



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending September 25, 2015

**ZONING ADMINISTRATOR ACTIONS
SEPTEMBER 24, 2015**

Item 1: 521 Orchid Avenue Tentative Parcel Map No. NP2015-012 (PA2015-145)
Site Location: 521 Orchid Avenue

Action: Approved by Resolution No. ZA2015-054 Council District 6

**ACTION TAKEN BY THE CHIEF OF POLICE
(Non-Hearing Item)**

Item 1: The Stag Bar Operator License No. OL2015-005 (PA2015-133)
Site Address: 121 McFadden Place

Action: Approved Council District 1

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS
(Non-Hearing Items)**

Item 1: Best Western Newport Beach Inn Staff Approval No. SA2015-011 (PA2015-132)
Site Address: 6208 West Coast Highway

Action: Approved Council District 2

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Wendy Joe, Civilian Investigator, NBPD, Sgt. Brad Miller, NBPD

RESOLUTION NO. ZA2015-054

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING TENTATIVE PARCEL MAP NO. NP2015-012 FOR TWO-UNIT CONDOMINIUM PURPOSES LOCATED AT 521 ORCHID AVENUE (PA2015-145)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Nicholson Companies, with respect to property located at 521 Orchid Avenue, and legally described as Lot 21, Block 541 Corona Del Mar Tract requesting approval of a tentative parcel map.
2. The applicant proposes a tentative parcel map application for two-unit condominium purposes. No waiver of Title 19 (Subdivisions) development standards are proposed with this application. An existing two-unit duplex was demolished and will be replaced with a new two-unit duplex. The Tentative Parcel Map would allow each unit to be sold individually.
3. The subject property is located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two Unit Residential (RT).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on September 24, 2015 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 CEQA (California Environmental Quality Act) Guidelines under Class 15 (Minor Land Divisions).
2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent. The Tentative Parcel Map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

The Zoning Administrator determined in this case that the Tentative Parcel Map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 (Required Findings for Action on Tentative Maps) of Title 19:

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. A two-unit duplex was demolished and will be replaced with a new two-unit duplex. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current RT General Plan Land Use Designation.
2. The Tentative Parcel Map does not apply to any specific plan area.

Finding:

- B. *That the site is physically suitable for the type and density of development.*

Facts in Support of Finding:

1. The lot is physically suitable for two-unit development because it is regular in shape and is relatively flat.
2. The subject property is accessible from Orchid Avenue and the alley at the rear, and is adequately served by existing utilities.

Finding:

- C. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

Facts in Support of Finding:

1. The site was previously developed with a two-unit duplex which was demolished and will be replaced with a new two-unit duplex.
2. The property is located in an urbanized area that does not contain any sensitive vegetation or habitat.
3. The project is categorically exempt under Section 15315 (Article 19 of Chapter 3), of the California Environmental Quality Act (CEQA) Guidelines – Class 15 (Minor Land Alterations).

Finding:

- D. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for residential condominium purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 (General Improvement Requirements) of the Municipal Code and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- E. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision making body may approve a map if it finds that alternate easements, for access or for use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Facts in Support of Finding:

1. The design of the development will not conflict with easements acquired by the public at large, for access through, or use of property within the proposed development, because there are no public easements located on the property.

Finding:

- F. That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

1. The property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The site, developed for residential use, lies in a Zoning District that permits residential uses.

Finding:

- G. That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be included within the land project; and (2) the decision making body finds that the proposed land project is consistent with the specific plan for the area.*

1. The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code because the existing subdivision does not contain fifty (50) or more parcels.
2. The project is not located within a specific plan area.

Finding:

- H. That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Facts in Support of Finding:

1. The Tentative Parcel Map and any future improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. *That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Facts in Support of Finding:

1. The proposed two-unit duplex is consistent with the R-2 Zoning District which allows two residential units on the property. Therefore, the Tentative Parcel Map for condominium purposes will not affect the City in meeting its regional housing need.

Finding:

- J. *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Facts in Support of Finding:

1. The new two-unit duplex will be designed so that wastewater discharge into the existing sewer system complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. *For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.*

Facts in Support of Finding:

1. The subject property is not located within the Coastal Zone.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Tentative Parcel Map No. NP2015-012 (PA2015-145), 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 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 24th DAY OF SEPTEMBER, 2015.



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. A Parcel Map shall be recorded. The Map shall be prepared on the California coordinate system (NAD88). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. A ten-foot radius corner cut-off easement for street and public utility purposes at the Orchid Avenue/Third Avenue curb return shall be recorded as a part of the parcel map.
4. All improvements shall be constructed as required by Ordinance and the Public Works Department.
5. The existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the Orchid Avenue frontage shall be reconstructed.
6. A portion of existing driveway approach along Third Avenue shall be replaced with a new driveway plug per City Standards.
7. A new five-foot wide concrete sidewalk shall be constructed along the entire Third Avenue frontage. The installation of a meandering type of travel path may be required to accommodate the existing street trees.
8. Upon the construction of new concrete sidewalk along the Third Avenue frontage, a new ADA compliant curb access ramp shall be constructed at the Orchid Avenue/Third Avenue curb return.
9. All existing overhead utilities shall be undergrounded.
10. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements.
11. No above ground improvements shall be installed within the five-foot alley setback.

12. Orchid Avenue and Third Avenue are part of the City's Moratorium List. Work performed on said roadways will require additional surfacing requirements. See City Standard 105-L-F.
13. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
14. New sod or low groundcover of the type approved by the City shall be installed throughout the Third Avenue and Orchid Avenue parkway fronting the development site.
15. Each unit shall be served by its individual water meter and sewer lateral and cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. Water meter and the sewer cleanout shall be located within the public right-of-way.
16. An encroachment permit is required for all work activities within the public right-of-way.
17. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code Section 20.30.130.
18. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
19. All on-site drainage shall comply with the latest City Water Quality requirements.
20. All unused water services to be abandoned shall be capped at the main (corporation stop) and all unused sewer laterals to be abandoned shall be capped at property line. If the sewer lateral to be abandoned has an existing cleanout, abandonment shall include removal of the cleanout riser, the 4TT box and the wye. Sewer lateral shall then be capped where the wye used to be.
21. Per Chapter 13 of the City Municipal Code, two (2) 36-inch box Bauhiania Variegata (Purpurea) street trees shall be planted along the Third Avenue frontage unless otherwise determined by Public Works.
22. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
23. Subsequent to the recordation of the Parcel Map, the applicant shall apply for a building permit for a description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finaled.** The building permit for the new construction shall not be finaled until after recordation of the Parcel Map.

24. This approval shall expire and become void unless exercised within twenty-four (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.

25. 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 521 Orchid Avenue Tentative Parcel Map, including, but not limited to, NP2015-012 (PA2015-145). 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.



OPERATOR LICENSE APPROVAL LETTER

POLICE DEPARTMENT
870 SANTA BARBARA DRIVE
NEWPORT BEACH, CA 92660
(949) 644-3681 FAX (949) 644-3794
www.nbpd.org

VIA EMAIL

September 25, 2015

McFadden Place LLC
Attn: Mario Marovic
3334 E. Coast Hwy #418
Corona del Mar, CA 92625
mario@loungegroup.com

Application No.	Operator License No. OL2015-005 (PA2015-133)
Owner/Applicant	McFadden Place LLC
Location/Business Name	The Stag Bar Operator License
Site Address	121 McFadden Place
Legal Description	Lot 15 and Lot 16, Block 21 of the Newport Beach Tract

On **September 25, 2015**, the Chief of Police approved the following: a request for the issuance of an Operator License pursuant to Chapter 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance) of the Municipal Code for an existing bar undergoing renovation with late hours, a Type 48 (On-Sale General) ABC alcohol license, and an outdoor patio area. The Operator License is required due to the issuance of Use Permit No. UP2013-016 (PA2013-153), approved by the Planning Commission on March 20, 2014, to expand the existing establishment into an adjacent tenant space.

REQUIRED FINDINGS

The Chief of Police has made the following findings as required by NBMC 5.25.050 (Issuance of License-Criteria and Findings):

Finding:

1. *The business or enterprise is located in a zone permitting the proposed use under Title 20 of the NBMC, and is subject to such use permits as may be required.*

Facts in Support of Finding:

1. Conditional Use Permit No. UP2013-016 was approved by the Planning Commission on March 20, 2014. Under this approval, a maximum occupancy of 207 was permitted with the expansion into the adjacent tenant space and a new (approximately) 476-square-foot outdoor dining patio.
2. Tenant improvements to the existing bar were approved in 2013. An operator license is required due to the approval of Conditional Use Permit No. UP2013-016 (PA2013-153).

Finding:

2. *In the case of a business or enterprise offering "Entertainment," as defined, the premises meets all of the criteria in Chapter 5.28.040.B.2-7.*

Facts in Support of Finding:

1. The bar does not currently offer or propose to offer live entertainment.

Finding:

3. *The proposed site plan and improvements are consistent with the use and the plan of operations.*

Facts in Support of Finding:

1. A bar has operated in this location since 1914 and demonstrated the location's capability of operating as a compatible use with other land uses in the vicinity.
2. The plans are consistent with the occupancy limit of 207 persons identified on the tenant improvement plans under Plan Check No. 3016-2013 and are further consistent with the approved occupant capacities of 158 persons within the interior and 49 persons within the outdoor dining patio area.
3. The plans have been reviewed for compliance with the Conditional Use Permit for the bar use and improvements include compliant emergency exits as well as the required accessibility upgrades.

Finding:

4. *The plan of operations as proposed, with attached conditions in place, is adequate in light of the neighborhood in which the operation is located and supports the public health, safety, and welfare of the community.*

Facts in Support of Finding:

1. Security personnel at the entrance and exit will be responsible for regulating the loitering, noise, elicit activity, and other objectionable conditions that may occur outside of the establishment. A detailed security plan has been prepared where at least one security person will be provided for every 50 guests during peak hours.
2. The operator license has been conditioned to require that security personnel be posted at both the entrances to the establishment as well as the entrance to the outdoor patio area to track patrons entering and exiting the premises in order to maintain maximum occupancy limits.
3. The business will be required to comply with the hours of operation as specified in the conditions of approval for the operator license.

CONDITIONS OF APPROVAL

In no case shall the conditions be inconsistent with, or less restrictive than, those required by any applicable use permit. The following operational conditions are reiterated from the Conditional Use Permit and the applicant shall comply with all other conditions of approval of Conditional Use Permit No. UP2013-016:

1. That development shall be in substantial conformance with the approved site plan, floor plan, and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.) (UP2013-016, Condition of Approval No. 1)
2. That the Planning Commission may add to or modify conditions of approval to this Use Permit or recommend to the City Council the revocation of this Use Permit, upon a determination that the operation which is the subject of this Use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community. (UP2013-016, Condition of Approval No. 5)
3. The hours of operation for the eating and drinking establishment including the outdoor patio area shall be limited between 6:00 a.m. and 2:00 a.m., daily. (UP2013-016, Condition of Approval No. 13)
4. That the occupant load of the eating and drinking establishment shall not exceed 207 persons, including the outdoor patio area (158 persons interior and 49 persons outdoor patio). (UP2013-016, Condition of Approval No. 14)
5. The seating and dining in the outdoor area shall be limited to dining table height (approximately 30 inches) and table surface area of 24 inches by 30 inches, minimum. The use of elevated counters, tables, and barstools are prohibited in the outdoor patio area. (UP2013-016, Condition of Approval No. 15)

6. The removal or relocation of pool tables, tables, chairs, stools, or other furniture to accommodate an area for dancing shall be prohibited. (UP2013-016, Condition of Approval No. 16)
7. That no outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the facility (UP2013-016, Condition of Approval No. 22)
8. All doors and windows of the facility shall remain closed after 10:00 p.m. except for the ingress and egress of patrons and employees. (UP2013-016, Condition of Approval No. 28)

The Chief of Police has attached additional conditions and requirements to the license. In no case shall the conditions be inconsistent with, or less restrictive than, those required by any applicable use permit.

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control (ABC) shall be a Type 48 (On Sale General Bar, Night Club).
3. The alcoholic beverage sales for the purpose of on-site consumption shall be limited to the designated areas indicated on the floor plan submitted with the application.
4. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
5. Strict adherence to maximum occupancy limits is required: 158 person occupant capacity within the interior, 49 person occupant capacity within the adjacent outdoor patio. Security personnel shall be posted at the entrances to the exterior patio areas to track patrons entering and exiting the premises in order to maintain maximum occupancy limits.
6. The applicant shall provide licensed security personnel. Prior to implementation of this Operator's License, a comprehensive security plan for the permitted uses was submitted to the Newport Beach Police Department for review and approval. The security plan will be considered an extension of this license. Any changes to the comprehensive security plan shall first be subject to the review and approval of the Newport Beach Police Department. The procedures included in the plan and any recommendations made by the Police Department shall be implemented and adhered to for the life of the Operator's License.

7. All guests shall enter through the main entrance only. Entry shall not be permitted through the outdoor patio area.
8. 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.
9. 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.
10. The operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the alcoholic beverage outlet and adjacent properties during business hours.
11. 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 twenty (20) feet of the premises.
12. All owners, managers, and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.
13. For future licensees, operators or assignees, a new Operator License shall be required. Should the Alcoholic Beverage Control (ABC) license be transferred, any future license holders, operators or assignees shall be notified of the conditions of this approval by either the current licensee, business operator, or the leasing company.
14. The business shall comply with Title 20 (Zoning Code) and any other applicable provisions of the Newport Beach Municipal Code.
15. In accordance with Section 5.28.080 (Revocation, Suspension, or Modification of License for Cause), this Operator License may be modified or revoked by the Chief of Police 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.

16. Operator License No. OL2015-005 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits & Extensions) of the Newport Beach Municipal Code (NBMC), unless an extension is otherwise granted.
17. A copy of this Operator License shall be kept on the premises at all times and shall be made available to any member of the Police Department upon request.
18. 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 Stag Bar Operator License including, but not limited to, the Operator License No. OL2015-005 (PA2015-133). 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.

OPERATOR LICENSE NONTRANSFERABLE

No operator license issued pursuant to this chapter shall be sold, transferred, or assigned by any license holder, or by operation of law, to any other person, group, partnership, corporation or any other entity, and any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such license, and such license shall be, thereafter, null and void. A license held by an individual in a corporation or partnership is subject to the same rules of transferability as contained above. License shall be valid only for the exact location specified in the license.

PUBLIC NOTICE

Notice of this application was 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 21 days prior to the decision date, consistent with the provisions of the Municipal Code.

APPEAL PERIOD

The determination of the Chief of Police to deny or to place conditions upon the approval of an operator license shall be appealable by the applicant or any interested party. Such appeal shall be made in writing to the City Manager, within fifteen (15) days of the postmark date of the Chief of Police's notice of decision. For additional information on filing an appeal, contact the Planning Department at (949) 644-3200.

REVOCAION, SUSPENSION OR MODIFICATION OF LICENSE FOR CAUSE

The Chief of Police may commence a process to revoke, suspend or modify an operator license issued under the provisions of this chapter should there be reasonable suspicion of any of the following:

- A. The licensee has ceased to meet the requirements for issuance of license;
- B. The applicant gave materially false, fraudulent or misleading information within the application;
- C. Impacts emanating from the establishment for which the license was issued has substantially interfered with the peace and quiet of the neighborhood;
- D. The licensed business or activity has operated in violation of any of the requirements of this chapter, the license as issued, or any condition thereof. The Chief of Police shall notify the operator of the commencement of such revocation, suspension or modification process and shall conduct an investigation to determine if, and to what degree, one or more of the foregoing has occurred. Upon completion of the investigation, the Chief of Police may add, delete or modify the license conditions. The Chief of Police shall notify the applicant regarding the determination of the operator license, on the outcome of the investigation, and the action taken. The applicant or any interested party may appeal a determination or an added or modified condition of approval to City Manager in the manner set forth in Section 5.25.050(C) and (D).

By: _____


Jay R. Johnson
CHIEF OF POLICE

Attachments:

- PD 1 Planning Commission Resolution approving Use Permit No. UP2013-016
- PD 2 Operator License Application
- PD 3 Security Plan
- PD 4 Project Plans

RESOLUTION NO. 1938

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING CONDITIONAL USE PERMIT NO. UP2013-016 FOR THE EXPANSION OF AN EXISTING NONCONFORMING BAR ESTABLISHMENT AND REDUCTION OF OFF-STREET PARKING LOCATED AT 121 MC FADDEN PLACE (PA2013-153)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Mario Marovic, with respect to property located at 121 Mc Fadden Place, and legally described as Lots 15 and 16 in Block 21 of Newport Beach, County of Orange, State of California, as per Map recorded in Book 3, Page 26 of Miscellaneous Maps, in the office of the County Recorder of said County requesting approval of a conditional use permit.
2. The applicant proposes a conditional use permit to remodel and expand an existing nonconforming bar into the abutting liquor store tenant space. The proposed expansion will include an interior dining area, a kitchen, restroom facilities, and an outdoor patio area. The proposed hours of operation are from 6:00 a.m. to 2:00 a.m. The project requires a waiver of required parking since no parking exists on site to serve the use.
3. The subject property is located within the Mixed-Use Water Related (MU-W2) Zoning District and the General Plan Land Use Element category is Mixed-Use Water Related (MU-W2).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W).
5. A public hearing was held on March 20, 2014, in the City Hall Council Chambers, 100 Civic Center Drive, 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.

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 (CEQA) Guidelines under Class 1 (Existing Facilities).
2. 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 project is limited to interior improvements to convert a retail sales use to an eating and drinking establishment and involves no expansion in floor area. Further, there will be no significant traffic impacts associated with the change of use as the Average Daily Trips (ADT) generation for a liquor store/convenience market is greater than that of the proposed project.

SECTION 3. REQUIRED FINDINGS.

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:

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:

- A-1. 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. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages, including an Operator License, will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
- A-2. The subject property is located in an area with a variety of land uses including commercial, retail, residential, and coastal resources. The operational characteristics have been conditioned to maintain the compatibility of the proposed use with surrounding land uses.

In accordance with Section 20.52.020.F (Use Permit, Required Findings) 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:

- B-1. The General Plan land use designation for this site is MU-W2 (Mixed-Use Water Related). The MU-W2 designation applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The expanded eating and drinking establishment, which is the primary occupant of the subject property is consistent with this land use designation. Eating and drinking establishment uses can be expected to

be found in this area and similar locations and are complementary to the surrounding commercial and residential uses.

- B-2. Inasmuch as the proposed application will not result in an increase in the floor area ratio, the project is consistent with the Land Use Element development limitations.
- B-3. The proposed expansion is consistent with General Plan Land Use Policy LU6.8.2 (Component Districts) which emphasizes that McFadden Square should be utilized as one of the primary activity centers within the City. Adding food service to the existing eating and drinking establishment will diversify the use and provide an additional visitor- and local-serving convenience.
- B-4. Eating and drinking establishments are common in the vicinity along the Balboa Peninsula and are frequented by visitors and residents. The establishment is compatible with the land uses permitted within the surrounding neighborhood. The expanded establishment will improve and revitalize the existing building and the surrounding neighborhood.
- B-5. 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 the Zoning Code and the Municipal Code.*

Facts in Support of Finding:

- C-1. The site is located in the MU-W2 (Mixed-Use Water Related) Zoning District. The MU-W2 applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial and residential dwelling units on the upper floors. Although a bar is not listed as a permitted or a conditionally permitted use within this district, the legal nonconforming use can be expanded subject to a conditional use permit pursuant to Zoning Code Section 20.38.050 (Nonconforming Uses).
- C-2. A bar has been operating at the subject property since the early 1900s. The proposed expansion will diversify the use by adding a kitchen, additional interior dining areas, and an outdoor patio area.
- C-3. The subject property does not provide on-site parking, but the proposed expansion is not anticipated to change the parking demand significantly. The McFadden Square area is adequately served by the two adjacent municipal lots throughout most of the year and the close proximity to multiple commercial uses and coastal resources will result in shared trips to the project site area.

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:

- D-1. The operation of the eating and drinking establishment will be restricted to the hours between 6:00 a.m. and 2:00 a.m., daily. The closing hour is compatible with other late night eating and drinking establishments in the area. The Police Department has reviewed the proposed expansion and is not concerned with the later closing hour.
- D-2. An eating and drinking establishment has been operated in this location without the benefit of a conditional use permit since the early 1900s.
- D-3. The floor plan provides a new interior dining area with improved restroom facilities, a kitchen area, and an outdoor patio area. Live entertainment and dancing are not proposed. The expanded area was previously occupied by a retail liquor store.
- D-4. The project includes conditions of approval to ensure that potential conflicts are minimized to the greatest extent possible. Although the eating and drinking establishment is located approximately 10 feet from residential units across the alley to the northwest, the building is oriented toward Newport and West Balboa Boulevards away from the nearby mixed-use structures and the outdoor patio area will be contained by the hotel roof deck above and a 6-foot-1-inch tall glass barrier. Activity from the establishment will be buffered from the residential uses across Newport and West Balboa Boulevards. The applicant is also required to control trash and litter around the subject property.
- D-5. The operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages, including an Operator License, will help ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure the welfare of the surrounding community.
- D-6. The applicant is required to install a grease interceptor, provide a wash-out area that drains to the sewer line, obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.
- D-7. The subject property is located in a relatively dense area with multiple uses within a short distance of each other. The McFadden Square area is conducive to a significant amount of walk-in patrons. The area experiences parking shortages in the day time during the summer months, but parking is typically available during the rest of the year. Two municipal parking lots and on-street parking is available in the area to accommodate the proposed use in the off-season months.

- D-8. The proposed project is not expected to noticeably change the parking demand in the McFadden Square area.

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:

- E-1. The project site is located within an existing commercial building and the tenant space is designed and developed for an eating and drinking establishment. The design, size, location, and operating characteristics of the use are compatible with the surrounding neighborhood. The existing tenant space on the subject property has historically been utilized by an eating and drinking establishment and liquor store.
- E-2. Adequate public and emergency vehicle access, public services, and utilities are provided to the subject property. Any additional utilities upgrades required for the change in occupancy will be required at plan check and have been included in the conditions of approval.
- E-3. The tenant improvements to the project site 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, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

- F-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.
- F-2. The expanded establishment will provide dining and entertainment as a public convenience to the surrounding neighborhood and visitors to the area. This will help to revitalize the project site and provide an economic opportunity for the property owner to update the retail tenant and service, which best serve the quality of life for the surrounding visitor- and local-serving community.

- F-3. The proposed use is located in a district which is subject to a captive market that results in shared trips, different peak periods for a variety of land uses, and a high level of pedestrian and bicycle activity. These characteristics reduce the demand of the expanded bar establishment and the number of parking spaces required to serve the proposed use. Adequate parking is provided in the nearby municipal lots in the off-season months and summer weekdays to accommodate the proposed use.
- F-4. The triangular outdoor patio area will be open on only one side facing eastward towards Newport and West Balboa Boulevards and will be delineated by a 6-foot-1-inch tall glass barrier to provide sound attenuation.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit No. UP2013-016, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference, and concurrent with Conditional Use Permit No. UP2014-005.
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 20TH DAY OF MARCH, 2014.

AYES: Hillgren, Tucker, Kramer, Ameri, Brown, Lawler, Myers

NOES: None

ABSTAIN: None

ABSENT: None

BY: 
Bradley Hillgren, Chairman

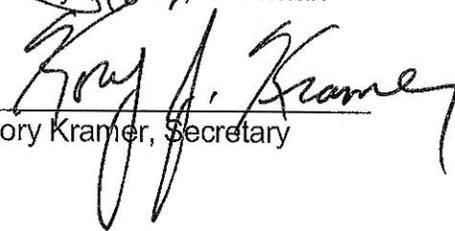
BY: 
Kory Kramer, Secretary

EXHIBIT "A"**CONDITIONS OF APPROVAL****Planning Division**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Conditional Use Permit No. UP2013-016 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 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 Conditional Use Permit.
5. This Conditional Use Permit may be modified or revoked by the City Council or 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. Any change in operational characteristics, expansion in area, or other modification to the approved plans, may require an amendment to this Conditional Use Permit or the processing of a new Conditional 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. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
9. A copy of this approval letter shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
10. Prior to the issuance of a building permit, the applicant shall gain approval of a lot merger and said lot merger shall be recorded.
11. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Conditional Use Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only

- and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Conditional Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
12. Prior to the issuance of building permits, Fair Share Traffic Fees shall be paid for the change from general commercial to restaurant use in accordance with Chapter 15.38 of the Newport Beach Municipal Code. The applicant shall be credited for the reduction in general commercial square footage and the remaining balance shall be charged or credited to the applicant.
 13. The hours of operation for the eating and drinking establishment including the outdoor patio area shall be limited between 6:00 a.m. and 2:00 a.m., daily.
 14. That the occupant load of the eating and drinking establishment shall not exceed 207 persons, including the outdoor patio area (158 persons interior and 49 persons outdoor patio).
 15. The seating and dining in the outdoor area shall be limited to dining table height (approximately 30 inches) and table surface area of 24 inches by 30 inches minimum. The use of elevated counters, tables, and barstools are prohibited in the outdoor patio area.
 16. The removal or relocation of pool tables, tables, chairs, stools, or other furniture to accommodate an area for dancing shall be prohibited.
 17. The height of the boundary wall of the outdoor patio area shall be marked on the approved plans. Said boundary wall shall be a minimum height of six (6) feet. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.
 18. 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.
 19. All proposed signs shall be in conformance with applicable provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.
 20. All lighting shall conform with the standards of Section 20.30.070 (Outdoor Lighting). The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated. If outdoor lighting is proposed, the applicant shall submit a photometric survey as part of the plan check to verify illumination complies with the Zoning Code standards.
 21. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service

operations, and mechanical equipment. 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. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time period unless the ambient noise level is higher:

	Between the hours of 7:00 a.m. and 10:00 p.m.		Between the hours of 10:00 p.m. and 7:00 a.m.	
	<u>interior</u>	<u>exterior</u>	<u>interior</u>	<u>exterior</u>
Measured at the property line of commercially zoned property:	N/A	65 dBA	N/A	60 dBA
Measured at the property line of residentially zoned property:	N/A	60 dBA	N/A	50 dBA
Residential property:	45 dBA	55 dBA	40 dBA	50 dBA

22. That no outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the facility.
23. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
24. 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 Department. 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).
25. 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.
26. Prior to final of the building permits, the applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site and adjacent areas to the Planning Division for review. The building permit shall not be finalized and use cannot be implemented until that program is approved. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property) not just in front of the subject tenant space. Failure to comply with that program shall be considered a violation of the

use permit and shall be subject to administrative remedy in accordance with Chapter 1.05 of the Newport Beach Municipal Code that includes issuance of a citation of violation and monetary fines.

27. 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 Conditional Use Permit.
28. All doors and windows of the facility shall remain closed after 10:00 p.m. except for the ingress and egress of patrons and employees.
29. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the trash container on pick-up days.
30. 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 Stag Bar and Grill CUP including, but not limited to, the Conditional Use Permit No. UP2013-016. 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.
31. The compliance with this Conditional Use Permit shall be reviewed by the Planning Commission one year from the date the final certificate of occupancy is issued for the eating and drinking establishment.

Police Department

32. The operator of the establishment shall secure and maintain an Operator License pursuant to Chapter 5.25 of the Municipal Code.
33. The Operator License required to be obtained pursuant to Chapter 5.25 of the Municipal Code, may be subject to additional and/or more restrictive conditions such as a security plan to regulate and control potential late-hour nuisances associated with the operation of the establishment.
34. A comprehensive security plan for the eating establishment shall be submitted for review and approval by the Newport Beach Police Department. The procedures

included in the security plan shall be implemented and adhered to for the life of the Conditional Use Permit.

35. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
36. There shall be no live entertainment or dancing allowed on the premises.
37. 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.
38. Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.
39. There shall be no on-site radio, televisions, 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.
40. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
41. 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 certificate of occupancy. 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.
42. Strict adherence to maximum occupancy limits is required.

Fire Department

43. Exit hardware for outdoor patio area shall comply with California Building Code Section 1008.

44. Any room having an occupant load of 50 or more persons where fixed seats are not installed shall have the capacity of the room posted in a conspicuous place near the main exit from the room.
45. A fire suppression system will be required for cooking which involves the production of grease laden vapors.
46. Illuminated exit signs will be required. Emergency power shall be provided for a duration of not less than 90 minutes.

Building Division

47. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. A building permit is required to allow the change in use to an eating and drinking establishment. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.
48. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
49. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Division.
50. If required, a grease interceptor shall be installed prior to the establishment opening for business to the satisfaction of the Building Division.
51. A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep and 72-inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Director and Public Works Director in conjunction with the approval of an alternate drainage plan.
52. The applicant shall provide a Type I hood with a kitchen suppression system for cooking equipment.
53. Kitchen exhaust fans shall be installed/maintained in accordance with the California Mechanical Code. A permit from the South Coast Air Quality Management District shall be obtained for the control of smoke and odor.
54. Portable propane heaters shall be prohibited on the outdoor patio. Natural gas or electric heaters are allowed if installed per their listing and the California Electrical or Plumbing Code.

55. The rear doors of the facility shall remain closed at all times. The use of the rear door shall be limited to deliveries and employee use only. Ingress and egress by patrons is prohibited unless there is an emergency. All exits shall remain free of obstructions and available for ingress and egress at all times.
56. The issuance of the final certificate of occupancy for the eating and drinking establishment shall be concurrent with the issuance of the final certificate of occupancy for the hotel approved by Planning Commission Resolution No. 1939.



Operator License Application

PA2015 133

Community Development Department
Planning Division
100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915
(949)644-3204 Telephone / (949)644-3229 Facsimile
www.newportbeachca.gov

General Information

1. Project Address: 121 McFadden Place
2. Assessor's Parcel No(s): 047-151-12
3. Legal Description: Lots 15 & 16 in Block 21 of Newport Beach, as per map in Book 3 pg 26
4. Business Name: The Stag Bar
5. Business Phone Number: 9496734470
6. Anticipated Occupancy: 207 patrons
7. Date Business Acquired: Aug. 1, 2007
8. Date Business Operations Will begin: currently open
9. What are the hours of operations for the establishment? 6am - 2am
10. Type of Alcohol Beverage Control License held or sought: type 48 existing
11. Does the proposed establishment offer live entertainment? Yes No

If yes, please explain and note the hours live entertainment is conducted: _____

12. Does the proposed entertainment include activities defined by Section 5.28.010(1)*? Yes No

If yes, please explain: _____

13. Does entertainment include dancing*? Yes No

If yes, please explain: _____

14. Is there a cover charge or door entry fee? Yes No

If yes, please explain: _____

15. Is the premise being rented or leased or being purchased under contract? Yes No

If yes, please attach a copy of the lease or contract. Initial here if so attached: _____

16. Has the owner or owners ever operated in this or any other County, City, or state under an entertainment establishment license/permit or similar business license? Yes No

If yes, please explain: I currently own the business and we are in the process of
renovating the establishment. The operators license is for an existing
business within the city. We also own Dory Deli and Malarky's.

17. Has the owner or owners ever had such a license revoked or suspended and the reason therefore, and the business entity or trade name under which the business owner operated that was subject to the suspension or revocation? Yes No

If yes, please explain: _____

18. Provide a detailed written statement describing the operation of the establishment. This document will serve as the formal statement to the Chief of Police describing the operation of the establishment and why it should be approved. Please include any relevant information which supports the application and the required findings pursuant to Section 5.25.050.B, which are noted on Operators the information sheet (attach a separate sheet if necessary).

The Stag Bar, Inc. is an existing establishment that was originally opened in
1914. The current business is "legal/ non-conforming" and does not
have a CUP since it was originally opened before CUP's existed.
I met with PD and worked out a plan that eliminated the use of
an existing liquor store next door. The liquor store was also legal/
non-conforming and did not have any restrictions. By eliminating the
liquor store, The Stag Bar was able to build a kitchen and serve food
which it previously did not have. The establishment was also able to
retrofit the entire property (built in 1908) and make the entire building
completely handicap accessible meeting all ADA requirements.
The project was already approved by the city Planning Commission with
a 7-0 vote.

19. Please attach a Security Plan. Initial here if so attached: MM

The Security Plan shall address the following:

- Number of security personnel or ratio to patrons
- Qualifications of security personnel (e.g. Guard Card, Private Security License, etc.)
- Basic operation plan for security
- Plan for controlling loitering, noise, over-crowding, elicit activity, and objectionable conditions

20. Please attach a plan, if any, for contact with the Police Department, neighboring residents or businesses in the event of planned activities or emergencies. Initial here if so attached: _____

Business Owner(s)

Attach information about the business owners or principals. If the enterprise is a corporation or LLC, list all officers. If this is a partnership, list all general partners and if it is a sole proprietorship, list the owner information. If required, attach information about additional owners on a separate sheet.

Name: The Stag Bar Inc: Mario Marovic Alias (es): _____

Address: 3334 East Coast Hwy #418

City/State/Zip: Corona Del Mar CA 92625

Phone: 9498135683 Fax: _____ Email: mario@loungegroup.com

California Driver's License No.: A3803273

Name: _____ Alias (es): _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____ Email: _____

California Driver's License No.: _____

Property Owner(s)

Name: McFadden Place LLC: Mario Marovic Alias (es): _____

Address: 3334 East Coast Hwy #418

City/State/Zip: Corona Del Mar CA 92625

Phone: 9498135683 Fax: _____ Email: mario@loungegroup.com

Declaration

(I)(We) herby certify that (I)(We) have read, understand, and intend to comply with all the operational requirements of Section 5.25 of the Newport Beach Municipal Code.

(I) (We) Mario Marovic depose and say that (I am) (we are) the owner(s) of the property (ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature: [Signature] Date: 7-15-15

Signature: _____ Date: _____

FOR OFFICE USE ONLY

Planning Activity History: _____

APN No: 047-151-12

Date Filed: 7/16/15

Council District No.: 1

Fee Pd: 692.00

General Plan Designation: MU-W2

Receipt No: R000059447

Zoning District: MU-W2

2700-5000 Account

Coastal Zone: Yes No

Deposit Acct. No. _____

Community Association(s): Newport Pier Assoc., Central N.B. Com. Assoc.

Development No: D2013-0349

Project No: PA 2015-133

Activity No: OL2015-005

Planning Commission Meeting

Zoning Administrator Hearing

Community Development Director

ACTION: Approved Denied Tabled: _____
ACTION DATE

CONTINUED TO: _____
Continued Date(s)

Planning Commission

Zoning Administrator

Community Development Director

ACTION: Approved Denied Tabled: _____
ACTION DATE

APPEALED: Appeal Received (Date): _____

Appealed to: City Council Planning Commission Other: _____

Meeting Date of Appeal: _____ Action: Approved Denied Other _____

APPLICATION WITHDRAWN: Withdrawal Received (Date): _____

Remarks:

SECURITY PERSONNEL

All security personnel will be directly employed by the District Lounge (DL) and as such will be subject to all DL procedures and policies. Including but not limited to having a current guard card for the duration of employment, fulfilling DL's training course and being L.E.A.D certified by the Alcohol Beverage Control. All records will be kept on file and accessible to the manager on duty.

DL's security personnel responsibilities will include but not limited to:

- Verifying that guests are of appropriate age and possess current up to date California acceptable ID's
- Greeting Customers
- Enforcing dress code:
 - No tank tops after 7pm
 - No bandanas
 - No club affiliation(gang attire)
 - No UFC affiliated attire (tapout)
 - California casual attire
- Maintaining a safe environment both inside and outside the business
- Observing for over intoxicated guest
 - Not allowing any such person entrance to the business
- Being proactive by watching for aggressive or confrontational guests
- Intervening before a verbal altercation becomes a problem
- Helping to keep order and clear passage for both guests and personnel alike
- Helping to ensure that no minors are being served alcohol

Security members will be inside with pre-designated posts to help prevent congestion. They will also be responsible for helping to maintain a safe environment by observing for over intoxicated guests and potentially violent guests or situations

We will have a security staff member near each door entrance and exit door during peak hours. Furthermore the door located on the patio will be an "Emergency Exit Only Door" and will be equipped with an alarm that will sound upon exiting. The patio door will also have clear signage posted that "Alarm Will Sound" upon the opening of the patio door. The permanent security staff member on the patio during peak hours will help patrol for any possible liquor being handed over the 6 foot 1 inch tall dividing wall from the patio to the side walk.

On any given night we will have at least one security person for every 50 persons in the building. In addition to having security staff on duty we will also have a 16 camera video surveillance system that cover most parts of the interior and some of the exterior including queuing and designated smoking areas. In a case where our surveillance can be helpful we will be more than willing to turn over any video footage we may have to Newport Police department.

Sunday, Monday, Wednesday

1-2 Security Staff members at 9PM, an additional 1 - 2 at 10PM amount may vary depending on the number of guests

Tuesday, Thursday, Friday, and Saturday

1-2 Security staff members at 9PM, an additional 2 to 3 at 10PM

We will increase security staff to accommodate and account for any national holidays, long weekends, etc. As we understand that those particular days increase business.

SECURITY PERSONNEL UNIFORMS

All security personnel will be required to wear a District Lounge security uniform. The DL will provide the following items to complete the uniforms.

Flashlights, digital counters, black lights for the doors, current ID books, 30x Magnifying loop, Kenwood 2 way radios with Pryme noise reduction acoustic ear pieces

In addition, Security personnel will be required to carry current guard cards and ID on them at all times.

CONTROL AND CLEARANCE OF PARKING LOT/SIDEWALK/QUEUING AREA

All guests will enter from the front entrance only. The line will form on the front side of the property and run in line with our property as to not encroach on the public sidewalk. Security personnel will be in constant communication with each other and managers throughout the night.

DL Security personnel will be required to perform periodic patrols of the immediate parking lot to patrol

for loitering, littering, graffiti or any other illegal activity. If any persons are observed partaking in any illegal activities they will be asked to cease and desist and the manager on duty will be notified and in turn will notify the Newport police department.

Upon closing, 3 of the DL's security personnel will patrol the parking lot in our immediate area to ensure safe departure of DL's guest and pedestrians. Once the parking lot is clear a member of the DL's security staff will be required to sweep the immediate area of the business to make it is free of trash and debris that may have accumulated.

INCIDENTS INVOLVING FORCE

DL has a strict no hands on policy. We have instructed all personnel to avoid aggressive or forceful confrontation with a potentially aggressive guest. We encourage a verbal and diplomatic resolution to a problem guest. We only condone reasonable force to subdue an aggressive guest if they're a direct threat to themselves, another guest or other member of DL personnel.

If force is required in any way security personnel are required to follow the strict procedures that have been set forth and signed by each security staff member established by the DL. These procedures include notifying Newport Police Department as soon as it is safe or situation allows

INTOXICATED PERSONS

Once an over intoxicated guest has been identified, the security member will notify the manager. At that point all serving staff will be notified that the person in question will no longer be served alcohol. If the person in question is with a group of people the manager and a member of the security staff will approach one of his/her sober friends to possible assist in getting the person in question an alternative form of transportation home. As according to California law it is illegal to serve or have a person who is obviously intoxicated in your establishment.

If the person in question is alone a manager accompanied by a security staff member will approach the guest and inform them that we will no longer by law be allowed to serve them alcohol. At which point the manager will offer an alternative mean of transportation i.e. Taxi or a friend to pick them up. If the person refuses and insists on driving the security staff member will then keep the person in a question engaged conversation while the DL manager on duty will call Newport Police Department and notify them of the situation providing them with any pertinent information.

It is DL's policy to assist an intoxicated person in finding an alternate means of transportation home other than driving.

VERIFYING AGE/CHECKING IDENTIFICATION

When greeting customers, Security personnel will be responsible for making sure that the guest entering is of age, has a current California accepted bona-fide ID. The ID should be current and offer a physical description, have a photo and show date of birth to be 21yrs of age or older. If the security member greeting has any questions about the ID they will be instructed to consult our most current California acceptable ID book provided by one of our local distributors. District Lounge enforces the F.L.A.G. procedure.

Feel – Feel the ID for any inconsistencies. Cracking, Peeling, Texture

Look – Look at the ID to make sure all information is correct and current and make sure the person on the ID is the person presenting it.

Ask – Ask questions. For example. Are you 21 or older? What is your birthday? Where do you live?

Give Back – Once they have determined that the person possessing the ID is 21 years of age or older, they will give the ID back to the person and allow them to enter

If determined that the ID presented is not real or is another person than the one presenting it. The greeting security member will notify the manager on duty, confiscate the ID and provide the person with a receipt and instructions that it will be turned over to the Newport Police Department within 24 hours and can be claimed there.

We also provide our security staff that greets guests with a black light to help identify any black light sensitive printings and a 30x magnifying loop for Micro printing.

CONCLUSION

We at the District Lounge understand the importance of being proactive when it comes to security situations. It is important to be firm and impartial. We also stress to our security staff to stick to the facts when dealing with a situation. Opinions and personal feeling may not and cannot be a part of decision making when it comes to the safety and control of the guests. We also stress the importance of communication between server's security and managers. That is why whenever we have security staffs on duty all security and managers will be wearing a radio to help aid in communication and professionalism. We have a managers involved in any security related issue whenever possible. All security personnel are instructed never to handle a situation by themselves. We take a great pride in having a knowledgeable friendly and professional security staff.

We at the District Lounge also understand the importance of police involvement in altercations or other specific security issues. It is important to be willing to work with the Newport Police Department to help us insure the safety of our guest and pedestrian walking by our establishment. We encourage notes comments and support of the Newport Police Department.

GENERAL NOTES:

1. All work shall be in accordance with the City of Newport.
2. All work shall be in accordance with the City of Newport.
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19. All work shall be in accordance with the City of Newport.
20. All work shall be in accordance with the City of Newport.

PROPERTY INFO:

THE STAG BAR AND GRILL FORMERLY THE DISTRICT LOUNGE & THE DISTRICT HOTEL
 121 & 125 MCFADDEN PLACE
 NEWPORT BEACH, CA 92663

Zoning: MU-W2 (Mixed-Use Water Related)
Occupancies: 1st Floor - Stag Bar & Grill, A-2, 2nd Floor - Stag Hotel, R-1
Number of Stories: 2
Construction Type: VB (Unreinforced Masonry), Non-Sprinklered
Proposed Hours of Operation: 6:00 am to 2:00am
Alcoholic Beverage License Type: Full Liquor (Existing)
Number of Employees: 8

PLUMBING FIXTURES ANALYSIS

TABLE 2001 CALIFORNIA PLUMBING CODE

TYPE OF BUILDING OR OCCUPANCY	NUMBER OF FIXTURES	FIXTURES PER PERSON	MINIMUM NUMBER OF FIXTURES PER PERSON	MINIMUM NUMBER OF FIXTURES PER PERSON
Single-Family Dwelling	1	1	1	1
Two-Family Dwelling	2	1	1	1
Multi-Family Dwelling	3	1	1	1
Hotel	4	1	1	1
Restaurant	5	1	1	1
Bar	6	1	1	1
Club	7	1	1	1
Office	8	1	1	1
Store	9	1	1	1
Warehouse	10	1	1	1
Factory	11	1	1	1
Garage	12	1	1	1
Auto Wash	13	1	1	1
Laundry	14	1	1	1
Public Building	15	1	1	1
Public Building	16	1	1	1
Public Building	17	1	1	1
Public Building	18	1	1	1
Public Building	19	1	1	1
Public Building	20	1	1	1
Public Building	21	1	1	1
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Public Building	97	1	1	1
Public Building	98	1	1	1
Public Building	99	1	1	1
Public Building	100	1	1	1

2001 CALIFORNIA PLUMBING CODE

TABLE 2001 CALIFORNIA PLUMBING CODE

PROJECT DIRECTORY

- PROPERTY OWNER:**
 330 EAST COAST HIGHWAY #418
 CORONA DEL MAR, CA 92625
 ATTN: JAMES MARRAS
 949-833-5683 - MOBILE
- PROPOSER:**
 STEVE HOPKINS, CADD SERVICES
 31555 Calle Arroyo
 San Juan Capistrano, CA 92675
 TEL: 949-497-1385
- ARCHITECT:**
 JAMES MARRAS ARCHITECTURE AND PLANNING
 2755 VIA VERDE
 SAN JUAN CAPISTRANO, CA 92675
 TEL: (949) 493-7504
- STRUCTURAL ENGINEER:**
 MADR BARTGARI, MADR STRUCTURAL GROUP
 10000 S. HAVANA AVE., #111A
 PLACENTIA, CA 92670
 TEL: (714) 993-8432
- ELECTRICAL ENGINEER:**
 J. WAST ENGINEERING, INC. - ELECTRICAL ENGINEERS
 1415 IMPAVA ST., SUITE 220
 NEWPORT BEACH, CA 92663
 TEL: (714) 289-3621
- PLUMBING & MECHANICAL ENGINEER:**
 SBA CONSULTING ENGINEERS, INC.
 3908 EAST CORDOVA ST., SUITE 207
 NEWPORT BEACH, CA 92663
 TEL: (714) 656-8000

AREA SUMMARY (SEE A0.2 FOR CALCULATIONS)

EXISTING GROSS AREA	S.F.
DISTRICT LOUNGE	2352.1
LIQUOR STOR	1479.2
ELECTRIC AREA	29.4
HOTEL ENTRY (LOWER)	105.7
HOTEL ENTRY (UPPER)	2342.7
TOTAL EXISTING GROSS AREA	6309.1

PROPOSED GROSS AREA	S.F.
STAG BAR/GRILL	3733.1
ELECTRIC AREA	29.4
HOTEL ENTRY (LOWER) W/ADA	155.1
HOTEL ENTRY (UPPER)	2831.3
TOTAL PROPOSED GROSS AREA	6309.9

VICINITY MAP



PROJECT SHEET LIST

- AG-1 COVER SHEET & PROJECT DATA
- AG-2 AREA CALCULATIONS
- AG-3 CIVIL PLAN
- AG-4 DISTRICT LOUNGE (LOWER) DEMOLITION PLAN
- AG-5 DISTRICT HOTEL (UPPER) DEMOLITION PLAN
- AG-6 EXISTING/REMO PLAN
- AG-7 STAG BAR (LOWER) FLOOR PLAN
- AG-8 STAG HOTEL (UPPER) FLOOR PLAN
- AG-9 LOWER OCCUPANCY/EXITING/FIRE RATING PLAN
- AG-10 UPPER OCCUPANCY/EXITING/FIRE RATING PLAN
- AG-11 EXTERIOR ELEVATIONS
- AG-12 BUILDING SECTIONS & DETAILS
- AG-13 ARCHITECTURAL ELEVATIONS
- AG-14 INTERIOR ELEVATIONS
- AG-15 DOOR & WINDOW SCHEDULES
- AG-16 INTERIOR FINISHES
- AG-17 ICC-ES & UL LISTINGS
- AG-18 ICC-ES & UL LISTINGS
- AG-19 ICC-ES & UL LISTINGS
- AG-20 ICC-ES & UL LISTINGS
- AG-21 FOOD SERVICES FLOOR PLAN, NOTES & EQUIP. SCHED.
- AG-22 FOOD SERVICES EQUIPMENT SCHED & FINISH SCHED.
- AG-23 FOOD SERVICES EQUIPMENT ELECTRICAL REQUIREMENTS
- AG-24 FOOD SERVICES EQUIPMENT ELECTRICAL REQUIREMENTS
- AG-25 FOOD SERVICES EQUIPMENT ELECTRICAL REQUIREMENTS
- AG-26 SINGLE LINE DIAGRAM, PANEL SCHEDULES & T24
- AG-27 1ST LEVEL LIGHTING PLAN
- AG-28 2ND LEVEL POWER PLAN
- AG-29 1ST LEVEL LIGHTING PLAN
- AG-30 1ST LEVEL LIGHTING PLAN
- AG-31 A.C. SECCS, SCHEDULES, NOTES & DETAILS
- AG-32 NEW 2ND FLOOR A.C. PLAN
- AG-33 NEW 2ND FLOOR A.C. PLAN
- AG-34 NEW 2ND FLOOR A.C. PLAN
- AG-35 NEW 2ND FLOOR A.C. PLAN
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- AG-97 NEW 2ND FLOOR A.C. PLAN
- AG-98 NEW 2ND FLOOR A.C. PLAN
- AG-99 NEW 2ND FLOOR A.C. PLAN
- AG-100 NEW 2ND FLOOR A.C. PLAN

STEVE HOPKINS
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 csh@shcadd.com
 www.shcadd.com



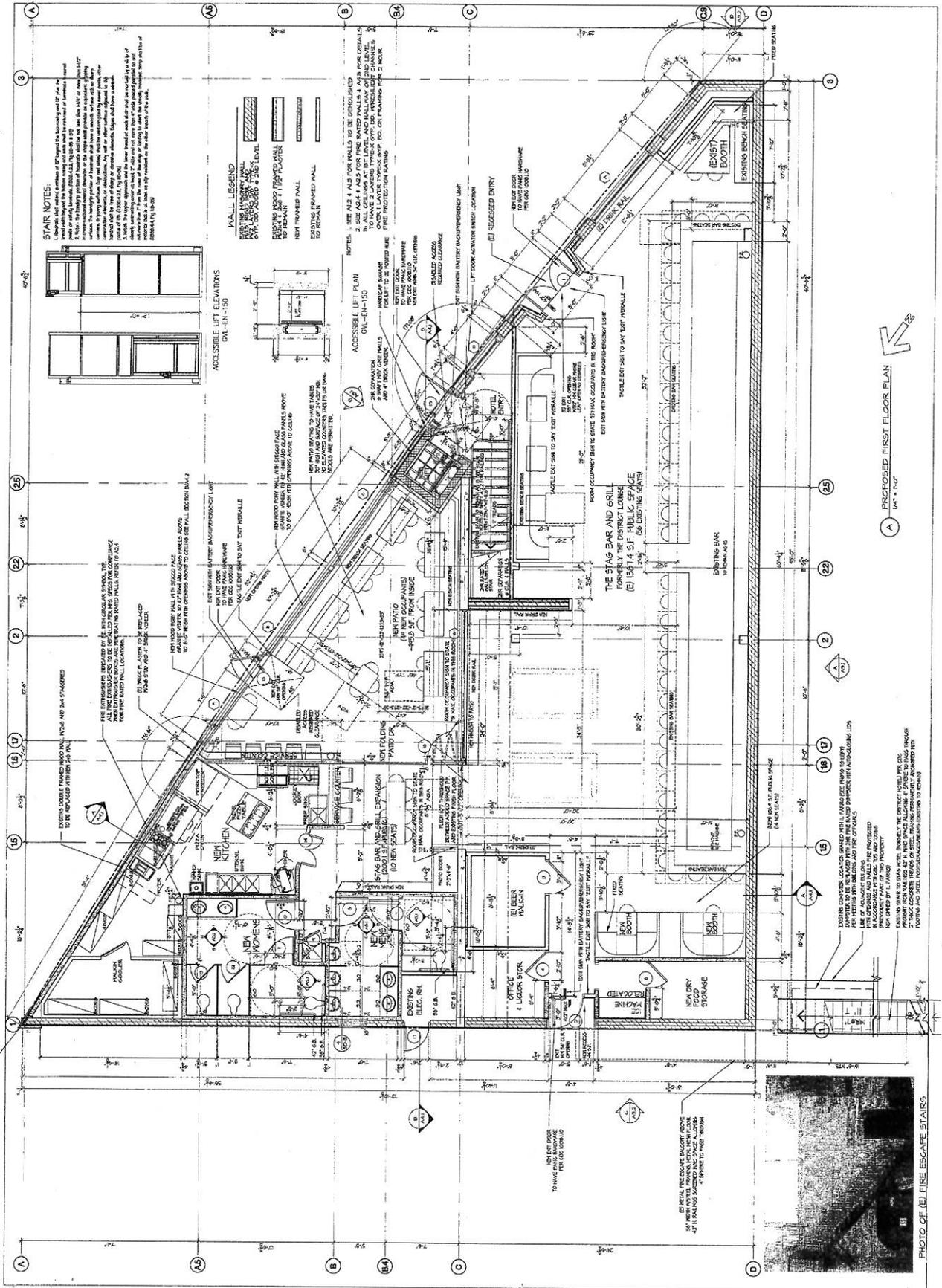
**THE STAG BAR
 + GRILL AND
 THE STAG
 HOTEL
 REMODEL**
 121 + 22 MADRID PL ACE
 NEWPORT BEACH, CA 92665
 (949) 875-2340
 PROPERTY OWNER:
 MACADONIA TRACT LLC
 3333 EAST COAST HIGHWAY #4105
 CORONA DEL MAR, CA 92625
 ATTN: HARO MARONIC
 949-672-2340 - BUSINESS
 949-815-5683 - MOBILE

REVISIONS
 2/17/14 - ELEVATOR + MECH
 3/12/14 - RESIDENTIAL 2
 3/12/14 - RESIDENTIAL 3
 3/12/14 - RESIDENTIAL 4
 3/12/14 - RESIDENTIAL 5
 3/12/14 - RESIDENTIAL 6

PROJECT NO. 200-06
 DRAWN BY: BJA
 CHECKED BY: MM
 ISSUE DATE: 1/12/15

SHEET TITLE: PROPOSED
 1ST LEVEL FLOOR PLAN

A21



A PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0"



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR **ACTION LETTER**

Application No. Staff Approval No. SA2015-011 (PA2015-132)
Applicant Chatrisa Enterprises LLC DBA Best Western Newport Beach Inn
Site Address 6208 West Coast Highway
Legal Description LLA 98-03 OR 19980197685, Block 2

On **September 25, 2015**, the Community Development Director **approved** Staff Approval No. SA2015-011 to find substantial conformance with existing Use Permit No. UP0776 and Variance No. VA1216. The applicant requested approval for decorative enhancements, nonstructural alterations, and parking lot decorative improvements to the existing hotel site. The cosmetic upgrades would not change the height of the existing hotel or increase square footage. This approval is based on the ability to make all of the required findings pursuant to Section 20.54.070 of the Zoning Code (Changes to an Approved Project).

ZONING DISTRICT/GENERAL PLAN

- **Zone:** Commercial Visitor-Serving (CV)
- **General Plan:** Visitor Serving Commercial (CV)

BACKGROUND

Use Permit History

Use Permit No. UP0776 (Attachment No. CD 1) was approved by the Planning Commission in 1962 and allowed the construction and operation of a 42-room hotel. The Use Permit allowed the elevator shaft to be built at 40 feet which exceeded the height limit and also allowed the use of 19 off-site parking spaces directly across Prospect Street. Variance No. VA1216 (Attachment No. CD 2) was approved by the Planning Commission in 1997 and allowed three mansard roof features to exceed the 31-foot-height limit to a maximum of 35 feet and a roof deck guardrail to exceed the 26-foot-flat-roof-height limit to a maximum of 34 feet 6 inches.

PROJECT SUMMARY

The proposed project is to update the existing hotel to a modern design including the following: renovating one of the mansard roofs to an aluminum awning for a modern

design but maintaining the existing height; replacing the existing parapet with aluminum awning at the same height of the existing parapet; updating the exterior finishes to a modern aesthetic; cosmetic painting; wood trellis and landscape screens at the pool area; landscaping areas within the parking lots; installing a wood fence to screen the off-site parking lot along Newport Shores Drive; install landscape screens along the off-site parking lot; provide parking lot lighting and a new entry sign for the off-site parking lot off of Prospect Street.

FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed renovation to the existing hotel and parking lots are in substantial conformance with the existing hotel or Use Permit No. UP0776 and Variance No. VA1216:

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. The hotel use including the off-site parking, existing structure including the over-height elevator structure and over-height mansard structures are consistent with the permitted land uses identified in the CV (Commercial Visitor-Serving) Zoning District and are allowed pursuant to Use Permit No. UP0776 and Variance No. VA1216.
2. The renovation to one of the over-height mansard roof to create an aluminum modern architectural feature maintains the maximum 35 foot height permitted by the Variance and does not create additional bulk or mass above the height limit.
3. The façade improvements and architectural features do not increase the height, bulk or mass of the existing structure.
4. The parking lot improvements improve the screening and the look of the parking areas while maintaining the required number of parking spaces and adequate circulation.

Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Facts in Support of Finding:

1. The proposed alterations are cosmetic and do not affect previous California Environmental Quality Act determinations related to the use.

Finding:

- C. *Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The altered mansard roof emulates the originally approved mansard as it maintains the existing height and does not increase the bulk or mass of the structure.
2. The updated architectural features with aluminum create a modern aesthetic for the building but do not change the height or the existing structure.
3. All conditions of approval are met with the proposed renovations including height and parking (Attachment No. CD 2 and CD 3)

Finding:

- D. *Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The proposed alterations update the look of the hotel but do not change the operational characteristics or increase the number of hotel rooms.
2. The parking lot renovations create improved screening and contribute to the improvement of the overall look of the hotel site but do not affect the circulation or operation of the parking lots.

DETERMINATION

A determination has been made that the proposed alterations to the Best Western Hotel are in substantial conformance with Use Permit No. UP0776 and Variance No. VA1216. These changes require the approval of a building permit.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or

decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Melinda Whelan
Assistant Planner

GBR/msw

Attachments: CD 1 Vicinity Map
CD 2 Use Permit No. UP0776
CD 3 Variance No. VA1216
CD 4 Plans

Attachment No. CD 1

Vicinity Map



Off-site Parking Lot

Existing Hotel

West Newport Park

Attachment No. CD 2

Use Permit No. UP0776 Findings and
Conditions

30-137
IF APPROVED, NOT EFFECTIVE
UNTIL 15 DAYS AFTER DATE
OF APPROVAL

USE PERMIT APPLICATION
Ord. No. 635
CITY OF NEWPORT BEACH

NO. 776
DATE

INSTRUCTIONS: (Read Carefully.) The applicant or his legal representative must be present at all public hearings. Fill out this application completely. It must be accompanied by four copies of a plot plan to scale, and with correct dimensions, showing in detail all boundaries, existing buildings, proposed alterations and additions. The applicant must sign conditions of Use Permit, if any, within thirty days after approval. Application shall be revoked if not used within eighteen months from date of approval.

1. Ocean Breeze Motel 6208 Pacific Coast Highway
Applicant Address Involved
LOTS 7 & 8 OF BLOCK 3
2. LOT 12, 13, 14, BLOCK 3 SECTION SEASHORE PROSPECT TRACT ZONE C-1 H
9, 10 OF BLOCK 2
3. DATE OF HEARING OCT. 5, 1961 TIME 8:00 P.M. A.M.
4. Application is hereby made for a Use Permit from Section 9103.52(c) to permit:
BUILDING OF A MOTEL, AND USE OF LOTS 7, 8, OF
BLOCK 3 FOR ADDITIONAL PARKING. CONSTRUCTION
OF AN ELEVATOR STRUCTURE SEVEN FEET ABOVE
THE 35' ALLOWABLE BUILDING HEIGHT.
THE EXISTING STRUCTURES WILL BE DEMOLISHED &
REMOVED.

There are 2 sheets attached to and made a part of this application. I hereby certify that the foregoing statements, maps, drawings, plans and specifications attached hereto are true and correct. If approved this Use Permit will not adversely affect persons residing or working in the neighborhood. I further consent to any permit issued in reliance thereon being null and void in the event they are not true and correct.

Engene C. Hall, III 5205 Bruce Newport OR 3-3668
Signature of Owner or Applicant Home Address Phone

FOR DEPARTMENTAL USE ONLY PLANNING COMMISSION ACTION
In accord with Section 9103.52(c) a Use Permit is hereby GRANTED the above applicant subject to requirements of all governmental agencies having jurisdiction and subject to the following:

1. That development be in accordance with plot plan submitted and as corrected at the meeting.
2. That 35' of Prospect Avenue be paved between Coast Highway 101 and Newport Shores Drive.
3. Applicant to dedicate 5' along frontage on Prospect Street; said dedication will not be required if alley is not abandoned.
4. Off-site parking to be in accordance with plot plan submitted.
5. Improvements to be in accordance with specifications of the Public Works Director

The undersigned hereby agrees to all the above conditions.

Engene C. Hall, III
Signature of Grantee

FINDINGS OF PLANNING COMMISSION: Upon a review of the evidence on file and testimony presented at the meeting the Commission found and determined that, under the circumstances of the particular case, a motel with off-site parking at this location would not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood and recommended approval, subject to the above conditions.

~~APPROVED~~
APPROVED- By City Planning Commission
on the 2 day of November 19 61

DENIED-
APPROVED- By the City Council on the
day of _____ 19 _____

Ray Y. Copelin
Ray Y. Copelin, Secretary
Newport Beach City Planning Commission

Margery Schrouder
Margery Schrouder, City Clerk
Newport Beach, California

REVISED PLOT PLAN APPROVED BY R.C. 4-5-1962
Use Permit # 776

Attachment No. CD 3

Variance No. VA1216 Findings and Conditions

privileges retained with regard to non-conformance when the sign permit is heard in the future. The worst possible outcome would be that there could now be a sign on the highest point of the building. Because the building is non-conforming already as to its height, does that mean a wall sign at a point higher than the building would now be permitted to be.

Ms. Temple stated that if Commission first imposes that the requirement that the sign be removed, there would be no exception permit required for any other permitted sign on site. The building has a right to a certain number of wall signs. In this particular location, staff is of the opinion that probably a wall sign on either side will be of greater affect. In reviewing the provisions of the sign code in regards to wall signs, it does not establish a height limit. Staff's opinion is that an otherwise conforming wall sign could be installed on the non-conforming building which would include the tower.

Motion was made by Commissioner Adams to approve Variance No. 1216 according to the findings and conditions in Exhibit A with an added condition that the existing roof sign be removed.

Findings:

1. That the Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Retail and Service Commercial" uses and the existing motel use is a permitted use within this designation.
2. That this project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
3. That the proposal involves no physical improvements which will conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
4. That the following exceptional or extraordinary circumstances apply to the land and building referred to in this application, which circumstances or conditions do not apply generally to land, building and/or uses in the same District:
 - There are no other building in this area which maintain this height, which makes this property unique.
 - The existing building is 40 feet high at the staircase portion and 31 feet at the rest of the building, constructed at a time when the height limit allowed such structures and is therefore non-conforming with regard to height.

5. That the approval of Variance No. 1216 is necessary for the preservation and enjoyment of substantial property rights of the applicant for the following reason:
 - The architectural features will enhance the facade of the existing box shape of the building making it more appealing to patrons, which is vital to the success of the business.
 - The proposed 42 inch high railing at the roof deck is provided for life safety reasons.

6. That the granting of a variance to allow the mansard roof elements and the roof deck railing to exceed the permitted height limit, will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of the subject property and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property improvements in the neighborhood because:
 - The building will maintain increased setbacks at the rear and the westerly side of a majority of the property and the parking is maintained at current levels.
 - When viewed from three sides of the property, the building appears no taller than currently exists and the proposed architectural mansard elements are only visible from Coast Highway.
 - The proposed 4 feet high mansard decorated roof will be added to the 31 foot high street side roof elevation only.
 - The facade as viewed from across West Coast Highway will be more visually appealing
 - The proposed 42 inch high railing at the roof deck is comprised of decorated tempered glass and will be setback a minimum of 5 feet from the edge of the building to minimize visibility.
 - The proposed construction will not adversely impact the preservation or enjoyment of substantial property rights of the neighboring properties.

Conditions:

1. That development shall be in substantial conformance with the approved site plan, floor plan and elevations, except as noted below.

2. That the height of the mansard elements shall be limited to a maximum height of 35 feet and the roof deck guardrail shall not exceed 34 feet 6 inches.

3. That the roof deck guardrails shall be setback a minimum of 5 feet from the edge of the building and shall be comprised of clear glass or similar construction and shall not be frosted or otherwise opaque.
4. That the construction shall be in accordance with the Uniform Building Code, including but not limited to, State disabled access requirements access and occupancy and fire exiting purposes.
5. That all mechanical equipment and trash areas shall be screened from view of public streets and adjoining properties.
6. That a drainage plan shall be prepared for the on-site drainage of the roof deck by the applicant and approved by the Building Department showing how the on-site roof deck drainage is to be handled.
7. That disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
8. That this variance shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.
9. *That the existing roof sign be removed.*

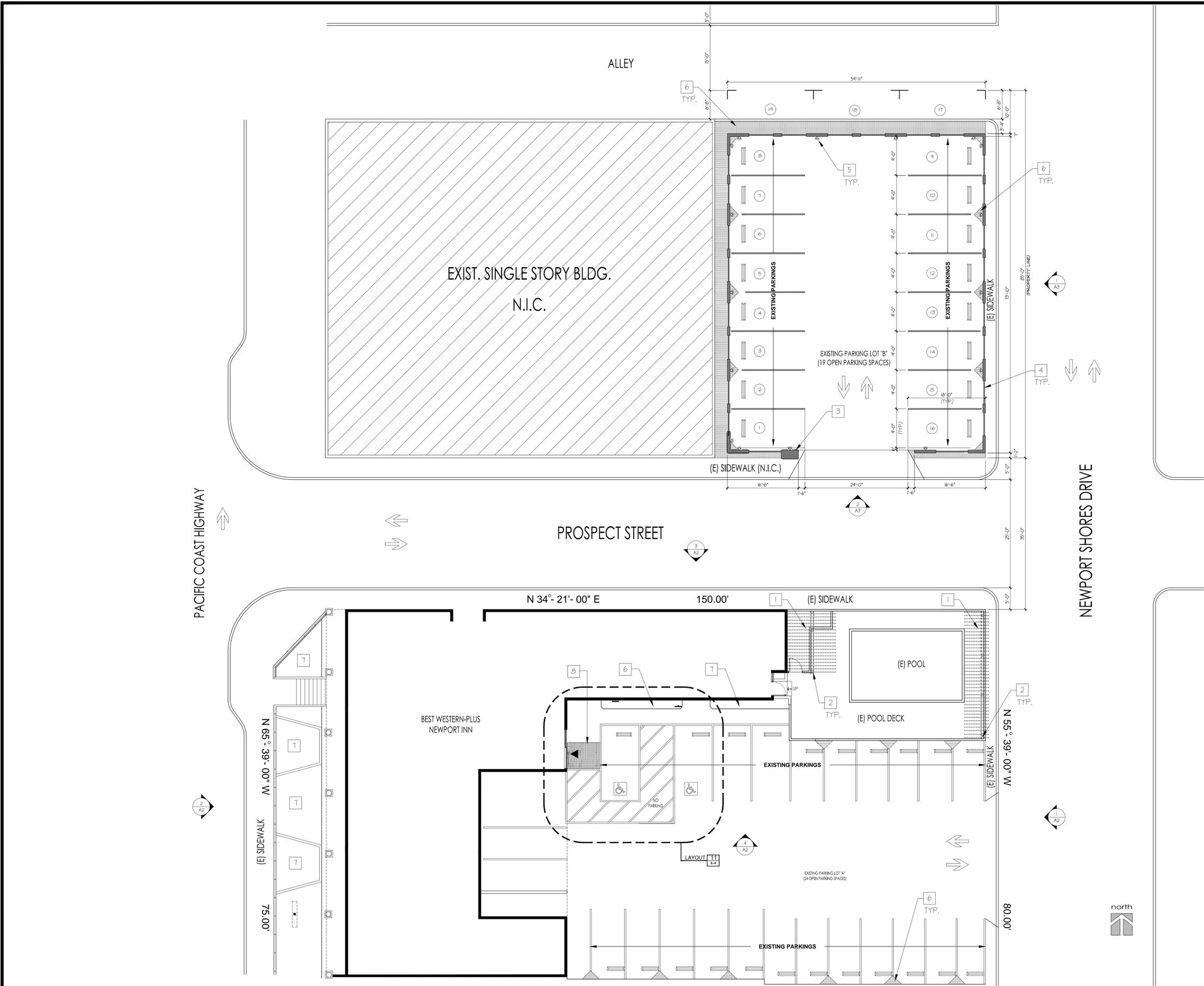
ADDITIONAL BUSINESS:

- a.) City Council Follow-up - Oral report by the Assistant City Manager regarding City Council actions related to planning - Mrs. Wood reported that at the Council meeting of November 10th the Council introduced the Administrative Citation Ordinance; Council authorized staff to retain a consultant to do the parking management plan for the Balboa Peninsula; and heard the appeal of the TLA case that was continued to November 24th with some additional requests for information; Council approved all the actions for the Bonita Canyon General Plan Amendment zone change and the Resolutions to start the annexation process; and on December 15th at 7:00 p.m. there will be a joint meeting of the Council and all the Commissions and Committees. The chairperson of each is asked to make a five minute report. The following items have been appealed and are scheduled to be

Additional
Business

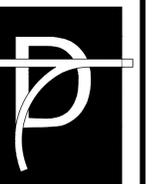
Attachment No. CD 4

Plans



KEY NOTES

- 1 WOOD TRELLIS
- 2 LANDSCAPE SCREEN
- 3 ENTRY MARGEE-SEE DETAIL
- 4 PARKING FENCE
- 5 NEW WALL SCONGE
- 6 PLANTER/ LANDSCAPE AREA
- 7 (E) POOL PUMP AREA
- 8 TRUNCATED SURFACE



7DESIGNS + Development
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 TEL: (949)679-3501
 FAX: (949)679-3502



SITE PLAN
BEST WESTERN-PLUS
 6208 WEST COAST HIGHWAY
 NEWPORT BEACH, CA 92663

REVISIONS		
NO.	DATE	DESCRIPTION
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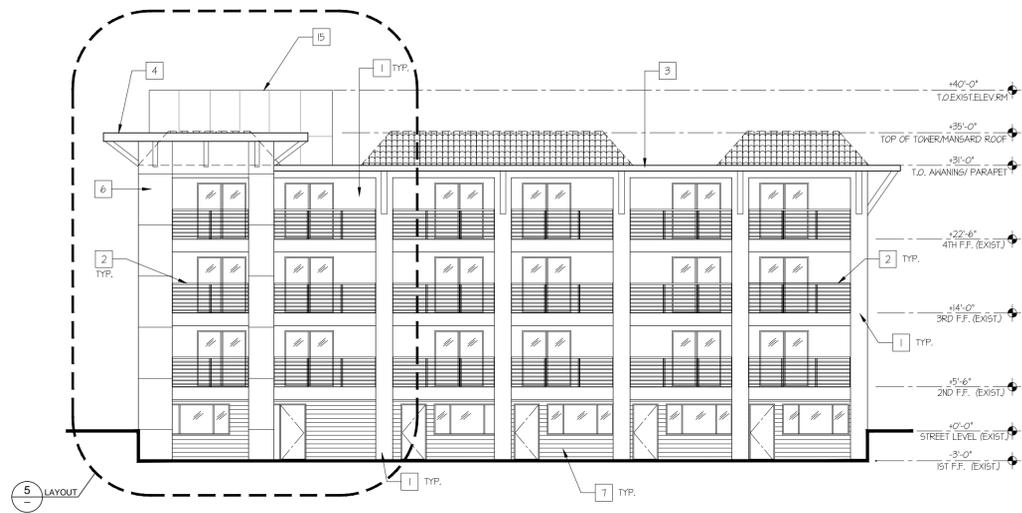
JOB #
255-01

BUILDING TYPE

ISSUE DATED
07/10/15

SHEET NUMBER

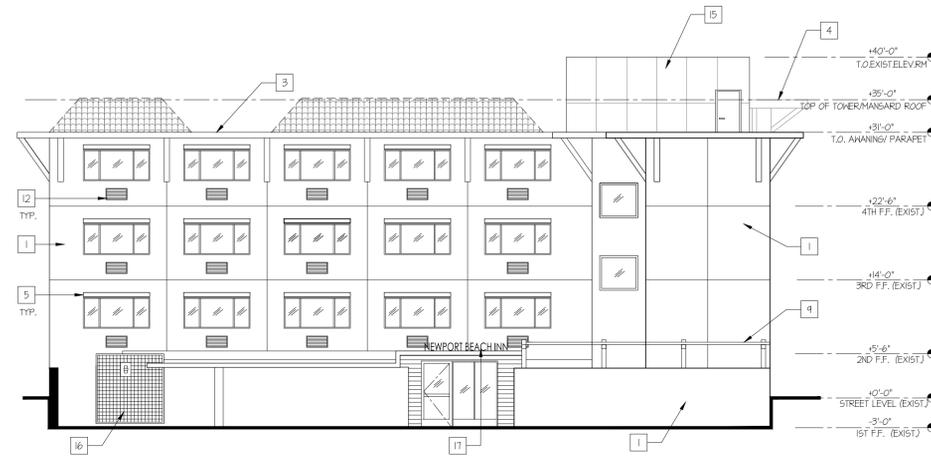
A1



WEST ELEVATION

SCALE : 1"=10'

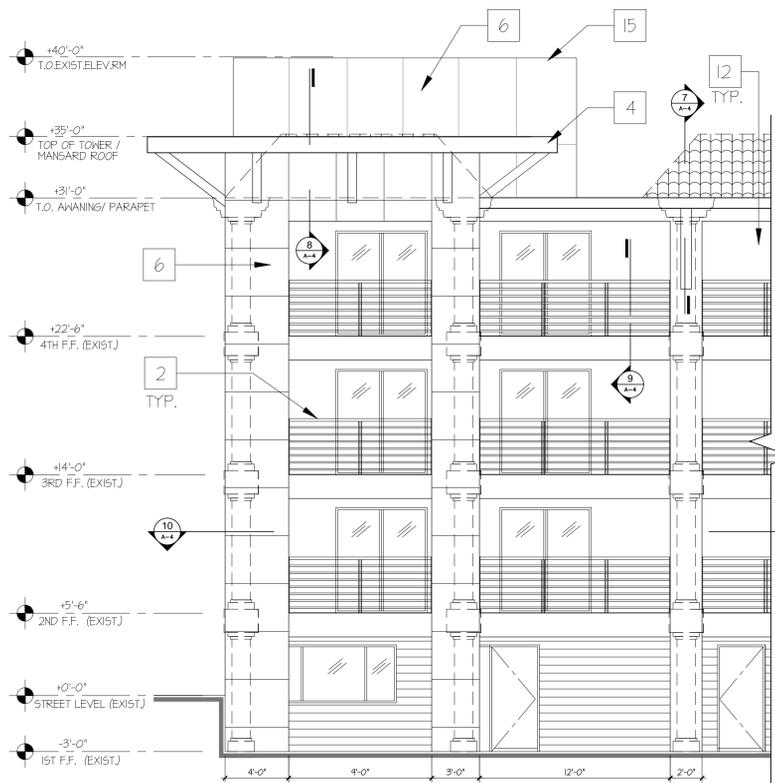
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EAST ELEVATION

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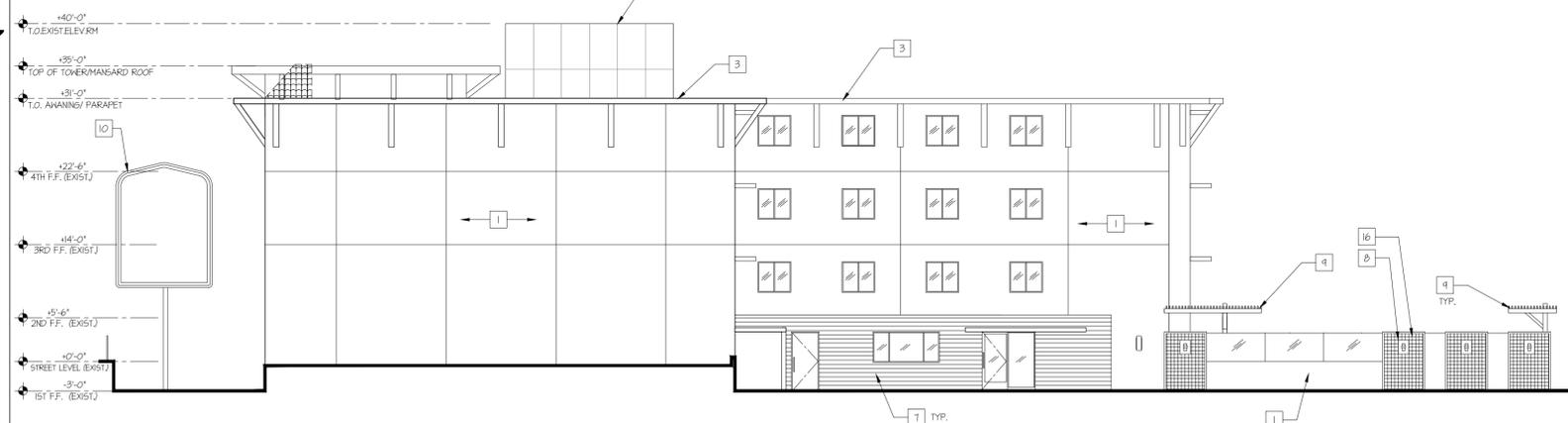
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NORTH ELEVATION

SCALE : 1"=10'

3



SOUTH ELEVATION

SCALE : 1"=10'

4

LAYOUT "1"

SCALE : 3/16"=1'-0"

5

KEY NOTES

- 1 SMOOTH FINISH STUCCO
- 2 POWDER COAT 42" HIGH STL. RAILING
- 3 4"X8" ALUMINUM AWNING
- 4 8"X12" ALUMINUM AWNING
- 5 36"X46" ALUMINUM CANOPY
- 6 16 GA. RED PATINA SHEET METAL
- 7 2"X4" S35 STAINED WOOD PLANK
- 8 LIGHT FIXTURE
- 9 WOOD TRELLIS
- 10 EXST. BILLBOARD SIGN
- 12 (E) AC GRILL UNIT
- 13 (E) GLASS RAILING
- 14 60"X86" ALUMINUM CANOPY
- 15 EXIT. ELEV. ROOM
- 16 LANDSCAPE METAL SCREEN
SEE DETAIL (6/A3)
- 17 BEST WESTERN HOTEL PORTAL



7DESIGNS
+
Development

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PROPOSED EXTERIOR ELEVATIONS
BEST WESTERN-PLUS
6208 WEST COAST HIGHWAY
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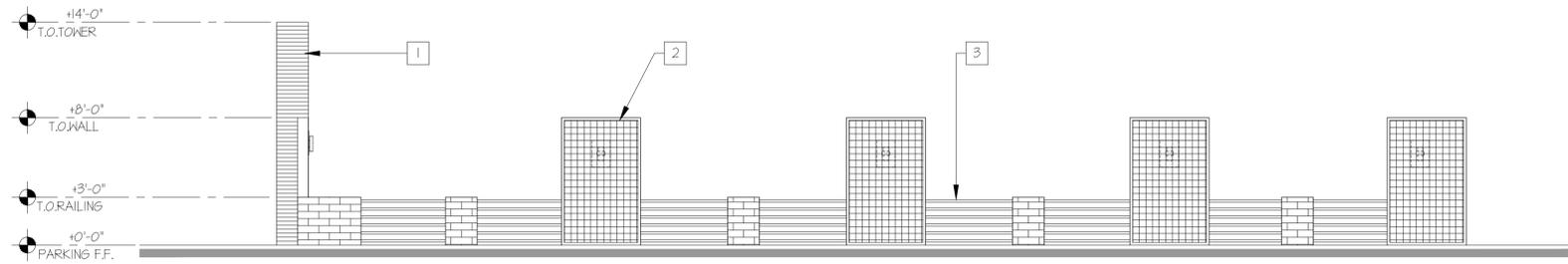
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NO.	DATE	DESCRIPTION
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JOB #
255-01

BUILDING TYPE

ISSUE DATED
08/20/15

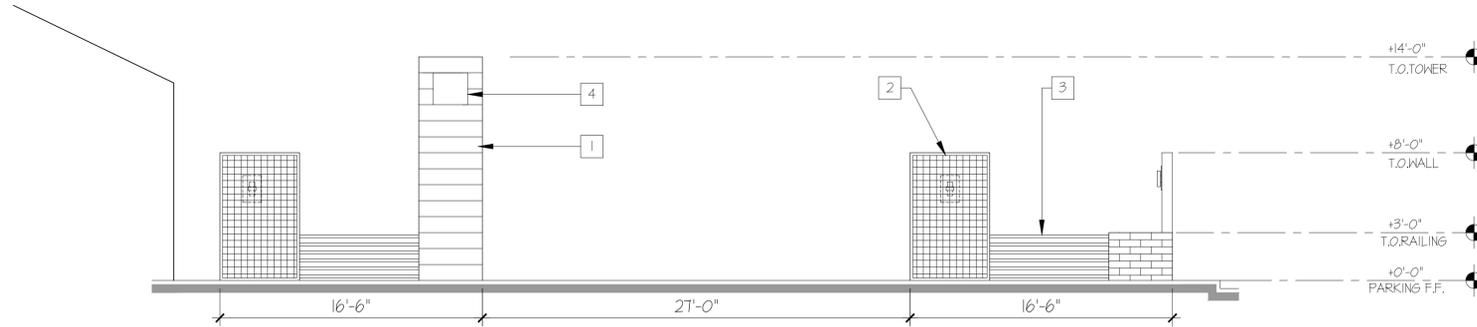
SHEET NUMBER
A2



ELEVATION "A"

SCALE : 3/16"=1'-0"

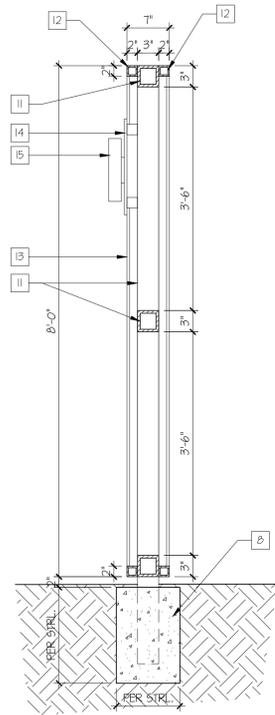
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ELEVATION "B"

SCALE : 3/16"=1'-0"

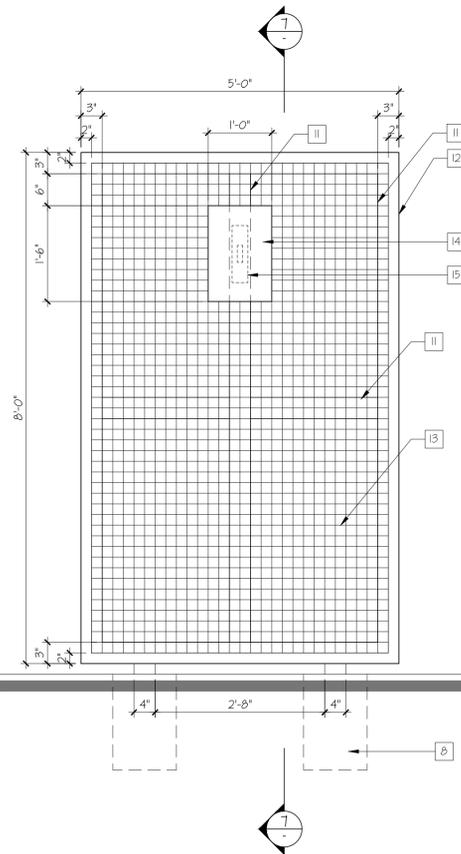
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SECTION "B-B"

SCALE : 3/4"=1'-0"

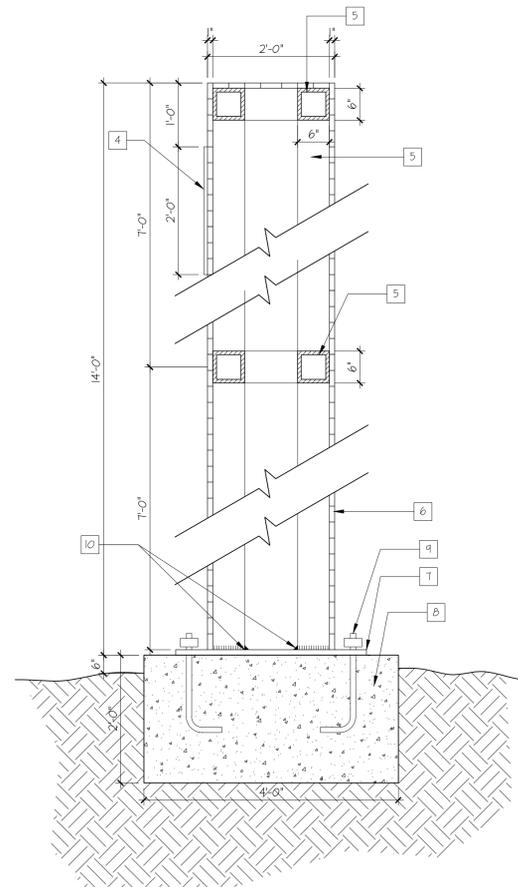
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ELEVATION "C"

SCALE : 3/4"=1'-0"

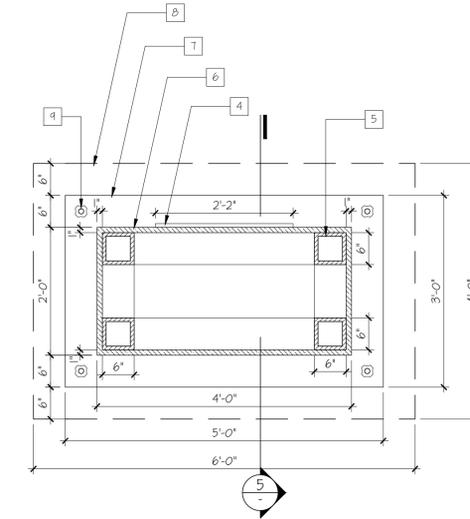
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SECTION "A-A"

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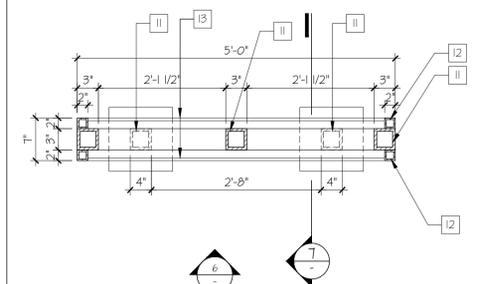
5



ENTRY MARQUEE PLAN

SCALE : 3/4"=1'-0"

3



GREEN WALL PLAN

SCALE : 3/4"=1'-0"

4

KEY NOTES

- 1 ENTRY MARQUEE-SEE DETAIL (3/A3)
- 2 LANDSCAPE SCREEN-SEE DETAIL (6/A3)
- 3 WOOD FENCE
- 4 B.W. SIGNAGE (BY OTHERS)
- 5 6"x6" GALVANIZED STL. TUBE
- 6 1"x6" S3S TREATED & STAINED WOOD SLAT ATTACHED TO STL. TUBE
- 7 GALVANIZED METAL PLATE(PER STRL.)
- 8 CONCRETE FOOTING (PER STRUCTURAL)
- 9 ANCHOR BOLT PER STRL.
- 10 WELD PLATE PER STRL.
- 11 4"x4" GALVANIZED STL. TUBE
- 12 2"x2" GALVANIZED METAL FRAME
- 13 GALVANIZED MESH W/ 2"x2" OPENING
- 14 12"x18" GALVANIZED METAL PLATE
- 15 WALL SCONGE



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6208 WEST COAST HIGHWAY
NEWPORT BEACH, CA 92663

REVISIONS		
NO.	DATE	DESCRIPTION
Δ	03/05/15	BLDG. DEP. CORRECTION
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JOB #
255-01

BUILDING TYPE

ISSUE DATED
07/10/15

SHEET NUMBER

A3

KEY NOTES

- 1 ALUM. CANOPY
- 2 1"x6" S35 TREATED & STAINED WOOD SLAT (TYP.)
- 3 4"x6" STL. TUBE
- 4 16 GA METAL STUD @ 12" O.C.
- 5 METAL "L" PROFILE
- 6 METAL ROOF DECK
- 7 GALVANIZED METAL FLASHING
- 8 2" DIA. ROUND METAL TUBE
- 9 8"x12" ALUM. TUBE
- 10 ALUM. SHEET METAL w/ METAL STUD FRAMING
- 11 POWDER COAT 42" HIGH STL. RAILING
- 12 SMOOTH FINISH STUCCO
- 13 PRE-DRILLED 3/8"x2" FLAT RAIL
- 14 1/8" DIA. CABLE
- 15 HARD PLASTIC SPLICE BLOCK
- 16 3/8"x5" LAG SCREW
- 17 3" MIN. STRUCTURE FOR LAG SCREW
- 18 BLOCKING AS REQUIRED
- 19 4"x8" ALUM. TUBE
- 20 CONT. METAL TRACK
- 21 DIAGONAL BRACING (PER STL.)
- 22 EXIST. FACIA COL. TO BE REMOVED
- 23 YELLOW COLOR TRUNCATED SURFACE
- 24 PAVEMENT SYMBOL PER C.B.C. 2013
- 25 12" HIGH WHITE LETTER PAVEMENT SYMBOL PER C.B.C. 2013
- 26 WHEEL STOP
- 27 "VAN ACCESSIBLE" SIGNAGE



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REVISIONS		
NO.	DATE	DESCRIPTION
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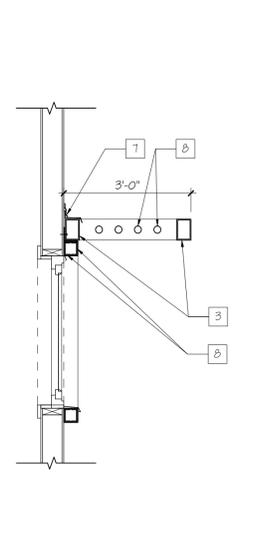
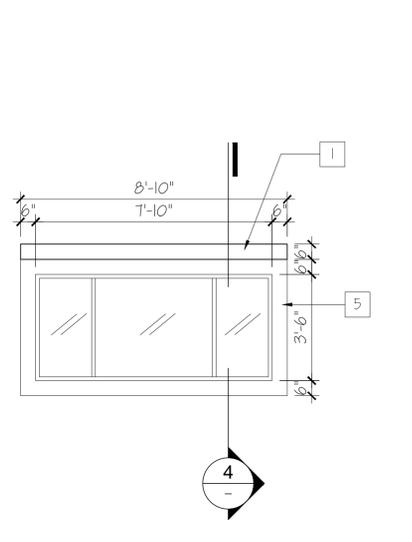
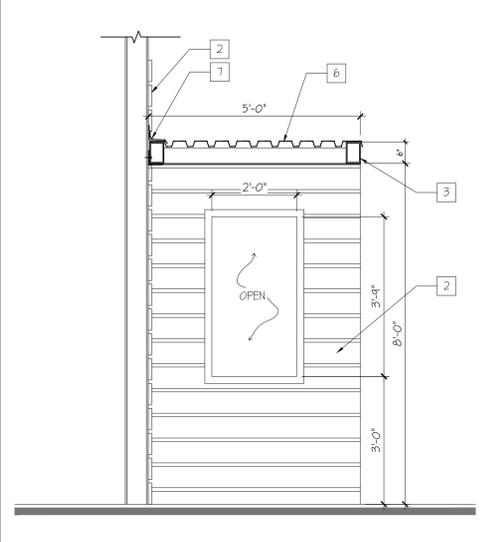
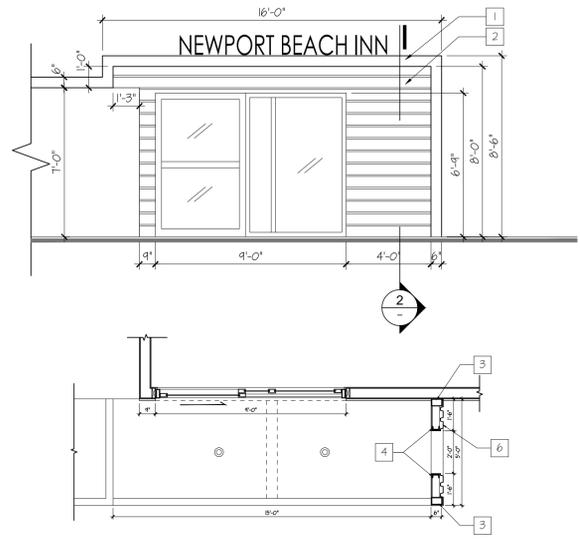
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BUILDING TYPE

ISSUE DATED
07/10/15

SHEET NUMBER

A4

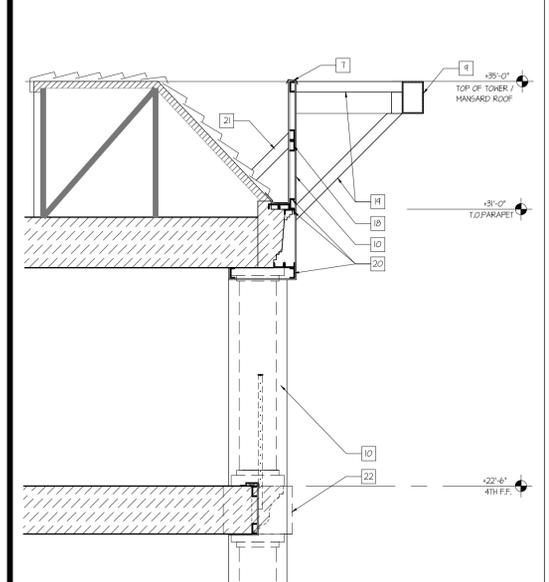
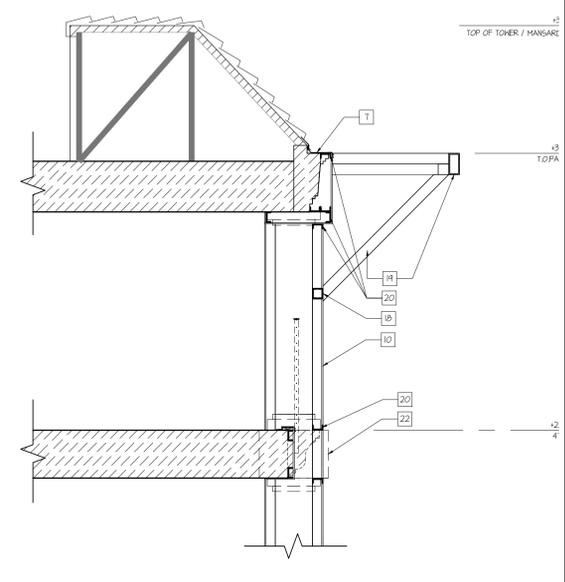
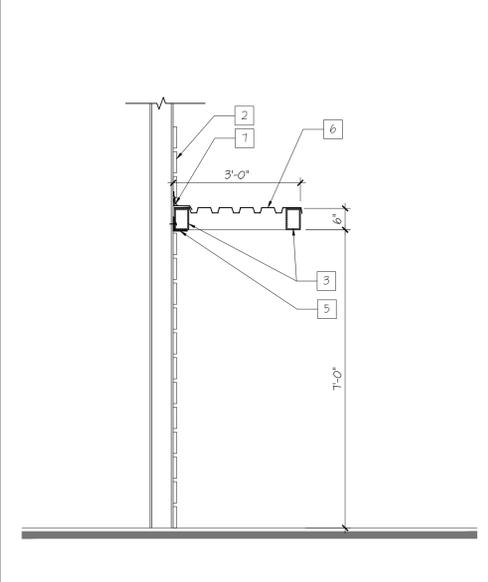
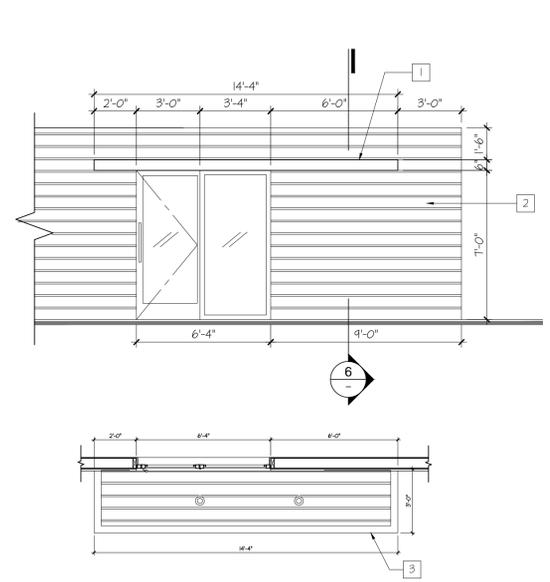


ENTRY CANOPY DETAIL SCALE: 1/4"=1'-0" 1

ENTRY CANOPY SECTION SCALE: 1/2"=1'-0" 2

WINDOW CANOPY DETAIL SCALE: 1/4"=1'-0" 3

WINDOW CANOPY SECTION SCALE: 1/2"=1'-0" 4

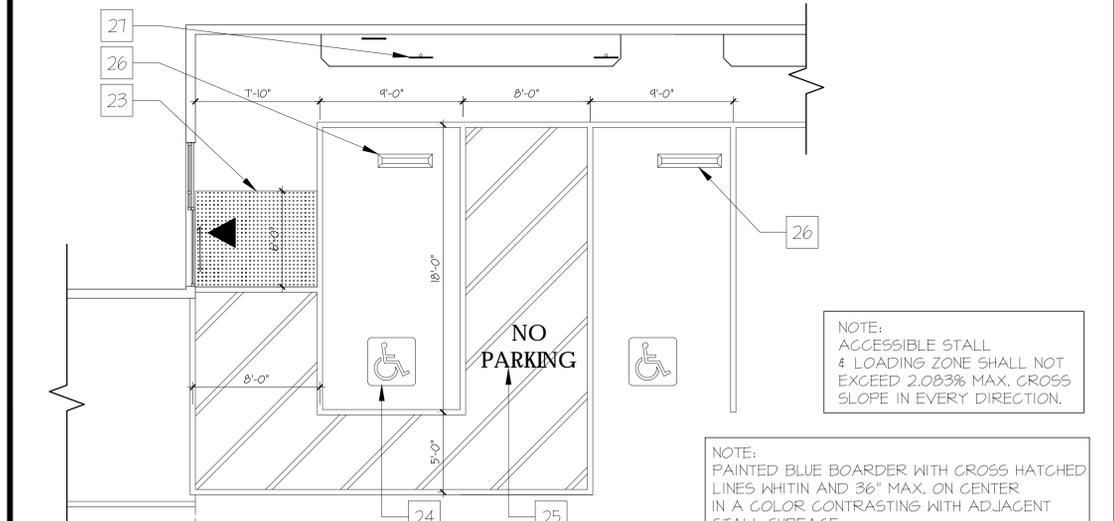
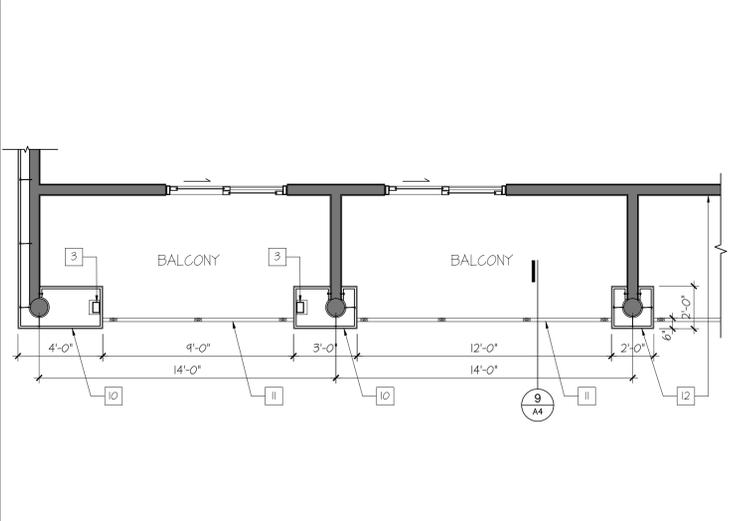
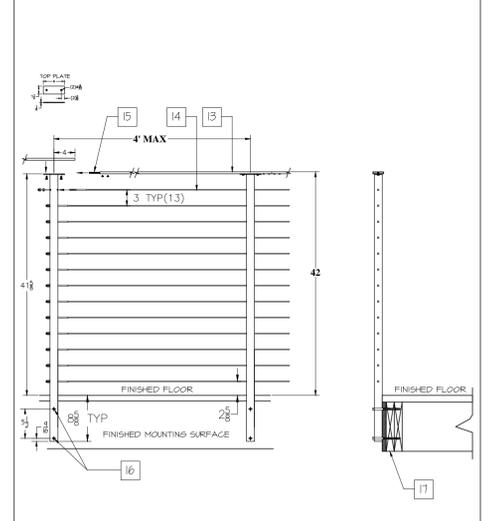


SIDE ENTRY CANOPY DETAIL SCALE: 1/4"=1'-0" 5

SECTION SCALE: 1/2"=1'-0" 6

AWNING DETAIL SCALE: 3/8"=1'-0" 7

CORNER TOWER/AWNING DETAIL SCALE: 3/8"=1'-0" 8



RAILING DETAIL SCALE: 3/4"=1'-0" 9

COLUMN ENCLOSURE DETAIL SCALE: 1/4"=1'-0" 10

ADA PARKING LAYOUT SCALE: 3/16"=1'-0" 11