would be on-site at one time.

The surrounding land uses are as follows:

North: Commercial/Office.

South: Commercial/Office.

East: Commercial/Office

APPLICANT: Fountainhead Restaurant, Inc. dba "Juliette Kitchen + Bar"  
REQUEST: Approval of Condition Use Permit (ABO) permitting the expansion of Type 47 On-Sale General Eating Place License(beer, wine and distilled spirits) to adjoining suite (#12) of the existing Juliette Kitchen + Bar (formerly Tradition by Pascal and commonly referred to as suite11).  
PROPOSED USE: Restaurant With On-Sale Service of Beer, Wine and Distilled Spirits  
ADDRESS: 1000 Bristol St. North, Ste 11&12, Newport Beach, CA 92660

## **USE PERMIT APPLICATION JUSTIFICATION**

The proposed project is for the approval of Conditional Use Permit (ABO permitting the expansion of Type 47 On-Sale General Eating Place License (beer, wine and distilled spirits) to adjoining suite (#12) of existing Juliette Kitchen + Bar ( formerly Tradition by Pascal and commonly referred to as Suite 11) located at 1000 Bristol St. North, Suite 11 & 12, Newport Beach, CA 92660. The existing restaurant is "Juliette Kitchen + Bar" and is owned and operated by John Hughes and Juliette Chung. "Juliette Kitchen + Bar" is a full service casual fine dining restaurant. The applicant currently operates Suite 11 with a Type 47 On-Sale Beer, Wine and Distilled Spirits Eating Place alcoholic beverage license. The proposal request meets the requirements set forth in the City of Newport Beach Municipal Code.

### **BURDEN OF PROOF:**

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

Response: The proposed use as a restaurant with beer, wine and distilled spirits is consistent with the Newport Beach General Plan and provisions of the Municipal Code.

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

Response: The proposed use as a restaurant with beer, wine and distilled spirits is permitted in the zoning district and is subject to all the regulations, conditions, policies or other requirements of the Municipal Code. No construction will be required. This is an existing restaurant that has a Type 47 On-Sale General Eating Place license(beer, wine and distilled spirits). All existing construction(tenant improvements) has been previously approved and inspected by the City of Newport Beach.

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

Response: The proposed use is not inconsistent with the adjacent uses and will not materially affect the surrounding community or environment. The proposed project is ideally suited for the airport area and is not located near any residences. The approval of the request that serves the local community and tourism, will not adversely affect the publics health, safety, welfare nor will it jeopardize or endanger the public. it will not be detrimental to the use, valuation or enjoyment of surrounding property owners or residents.

**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;**

Response: The proposed site, an existing shopping center, is not inconsistent with the adjacent uses and will not materially affect the surrounding community or environment. The proposed site is ideally suited for the airport area and is not located near any residences. The approval of the request that serves the local community and tourism, will not adversely affect the public's health, safety, welfare nor will it jeopardize or endanger the public. It will not be detrimental to the use, valuation or enjoyment of surrounding property owners or residents.

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

Response: The proposed use will contribute to the economic growth of the City as it will serve the local community and tourism. The proposed project will not adversely affect the public's health, safety, welfare nor will it jeopardize or endanger the public. It will not be detrimental to the use, valuation or enjoyment of surrounding property owners or residents.

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# **Attachment No. ZA 4**

Project Plans

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# Cafe' Juliette

1000 Bristol Street North  
Suite 11 & 12  
Newport Beach, CA 92660

- In the case of emergency, call xxxxxxxx at Work Phone xxxxxxxx or Cell Phone xxxxxxxx
- Sediment from areas disturbed by construction shall be retained on site using structural controls to the maximum extent practicable.
- Stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.
- Appropriate BMP's for construction-related materials, wastes, spills shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.
- Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to reduce or remove sediment and other pollutants.
- All construction contractor and subcontractor personnel are to be made aware of the required best management practices and good housekeeping measures for the project site and any associated construction staging areas.
- At the end of each day of construction actively all construction debris and waste materials shall be collected and properly disposed in trash or recycle bins.
- Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes or pollutants off the site. Discharges of material other than storm water only when necessary for performance and completion of construction practices and where they do not cause or contribute to a violation of any water quality standard, cause or threaten to cause pollution, contamination, or nuisance; or contain a hazardous substance in a quantity reportable under Federal Regulations 40 CFR Parts 117 and 302.
- Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives and solvents; asbestos fibers, point flakes or stucco fragments; fuels, oils, lubricants, and hydraulic radiator or battery fluids; fertilizers, vehicle/equipment wash water and concrete wash water; concrete, detergent or floatable wastes; wastes from any engine/equipment steam cleaning or chemical degreasing and superchlorinated potable water line flushing. During construction, permitted shall dispose of such materials in a specified and controlled temporary area on-site, physically separated from potential storm water runoff, with ultimate disposal in accordance with local site requirements.
- Dewatering of contaminated groundwater or discharging contaminated soils via surface erosion is prohibited—Dewatering of non-contaminated groundwater requires a National Pollutant Discharge Elimination System Permit from the respective State Regional Water Quality Control Board.
- Graded areas Monte permitted area perimeter drain away from the face of slopes at the conclusion of each working day. Drainage is to be directed toward desirring facilities.
- The permittee and contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.
- The permittee and contractor shall inspect the erosion control work and insure that the work is in accordance with the approved plans.
- The permittee shall notify all general contractors, subcontractors, material suppliers, lessees, and property owners that dumping of chemicals into the storm drain system or the watershed is prohibited.
- Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on site, and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.
- All removable erosion protective devices shall be in place at the end of each working day when the 5-Day Pain Probability Forecast exceeds 40%.
- Sediments from areas disturbed by construction shall be retained on site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.
- Appropriate BMP 's for construction-related materials, wastes, spills or residues shall be implemented and retained on site to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff.

### DEFERRED SUBMITTAL LIST:

PLANS FOR MODIFICATION TO THE EXISTING FIRE SPRINKLER SYSTEM MUST BE SUBMITTED TO THE BUILDING DEPARTMENT FOR REVIEW PRIOR TO MAKING CHANGES TO THE SYSTEM.

PLANS FOR MODIFICATION TO THE EXISTING FIRE SUPPRESSION SYSTEM AT KITCHEN HOOD MUST BE SUBMITTED TO THE BUILDING DEPARTMENT FOR REVIEW PRIOR TO MAKING CHANGES TO THE SYSTEM.

### PROJECT INFORMATION

PROJECT TITLE: CAFE JULIETTE RESTAURANT  
PROJECT LOCATION: 1000 BRISTOL STREET NORTH SUITE 11 & 12 NEWPORT BEACH CA 92660

APN#: CG  
ZONE: A-2 - M  
OCCUPANCY GROUP: V-B  
CONSTRUCTION TYPE: YES  
SPRINKLERED: YES

SQUARE FOOTAGE: RESTAURANT, RETAIL  
EXISTING OCCUPANCY: RESTAURANT, RETAIL  
PROPOSED OCCUPANCY: RESTAURANT, RETAIL

### CODE SUMMARY

APPLICABLE CODES:  
THE CALIFORNIA BUILDING CODE, 2010  
THE CALIFORNIA MECHANICAL CODE (CMC), 2010 EDITION.  
THE CALIFORNIA PLUMBING CODE (CPC), 2010 EDITION  
THE CALIFORNIA ELECTRIC CODE (CEC), 2010 EDITION  
AMERICAN WITH DISABILITIES ACT, ACCESSIBILITY GUIDELINES (ADAAG)  
2008 CALIFORNIA BUILDING ENERGY EFFICIENT STANDARDS.  
2010 CALIFORNIA FIRE CODE

### SCOPE OF WORK:

- REMODEL OF EXISTING RESTAURANT.
- WALL OPENING INTO ADJACENT SPACE FOR RETAIL STORE.

### TENANT

FOUNTAINHEAD RESTAURANT, INC.  
1919 HELIOTROPE DRIVE  
SANTA ANA, CA 92706  
(714) 280-5404  
JOHN HUGHES

### ARCHITECT

RTA, INC.  
P.O. BOX 1512  
NEWPORT BEACH, CA 92659  
(949) 650-9876  
ATTN: BOB THORNTON

### BUILDING OWNER

LAGUNA COMMONS, L.P. csw, Ltd.  
1603 EMERALD BAY  
LAGUNA BEACH, CA 92651  
(949) 497-5407 X 18  
FAX (949) 376-2197

### MP & E ENGINEER

JS ENGINEERING  
705 LOS OLOVOS DR  
SAN GABRIEL, CA 91775  
(626) 497-0558

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### FLOOR AREA CALCULATIONS

OCCUPANCY LOAD CALCULATIONS PER SQUARE FOOT (2010) CBC

#### CAFE JULIETTE RESTAURANT

AREA USE	OCCUPANCY LOAD FACTOR	SQUARE FOOT	NO. OF OCCUPANTS
DINING ROOM	1/15	1,016 SF.	68
BAR AREA	1/200	188 SF.	2
KITCHEN	1/200	756 SF.	4
RESTROOM	1/300	182 SF.	1
HALL	1/300	158 SF.	1
<b>TOTAL</b>		<b>2,300 SF.</b>	<b>76 PERSONS</b>

2 EXITS PROVIDED, EXITS LOCATED MORE THAN 1/3 DISTANCE APART

#### JULIETTE WINE RETAIL SPACE

AREA USE	OCCUPANCY LOAD FACTOR	SQUARE FOOT	NO. OF OCCUPANTS
RETAIL AREA	1/30	627 SF.	21
OFFICE	1/100	103 SF.	2
JANITOR CLO.	1/300	40 SF.	1
RESTROOM	1/300	55 SF.	1
STORAGE	1/300	375 SF.	2
<b>TOTAL</b>		<b>1,200 SF.</b>	<b>27 PERSONS</b>

ONE REQUIRED EXIT PROVIDED.

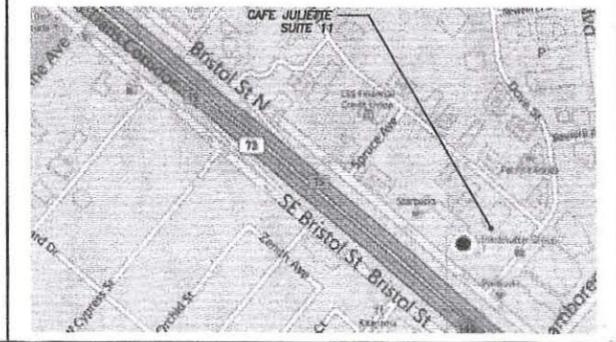
#### PLUMBING FIXTURE COUNT PER CPC 2012 TABLE 4-1A

RESTAURANT:	2,300/30=	77 PERSONS
OUTDOOR:	480 / 30=	16 PERSONS
RETAIL:	1,200/200=	6 PERSON
<b>TOTAL:</b>		<b>99 PERSONS</b>

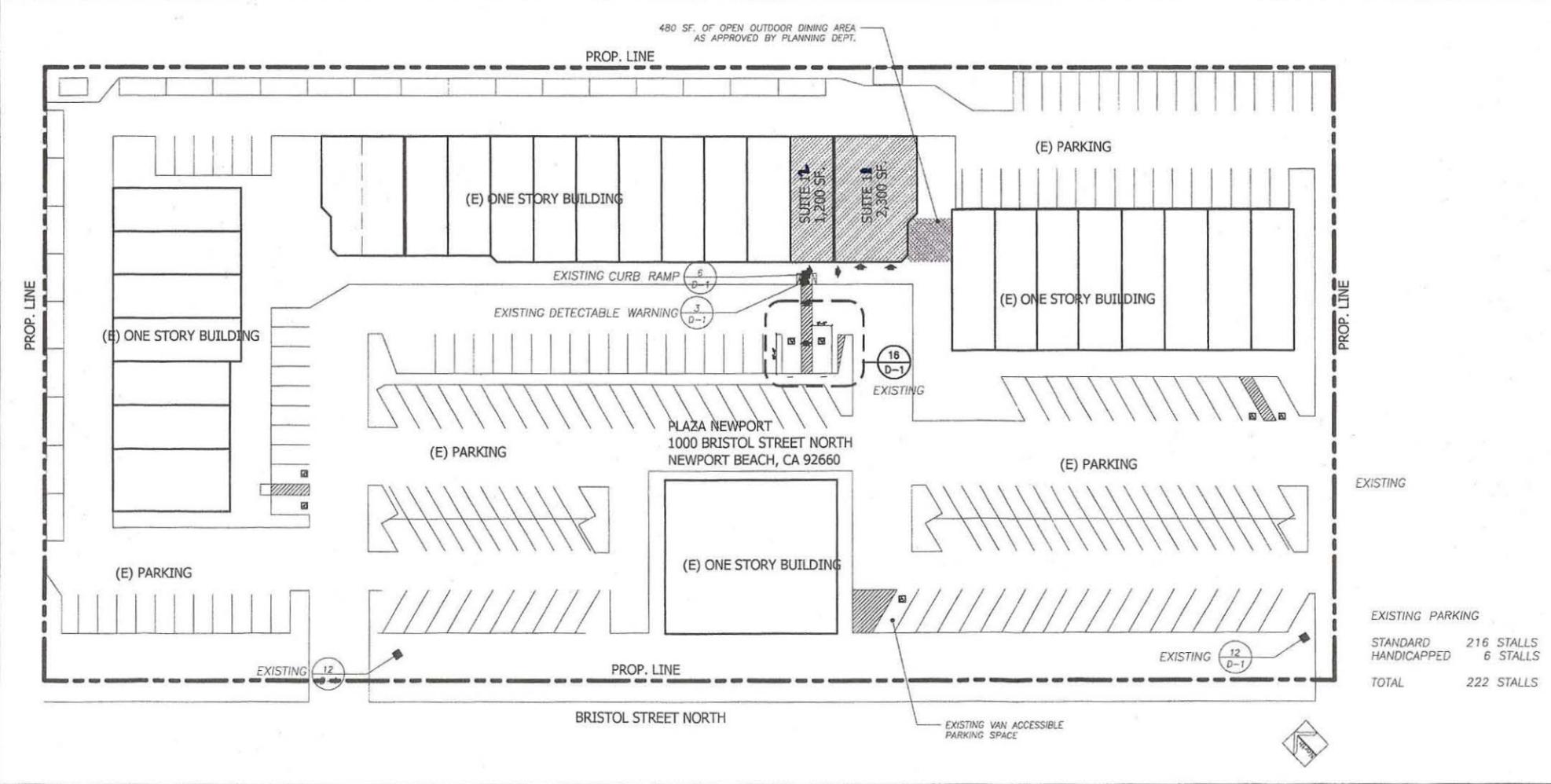
50 MEN AND 50 WOMEN

FIXTURES PROVIDED  
MEN: 1 LAVATORY, 1 WATER CLOSET, 1 URINAL  
WOMEN: 2 LAVATORY, 2 WATER CLOSET

### VICINITY MAP



### SITE PLAN SCALE: 1"=30'-0"



EXISTING PARKING	STANDARD	HANDICAPPED	TOTAL
	216 STALLS	6 STALLS	222 STALLS



Cafe' Juliette  
1000 Bristol Street North  
Suite 11 & 12  
Newport Beach, CA 92660

COVER SHEET

REVISIONS	DATE



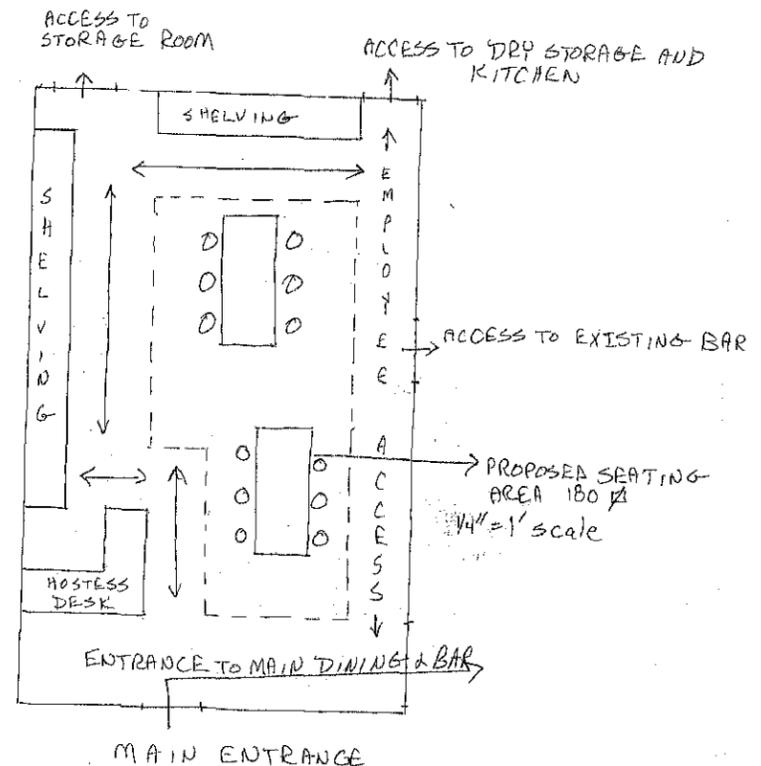
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PA2013-248 for UP2013-029  
1000 Bristol Street North, Suite 11 & 12  
Fountainhead Restaurant, Inc., dba Juliette Kitchen + Bar

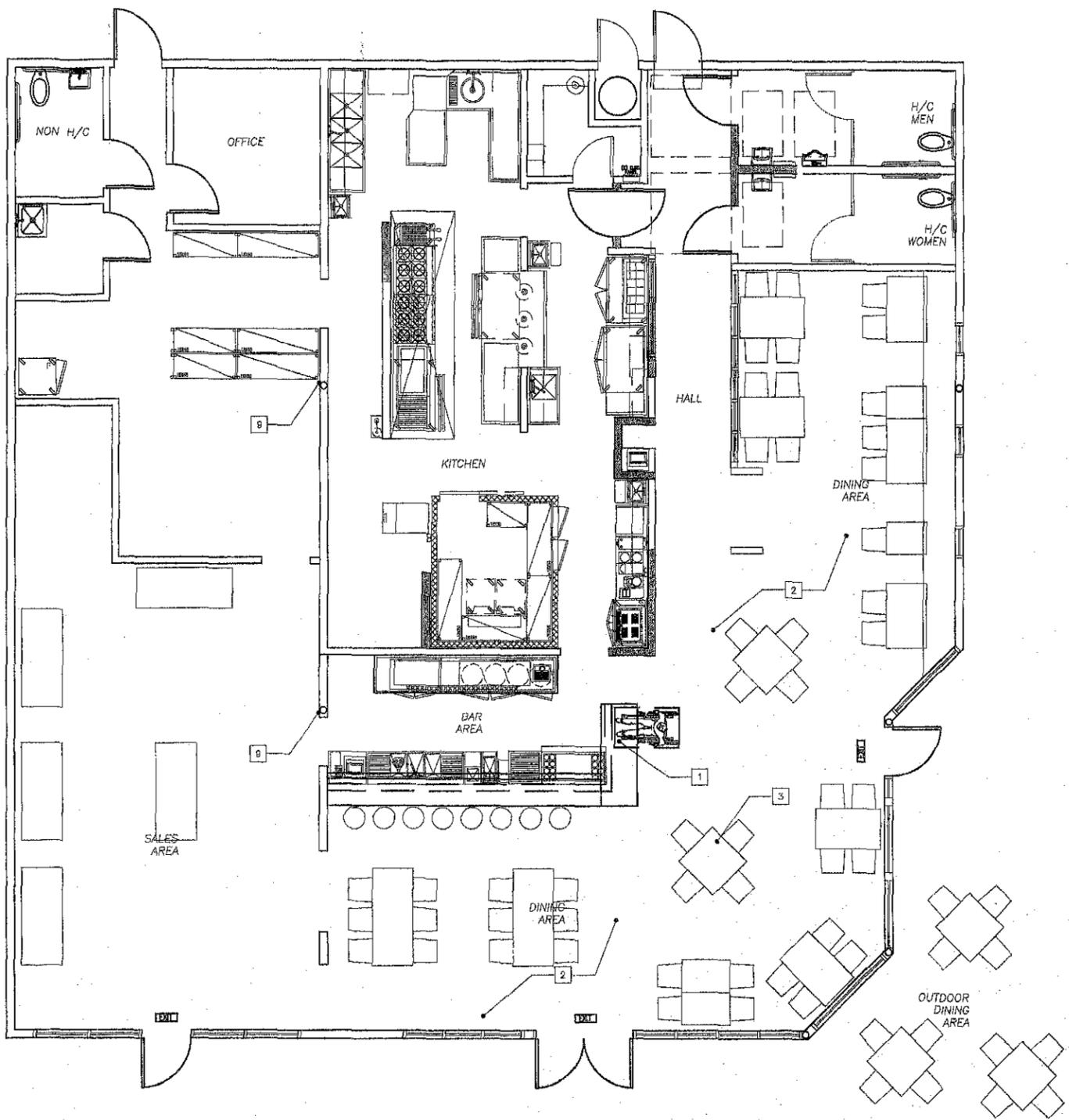
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ADDENDUM 'A'

JF JULIETTE KITCHEN + BAR  
 1000 BRISTOL STREET NORTH, STE. 11 & 12  
 NEWPORT BEACH, CA 92660  
 714-280-5404



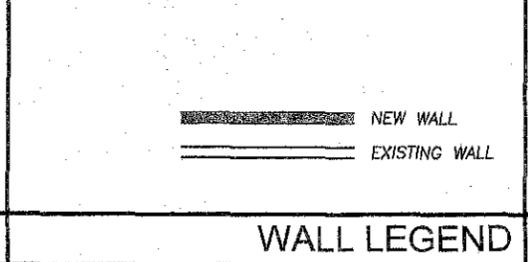
PROPOSED SEATING AREA FOR EATING AND DRINKING WITH EXISTING TYPE 47 LIQUOR LICENSE DURING THE HOURS OF 4 PM TO 11 PM SEVEN DAYS A WEEK, IN THE FRONT PORTION OF SUITE 12.



1 SEATING PLAN  
 Scale: 1/4" = 1'-0"

**GENERAL NOTES**

ALL AISLES SERVING ONE SIDE ARE A MINIMUM OF 36" IN WIDTH.  
 ALL AISLES SERVING BOTH SIDES ARE A MINIMUM OF 44" IN WIDTH.



- KEYED NOTES**
- 1 ACCESSIBLE BAR AREA: 19" DEEP AND 27" HIGH MINIMUM KNEE SPACE, 36" LONG IN WIDTH AND NO MORE THAN 28" - 34" HIGH
  - 2 ALL AISLES SERVING ONE SIDE ARE A MINIMUM OF 36" IN WIDTH. ALL AISLES SERVING BOTH SIDES ARE A MINIMUM OF 44" IN WIDTH.
  - 3 HANDICAP ACCESSIBLE DINING TABLE WITH PLAQUE DESIGNATION. KNEE HEIGHT MIN. 27", 34" MAX. HEIGHT AND 30" MIN WIDTH.



**Cafe Juliette**  
 1000 Bristol Street North  
 Suite 11 & 12  
 Newport Beach, CA 92660

**SEATING PLAN**

REVISIONS	
DATE	



SHEET  
**A-3**  
 32 OF

MAY 18 2011