

**CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: David Lepo, Planning Director  
SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending September 4, 2009

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**ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF**

Item 1: Panini Garden Bistro Temporary Use - Extension of Hours  
Staff Approval No. SA2009-004 (PA2009-115)  
4647 MacArthur Boulevard

Approved – September 4, 2009

Council District 4

On behalf of David Lepo, Planning Director:



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Patrick J. Alford, Planning Manager

**APPEAL:**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

c: David Lepo, Planning Director (*e-mail*)  
Sharon Wood, Assistant City Manager (*e-mail*)  
David Keely, Public Works Senior Civil Engineer (*e-mail*)  
Code Enforcement Division (*e-mail*)  
Bryan Moore, NBPD (*e-mail*)  
Sgt. John Freeman, NBPD (*e-mail*)



## NOTICE OF PLANNING DIRECTOR ACTION

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663  
(949) 644-3200 FAX (949) 644-3229

September 4, 2009

Mopan Investments  
4647 MacArthur Boulevard  
Newport Beach, California 92660

**Application:** Temporary Use - Extension of Hours SA2009-004 (PA2009-115)  
**Site Address:** 4647 MacArthur Boulevard  
Panini Garden Bistro

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On September 4, 2009 the Planning Director approved the above-referenced temporary use based on the following conditions:

1. The temporary use is for Panini Garden Bistro to extend their food service hours to 4:00 a.m. for a period not to exceed 90 days.
2. The temporary use is for food service only and alcoholic beverage service shall end at 1:00 a.m.
3. Patron access to Panini Garden Bistro between the hours of 1:00 a.m. and 4:00 a.m. is to be limited exclusively to the entrance identified with Panini signage. Food service between the hours of 1:00 a.m. and 4:00 a.m. shall be restricted to seating and tables in the northerly corner of the building and the adjacent outdoor patio areas. Refer to attached plans for delineated areas.

On behalf of David Lepo, Planning Director

By: Melinda Whelan  
Melinda Whelan, Assistant Planner

**C:**  
*Property Owner:*  
JRSM Corporation  
1600 Dove St., Ste 107  
Newport Beach, CA 92660

*Contact:*  
Toufie Sarwan  
4647 MacArthur Boulevard  
Newport Beach CA 92660



PLANNING DEPARTMENT  
CITY HALL  
3300 NEWPORT BOULEVARD  
P. O. BOX 1768  
NEWPORT BEACH, CALIFORNIA  
92658-8915

## Memorandum

**To:** Planning Commission  
**From:** David Lepo, Planning Director   
**Date:** September 4, 2009  
**Re:** Panini Garden Bistro 4647 MacArthur Boulevard  
Temporary Use - Extension of Hours SA2009-004 (PA2009-115)

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In accordance with Section 20.60.015 (Temporary Structures and Uses) of the Newport Beach Municipal Code, I am informing the Planning Commission of my intent to authorize extending food service hours to 4:00 a.m. for a period not to exceed 90 days for Panini Garden Bistro at 4647 MacArthur Boulevard. The temporary use is for food service only; alcoholic beverage service will end at 1:00 a.m. (See attached plan with delineated areas).

### Background

Use Permit No. UP2002-040 was approved by the Planning Commission in 2003 for the operation of two full service restaurants and a nightclub/multiple use assembly venue with dancing and live entertainment. On August 18, 2005, the Planning Commission amended Condition No. 12 to temporarily expand the hours of operation for Panini from 7:00 a.m. to 4:00 a.m. daily until August 2006 when the hours of operation were to revert back to 7:00 a.m. to 1:00 a.m. daily, unless the extended hours proved not to be detrimental, in which case the Planning Director was authorized to permanently change the hours of operation. The Planning Director extended the trial period for an additional one year but the applicant could not hire enough staff for the extended hours of operation and the trial period expired on October 5, 2007.

### Rationale for Approval

The Planning Director agreed to the proposed temporary use provided that the applicant submit an application for an amendment to the Use Permit. The applicant has requested Planning Commission approval of Use Permit No. UP2002-040 A (PA2009-115), to permanently restore the expanded hours of operation for Panini Garden Bistro from 7:00 a.m. to 4:00 a.m. in addition to a request for the addition of as-built restrooms to

the club area (Red Night Club), and live entertainment for traditional and ethnic music, including a belly dancer for Panini Garden Bistro.

Staff anticipates a hearing date to review the proposed amendment will be scheduled within the next 90 days.



