



**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 December 5, 2014.

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

- Item 1: Determination of Substantial Conformance - Staff Approval SA2014-015 (PA2014-112)  
2801 W. Coast Highway  
Action: Approved Council District 3
- Item 2: Grade Determination – Staff Approval No. SA2014-022 (PA2014-152)  
2495 Ocean Boulevard  
Action: Approved Council District 6
- Item 3: Determination of Compliance - Staff Approval No. SA2014-023 (PA2014-166)  
312 Dahlia Place  
Action: Approved Council District 6

**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.



## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

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## **COMMUNITY DEVELOPMENT DIRECTOR** **ACTION LETTER**

**Application No.**           **Staff Approval No. SA2014-015 (PA2014-112)**

**Applicant**               **GP's Landing, LLC**

**Site Address**           **2801 W. Coast Highway**  
**The Ritz Staff Approval**

**Legal Description**   **A portion of Lot H of Tract 919**

On **December 3, 2014**, the Community Development Director approved Staff Approval No. SA2014-015. This approval is based on the following findings and subject to the following conditions.

### **PROJECT SUMMARY**

The applicant requests a determination of substantial conformance with Use Permit No. UP2051 and Outdoor Dining Permit No. OD68 authorizing a building remodel to accommodate a new restaurant tenant, The Ritz.

A 340-square-foot portion of the first level restaurant and 823-square-foot portion of the third level office area will be removed and converted to outdoor area. This floor area will then be added back at the first floor level to accommodate back-of-house area for the new restaurant tenant. The removal of office floor area reduces the overall parking requirement, allowing eight parking spaces to be removed at the first floor level to accommodate the additional floor area at the first level.

Additionally, the existing outdoor dining patio will be relocated adjacent to the building.

The existing 22,400-square-foot structure exceeds the 0.5 floor area ratio (FAR) of 14,099 square feet as approved under Use Permit No. UP2051.

### **ZONING DISTRICT/GENERAL PLAN**

- **Zone:** MU-W1 (Mixed-Use Water Related)
- **General Plan:** MU-W1 (Mixed-Use Water Related)

## **I. BACKGROUND**

On March 8, 1982, the City Council approved Use Permit No. UP2051 to construct the office building and restaurant (Chart House) at 2801 West Coast Highway in Mariner's Mile, which exceeds the basic height limit of 26 feet and exceeds the maximum allowed 0.5 FAR of the site. A modification was approved to allow the use of compact car spaces for a portion of the required off-street parking and to allow proposed parking spaces to encroach into the required front setback area. Valet service for the restaurant use, approval of an off-site parking agreement, acceptance of an environmental document, and a traffic study were approved.

On September 4, 1986, the Planning Commission approved an amendment to Use Permit No. UP2051 allowing the Chart House restaurant to open for brunch and private parties on Saturdays, Sundays, and recognized holidays. An amendment to the previous off-site parking agreement was also approved.

On January 5, 1989, the Planning Commission approved Use Permit No. UP3328, which permitted the establishment of a restaurant facility at 2751 West Coast Highway (Billy's). This property and the subject property have a shared parking lot as the two properties are owned in common. The approval included the use of a full time valet parking service in conjunction with the restaurant, the approval of an off-site parking agreement, which allows a portion of the required nighttime parking to be located in an off-site location at 2700 West Coast Highway, and the approval of a traffic study. At its meeting of March 13, 1989, the City Council approved the off-site parking agreement for the restaurant.

On June 8, 1995, the Planning Commission approved an amendment to Use Permit No. UP3328 at 2751 West Coast Highway to change the opening hour of operation of the restaurant to 11:00 a.m. daily, for lunch, instead of 5:00 p.m. At the time of approval, there were 9 excess parking spaces and the midweek daytime lunch operation required 43 parking spaces. The approval included a waiver of 34 of the required daytime parking spaces.

On November 9, 2000, the Planning Commission approved Outdoor Dining Permit No. OD67 and OD68 to allow the addition of a 515-square-foot outdoor dining patio at 2751 West Coast Highway (Billy's) and a 768-square-foot outdoor dining patio at 2801 West Coast Highway (Charthouse). These approvals carried over the conditions of approval requiring 24 off-site parking spaces at 2620 Avon street and 50 off-site parking spaces at 2700 West Coast Highway.

## **PROPOSED CHANGES**

The applicant proposes to renovate the existing restaurant to include, reconfiguring the restaurant tenant space, exterior alterations to the building façade, and the addition of a retractable awning that will extend over a relocated outdoor dining patio (Attachment CD 5).

A total of 1,158 square feet of gross floor at the first and third floor areas will be converted to outdoor deck and mechanical areas. This same amount of floor area will then be added back at the first floor level for back-of-house space to accommodate the new restaurant in the former Chart House tenant space. The overall gross floor area of the building will not exceed 22,400 square feet, consistent with the gross floor area authorized under UP2051.

### *Exterior Façade Alterations*

The renovation includes exterior alteration to the south and east facing facades of the building to accommodate the new outdoor floor area at the first and third floor levels. The new openings at the third floor level have been maximized to create an outdoor area that is fully open on one side while maintaining the architectural and structural integrity of the existing building. The first floor façade has been pulled back on the waterside to create a more open walkway and useable floor area for the restaurant. These areas must remain open and may not be reconverted into gross floor area.

### *Restaurant Reconfiguration*

The proposal includes the addition of 1,158 square feet of back-of-house floor area for the restaurant. The net public area, although reconfigured, will comply with the limitations of the Use Permit and will not exceed 3,190 square feet as shown in the attached proposed floor plans, and as limited by the conditions of approval. Thus, the restaurant itself will operate in substantial conformance with all applicable conditions of approval authorized under Use Permit No. UP2051 and its subsequent amendments. The existing hours of operation are as follows under these approvals:

#### Interior of Restaurant

5:00 p.m. to 2:00 a.m., Monday through Friday

10:00 a.m. to 2:00 a.m., Saturday, Sunday, and recognized holidays

#### Patio

5:00 p.m. to 10:00p.m., Monday through Thursday, including private parties and recognized holidays

5:00 p.m. to 12:00 midnight, Friday and Saturday

10:00 a.m. to 10:00 p.m., Sundays

### *Outdoor Dining Patio*

The outdoor dining patio, although re-located, will not exceed 768 square feet as shown by the proposed floor plans and as limited by the conditions of approval under Outdoor Dining Permit No. OD68. The placement of appropriate barriers are required between outdoor dining areas and parking, pedestrian, and vehicular circulation areas, will serve to define the areas, and will not constitute a permanent all-weather enclosure. The location and design of the outdoor dining area at the side of the building satisfies this requirement and will comply with the 10-ft bulkhead setback specified by the Zoning Code. Condition of Approval No. 15 of OD68 limits sunshade protection to non-solid roof structures or patio

covers. A new retractable awning will added over the new outdoor dining patio but will not constitute a permanent structure in order to maintain views between the buildings. The new retractable awning will architecturally complement the existing building exterior.

*Parking*

The addition of back-of-house floor area at the first floor level results in the loss of eight parking spaces for a total of 75 on-site parking spaces. A total of 50 off-site parking spaces at 2700 West Coast Highway and 24 off-site parking spaces at 2620 Avon Street continue to be provided consistent with the existing conditions of approval for the restaurant tenant. Table 1 shows the total parking available during the day and evening hours.

**Table 1. Available Parking**

	Proposed	Proposed
	Day	Evening
On-Site	75	75
Off-Site 2700 West Coast Highway	0	50
Off-Site 2620 Avon Street	24	24
Waived	34	0
<b>TOTAL</b>	<b>133</b>	<b>149</b>

With the reduction in office floor area at the third level, the parking requirement for the building is reduced. The addition of back-of-house floor area to the restaurant does not contribute to the overall parking requirement as parking for the restaurant is based on the size of the net public area, which is not increasing. A total of 131 required spaces are required in the day and 144 spaces are required at night. Table 2 summarizes the required parking following the proposed building modifications including the previous parking waiver.

**Table 2. Required Parking**

	Day	Evening
Office The Ritz	54	0
Office Billy's	13	0
The Ritz	0	80
Billy's	9	43
The Ritz Patio	0	0
Billy's Patio	3	3
Waived (Billy's)	34	0
Marina	18	18
<b>TOTAL</b>	<b>131</b>	<b>144</b>

Thus, sufficient on-site parking will continue to be provided with a surplus of two parking spaces in the day and five parking spaces at night.

## **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. This staff approval is based on the following findings and facts in support of the findings. In this case, the Director determined the proposed changes:

### **Finding:**

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

### **Facts in Support of Finding:**

1. Building modifications will not increase the existing gross floor area. The total gross floor area will not exceed, 22,400 square feet, as authorized under Use Permit No. UP2051. The use of the building will continue to reserve tenant floor area above the 0.5 FAR limit for marine-related uses, as required under UP2051.
2. The proposed exterior square footage and façade changes will create new decks at the first and third floor level as open space without compromising the existing architecture or structural integrity of the building.
3. The subject restaurant and outdoor dining patio were established and approved in conjunction with Use Permit No. UP2051, its amendments, and Outdoor Dining Permit No. 68. The proposed changes are consistent with the applicable conditions of approval of the Use Permit and the Outdoor Dining Permit.
4. The proposed restaurant changes include interior reconfiguration and the addition of a new retractable awning, with no increase in net public area or outdoor dining patio area for the restaurant.
5. The modified outdoor dining patio will conform with the required 10-foot bulkhead setback and will not inhibit proper egress from the building.
6. Sufficient parking will continue to be available to serve all uses on-site. With the reduction in office floor area at the third level, the parking requirement for the building is reduced. The addition of back-of-house floor area to the restaurant does not contribute to the overall parking requirement as parking for the restaurant is based on the size of the net public area, which is not increasing.

### **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 previously approved project was determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities), and was not subject to a negative declaration or Environment Impact Report.
2. The proposed project involves the renovation of the existing building and restaurant and qualifies for a categorical exemption from CEQA under Class 1 (Existing Facilities). The Class 1 exemption includes interior and exterior alterations and the project does not result in an increase in the gross floor area of the building.

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 proposed changes do not involve a feature that was specifically addressed in staff reports or minutes prepared for Use Permit No. 2051, its subsequent amendment, or Outdoor Dining Permit No. 68.
2. The remodeled building will maintain a 22,400-square-foot gross floor area limit, as authorized under Use Permit No. UP2051. Floor area over the 0.5 FAR limit (8,682 sq. ft.) will be reserved for marine-related uses in conformance with Condition No. 43 of UP2051.
3. Consistent with Use Permit No. UP2051 and its subsequent amendment, the modified restaurant net public area will not exceed 3,190 square feet of net public area.
4. Consistent with Condition No. 2 of Outdoor Dining Permit No. OD68, the relocated outdoor dining patio will not exceed 768 square feet in area.
5. The relocation of the outdoor dining patio involves the addition of a new retractable awning. As required by Condition No. 15 of Outdoor Dining Permit No. OD68, the new retractable awning will not include any solid, permanent patio or support structures in order to maintain public views through the site to the bay.
6. The existing 6-foot wide pedestrian easements as required by Condition Nos. 14 and 15 of UP2051 will be maintained and the relocated of the outdoor dining patio will not interfere with the easements.
7. Off-site parking will be maintained as required under Condition Nos. 6 and 7 of Outdoor Dining Permit No. OD68. A total of 50 off-site parking spaces will remain

available at 2700 West Coast Highway and 24 spaces will remain available at 2620 Avon Street. The building modification reduces the office net floor area at the third floor level and results in a lower parking requirement. Eight on-site parking spaces will be removed on-site but sufficient parking will continue to be available for the uses.

Finding:

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

Facts in Support of Finding:

1. The existing building will maintain the existing uses authorized under Use Permit No. UP2051 and its subsequent amendments. The existing building will maintain office and marine-related uses at the second and third floor levels. A minimum of 8,682 square feet of gross floor area will be maintained for marine-related uses and the bottom floor of the building will be utilized for restaurant use.
2. The first floor remains a full-service restaurant with live entertainment and alcoholic beverage service as authorized by UP2051 (amended), and the remodel includes reconfiguration of the interior space and exterior façade changes, which do not alter the operational characteristics of the facility, and does not represent a substantial change in the overall project as approved by the Planning Commission and City Council.
3. The new restaurant will comply with the hours of operation as authorized under UP2051, its subsequent amendments, and OD 68.
4. The new restaurant must obtain an Operator License prior to the issuance of building permits as the modifications result in a change in the occupancy, 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 Newport Beach Municipal Code.

**DETERMINATION**

The proposed changes to the restaurant, building interior, and exterior facades are in substantial conformance with the current applicable approvals and the Zoning Code.

**CONDITIONS OF APPROVAL**

All previous findings and conditions of approval of Use Permit No. 2051, its amendments, and Outdoor Dining Permit No. 68 shall remain in full force and effect as stated in Attachment Nos. CD 2 and CD 3, with the addition of the following conditions:

1. The development authorized by this staff approval shall be in substantial conformance with the approved project plans.

2. All previous applicable conditions of approval of Use Permit No. 2051, its subsequent amendment, and Outdoor Dining Permit No. 68 remain applicable.
3. The outdoor dining area shall be limited to 768 square feet devoted to dining as depicted in the approved plans and the interior net public area shall be limited to a maximum of 3,190 square feet as depicted in the attached approved plans.
4. The relocated outdoor dining patio shall maintain the required 10-ft bulkhead setback.
5. A building permit and operator license shall be obtained prior to commencement of the construction. A copy of this approval letter shall be incorporated into both the Building Division and field sets of plans prior to issuance of the building permits.
6. 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.
7. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
8. The removal of the stairway to the second floor level where the proposed outdoor dining patio is located shall comply with building egress requirements to the satisfaction of the Building Official.
9. The retractable awning structure that extends over the outdoor dining area shall not be changed or modified to create a full-weather enclosure.
10. A minimum of seventy five (75) parking spaces shall be provided on-site.
11. 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 Ritz Staff Approval including, but not limited to, Staff Approval No. SA2014-015 (PA2014-112). 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.

### Fire

1. The proposed fire pit installation and location must comply with the manufacturer's specifications, California Fire Code, and the California Mechanical Code with regard to horizontal and vertical clearances.
2. A hood fire suppression system must be installed over the cooking areas as required by the California Fire Code 904.2.1.
3. Fire Sprinklers will be required and must be extended to any additions to the structure.
4. Dumpsters with an individual capacity of 200 gallons or more shall not be stored in buildings or placed within 5 feet of combustible walls openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials. Exception: Dumpsters in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.3 C.F.C. (Examples of combustible construction: plaster on wood, gypsum board on wood studs, plywood or other wood sheathing on wood metal studs). C.F.C. Section 304.3.4.
5. Interior finishes must meet California Building Code Section 803.

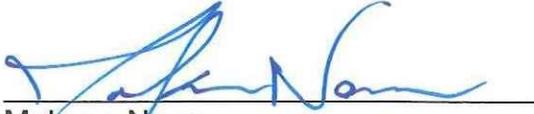
### Public Works

1. The parking layout shall comply with the previously approved parking plan. If the previously approved compact stalls cannot be provided, the stalls shall be converted to standard size spaces. Future changes to the parking lot design shall be reviewed and approved by the City if the changes meet applicable standards and all applicable conditions of approval.
2. The existing pedestrian easement shall be kept clear of obstructions.
3. Prior to the issuance of building permits, the valet plan shall be approved to the satisfaction of the Traffic Engineer.

**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.

On behalf of Kimberly Brandt, AICP, Community Development Director,

By:



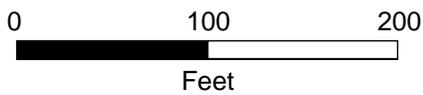
Makana Nova  
Assistant Planner  
JWC/mkn

Attachments: CD 1 Vicinity Map  
CD 2 UP2051 and UP2051 A Conditions of Approval  
CD 3 OD68 Conditions of Approval  
CD 4 Site Photos  
CD 5 Project Plans

**Attachment No. CD**  
**CD 1**  
Vicinity Map



Newport  
Beach  
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging [www.eagleaerial.com](http://www.eagleaerial.com)

# **Attachment No. CD 2**

UP2051 and UP2051A Conditions of  
Approval

City of Newport Beach

ROLL CALL	Winburn	McLaughlin	Kurlander	King	Beek	Balafis	Allen	INDEX
Amendment					X			
Ayes					X			
Noes	X	X	X			X	X	
Absent	*							
All Ayes	X	*	X	X	X	X	X	
<p>Commissioner Beek expressed his concern with the overall building size of the proposed project. He stated that .81 times the buildable is too large for the view corridor that is being provided. He stated that .68 times the buildable area would be more in conformance with the standards of the area.</p>								
<p>Amendment to the motion was made that the third floor shall have a width of not more than 40 feet and a gross floor area of not more than 3,700 square feet, which AMENDMENT FAILED.</p>								
<p>Commissioner Allen's motion for approval of Use Permit NO. 2051 and the Off-Site Parking Agreement was now voted on as follows, which MOTION CARRIED:</p>								
<p><u>FINDINGS</u></p>								
<ol style="list-style-type: none"> <li>1. That the proposed development is consistent with the General Plan and the Draft Local Coastal Plan and is compatible with surrounding land uses.</li> <li>2. The proposed development will not have any significant environmental impact, providing that parking demands are met.</li> <li>3. The Police Department has indicated that they do not contemplate any problems.</li> <li>4. The off-site parking area is located so as to be useful to the proposed restaurant use.</li> <li>5. Parking on such lot will not create undue traffic hazards in the surrounding area.</li> <li>6. That the applicant has entered into appropriate leases for the off-site parking spaces, which are of sufficient duration for the proposed development.</li> <li>7. The increased building height will result in increased public visual open space and views than would result from compliance with the basic height limit.</li> </ol>								

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Winburn

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8. The increased building height will result in a more desirable architectural treatment of the building and a stronger and more appealing visual character of the area within the general theme of a marine environment.
9. The increased building height will not result in undesirable or abrupt scale relationships being created between the structure and existing development or public spaces.
10. The increase in height in no case results in a floor area exceeding the floor area permitted by Section 20.62.030.
11. The proposed number of compact car spaces constitutes 17 percent of the office parking and 14 percent of the restaurant parking which is within limits generally accepted by the Planning Commission relative to previous similar applications.
12. The proposed encroachment of parking spaces within the required front setback area will not adversely effect the character of the project inasmuch as a significantly greater amount of landscaping will be provided along West Coast highway than required by Code.
13. The proposed use of compact car spaces and the encroachment of parking spaces into the required front setback area will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City and further that the proposed modifications are consistent with the legislative intent of Title 20 of this Code.
14. The approval of Use Permit No. 2051 will not, under the circumstances of this case be detrimental to the health, safety, peace,

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morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

- 15. That an Initial Study and Negative Declaration have been prepared in compliance with the California Environmental Quality Act, and that their contents have been considered in the decisions of this project.
- 16. That based on the information contained in the Negative Declaration, the project incorporates sufficient mitigation measures (Condition No. 1 through 51) and that those mitigation measures reduce potentially significant impacts to a level of insignificance.
- 17. That approval of the floor area in excess of .5 times the buildable area is warranted because of the permanent restrictions on building size and the agreement of the applicant to ensure that marine-oriented uses occupy the excess floor area, or will remain vacant if not so occupied.

CONDITIONS

- 1. That development shall be in substantial conformance with the approved plot plan and floor plan, except as noted below.
- 2. That an off-site parking agreement shall be approved by the City Council, guaranteeing that a minimum number of parking spaces shall be provided for the duration of the office and restaurant uses:

9 parking spaces entirely on the property and 7 parking spaces partially on the property, located at 2751 West Coast Highway (the easterly 100 feet of the westerly 250 feet of Lot H, Tract 919) for daytime use only.

25 parking spaces at the rear of 2700 West Coast Highway located on Parcel 2 of Parcel Map 73-23, for nighttime use only.

Allen	Balalis	Beek	King	Kurlander	McLaughlin	Winburn
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3. That valet parking service be provided at all times during the restaurant's hours of operation.
4. That all mechanical equipment and trash areas shall be screened from West Coast Highway or adjoining properties.
5. That kitchen exhaust fans shall be designed to control odors and smoke in accordance with Rule 50 of the Air Pollution Control District.
6. That a washout area for the restaurant trash containers be provided in such a way as to allow direct drainage into the sewer system and not into the Bay or the storm drains.
7. That grease interceptors shall be installed on all fixtures in the restaurant facility where grease may be introduced into the drainage systems in accordance with the provisions of the Uniform Plumbing Code.
8. That a minimum of one parking space/250 sq.ft. of net floor area shall be provided for the office use and a minimum of one parking space/40 sq.ft. of net public area shall be provided for the restaurant use.
9. That the restaurant facility shall not be open for business prior to 5:00 p.m. on any day.
10. That all restaurant employees shall park their vehicles on the Mariner's Mile off-site parking lot.
11. That all proposed signs shall be in conformance with the provision of Chapter 20.06 of the Newport Beach Municipal Code and shall be approved by the City Traffic Engineer if located adjacent to the vehicular ingress and egress.
12. That all improvements be constructed as required by Ordinance and the Public Works Department.

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13. That the on-site vehicular and pedestrian circulation systems be subject to further review by the Public Works Department.
14. That a 6 foot wide easement be dedicated to the City for unobstructed public access across the bayside of the parcel and that the walkway be improved with the design to be approved by the Public Works Department.
15. That a 6 foot wide easement be dedicated to the City for access to the bayside public walkway from West Coast Highway and that the location of the easement be approved by the Public Works Department.
16. That a condition survey of any existing concrete bulkhead that is to remain along the bayside of the property be made by a civil or structural engineer, and that the bulkhead be repaired in conformance with the recommendation of the condition survey and to the satisfaction of the Building Department and the Marine Department.
17. That the landscape plans for plantings adjacent to the public right-of-way be reviewed and approved by the Public Works Department.
18. The southbound leg of Riverside Avenue at the intersection of Riverside Avenue and West Coast Highway shall be restriped to provide the following facilities:
  - a. A right-turn-only lane to accommodate traffic turning westbound onto West Coast Highway;
  - b. A right-turn and through lane for westbound and southbound traffic;
  - c. A left-turn-only lane to accommodate traffic turning eastbound onto West Coast Highway; and,

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d. Additional painted symbols on southbound Riverside Avenue north of the intersection to adequately implement the mitigation at the intersection.

19. A dust control plan shall be prepared for the project, and be submitted and subject to the approval of the Building Department. Such a plan may be prepared and submitted in conjunction with the erosion control plan recommended in Section III, 5.0 Water Quality.

20. The demolition, grading and building permits to be issued for the proposed project shall include provisions for limiting such activities to hours considered acceptable for the project area.

21. The following disclosure statement of the City of Newport Beach's policy regarding the John Wayne Airport should be included in any Covenants, Conditions, and Restrictions which may be recorded against the property.

Disclosure Statement

The Lessee herein, his heirs, successors and assigns acknowledge that:

- (a) The John Wayne Airport may not be able to provide adequate air service for business establishments which rely on such services;
- (b) When an alternate air facility is available, a complete phase out of jet service may occur at the John Wayne Airport.
- (c) The City of Newport Beach may continue to oppose additional commercial air service expansions at the John Wayne Airport;
- (d) Lessee, his heirs, successors and assigns will not actively oppose any action taken by the City of Newport Beach to phase out or limit jet air service at the John Wayne Airport.

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22. The existing gates which control the vehicular entrance/exit to the parking lot on the project site shall be removed to better facilitate access to and from the proposed parking lot.
23. Prior to demolition of existing facilities and construction of the new facilities, a complete plan for litter and debris control shall be approved by the Planning and Marine Departments to ensure that no debris is permitted to enter Newport Harbor.
24. The grading permit shall include a description of haul routes, access points to the site, and a watering and sweeping program designed to minimize impacts of haul operations.
25. The grading plan, if required, shall include a complete plan for temporary and permanent drainage facilities to minimize the potential water quality impacts from silt, debris and other water pollutants.
26. All on-site drainage shall be approved by the City Public Works Department.
27. An erosion and siltation control plan shall be prepared and submitted to the Building Department, and shall be approved by the City Grading Engineer.
28. The erosion and siltation control plan shall be forwarded to the California Regional Water Quality Control Board - Santa Ana Region ten days prior to any construction activities.
29. A landscape and irrigation plan for the project shall be prepared by a licensed landscape architect. The landscape plan shall integrate and phase the installation of landscaping with the proposed construction schedule. Prior to occupancy, a licensed landscape architect shall certify to the Planning Department that the landscaping has been installed in accordance with the approved plan.
30. The landscape plan shall be subject to the review of the Parks, Beaches and Recreation Department, and the approval of the Planning Department.

Allen  
Galais  
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Kurlander  
McLaughlin  
Winburn

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- 31. The landscape plan shall include a maintenance program which controls the use of fertilizers and pesticides.
- 32. The landscape plan shall place heavy emphasis on the use of drought-resistant native vegetation, and be irrigated with a system designed to avoid surface runoff and overwatering.
- 33. Construction of the proposed bulkhead shall be placed outside the tidal area (i.e., above the mean high tide line).
- 34. Construction of all waterfront improvements shall be subject to issuance of a Harbor Permit and approval-in-concept by the City Council and subject to issuance of all other applicable discretionary permits from other agencies.
- 35. Prior to issuance of the building permit, the applicant shall consider and discuss with appropriate representatives of the City of Newport Beach possible participation in a compensation program for the loss of intertidal area, provided that the City and the various agencies involved in regulation of Newport Bay have established such a program.
- 36. Upon completion of construction, the project applicant shall provide for weekly vacuum sweeping of all paved parking areas and drives. A weekly cleanup program around the docks and public walks shall be conducted on a regular basis.
- 37. The project shall be designed to comply with Title 24, Paragraph G, Division T-20, Chapter 2, Subchapter 4 of the California Administrative Code (Insulation Standards).

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- 38. Final design of the project shall provide for the incorporation of water-saving devices for project lavatories and other water-using facilities.
- 39. Final design of the project shall provide for the sorting and collection of recyclable material from other solid waste. Prior to occupancy of the building, the program for sorting recyclable material shall be developed and approved by the Planning Department.
- 40. Final design of the project shall provide for adequate security lighting in public areas of the project site.
- 41. The required City review of the project landscape plan shall address the issue of retention of existing mature trees on-site to determine if such retention is desirable for the visual character of the project area.
- 42. The project shall be so designed to eliminate light and glare spillage on adjacent uses. Any parking lot lighting shall be subject to the approval of the Planning Department.
- 43. That all commercial area in excess of .5 times the buildable area of the site (i.e., 8,682± sq.ft.) shall be limited to marine-oriented uses as required by the Mariner's Mile Specific Area Plan in Section 20.62.070, D.
- 44. That if the particular percentage of marine-oriented uses are not maintained, due to a change in occupancy from marine-oriented to some other proposed uses, that the property not used by the marine-oriented uses is to remain vacant and unused until a suitable tenant which fits the marine-oriented criteria is found. That the applicant or permittee consents to maintain that space as unoccupied and understands that the vacancy may result in economic hardship.

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- 45. That the applicant or permittee by accepting the use permit approval, consents to the specific enforcement of all conditions imposed by the Commission and specifically the conditions relating to the required occupancy of a percentage of the structure by marine-oriented uses and that the applicant or permittee waives any rights to defend any legal action brought by the City to specifically enforce those conditions of occupancy.
- 46. That the owner of the property is required to notify the Planning Department of the City of Newport Beach upon any change in tenancy which would affect the marine-oriented uses and shall provide copies of all documents requested by the Planning Department or the City in conjunction with that change in tenancy.
- 47. That the applicant record a Covenant, the form and content of which is acceptable to the City Attorney, binding the applicant and its successors in interest in perpetuity, to a limitation of .81 times the buildable area on the subject property, in consideration of granting the use permit to exceed the height.
- 48. That the non-standard concrete sidewalk and curb along the West Coast Highway frontage be reconstructed and any unused drive aprons be removed and replaced with curb, gutter and sidewalk. That all public improvements be completed under an encroachment permit issued by the California Department of Transportation.
- 49. That the existing telephone lines along the West Coast Highway frontage be undergrounded.
- 50. That no commercial, marina operated, boat docking facilities shall be permitted bayward of the site unless the applicant shall obtain the required Harbor permits and provides the necessary upland support facilities, i.e., restroom facilities for the boat slip users and .75 parking spaces for each marina boat slip and .75 parking spaces for each 25 feet of available mooring space not classified as a slip.

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Motion  
All Ayes

X	*	X	X	X	X	X
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51. That the valet service shall not park vehicles anywhere but in marked spaces which are either wholly or partially on the subject property.

Motion was made to approve the Traffic Study in conjunction with Use Permit No. 2051, subject to the following findings and conditions, which MOTION CARRIED:

TRAFFIC STUDY

FINDINGS:

1. That a Traffic Study has been prepared which analyzes the impact of the proposed project on the peak hour traffic and circulation system in accordance with Chapter 15.40 of the Newport Beach Municipal Code and City Policy S-1.
2. That the Traffic Study indicates that the project-generated traffic will neither cause nor make worse an unsatisfactory level of traffic on any 'major', 'primary-modified', or 'primary' street.

CONDITION:

1. That prior to the occupancy of the proposed project the "Circulation System Improvement described in the Initial Study - "Martha's Vineyard - Restaurant/Office Complex" dated December 1981, on page 8 and figure 4 of Appendix E shall have been completed (unless subsequent project approvals require modification thereto). The improvements shall be subject to the approval of the City Traffic Engineer.

\* \* \*

September 4, 1986

EICHENHOFER  
 KOPPELMAN  
 KURLANDER  
 MERRILL  
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 TURNER  
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his 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.

- 16. That this use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090 A of the Newport Beach Municipal Code.

Use Permit No. 2051 (Amended) (Public Hearing)

Request to amend a previously approved use permit which permitted the construction of a commercial office building with a nighttime only restaurant on property located within the "Recreation Marine Commercial" area of the Mariners Mile Specific Plan Area. Said approval included: an off-site parking agreement for a portion of the required off-street parking; the use of compact parking spaces; the service of on-sale alcoholic beverages and the use of valet parking in conjunction with the restaurant. The proposed amendment involves a request to allow the proposed restaurant to open for Sunday brunch and for private parties on Saturdays, whereas the existing use permit prohibits the opening of the restaurant before 5:00 p.m. daily. Said proposal also includes a request to amend the previously approved off-site parking agreement.

LOCATION: A portion of Lot H, Tract 919, located at 2801 West Coast Highway, westerly of Riverside Avenue, in the Mariner's Mile Specific Plan Area.

ZONE: SP-5

APPLICANT: Gordon S. Barienbrock, Newport Beach

OWNER: Same as applicant

James Hewicker, Planning Director, stated that staff submitted the subject staff report on the assumption that all of the remaining tenants in the building would be closed on Saturdays, Sundays and Holidays, producing an additional 7 parking spaces that would be in excess of the parking spaces required by the restaurant in the

Item No. 5

UP2051A

Approved

September 4, 1986

EICHENHOFFER  
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event that the restaurant was completely occupied for Sunday brunch, Saturday lunch, or private parties. He commented that staff has been informed that several tenants on the two lots are open for business on the weekends. Mr. Hewicker said that if this is a concern to the Planning Commission, an additional condition should be added to the use permit which would require the landlord to notify all of the other tenants not to be open for business on Saturday, Sunday, or Holidays.

Commissioner Person stated that many marine-related uses are normally open on weekends. In response to a question posed by Commissioner Person, Mr. Hewicker replied that about 2,000 square feet of office uses would be permitted to be open on weekends and Holidays in accordance with the available parking spaces.

The public hearing was opened in connection with this item, and Mr. Gordon Barienbrock, 1124 East Balboa Boulevard, applicant, appeared before the Planning Commission. Mr. Barienbrock stated that the original request for a Sunday brunch was inadvertently omitted from the approved findings and conditions when Use Permit No. 2051 was approved by the Planning Commission on January 21, 1982. In reference to the required parking, Mr. Barienbrock stated that the businesses typically employ 15 employees Monday through Friday, and that there may be only 1 or 2 employees on the weekends. He said that the restaurant will not be working at full capacity during the Sunday brunch hours. Mr. Barienbrock commented that he cannot inform potential tenants they cannot work on Saturdays or Sundays. He said that there is not a parking problem on Saturdays or Sundays in the area, and that additional parking spaces will be provided. Mr. Barienbrock pointed out that there are currently 81 parking spaces and the restaurant requires 73 parking spaces.

In response to a question posed by Commissioner Winburn, Mr. Barienbrock replied that all of the boat slips bayward of the subject property are commercial slips for yacht sales.

In response to a question posed by Commissioner Person, Mr. Barienbrock replied that there are no retail stores on the premises.

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Mr. Hewicker referred to Condition No. 5, Exhibit "A", which states that the Planning Commission may bring back the use permit if the joint use of the restaurant on Saturdays, Sundays, or Holidays conflicts with the other tenants.

Mr. Lewis Jackson, 115 South Acacia, Solano Beach, appeared before the Planning Commission. Mr. Jackson pointed out that The Chart House Restaurant was located in Newport Beach for 22 years. He said that the major use of the restaurant is not during the day on Saturdays and Sundays, but on the weekend evenings.

In response to questions posed by Commissioner Kurlander, Mr. Jackson replied that private parties generally require less parking requirements because there are fewer automobiles.

Commissioner Winburn referred to the January 21, 1982, Planning Commission minutes, and pointed out that there is a condition that states that the restaurant shall not be open prior to 5:00 p.m. on any day.

The public hearing was closed at this time.

Commissioner Person stated that because the subject site has a cushion of 7 parking spaces and The Chart House Restaurant has been in Newport Beach for 22 years, motion was made to approve Use Permit No. 2051 (Amended) subject to the findings and conditions in Exhibit "A". Commissioner Person emphasized that in accordance with Condition No. 5, the Planning Commission may bring back the use permit at any time to review, modify or change conditions of approval, and he further stated that the condition was not in effect during the entire operation of The Chart House restaurant at their previous location.

Chairman Turner stated that he will support the motion, and agreed with Commissioner Person's aforementioned statements regarding Condition No. 5.

Motion voted on to approve Use Permit No. 2051 (Amended), subject to the findings and conditions in Exhibit "A". MOTION CARRIED.

Motion

x

All Ayes

WINBURN  
 TURNER  
 PERSON  
 MERRILL  
 KURLANDER  
 KOPPELMAN  
 EICHENHOFER

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FINDINGS:

1. That the proposed restaurant operation is consistent with the General Plan and the Land Use Element of the Local Coastal Program and is compatible with surrounding land uses.
2. That the proposed development will not have any significant environmental impact, providing that parking demands are met.
3. That the Police Department has indicated that they do not contemplate any problems.
4. That the off-site parking area is located so as to be useful to the proposed restaurant use.
5. That parking on such lot will not create undue traffic hazards in the surrounding area.
6. That the applicant has entered into appropriate leases for the off-site parking spaces, which are of sufficient duration for the proposed development.
7. That the use of shared parking so as to satisfy the additional off-site parking requirement is acceptable inasmuch as the daytime operation of the restaurant shall be limited to Saturdays, Sundays and recognized holidays when a majority of the office uses are closed.
8. That the approval of Use Permit No. 2051 (Amended) will not, under the circumstances of this case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

CONDITIONS:

1. That the subject development shall be in substantial conformance with the plot plan and floor plans approved by the Planning Commission on January 21, 1982.

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TURNER  
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2. That an amended off-site parking agreement shall be approved by the City Council, guaranteeing that the following off-site parking shall be provided: 7 parking spaces partially on the property and 25 parking spaces entirely on the property located at 2751 West Coast Highway (the easterly 100 feet of the westerly 250 feet of Lot H, Tract 919) for daytime use or Saturdays, Sundays and recognized holidays.
3. That the daytime operation of the restaurant shall be limited to Saturdays, Sundays and recognized holidays.
4. That all previous applicable conditions of approval for Use Permit No. 2051 shall be fulfilled.
5. That the Planning Commission may add 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.
6. That this use permit shall expire unless exercised within twenty-four months from the date of approval as specified in Section 20.80.090 A of the Newport Beach Municipal Code.

\* \* \*

~~Use Permit No. 3222 (Continued Public Hearing)~~

~~Request to convert an existing automobile service station into an automobile repair facility in the C-1 District.~~

~~LOCATION: Lot 1, Block F, Tract No. 323, located at 2641 East Coast Highway, on the southeasterly corner of East Coast Highway and Goldenrod Avenue, in Corona del Mar.~~

~~ZONE: C-1~~

Item No.6

UP3222

Removed  
From  
Calendar

# **Attachment No. CD 3**

OD68 Conditions of Approval

**City of Newport Beach  
 Planning Commission Minutes  
 November 9, 2000**

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<p><b>SUBJECT:</b>                    <b>Koll Office Site B GPA and PC Amendment          MacArthur Boulevard/Jamboree Road</b></p> <p>Review of a General Plan Amendment and Planned Community Amendment to allow an additional 250,000 gross square feet of office use within Office Site B of the Koll Center Newport (KCN) Planned Community. The amendments will provide for the construction of a ten-story office tower.</p> <p>The applicant requested a continuance to December 7, 2000.</p> <p><b>Motion</b> was made by Commissioner Agajanian to continue this item to December 7, 2000</p> <p>Ayes:     McDaniel, Kiser, Agajanian, Selich, Gifford, Kranzley          Noes:     None          Absent:   Tucker</p> <p style="text-align: center;">* * *</p>	<p><b>Item No. 1          GPA 97-3 (B), Zoning          Amendment 905,          Traffic Study No. 119,          and EIR No. 158</b></p> <p><b>Continued to          12/07/00</b></p>
<p><b>SUBJECT:</b>                    <b>Billy's at the Beach and The Charthouse Restaurant          2751 West Coast Highway and 2801 West Coast Highway</b></p> <ul style="list-style-type: none"> <li>• <b>Use Permit No. 3674, Off-site Parking Agreement,          Accessory Outdoor Dining Permit Nos. 67 and 68</b></li> </ul> <p>Request to add accessory outdoor dining to two existing full service restaurants, a 768 sq. ft. outdoor dining area for the existing Chart House Restaurant and a 515 sq. ft. outdoor dining area with a 220 square foot service area, for the existing Billy's At The Beach restaurant. A use permit is required for Billy's At The Beach because the proposed area of the outdoor dining area will exceed the permitted 25% of the net public area of the interior of the restaurant. The proposal includes a request to approve an off-site parking agreement for one additional required parking space for the dining area and for the elimination of one on-site parking space and relocation to the off-site lot.</p> <p>Associate Planner Eugenia Garcia noted that in the staff report Condition 33 requiring the approval of the Coast Commission if this project were approved, is not necessary and is to be removed. This project is not subject to approval by the Coastal Commission. She then made a visual presentation noting the following:</p> <ul style="list-style-type: none"> <li>• Location of project in multi tenant building.</li> <li>• Chart House has a significant amount of office use.</li> <li>• Proposal is for outdoor dining for both establishments.</li> <li>• Billy's at the Beach is for 515 square feet approximate and the Chart House is for 168 square feet approximate.</li> <li>• Chart House meets requirement under the Outdoor Dining Ordinance</li> </ul>	<p><b>Item No. 2          Use Permit No. 3674          Off Site Parking          Agreement          Accessory Outdoor          Dining Permit Nos. 67          and 68</b></p> <p><b>Approved</b></p>

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- as less than 25% of the indoor net public area of the restaurant.
  - Billy's at the Beach exceeds that by 92 square feet for a total of 515 square feet.
  - Use Permit is required for that area over 25% for Billy's.
  - An Off-site parking agreement is in existence for an off site lot at 2700 West Coast Highway.
  - An additional lot at 2620 Avon Street is also part of the proposed project.
  - Slides then depicted:
    - entrance to Billy's
    - area between the two restaurants where there are currently seven parking spaces that will be reconfigured
    - bayside views of outdoor dining to be located for both facilities
    - front of Billy's on the bay with public access easement provided
    - access easement from Coast Highway to both establishments
    - additional public access to bay provided (not required)
    - off site parking behind Seven Seas Travel and Radio Shack where the project owner leases fifty parking spaces under a long-term lease
  - Leased parking spaces are for nighttime use only.
  - Off site parking lot at 2620 Avon Street (in close proximity) for additional parking spaces to be provided by applicant.

Continuing, Ms Garcia noted that the following findings must be made in approving this application:

- Proposed outdoor dining is accessory to restaurant uses.
- Proposed outdoor dining is not detrimental to health, safety, peace, comfort and general welfare of the community.
- Proposed outdoor dining will not result in the reduction of the existing parking spaces.
- Find that the lot is located so as to be useful in connection with the restaurants and the office uses.
- Parking on the off site lot will not create undue traffic hazards in the area.
- The lots are under the same ownership or the owners of the lots have a common ownership with entitlement for immediate possession and use.
- The offsite parking agreement shall be recorded with the Office of the County Recorder.
- Fee established by the City Council is paid for administrative costs.
- Pursuant to Bayfront Restaurant Regulations an acoustical study is required and is supplied by the applicant.
- Recommendations of the Acoustical Engineer have been incorporated into the conditions of approval.

At Commission inquiry, Ms. Garcia noted that the Acoustical Engineer did sound testing from across the Bay and took measurements. These have been incorporated as part of the report. The conditions also require no paging or

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amplified music. Speakers are permitted with pre-recorded music.

Chairperson Selich asked about the additional parking for Billy's on the Beach, the additional outdoor dining requires the three extra spaces, is that correct? Staff answered yes.

Commissioner Kranzley noted, and it was affirmed, that the only reason this project is before the Planning Commission is because they are asking for the additional square footage. Otherwise, it would be done through an Accessory Outdoor Dining Permit and would not require a Use Permit.

Public comment was opened.

Gordon Barienbrock, 3000 West Oceanfront noted he owns the land at 2801 and 2751 West Coast Highway. Additionally, he owns the land at 2620 Avon that is the additional parking lot being discussed. He noted parking is a concern with this project because we have increased by 92 square feet the outdoor area and we have eliminated three parking spaces. The net affect on parking is negative five spaces and is only a problem during the daytime use. During the day, we have only one restaurant operating, Billy's at the Beach. During the nighttime I am leasing 50 spaces across the street. Those fifty spaces give me a total of 135, that is 12 more than currently needed and 7 more spaces I will need if the proposal is approved. However, during the daytime, we are operating Billy's for lunch on a waiver of 34 parking spaces. The reason the waiver was granted was that during the daytime the crowds are much less than at night; some people during the daytime walk to lunch; parking lot is shared with an office building that is somewhat empty (about 25%) when the workers leave for lunch. A parking attendant during the day provides tandem parking and we can easily add 25 cars to the lot. We have been serving lunch for some time with no problem on the waiver. Now, we will have 5 spaces less. I would like to continue with the waiver and not tie up the property at 2620 Avon with parking agreements. However, I would stipulate that the property at 2620 Avon would only be used as a parking lot for these two buildings. I would agree to make that a condition of the Use Permit. If we put recorded agreements on it, that has lasting affects and for five parking spaces for two hours a day, I hate to tie up an entire lot and never be able to do anything with it. We would agree easily that we would not serve lunch at Billy's if for any reason, anything happens to that parking lot. I have no intention of selling or developing the parking lot, but I would like to keep it as unencumbered as possible. For the last eighteen years, I have been leasing 50 parking spaces across the street. Most of our parking is on site. We have more parking on site than any other restaurant along there with the exception of Windows on the Bay and Asia 101. We have 85 spaces on site, 25 additional cars that can be placed in there with tandem parking. We park some employee cars across the street, roughly 20 a day. We have 30 spaces left for use. In the event that you feel an off-site agreement is necessary, I would go along with it and I would devote the lot at 2620 Avon entirely to this project that could have 26 spaces

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on it. I would then be completely independent of other property owners.

Commissioner Kranzley asked how important the outdoor speakers are?

Mr. Barienbrock answered that he would like to have some background music. The reasons for the outdoor seating are for smoking and a place for customers to wait for their tables. Billy's would like to do business outdoors during the lunchtime, as it is more desirable. People like to dine with background music. It is not our intention to have any entertainment. Both of the establishments are dinner houses and cater to an older crowd that is fairly conservative and reside in Newport Beach. At Commission inquiry, he noted that the net change in dining seating is 24 for Billy's and a little more for the Chart House. Billy's has a service bar available for customers only, not open to the public. The total increased parking is two parking spaces. We are losing three parking spaces because we are using the parking area, which nets five. This is not a problem in the evening because we have 12 spaces more than necessary but at lunch, we are currently operating under a waiver. We average about twelve cars at lunch and have at least twelve cars left from the office building. There is parking on the other side of Coast Highway and today there was not one car parked between Chili's and the Japanese hotel. That means 20-30 parking spaces were empty. Parking is not a major problem. We have been sharing the parking between the offices and the restaurant for years with no problems. We have parking attendant service from 8 in the morning until midnight with the ability to provide tandem parking if necessary.

Commissioner Kiser asked if the parking attendant is for the two restaurants combined.

Mr. Barienbrock answered that he has a parking service and it depends on the need. They have worked out what times to work. We would bring in two during the lunch hour if business calls for it. We have never used valets to park customer cars in the off site parking lots including evenings and weekends.

Commissioner Kiser then asked about the proposal for the lots. Are you proposing to terminate your lease on the 50 spaces and have your sole off site parking be on the lot that you own?

Mr. Barienbrock answered that is not part of this request. If you want an off site parking agreement to cover the five parking spaces, I would grant that with no problem if they could also be incorporated in those other fifty spaces. I don't want to tie up that parking lot for five parking spaces an hour and a half a day.

Commissioner Kranzley asked why this dining area was important enough to come to the Planning Commission and was answered that they had to come before the Planning Commission due to moving parking spaces. If it were just the 92 feet, we would not have done it. The space is that big and we could either use it as seating area or additional garden. The restaurants are trying to

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get as much area as they can. Billy's is a very small restaurant. He is trying to make the most of it. We anticipate that the outdoor area will be used in fair weather. During the cold weather, people will move inside. We don't think both areas will be full at the same time.

Commissioner Kiser asked about Condition 6, the outdoor speakers ceasing at 10:00 p.m. Sunday through Thursday and either 11 p.m. or midnight Friday or Saturday.

Mr. Barienbrock answered he would have no problem shutting them off at 10:00 p.m. all nights. However, he would like to make the decision. He concluded that there will be no noise on Lido Isle, if anybody can hear any of the noise from the restaurants, we will change it so they can't. The background music will be low. The operator of the restaurant is here tonight and can answer any of your concerns regarding the operation and noise.

Public comment was opened.

Martin Weinberg, 100 Via Lido Nord, spoke in opposition to this application. He asked about the notification process for this item, noting that there would be a substantial showing of people who have an interest on the outcome of this application who live on Lido Isle. Whatever happens to Billy's in that area has an impact on people who live on Nord and Soud as well. It seems unnecessary to have outside speakers along with the doors continually opening for waitress purposes that will also create a lot of noise. Noise travels across the water, we had this same issue with Windows on the Bay and Joe's Crab Shack. If Billy's and the Chart House are granted this application, any waterfront restaurateur will ask for this as well. The noise will be a real problem to the people who live on the water.

Ms. Temple noted that when the City Council reviewed specifically notification requirements addressing the separation of the properties by water and/or roads it was amended to require that the City delete the distance of the channels and roadways when determining a 300-foot radius requirement. There is no simple requirement for everybody on Via Lido Nord or Via Lido Soud to be notified. It is anyone within a 300-foot radius, given the omission of the water. This map illustrates for the Commission, the radius that received notice. (presented copy of mailout map to Commission).

Chairperson Selich stated that we did follow the City Council procedure in terms of notification.

Commissioner Kranzley asked the speaker if it is his wish that no bayfront restaurant would have outdoor dining? He was answered yes, no outdoor dining.

Commissioner Kiser asked if there has been a restaurant in the approximate

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location of Billy's that had outdoor dining?

Mr. Weinberg answered Joe's Crab Shack. They put in triple windowpane and closed their windows. We do not hear any music from other restaurants on the waterfront. Our house is opposite of Billy's and just to the left.

Richard Wood, 117 Via Lido Soud noted that in this area, our property values are very strong. I am much more concerned about empty restaurants such as Windows on the Bay and the Cannery, places like that affecting our property values. Secondly, I am a newcomer to Lido, been there for four and one half years, I live around the corner. I want to respect anyone's desire to not have noise especially late at night affecting their homes and lives. In the time that I have lived there, the noise we have is from ambulances, boats and traffic. I don't hear a lot of noise coming from the restaurants. From what I have seen in this staff report, they are not proposing to have live music outdoors or a lot of things happening outdoors or late at night. I would like to see calm minds prevail here, and see that we protect our businesses in the neighborhood and in Newport Beach as well as protect our neighborhoods.

Bill Kreg, owner of Billy's at the Beach restaurant; 601 Lido Park Drive stated that he would be one of the people who would have a problem if the property devaluated due to restaurant noise that was so loud that no one would want to live in that area. I can assure you that we have no intention to have loud music, loud customers or anything else that would be disruptive to our diners. The main reason I want the patio open is because I think people should have a chance to dine on the bay, relax and enjoy the scenery. There are five restaurants in Lido Village, notable Mama Mia's, George's Camelot, Bayfront Café and Les Bistro that all have outdoor dining and they don't seem to be disturbing anybody. There will be no noise carrying across the water.

Alice Brewer, 222 Via Lido Nord noted that since the Windows patio has been closed, there is peace and tranquillity in my home. There was quite a bit of noise that disturbed us. My concern is having the speakers on the patio because that sound does carry.

Ms. Temple noted that the only outdoor area that has permission for live entertainment in an outdoor dining area is the Buzz.

Lynn Valesko, 310 Via Lido Nord noted that there is a lot of noise that emanated from the Balboa Bay Club. The noise is terrible during the summer when the boats cruise our bay. I don't believe that we need any more loudspeakers or music blasting across the bay and disturbing the residents in their homes.

Gordon Barienbrock noted that this project is not across the bay from Lido Isle. If you go out 90 degrees to our bulkhead, you have to turn 45 degrees to get to Lido isle. The Billy's building itself will block most of the noise that might be going

in that direction. It is a lot different from Windows on the Bay, which is directly across on a narrow part of the bay. It is very different than Joe's Crab Shack that is directly across. Joe's has the building behind it; the noise has no direction to go except across the water. Our noise is going to go in two different directions. It is not like we have a resonating wall behind us that is amplifying the noise. Additionally, the bay is much wider than it is in front of Joe's Crab Shack.

Public comment was closed.

Chairperson Selich noted his recollection that several years ago there was a committee formed to establish procedures for noise on the outdoor dining areas. There was a policy adopted on that, is that correct?

Ms. Wood answered that the City Council asked both the Economic Development Committee and the Environmental Quality Affairs Committee to look at perhaps developing some standard conditions of approval to address these issues. Each of those committees appointed a sub-committee and they worked jointly. We retained a noise engineer to review our Noise Ordinance and the specifics of the issues we were dealing with, had some recommendations from him that we really couldn't establish standard conditions of approval. Each case would be different because of its location, geographic and topographic conditions. It was recommended that what we needed to do was to have an Acoustical Study done for each one of these applications on the bayfront. The City Council did adopt those regulations and that is what we have asked the applicant to comply with in this case. We have the report from Mestre Greve and Associates.

Chairperson Selich stated that the applicant has complied and the staff went through the study in accordance with the City Council policy. The City Council did not ban outdoor dining on the bayfront?

Ms. Wood answered no; the City Council did not ban outdoor dining on the bayfront.

Commissioner Kranzley noted his support of the application with the following changes:

- No additional 92 square feet of outdoor dining; keep it within the 25% net public area limitation.
- Adding a condition requiring a reduction of 5 decibels for certain noises that are particularly troublesome: whines, screeches, hums and noise consistent primarily with speech and music.
- No outdoor speakers. However, they can come back in a year for this to be considered.
- A signed Parking Agreement on the Avon lot and then however we need to manage the parking spaces with the lease that he has.

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Senior Planner Patrick Alford noted that the condition is from the Newport Dunes application. It refers to Chapter 10.26 of the Municipal Code that establishes a number of noise thresholds for different types of land uses for different times during the day. Essentially if the noise source falls within one of these categories, then you would take those thresholds, reduce them by 5 decibels and that would be the standard that would apply.

Chairperson Selich asked if this was enforced at the time someone is out measuring the noise? Is it an enforcement item basically? He was answered yes.

Commissioner McDaniel noted that this is not big waterfront, this is dining between those buildings. The noise that is carrying already is cars screeching, slamming doors etc. in that area.

Ms. Garcia added that the outdoor dining is between the two buildings and set back from the Chart House. That is an inlet where boats are docked and that also buffers noise somewhat.

Commissioner Agajanian noted that Condition 22 states should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining. How is the Planning Department going to exercise that right?

Ms. Garcia answered that it would be by complaints by the public to our Code Enforcement Division. The Planning Director would make any decisions. It could also be brought back to the Planning Commission if the Director felt it was necessary. There is a condition included in the staff report that requires additional studies if this does become a problem.

Commissioner Gifford stated she wanted to be sure about the interaction of Condition 22 that states should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating and with respect to Condition 36 that is a standard condition that the Planning Commission can add to or modify the conditions of approval. The standard language states that upon determination that the operation which is the subject of this use permit or out door dining causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community. With respect to noise, would there have to have been a determination by the Planning Director before the Planning Commission could call it up?

Ms. Temple answered that wording would allow either the Planning Director or the Commission to make such a determination.

Commissioner Kiser stated he did not see valet parking requirements in the

conditions. Did I miss that?

Ms. Garcia answered that the valet parking was approved with a prior use permit and those conditions still stand as previously approved.

**Motion** was made by Commissioner Kranzley to approve Use Permit No. 3674, Off-site Parking Agreement, Accessory Outdoor Dining Permit Nos. 67 and 68 subject to findings and conditions in Exhibit A with the following changes: Condition 2 shall be 425 square feet not 515 square feet; Condition 4 shall read no outside paging system shall be permitted; Condition 6 is to be eliminated; Condition 27 insert the additional noise levels; and eliminate Condition 33.

Commissioner Gifford added that with respect to Condition 4 and the suggested change I am not sure that excludes outdoor speakers. If that is the intent. The wording of, and speaker can be inserted.

Ayes: McDaniel, Kiser, Agajanian, Selich, Gifford, Kranzley  
Noes: None  
Absent: Tucker

EXHIBIT "A"  
FINDINGS AND CONDITIONS OF APPROVAL FOR  
**Use Permit No. 3674**  
**Outdoor Dining Permit No. 67**  
**Outdoor Dining Permit No. 68**  
**Off-Site Parking Agreement**

Use Permit No. 3674 and Outdoor Dining Permit No. 67  
2751 West Coast Highway

Findings:

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designates the site for "Recreation and Marine Commercial" uses and the existing restaurant is a permitted use within this designation.
2. 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. The approval of Use Permit No. 3674, Accessory Outdoor Dining Permit No. 67, and Off-Site Parking Agreement, will not, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and

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general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City, and would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, for the following reasons:

- The proposed outdoor dining is consistent with the Land Use Element of the General Plan, and is compatible with the surrounding land uses.
- The existing on-site and off-site parking, and circulation system, is adequate to accommodate the proposed exterior dining areas.
- That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.
- The proposed accessory outdoor dining expansion will not be located so as to result in a reduction of existing parking spaces because there is adequate replacement parking available in the off-site lot located at 2620 Avon Street.
- There is an additional secondary off-site lot under the same ownership, located at 2620 Avon Street that is available for parking both day and night.
- The addition of the outdoor dining to the subject property is subject to all the findings and conditions of approval of previous Use Permit No. 3328 and Use Permit No. 3328 Amended, and not an independent use.
- The limited hours of the outdoor dining areas should prevent noise from adversely impacting the residential uses across the bay.
- The restrictions on the use of solid roof structures as applied to this approval are consistent with the intent and purpose of the accessory outdoor dining to provide outdoor dining opportunities.
- The control of noise can be achieved by the limitation on the location of the live entertainment and compliance with the provisions of the Municipal Code, Community Noise Ordinance.
- The proposal will not add a new liquor license to an over-concentrated area, providing only for the operational change of an existing restaurant with an existing alcoholic beverage license.
- The off-site parking lot located at 2700 West Coast Highway is currently being used to meet the parking requirement of the restaurant facility and the proposed off-site lot at 2620 Avon Street, are located so as to be useful in conjunction with the existing restaurant uses.
- Parking on the off-site lot located at 2620 Avon Street will not create undue traffic hazards in the surrounding area.
- The off-site parking lot on Avon Street is owned by the same owner as the restaurant sites and will be maintained as an off-site parking lot for the duration of the restaurant use.
- A condition of approval is included, requiring the provision of 24 parking spaces in the lot located at 2620 Avon Street and an off-

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site parking agreement will be recorded in the County Recorder's Office.

- A fee for the administrative costs of processing the off-site parking agreement with County Recorder's Office will be paid.
- The design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
- Public improvements may be required of a developer per Section 20.91.040 of the Municipal Code.

Conditions:

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The accessory outdoor dining for the restaurant located at 2751 West Coast Highway shall be used in conjunction with the related adjacent food establishment and shall be limited to 425 sq. ft. maximum of dining area and 220 sq. ft. of service areas.
3. The area outside of the food establishment shall be maintained in a clean and orderly manner.
4. No outside paging or speaker system shall be permitted.
5. No live entertainment is permitted in the outdoor dining area.
6. The outdoor dining area associated with the restaurant uses shall be limited to the area as delineated on the approved site plan only.
7. A minimum of fifty (50) parking spaces shall be maintained in the off-site lot located at 2700 West Coast Highway.
8. A minimum of twenty-four (24) parking spaces shall be maintained in the off-site lot located at 2620 Avon Street.
9. In the event that either property located at 2751 West Coast Highway or 2801 West Coast Highway becomes under separate ownership, an easement or lot line adjustment to permit the outdoor dining for 2801 West Coast Highway to be located partially on 2751 West Coast Highway shall be approved, or that portion of the outdoor dining area that crosses the property line shall be removed.
10. The owner or owners and the City shall execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on such lots for the

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duration of the proposed use or uses on the building site or sites. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the County Recorder.

11. A fee as shall be paid for the administrative costs of processing the off-site parking agreement.
12. The revised on-site parking plan and the parking plan for the off-site lots located at 2700 West Coast Highway and 2620 Avon Street, and the vehicular circulation and pedestrian circulation systems shall be subject to further review by the City Traffic Engineer to approve the new parking configuration and compliance with the previously approved use permit if any alterations are made to the off-site lot.
13. All trash shall be stored within the building or within dumpsters stored in the trash enclosure, or otherwise screened from the view of neighboring properties except when placed for pick-up by refuse collection agencies. That the trash dumpsters shall be fully enclosed and the top shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.
14. The applicant shall maintain the trash dumpsters or receptacles so as to control odors, which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department.
15. Storage outside of the building shall be prohibited, with the exception of the required trash container enclosure and existing storage structures.
16. For sunshade purposes, coverings shall be limited to the use of umbrellas or retractable awnings with a minimum vertical clearance of 7 feet measured from the floor of the dining area to the lowest portion of the shade structure. The use of solid, permanent roof coverings or patio covers shall be prohibited.
17. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code.
18. Alcoholic beverage service shall be prohibited in the outdoor dining areas, unless the approval of the Police Department and the Alcoholic Beverage Control Board are first obtained. Any substantial physical changes required (as determined by the Planning Department) to accommodate alcoholic beverage service shall be subject to the approval of an amendment to this Outdoor Dining Permit.
19. All applicable conditions of approval of Use Permit No. 3328 Amended shall remain in force (copy attached).

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20. The hours of operation of the outdoor dining area are limited to between the hours of 11:00 a.m. to 10:00 p.m., Sunday through Thursday, and 11:00 a.m. to midnight, Friday and Saturday; and that any increase in the hours of operation shall be subject to the approval of an amendment to this application.
  21. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating in the areas which contribute to the noise problems or complaints.
  22. The project shall be designed to eliminate light and glare onto adjacent properties or uses, including minimizing the number of light sources. The plans shall be prepared and signed by a licensed Electrical Engineer acceptable to the City. Prior to the issuance of any building permit the applicant shall provide to the Planning Department, in conjunction with the lighting system plan, lighting fixture product types and technical specifications, including photometric information, to determine the extent of light spillage or glare which can be anticipated. This information shall be made a part of the building set of plans for issuance of the building permit. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.
  23. The patio shall be closed for the evening upon verification of non-compliance with any conditions of this Use Permit or Outdoor Dining Permit and, if the patio is not closed, the matter shall be referred to the Planning Department for action on the Use Permit and/or Outdoor Dining Permit.
  24. Should problems arise with regard to tables, chairs or stools encroaching into the public right-of-way, private property pedestrian access or walkways, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating.
  25. Should this business 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 owner or the leasing company.
  26. The live entertainment shall be confined to the interior of the restaurant and all doors and windows of the establishment shall remain closed during all performances, except when persons enter and leave by the main entrance of the facility or to the outdoor dining area. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. The noise generated by the proposed use shall comply with the

provisions of Chapter 10.26 of the Newport Beach Municipal Code that provides, in part, that the sound shall be limited to no more than depicted below for the specified time periods. In determining the project's compliance with the Community Noise Control Ordinance (Chapter 10.26 of the City of Newport Beach Municipal Code), each of the noise level standards specified in Section 10.26.025 and Section 10.26.030 shall be reduced by 5 dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulsive noise such as hammering or riveting.

	<u>Between the hours of 7:00 a.m. and 10:00 p.m.</u>	<u>Between the hours of 10:00 p.m. and 7:00 a.m.</u>
Measured at the property line of Commercially zoned property:	65 dBA	60 dBA
Measured at the property line of Residentially zoned property:	60 dBA	50 dBA

27. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the live entertainment to insure compliance with these conditions, if required by the Planning Director.
28. The approval is for the establishment of outdoor dining for an existing full service restaurant facilities as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale and service of alcoholic beverages incidental to the food use during the specified restaurant hours of operation.
29. The area of the outdoor dining shall be delineated with a minimum 6 foot high physical barriers designed, installed and maintained around the patio area to insure compliance with the Community Noise Control Ordinance (Chapter 10.26 of the Newport Beach Municipal Code).
30. Dancing shall be prohibited as a part of the regular operation, unless an amendment to this use permit, any previous use permits, and outdoor dining permits, and other required application is first approved in accordance with the provisions of the Municipal Code.
31. The project shall comply with State Disabled Access requirements.
32. All improvements shall be constructed as required by Newport Beach City Ordinance and the Public Works Department.
33. The Off-Site parking agreement shall be reviewed and approved by the Traffic Engineer prior to the issuance of the occupancy permit or implementation of the outdoor dining.

34. The Planning Commission may add to or modify conditions of approval to this Use Permit or Outdoor Dining Permits or recommend to the City Council the revocation of this Use Permit or Outdoor Dining Permits, upon a determination that the operation which is the subject of this Use Permit or Outdoor Dining Permits, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
35. This Use Permit and Outdoor Dining Permits shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code.

**Outdoor Dining Permit No. 68**  
2801 West Coast Highway, and  
Off-Site Parking Agreement

Findings

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designates the site for "Recreation and Marine Commercial" uses and the existing restaurant is a permitted use within this designation.
2. 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. The approval of Accessory Outdoor Dining Permit No. 68 will not, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City, and would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, for the following reasons:
  - The proposed outdoor dining is consistent with the Land Use Element of the General Plan, and is compatible with the surrounding land uses.
  - The existing on-site and off-site parking, and circulation system, is adequate to accommodate the proposed exterior dining areas.
  - That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.
  - There is an additional secondary off-site lot under the same ownership located at 2620 Avon Street that is available for parking both day and night.
  - The addition of the outdoor dining to the subject property is subject to all the findings and conditions of approval of the respective Use Permit No. 2051 and Use Permit No. 2051

- Amended, and not an independent use.
- The limited hours of the outdoor dining areas should prevent noise from adversely impacting the residential uses across the bay.
- The proposed accessory outdoor dining expansion will not be located so as to result in a reduction of existing parking spaces because there is adequate replacement parking available in the off-site lot located at 2620 Avon Street.
- The restrictions on the use of solid roof structures as applied to this approval are consistent with the intent and purpose of the accessory outdoor dining to provide outdoor dining opportunities.
- The control of noise can be achieved by the limitation on the hours of operation and compliance with the provisions of the Municipal Code, Community Noise Ordinance.
- The proposal will not add a new liquor license to an over-concentrated area, providing only for the operational change of an existing restaurant with an existing alcoholic beverage license.
- The off-site parking lot located at 2700 West Coast Highway is currently being used to meet the parking requirement of the restaurant facility and the proposed off-site lot at 2620 Avon Street, are located so as to be useful in conjunction with the existing restaurant uses.
- Parking on the off-site lot located at 2620 Avon Street will not create undue traffic hazards in the surrounding area.
- The off-site parking lot on Avon Street is owned by the same owner as the restaurant sites and will be maintained as an off-site parking lot for the duration of the restaurant use.
- A condition of approval is included, requiring the provision of 24 parking spaces in the lot located at 2620 Avon Street and an off-site parking agreement will be recorded in the County Recorder's Office.
- A fee for the administrative costs of processing the off-site parking agreement with County Recorder's Office will be paid.
- The design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
- Public improvements may be required of a developer per Section 20.91.040 of the Municipal Code.

Conditions:

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The accessory outdoor dining for the restaurant located at 2801 West Coast Highway shall be used in conjunction with the related adjacent food

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- establishment and shall be limited to 768 sq. ft. maximum of dining area.
3. The area outside of the food establishment shall be maintained in a clean and orderly manner.
  4. No live entertainment is permitted in the outdoor dining area.
  5. The outdoor dining area associated with the restaurant uses shall be limited to the area as delineated on the approved site plan only.
  6. A minimum of fifty (50) parking spaces shall be maintained in the off-site lot located at 2700 West Coast Highway.
  7. A minimum of twenty-four (24) parking spaces shall be maintained in the off-site lot located at 2620 Avon Street.
  8. In the event that the either property located at 2751 West Coast Highway or 2801 West Coast Highway becomes under separate ownership, an easement or lot line adjustment to permit the outdoor dining for 2801 West Coast Highway to be located partially on 2751 West Coast Highway be approved, or that portion of the outdoor dining area that crosses the property line shall be removed.
  9. The owner or owners and the City shall execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on such lots for the duration of the proposed use or uses on the building site or sites. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the County Recorder.
  10. A fee shall be paid for the administrative costs of processing the off-site parking agreement.
  11. The revised on-site parking plan and the parking plan for the off-site lots located at 2700 West Coast Highway and 2620 Avon Street, and the vehicular circulation and pedestrian circulation systems shall be subject to further review by the City Traffic Engineer to approve the new parking configuration and compliance with the previously approved use permit if any alterations are made to the off-site lot.
  12. All trash shall be stored within the building or within dumpsters stored in the trash enclosure, or otherwise screened from the view of neighboring properties except when placed for pick-up by refuse collection agencies. That the trash dumpsters shall be fully enclosed and the top shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.

13. The applicant shall maintain the trash dumpsters or receptacles so as to control odors, which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department.
14. Storage outside of the building shall be prohibited, with the exception of the required trash container enclosure and existing storage structures.
15. For sunshade purposes, coverings shall be limited to the use of umbrellas or retractable awnings with a minimum vertical clearance of 7 feet measured from the floor of the dining area to the lowest portion of the shade structure. The use of solid, permanent roof coverings or patio covers shall be prohibited.
16. Alcoholic beverage service shall be prohibited in the outdoor dining areas, unless the approval of the Police Department and the Alcoholic Beverage Control Board are first obtained. Any substantial physical changes required (as determined by the Planning Department) to accommodate alcoholic beverage service shall be subject to the approval of an amendment to this Outdoor Dining Permit.
17. All applicable conditions of approval of Use Permit No. 2051 and Use Permit No. 2051 Amended shall remain in force (copy attached).
18. The hours of operation of the outdoor dining area for the restaurant is limited to between the hours of 5:00 p.m. to 10:00 p.m., Monday through Thursday, including private parties and recognized holidays; and 5:00 p.m. to midnight, Friday and Saturday; including private parties and recognized holidays; and 10:00 a.m. to 10:00 p.m. on Sundays, and that any increase in the hours of operation shall be subject to the approval of an amendment to Use Permit No. 2051 and Use Permit No. 2051 Amended.
19. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating in the areas which contribute to the noise problems or complaints.
20. The patio shall be closed for the evening upon verification of non-compliance with any conditions of this Outdoor Dining Permit No. 68, and, if the patio is not closed, the matter shall be referred to the Planning Department for action on the Use Permit and/or Outdoor Dining Permits.
21. The project shall be designed to eliminate light and glare onto adjacent properties or uses, including minimizing the number of light sources. The plans shall be prepared and signed by a licensed Electrical Engineer acceptable to the City. Prior to the issuance of any building permit the applicant shall provide to the Planning Department, in conjunction with the

lighting system plan, lighting fixture product types and technical specifications, including photometric information, to determine the extent of light spillage or glare which can be anticipated. This information shall be made a part of the building set of plans for issuance of the building permit. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.

22. Should problems arise with regard to tables, chairs or stools encroaching into the public right-of-way, private property pedestrian access or walkways, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating.
23. Should this business 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 owner or the leasing company.
36. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code that provides, in part, that the sound shall be limited to no more than depicted below for the specified time periods. In determining the project's compliance with the Community Noise Control Ordinance (Chapter 10.26 of the City of Newport Beach Municipal Code), each of the noise level standards specified in Section 10.26.025 and Section 10.26.030 shall be reduced by 5 dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulsive noise such as hammering or riveting.

	Between the hours of <u>7:00 a.m. and 10:00 p.m.</u>	Between the hours of <u>10:00 p.m. and 7:00 a.m.</u>
Measured at the property line of commercially zoned property:	65 dBA	60 dBA
Measured at the property line of residentially zoned property:	60 dBA	50 dBA

27. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the live entertainment to insure compliance with these conditions, if required by the Planning Director.
28. The approval is for the establishment of outdoor dining for an existing full service restaurant facilities as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale

**City of Newport Beach  
Planning Commission Minutes  
November 9, 2000**

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- and service of alcoholic beverages incidental to the food use during the specified restaurant hours of operation.
29. The area of the outdoor dining shall be delineated with a minimum 6 foot high physical barriers designed, installed and maintained around the patio area to insure compliance with the Community Noise Control Ordinance (Chapter 10.26 of the Newport Beach Municipal Code).
  30. Dancing shall be prohibited as a part of the regular operation, unless an amendment to this use permit, any previous use permits, and outdoor dining permits, and other required application is first approved in accordance with the provisions of the Municipal Code.
  31. The project shall comply with State Disabled Access requirements.
  32. All improvements shall be constructed as required by Newport Beach Ordinance and the Public Works Department.
  33. The Off-Site parking agreement shall be reviewed and approved by the Traffic Engineer prior to issuance of the occupancy permit or implementation of the outdoor dining.
  33. The project requires the approval of the Coastal Commission prior to the issuance of building permits or implementation of the outdoor dining use.
  34. The Planning Commission may add to or modify conditions of approval to this Outdoor Dining Permit or recommend to the City Council the revocation of this Outdoor Dining Permit No. 68, upon a determination that the operation which is the subject of this Outdoor Dining Permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
  35. This Outdoor Dining Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code.

**SUBJECT:**                    **Revocation Hearing for Use Permit 3626 (Buzz)  
3450 Via Oporto  
Use Permit No. 3626  
(continued from October 5, 2000)**

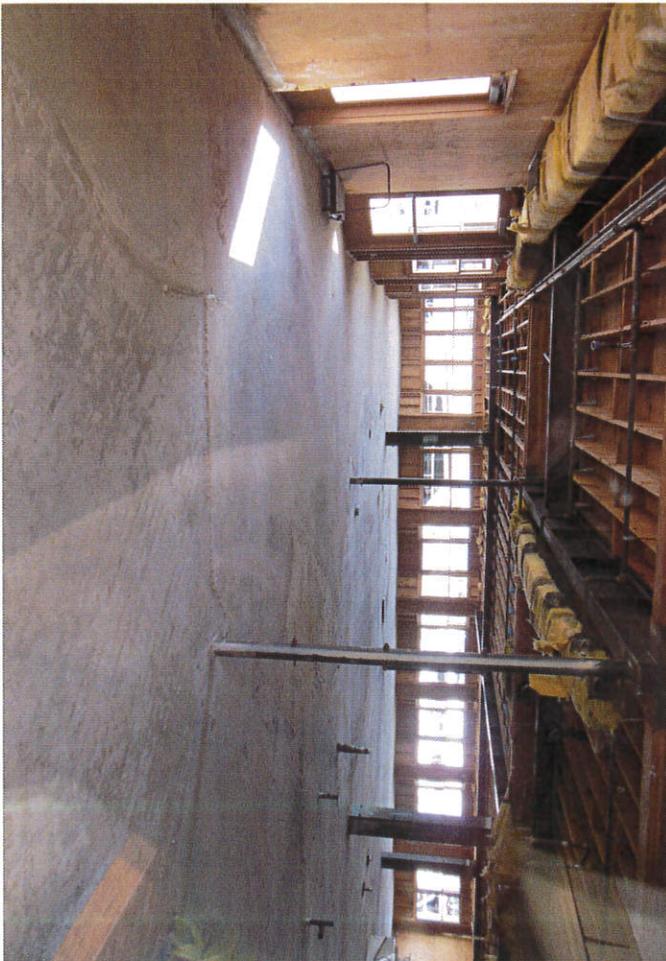
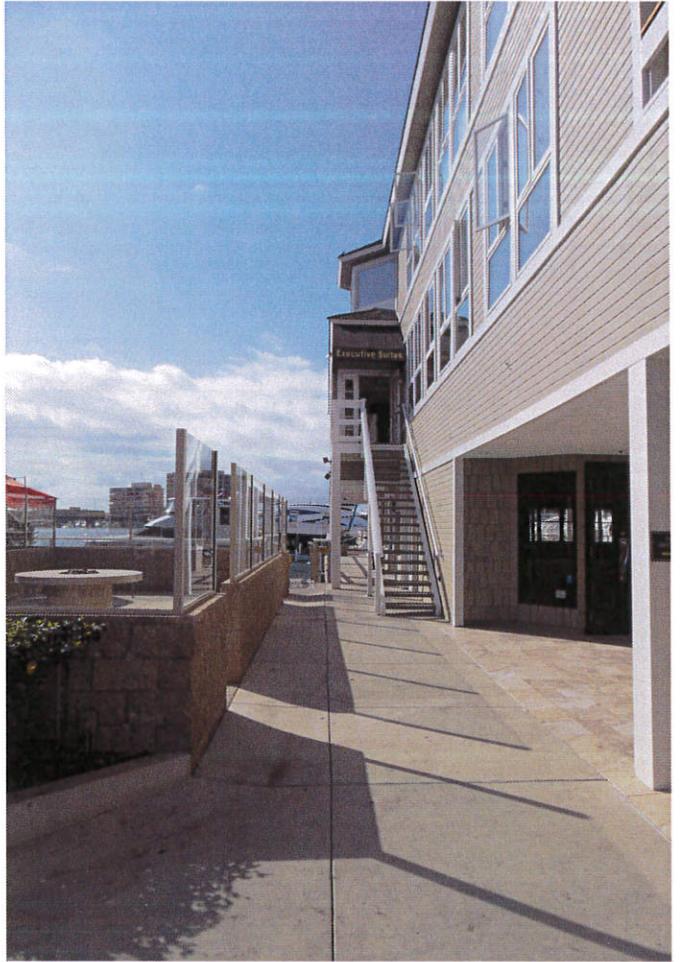
**Item No. 3  
Use Permit No. 3678**

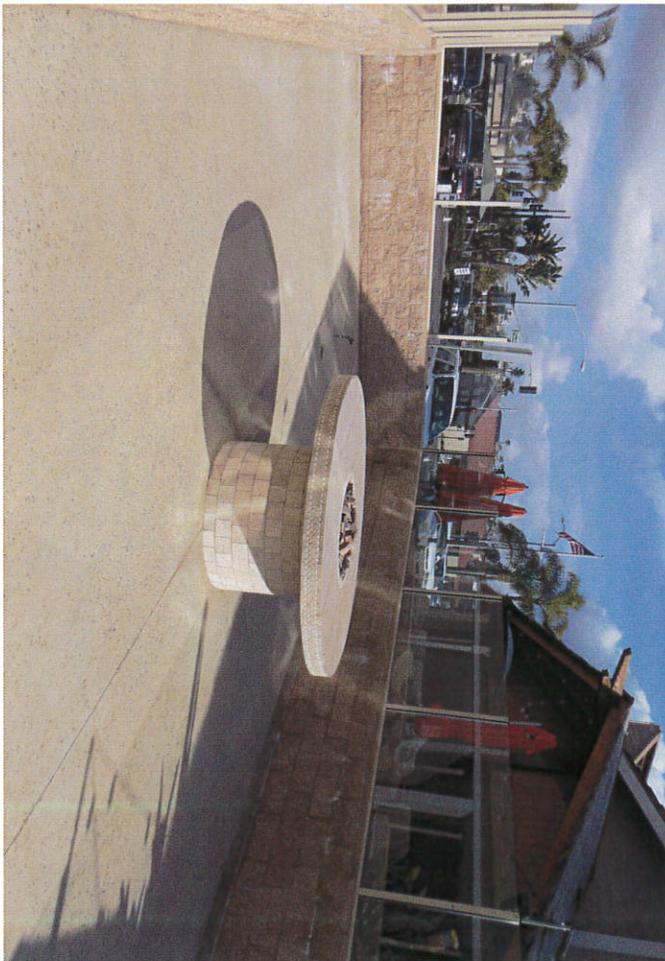
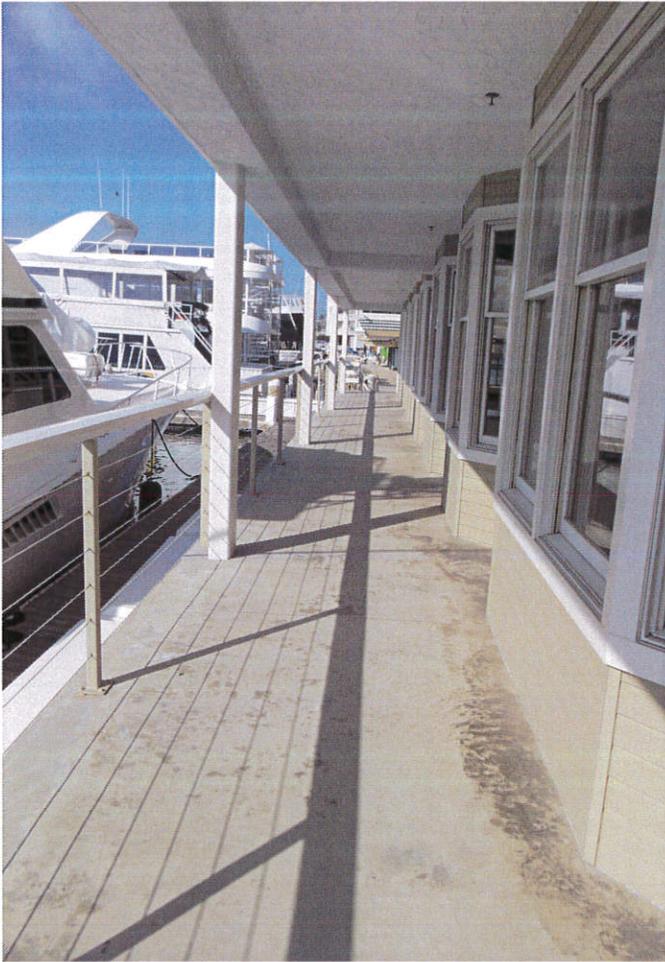
**Approved**

Consider whether to revoke Use Permit 3626 (Buzz) on grounds that the approval was based on erroneous or misleading information or misrepresentation and that there are violations of the terms or conditions of the

# **Attachment No. CD 4**

Site Photos

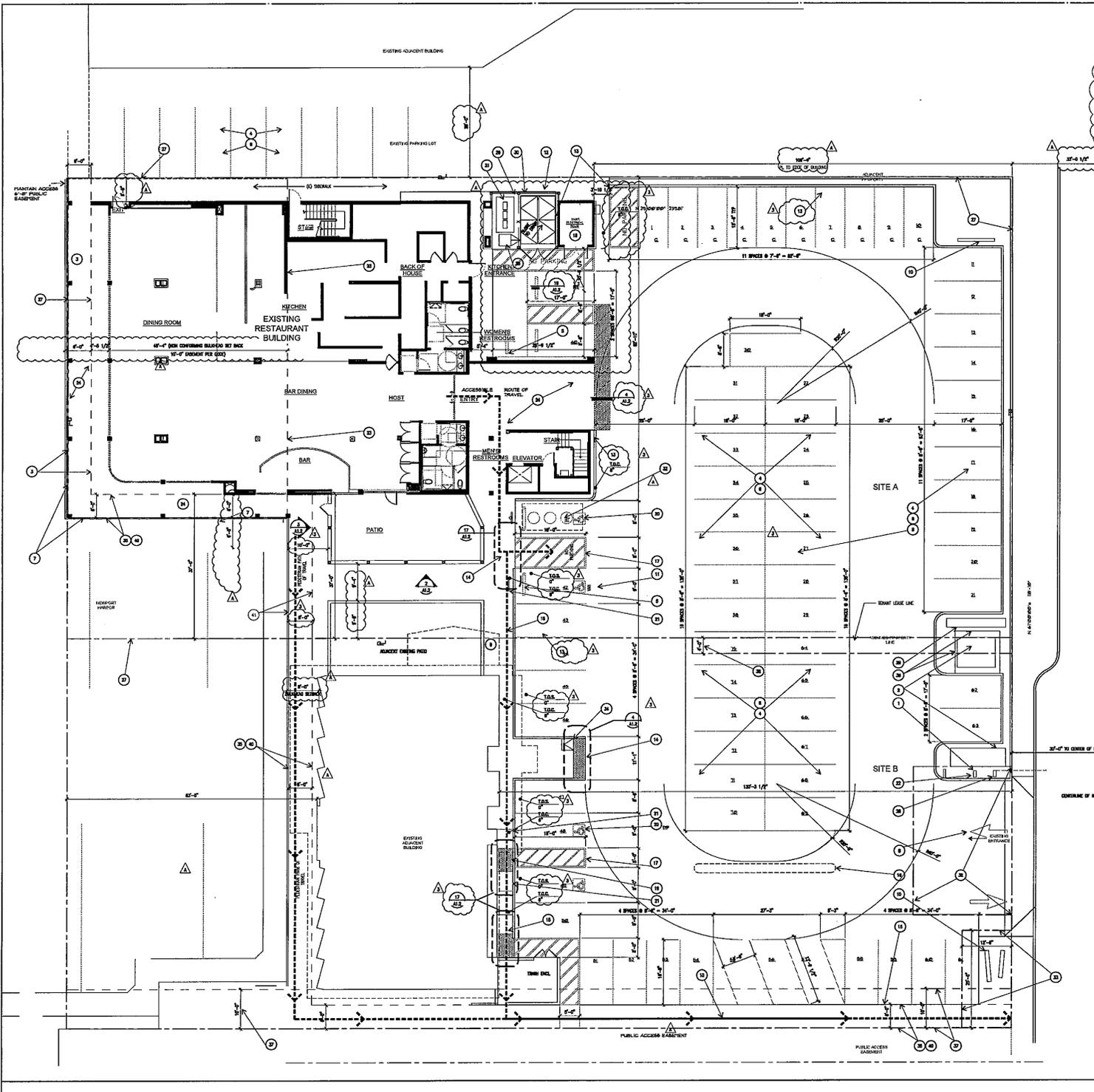




# **Attachment No. CD 5**

Project Plans





### PARKING CALCULATIONS

Parking Function/Category	Existing	Proposed	Net Change
Office	10	10	0
Garage	0	0	0
Lot	0	0	0
Other	0	0	0
<b>Total</b>	<b>10</b>	<b>10</b>	<b>0</b>

Proposed Parking Categories	Day	Night
Office	10	0
Garage	0	0
Lot	0	0
Other	0	0
<b>Total</b>	<b>10</b>	<b>0</b>

Parking Function/Category	Proposed	Required	Net Change
Office	10	10	0
Garage	0	0	0
Lot	0	0	0
Other	0	0	0
<b>Total</b>	<b>10</b>	<b>10</b>	<b>0</b>

Reference: 2001 VC Code Highway - 2001 VC Code Public Use  
 See other code books for more information.

ON SITE PARKING (IF SHALL BE REQUIRED) WITH SPECIAL SIGNALS AND PAINTED PARKING SIGNAL LINES AND MARKINGS FOR THE CITY AND STATE TRANSPORTATION.

ON-SITE PARKING PROVIDED PER CITY OF NEWPORT BEACH CITY ORDINANCE 2001-14-0101-14-112, A ORDINANCE LOCATED AT: [www.ci.newport-beach.or.us/ordinances/ordinance.asp?ord=14-0101-14-112](http://www.ci.newport-beach.or.us/ordinances/ordinance.asp?ord=14-0101-14-112). THE ABOVE IS CONSIDERED WITH THE LATEST CITY ORDINANCE. THE ABOVE IS CONSIDERED WITH THE LATEST CITY ORDINANCE. THE ABOVE IS CONSIDERED WITH THE LATEST CITY ORDINANCE. THE ABOVE IS CONSIDERED WITH THE LATEST CITY ORDINANCE.

- #### KEY NOTES
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Project:  
 The Ritz Restaurant  
 2801 West Coast Hwy  
 Newport Beach, CA  
 92663

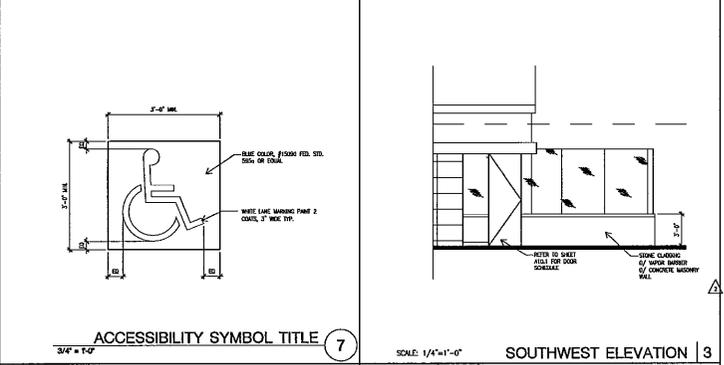
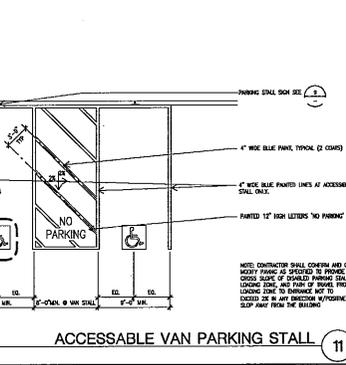
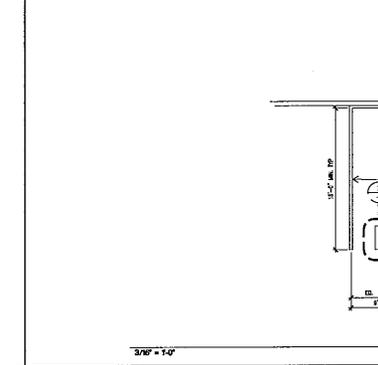
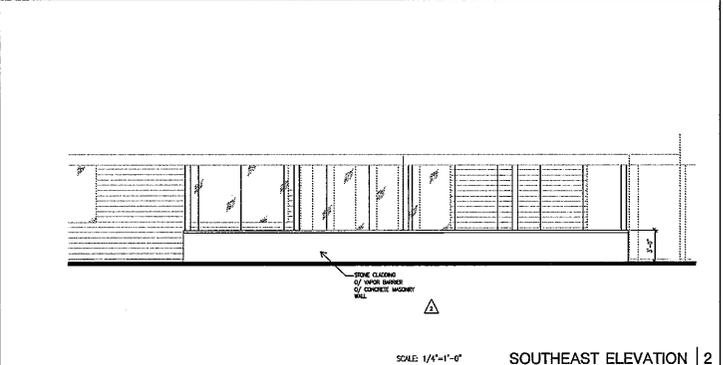
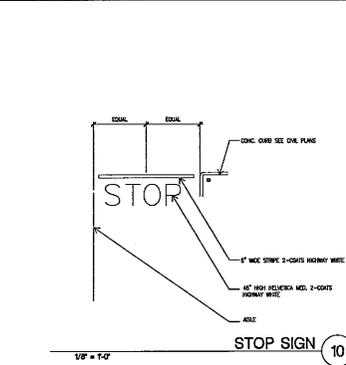
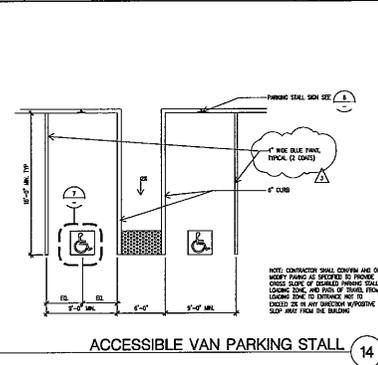
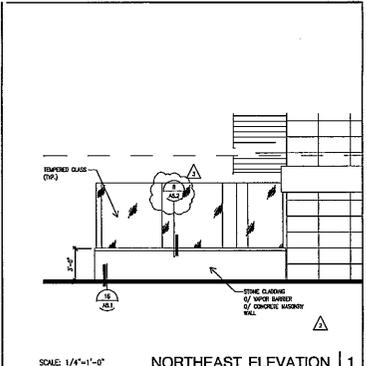
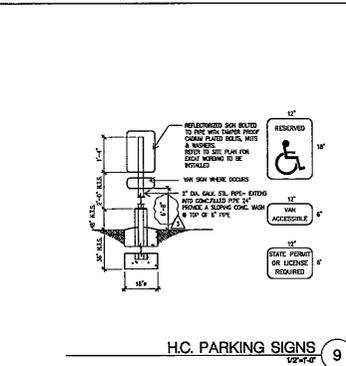
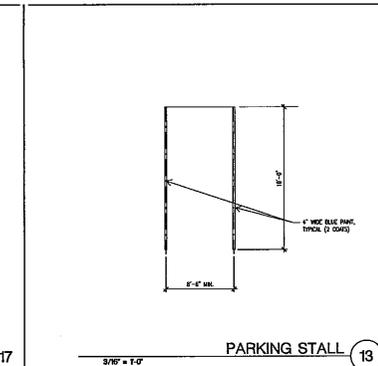


REV.	DATE	DESCRIPTION
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50	12/20/11	FINAL DESIGN

PROJECT NO. 1403  
 DATE: 12/20/11  
 DRAWING TITLE: SITE PLAN

SCALE: 1/8"=1'-0"  
**SITE PLAN 4**  
 A11





**WAUSAU TILE, INC.**  
**WARNING PAYER WARRANTY STATEMENT**

Date: 11-06-2014  
Project Name: THE WEST RESOURCER  
Project Address: 2801 WEST COAST HWY  
City/State/Zip: NEWPORT BEACH, CA 92663

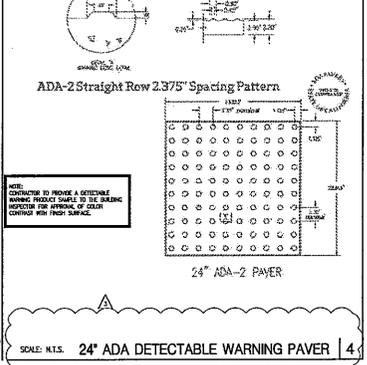
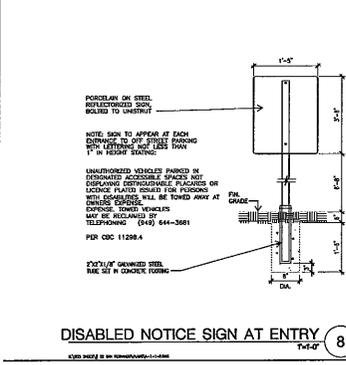
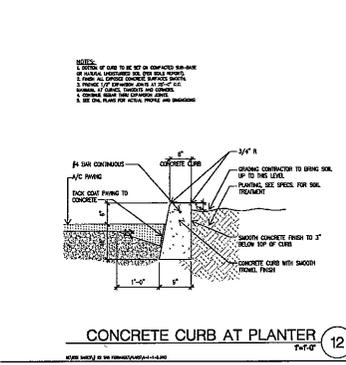
Wausau Tile, Inc., warrants its concrete Truncated Dome Warning Pavers for a period of 5 years commencing from date shipping is complete. Wausau Tile, Inc. warrants to the Property Owner (Owner) above, that, subject to the terms, conditions and limitations set forth herein against manufacturer's defects (INCLUDING ALL TERMS ON THE REVERSE HEREON).

Wausau Tile, Inc. will reimburse Wausau Pavers when, but not the following caused by poor workmanship by manufacturer: Wausau ADA Truncated Dome Warning Pavers to be compliant with the State of California Department of State Architect's Policies DS 118.2 and 118.4, as well as comply with architectural standards as published in the 2007 (or current) edition of the California Building Standard's Code, and includes durability criteria of shape, color fastness, colorfastness, sound-attenuation acoustic quality, resistance and attachment.

Wausau Tile, Inc.'s obligations over the period of this Warranty are limited to the Owner's original use of the Wausau Tile Pavers. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. As warranty claim will be accepted unless all bills are paid in full to Wausau Tile, Inc.

WAUSAU TILE, INC.

Paul Hume  
Sales and Service  
Wausau Tile, Inc.



Project:  
The Ritz Restaurant  
2801 West Coast Hwy  
Newport Beach, CA  
92663

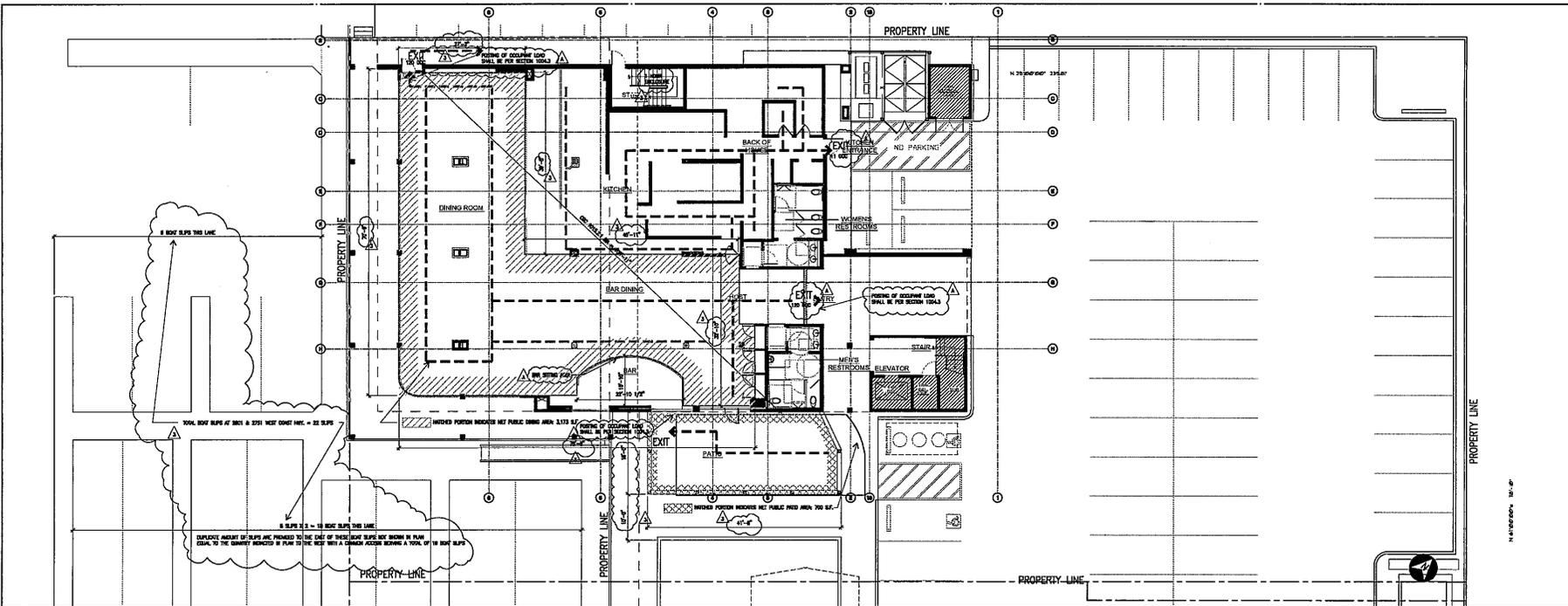


NO.	DATE	ISSUE
1	12/01/14	FINAL SUBMITTAL
2	01/27/15	FINAL CHECK RESPONSE #1
3	04-03-2015	ASB003-1
4	02/26/15	PLAN CHECK RESPONSE #2

Approved and sealed copies submitted under professional license, and not to be used for any other project without the written consent of the architect.

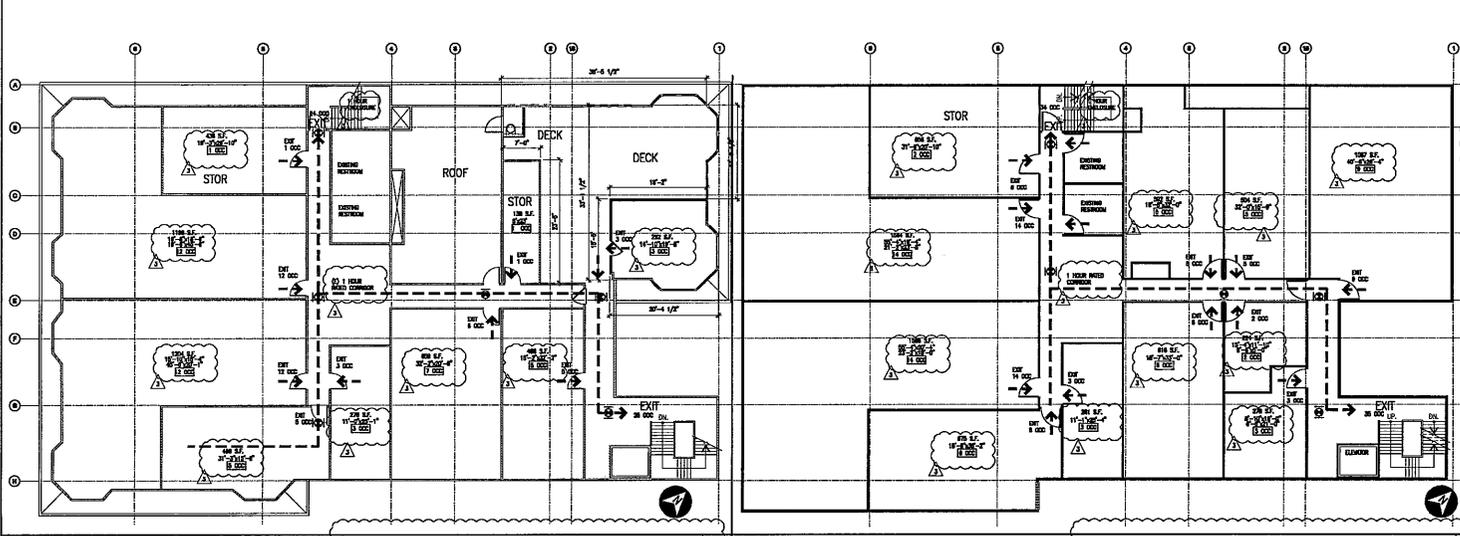
PROJECT NO. 14015  
DATE: November 06, 2014  
DRAWING TITLE

**SITE DETAILS AND PATIO ELEVATION**  
DRAWING NO. **A12**



SCALE: 1/8"=1'-0"

SITE - 1ST FLOOR OCCUPANCY PLAN | 2



SCALE: 1/8"=1'-0"

SCALE: 1/8"=1'-0"

OCCUPANT LOAD - 1ST FLOOR

LEVEL 1	EXISTING	AREA / SEATS	OCC FACTOR	TOTAL
DINING	2,073 SF	15 OCC.	172 OCC.	
DINING SEATING	31 FT	1.5	21 OCC.	
ENTRY	187 SF	15 OCC.	11 OCC.	
(MAX SIZE OF PUBLIC AREA W/IE 400 SF)				
DINING SEATING AREA	82 SF	8 SF.	18 OCC.	
KITCHEN	3,213 SF	300 OCC.	11 OCC.	
STORAGE	662 SF	300 OCC.	2 OCC.	
TOTAL BUILDING OCCUPANT			233 OCC.	
OUTDOOR DINING	700 OCC.	15 SF	47 OCC.	

EXIT WIDTH REQUIRED

LEVEL 1	TOTAL	MIN. WIDTH	MIN. WIDTH	MIN. WIDTH
	232	50'-0"	37'-0"	288'-0"

TOTAL LOAD PER SHALL BE POSTED IN PLACED IN EACH MAIN EXIT PER CODE 1004.3

DINING SEATING CALCULATION

DINING SEATING CALCULATION	(PER CODE 1022B.1)
113 SEATS X 20" = 8 SEATS	
48 SEATS X 30" = 3 SEATS	
77 SEATS X 30" = 4 SEATS	
13 SEATS PROVIDED	

FIRE RATINGS REQUIRED

PRIMARY STRUCTURAL FRAME	1 HOUR
SEPARATING WALLS (INT. & EXT.)	1 HOUR
NONSEPARATING WALLS AND PARTITIONS (INT.)	1 HOUR
NONSEPARATING WALLS AND PARTITIONS (EXT.)	1 HOUR
FLOOR CONSTRUCTION AND ASSOCIATED SECONDARY MEMBERS	1 HOUR
ROOF CONSTRUCTION AND ASSOCIATED SECONDARY MEMBERS	1 HOUR
SHAFT ENCLOSURE	1 HOUR
ELEVATOR ENCLOSURE	1 HOUR
EXIT SIGN POWER	PROVIDE ALL POWER SOURCE PER CODE 9011 & 9011.2.3.
EXIT SIGN POWER	110 VAC, 15 AMP, 3 SECS. 1 HOUR
KITCHEN TYPE I HOOD:	1 HOUR. SEE PARTITION TYPE FOR LISTING AND RATED. PROVIDE ALL POWER SOURCE PER CODE 9011 & 9011.2.3. ALL COMPARTMENT HOODS SHALL BE NON-COMBUSTIBLE, FIRE-RATED DOWNWARD FULL LENGTH IN CASE OF HOOD SHUT FOR DETAIL. W/MA. GREASE DUCT COMPLYING WITH E-4045 DIRECTLY AND DUCT COMPLYING WITH KEO A01 & 9002.3002.

Project:  
 The Ritz Restaurant  
 2801 West Coast Hwy  
 Newport Beach, CA  
 92663



NO.	DATE	ISSUE
1	02/05/14	POWER SHEETS
2	10/29/14	PAVING DECK REPORT #1
3	10/29/14	PAVING DECK REPORT #2

PROJECT NO. 1813  
 DATE: November 04, 2014  
 DRAWING TITLE

CODE COMPLIANCE

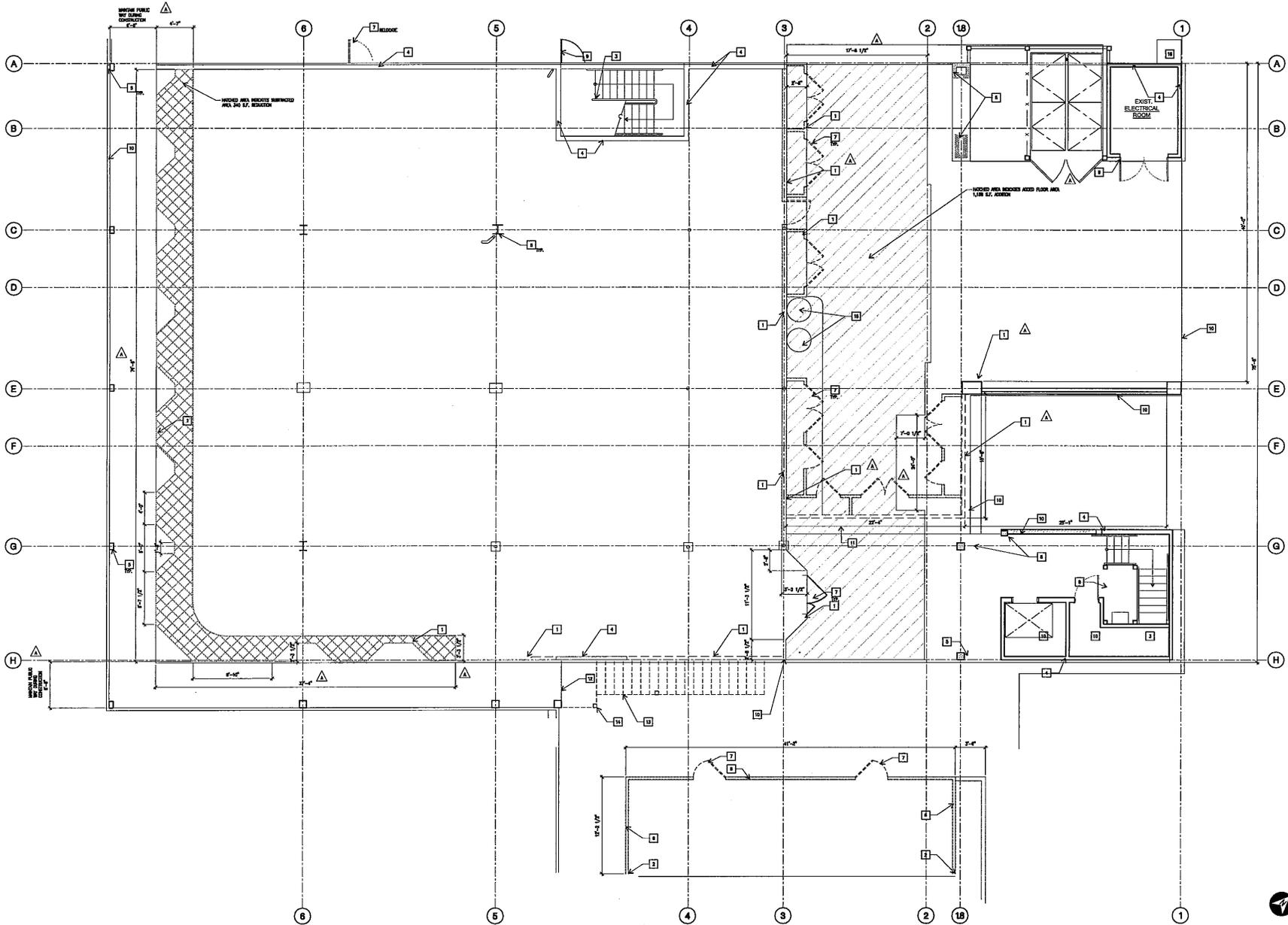
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**KEYNOTES**

- 1 REMOVE EXISTING WALL, BRIDGE SYSTEM AND FINISH CONCRETE CURB.
- 2 REMOVE EXISTING LOW WALL, WITHOUT DAMAGING ADJACENT EXISTING WALL.
- 3 EXISTING STAIRS AND WALKWAYS TO REMAIN.
- 4 EXISTING WALL TO REMAIN.
- 5 EXISTING COLUMN TO REMAIN.
- 6 REMOVE EXISTING LOW WALL AND GLASS WALL PANEL ENCLOSURE.
- 7 REMOVE EXISTING DOOR.
- 8 EXISTING DOOR TO REMAIN.
- 9 EXISTING ELEVATOR.
- 10 REMOVE STAIRS AND PLANTER WITHOUT DAMAGING EXISTING WALL.
- 11 SOFFIT LINE.
- 12 REMOVE EXISTING STAIRS AND FINISH.
- 13 REMOVE EXISTING FLOOR AND FINISH CONCRETE WALK WAY.
- 14 REMOVE EXISTING WOOD DECKING AND CONCEALED PIPES.
- 15 EXISTING A/C UNIT.
- 16 REMOVE/FILL-IN EXISTING PLANTER.

**DEMO NOTES**

1. QUALITY PLAN SHOWS APPROXIMATE LAYOUT OF EXISTING SITE / BUILDING AND IS NOT INTENDED TO REPRESENT "AS-BUILT" CONDITIONS. GENERAL CONTRACTOR IS REQUIRED TO VERIFY SET AND OPERATIVE RECORD PLANS AND AS-BUILT CONDITIONS MAY VARY FROM THE PLAN.
2. PRIOR TO THE COMMENCEMENT SHALL MEET THE SITE AND OBTAIN NECESSARY INFORMATION NECESSARY TO GUIDE CONSTRUCTION THROUGHOUT THE PROJECT AND TO VERIFY THE CORRECT DOCUMENTS AND NO INSTRUCTIONS ISSUED BY THE OWNER.
3. THE CONTRACTOR SHALL APPLY AND SECURE ALL NECESSARY PERMITS FOR EXISTENTIAL, SAFETY, MECHANICAL AND ELECTRICAL WORKING. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY PERMITS REQUIRED BEFORE THE START OF WORK.
4. THE CONTRACTOR SHALL REMOVE PERMITS FOR ALL EXISTING AS-BUILT RECORDS PROVIDED AS REQUESTED BY THE SITE INCLUDING EXISTING AND CONSTRUCTION RECORDS. SUBMITTAL PLAN FORM, CONFORMANCE AND RESPONSIBLE CONTRACTOR MUST BE OBTAINED.
5. CURB, UTILITY, WALLS, PARTITION, DOORS, FRAMES AND OTHER ITEMS TO BE REMOVED ARE SHOWN DASHED. EXISTING UTILITY AND STRUCTURE SHALL BE IN PLACE. EXISTING CURB OF WALKWAY TO REMAIN SHALL BE SHOWN OR CLEARLY MARKED TO ACCEPT NEW CONSTRUCTION. STAIRS AND WOOD DECKING SHALL BE DEMO TO REMAIN. PROTECTIVE WALL, CURB, FINISH, ETC. ARE TO BE DEMO TO BE REMOVED AND NEW CONSTRUCTION WILL NOW BE EXPLORED IN THE NEW CONSTRUCTION.
6. EXISTING CONSTRUCTION SHALL TO REMAIN INCLUDING BUT NOT LIMITED TO CURB, FLOOR, UTILITY, LANDSCAPE OR PROTECTIVE CURB. CONSTRUCTION SHALL BE DEMO TO REMAIN INCLUDING BUT NOT LIMITED TO EXISTING CONSTRUCTION SHALL TO REMAIN SHALL BE DEMO TO REMAIN. PROTECTIVE CURB UNDER EXISTING CURB UNDER THE SCOPE OF WORK.
7. PROTECT FROM DAMAGE ALL EXISTING FROM WORK TO REMAIN IN PLACE AND WHICH RECORDS EXPOSED DURING DEMOLITION OPERATIONS.
8. REMOVE COMPLETE MECHANICAL ITEMS ABOVE AND BELOW THE SUBJECT INCLUDING FLEXIBLE DUCTS, PIPES, UTILITY, COP AND OR TERMINAL UNITS AND CHANGE SYSTEMS PER LOCAL CODE. CONTRACTOR SHALL MAINTAIN A RECORD COPY OF SET TO BEING DEMOLISHED.
9. REMOVE COMPLETE PLUMBING, MECHANICAL, AND ELECTRICAL EQUIPMENT IN THEIR ENTIRETY THROUGHOUT SUBJECT.
10. ALL REMOVALS SHALL BE COMPLETE TO UNDISTURBED LEVELS. DETAIL ALL EXPANSIONS OR PROTECT IF PLACE THESE PROTECTIVE. REMOVE NECESSARY FINEST DIMENSIONS AND EXISTING CURB, RESISTANCE FROM THE SCOPE OF WORK.



Project:  
The Ritz Restaurant  
2801 West Coast Hwy  
Newport Beach, CA  
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NO.	DATE	ISSUE
1	10/20/14	PROJECT START
2	10/22/14	FOR CR22 RESPONSE #1
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PROJECT NO. 14015  
DATE: November 25, 2014  
DRAWING TITLE  
**DEMO FIRST FLOOR PLAN**  
DRAWING NO.

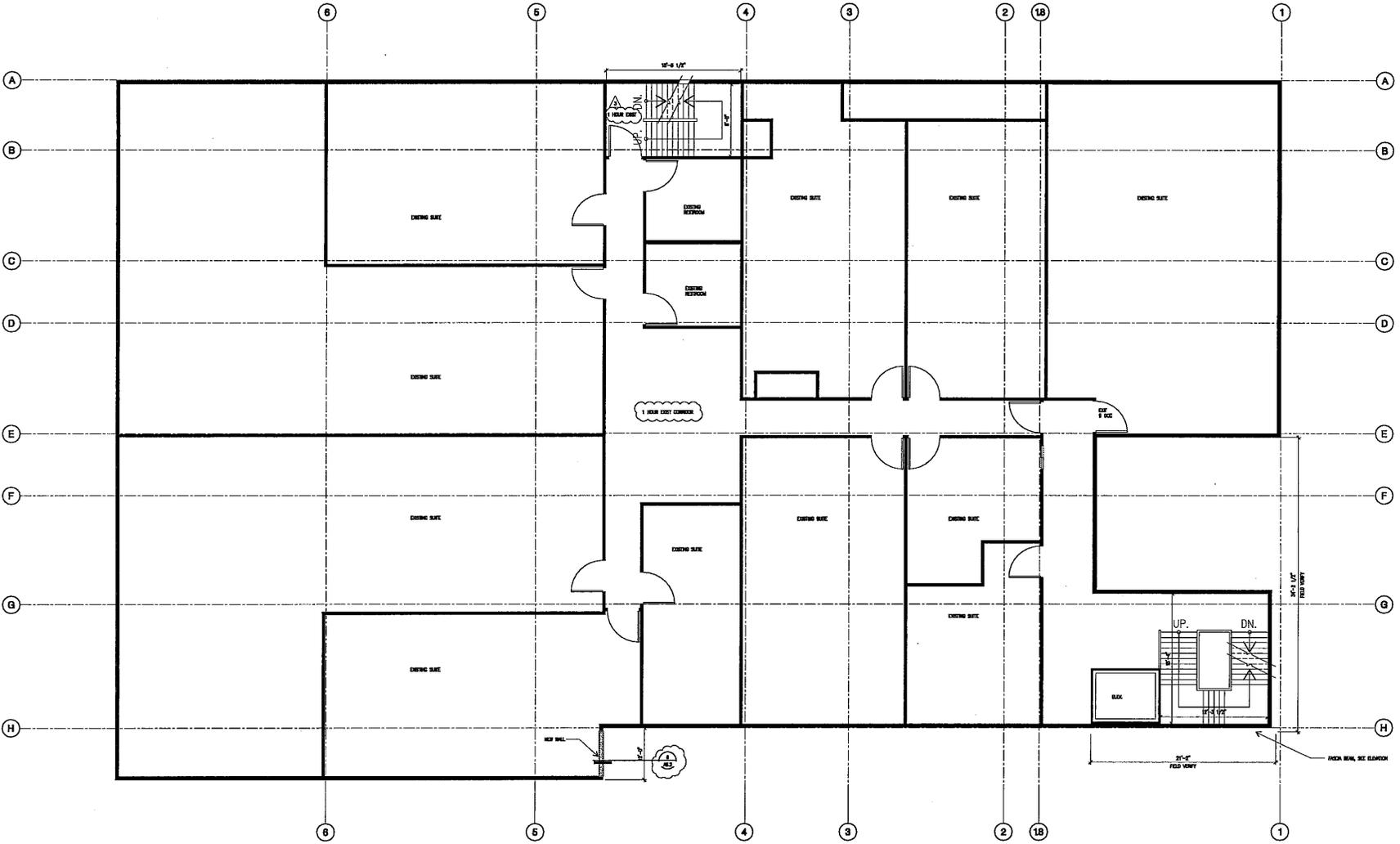
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**LEGEND**

	ROOM NAME	REFER TO ID DIVISIONS FOR ROOM FINISHES		NEW STEEL WALL, SEE SHEET A-1 FOR IBC WALL TYPES
	FIRE ALARM			EXISTING STEEL WALL
	DOOR REFERENCE	REFER TO SHEET A-1 FOR DOOR TYPES & FINISHES		REFER TO SHEET A-1 FOR WINDOW TYPES & FINISHES
	WINDOW REFERENCE	REFER TO SHEET A-1 FOR WINDOW TYPES & FINISHES		REFER TO SHEET A-1 FOR WALL TYPES
	FIRE RATING			EXIT SIGN FIXTURE
	EXIT SIGN FIXTURE	SEE SCHEDULE BACK UP		CHANGING ARE TO FINISHES
	CHANGING ARE TO FINISHES			FLOOR SCHEDULE, THROUGH, REFER TO FINISH FLOOR SCHEDULE



SCALE: 1/8"=1'-0"

SECOND FLOOR PLAN | 4



Project:  
The Ritz Restaurant  
2801 West Coast Hwy  
Newport Beach, CA  
92663



NO.	DATE	ISSUE
1	5/20/14	PERM SUBMITTAL
2	10/20/14	FINAL DESIGN RESPONSE #1
3	10/20/14	FINAL DESIGN RESPONSE #2
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PROJECT NO. 1410  
DATE: November 06, 2014  
DRAWING NO.  
**SECOND FLOOR PLAN**  
DRAWING NO.

A2.2

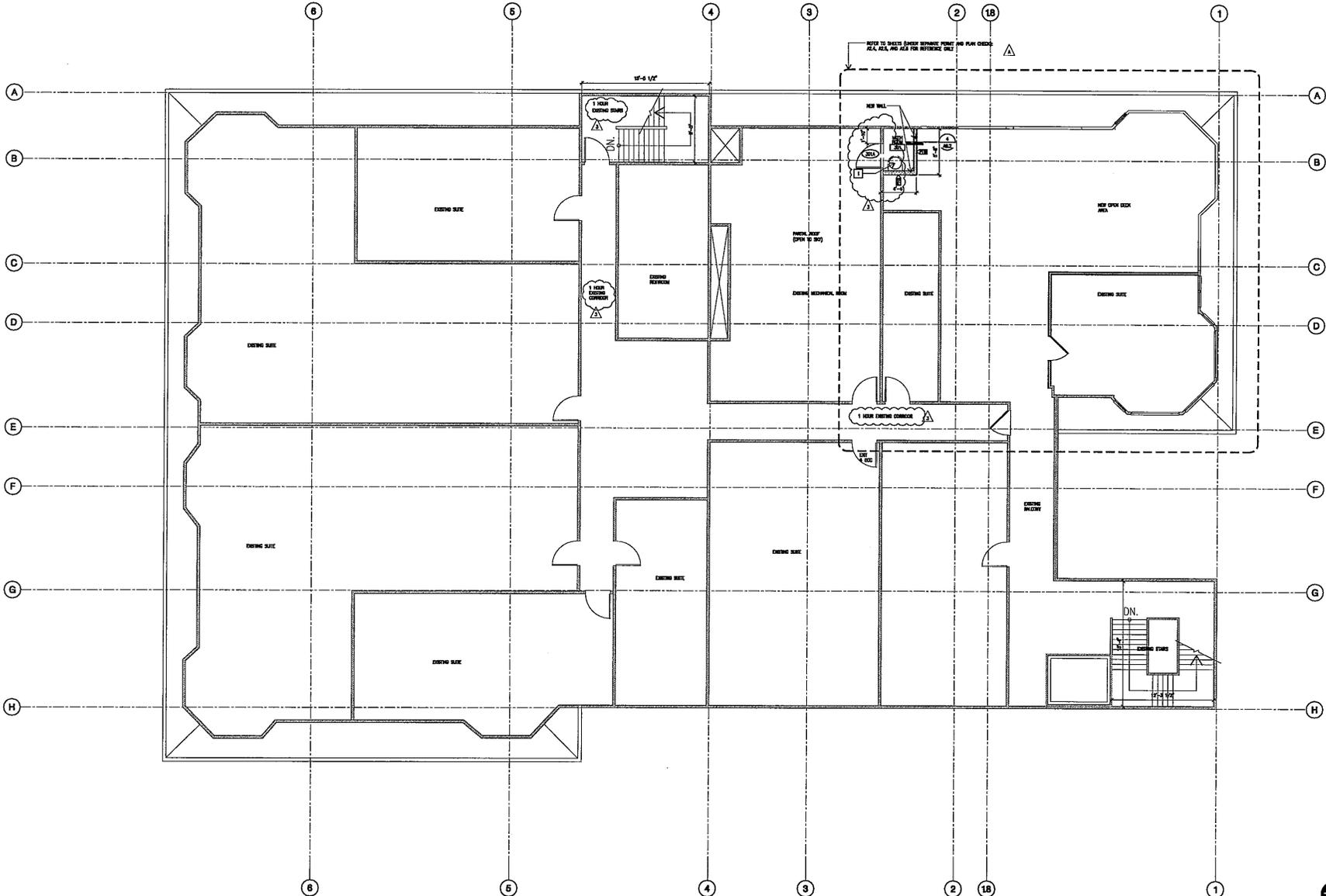
Project: Newport Beach, CA, 2014. © SMS Architects & Partners

**LEGEND**

- ROOM REFERENCE: REFER TO D DIMENSIONS FOR ROOM FINISHES
- DOOR REFERENCE: REFER TO SHEET A111 FOR DOOR TYPES & FINISHES
- WINDOW REFERENCE: REFER TO SHEET A111 FOR WINDOW TYPES & FINISHES
- FINISH ROOM: REFER TO SHEET A111 FOR WALL TYPES
- EXIT SIGN FUTURE: REFER TO SHEET A111 FOR WALL TYPES
- DIMENSIONS ARE TO FINISHES
- FINISH ROOM: REFER TO FINISH FLOOR SCHEDULE
- NEW GIRD WALL, SEE SHEET A111 FOR WALL TYPES
- EXISTING GIRD WALL
- NEW OPEN DECK AREA
- EXISTING CORNER
- REFER TO SHEET A111 AND A112 FOR FINISH REQUIREMENTS

**KEY NOTES:**

- NEW WATER HOLES, REFER TO PLUMBING DRAWING.
- SEE SCALE 1/8"=1'-0"



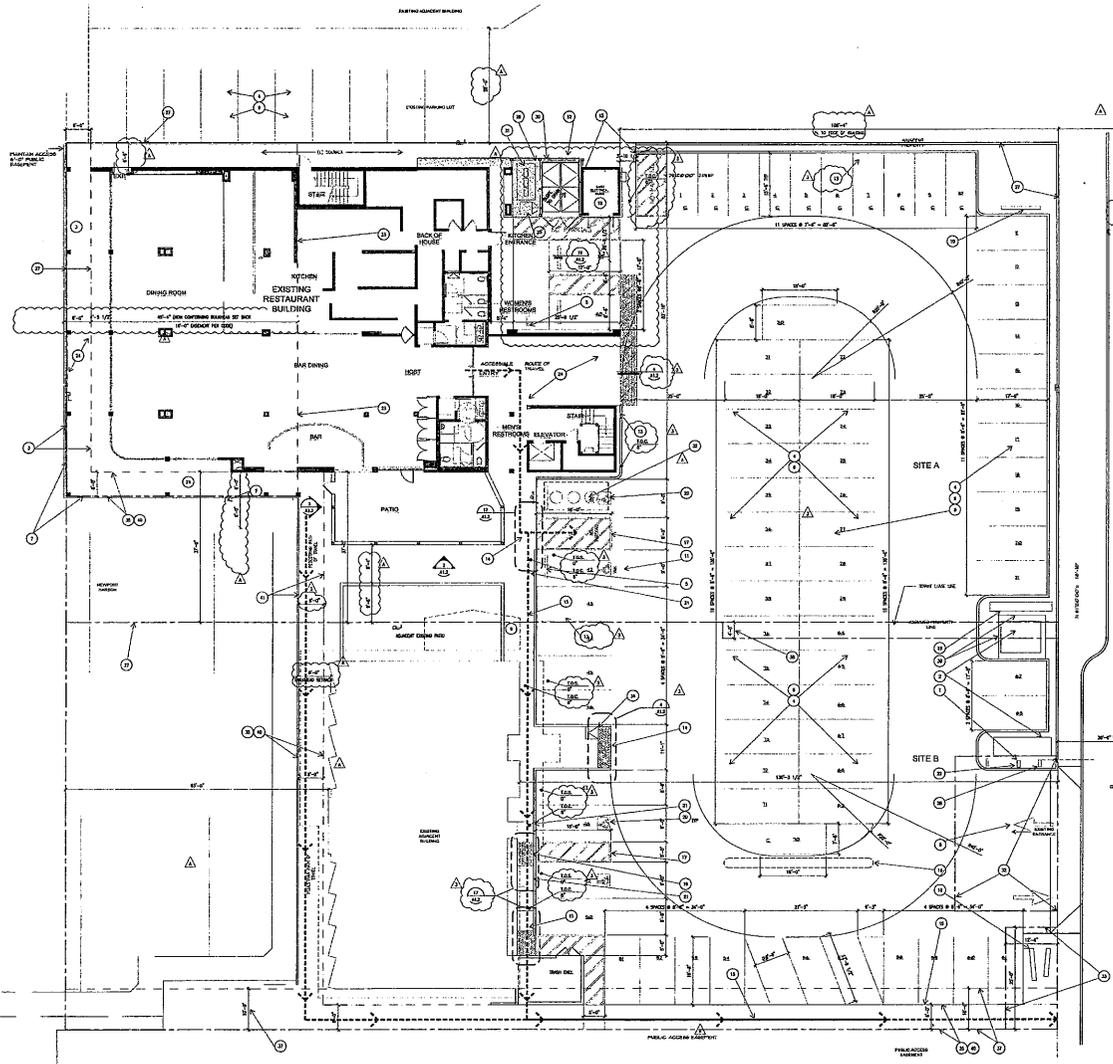
**Project:**  
 The Ritz Restaurant  
 2801 West Coast Hwy  
 Newport Beach, CA  
 92663



NO.	DATE	BY	CHKD.
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30	8/25/14	PM	PM

PROJECT NO. 1415  
 DATE: November 04, 2014  
 DRAWING TITLE:  
**THIRD FLOOR PLAN**

DRAWING NO.  
**A23**



**PARKING CALCULATIONS**

TYPE OF USE	NO. OF SPACES	TYPE OF USE	NO. OF SPACES
OFFICE	100	RESTROOM	2
RESTROOM	2	MECHANICAL	2
MECHANICAL	2	STAIR	2
STAIR	2	DRIVING	2
DRIVING	2	LOADING	2
LOADING	2	TOTAL	110

- KEY NOTES**
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
  2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA BUILDING CODE.
  3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA ENERGY EFFICIENCY STANDARDS (CEC).
  4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA GREEN BUILDING STANDARDS CODE (CAL-GREEN).
  5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA PLUMBING CODE.
  6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA ELECTRICAL CODE.
  7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA MECHANICAL CODE.
  8. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA FIRE CODE.
  9. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA SAFETY CODE.
  10. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA HEALTH CARE FACILITY CONSTRUCTION CODE.
  11. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA HOSPITAL AND HEALTH CARE FACILITY CONSTRUCTION CODE.
  12. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA LABORATORY BUILDING CONSTRUCTION CODE.
  13. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA NURSING HOME CONSTRUCTION CODE.
  14. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA SENIOR CARE FACILITY CONSTRUCTION CODE.
  15. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA CHILD CARE FACILITY CONSTRUCTION CODE.
  16. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA DAY CARE CENTER CONSTRUCTION CODE.
  17. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA EDUCATIONAL FACILITY CONSTRUCTION CODE.
  18. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA RECREATION FACILITY CONSTRUCTION CODE.
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  24. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA MARINE FACILITY CONSTRUCTION CODE.
  25. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA AERONAUTICAL FACILITY CONSTRUCTION CODE.
  26. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA RAILROAD FACILITY CONSTRUCTION CODE.
  27. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA CANAL AND WATERWAY FACILITY CONSTRUCTION CODE.
  28. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA PORT AND WAREHOUSE FACILITY CONSTRUCTION CODE.
  29. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA PIER AND WHARF FACILITY CONSTRUCTION CODE.
  30. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA MARINA FACILITY CONSTRUCTION CODE.
  31. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA BOAT LIFT FACILITY CONSTRUCTION CODE.
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  100. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2003 CALIFORNIA MARINE MARINE MARINE MARINE MARINE MARINE TRANSPORTATION FACILITY CONSTRUCTION CODE.

**THIS PROJECT IS FIRE SPRINKLERED**

**LEGAL OWNER**  
 995 TARDER L.L.C.  
 2801 WEST COAST HIGHWAY  
 NEWPORT BEACH, CA 92668  
 (949) 545-9922

**DESIGN DATA**  
 OCCUPANCY GROUP ..... "B"  
 ZONING ..... PLAM1  
 APN: 049-130-07  
 CONSTRUCTION TYPE ..... V-1 HOUR  
 FIRE-RATED

**SQUARE FOOTAGE CALCULATIONS**

EXISTING NET 3RD FLOOR OFFICE FOOTAGE	7380 S.F.
LESS EXISTING NET OFFICE FOOTAGE REMOVED	284 S.F.
REPAIRS NET 3RD FLOOR OFFICE FOOTAGE	2,875 S.F.

**SCOPE OF WORK**  
 TO REMOVE 284 SQUARE FEET OF NET 3RD FLOOR OFFICE AREA AND CONVERT THIS AREA TO A NEW 3RD FLOOR DEGL. AND NEW EXTERIOR MECHANICAL AREAS.

THE GOVERNMENT CODES AND STANDARDS FOR THIS PROJECT ARE THE 2003 CALIFORNIA BUILDING CODE; 2003 CEC; 2003 CBC; 2003 CFC; 2003 CEC; 2003 CFC; 2003 CALIFORNIA ENERGY EFFICIENCY STANDARDS CODE; 2003 CEC; 2003 CFC; 2003 CALIFORNIA GREEN BUILDING STANDARDS CODE; CAL-GREEN.

**SHEET INDEX**

- A-1 SITE PLAN AND INFORMATION
- A-2 AS-BUILT 3RD FLOOR PLANS WITH PATH OF TRAVEL PLANS TO AND FROM THE AREAS OF CONSTRUCTION IMPROVEMENTS
- A-3 EXISTING BATHROOM PLANS, ELEVATOR and STAIRWELL #1, NEW ADA DEVICES
- A-4 AS-BUILT 3RD FLOOR and ROOF DEMOLITION PLANS
- A-5 NEW PARTIAL 3RD FLOOR and ROOF PLANS
- A-6 NEW 3RD FLOOR ROOF FRAMING and FLOOR FRAMING PLANS
- A-7 NEW NORTH ELEVATION, PARTIAL WEST ELEVATION and SECTION 'A'
- D-1 STRUCTURAL GENERAL NOTES and DETAILS
- D-2 DETAILS
- E-1 NEW PARTIAL 3RD FLOOR LIGHTING and POWER PLAN
- ENH1 ENVELOPE PLAN
- M-1 NEW PARTIAL 3RD FLOOR HVAC PLAN
- MCH1 MECHANICAL FORMS

ESTIMATED CONSTRUCTION EXPENSE IS ..... \$40,000  
 ADA UPGRADES AT 20% OF \$40,000 REQUIRED MINIMUM \$8,000  
 ADA UPGRADES PLANNED FOR AS FOLLOWS:

1. NEW ADA PARKING SPACES SIGNS IN FRONT OF EXISTING TWO SPACES.
2. NEW HANDRAIL IN EXISTING ELEVATOR TO REPLACE EXISTING HANDRAIL THAT IS TOO NAR IN CONFORMANCE WITH C.B.C. SEE SHEET A-3.
3. RAISE THE EXISTING ELEVATOR CONTROL PANEL INSIDE THE ELEVATOR TO MEET C.B.C. REQUIREMENTS. SEE SHEET A-3.
4. ADD ONE NEW ELEVATOR HALL LANTERN AT EACH LEVEL. SEE SHEET A-3.
5. REMOVE AND REPLACE ALL EXISTING STAIRWELL NUMBER ONE HANDRAILS TO MEET C.B.C. REQUIREMENTS. SEE SHEET A-3.

**SITE PLAN**

**REVISIONS**


**ARCHITECT**  
 John T. Morgan, Jr.  
 16990 Beachmont Avenue  
 North Tustin, CA 92705  
 (714) 750-0223 fax: (714) 750-0274

**OFFICE REMODEL**  
 2801 West Coast Highway  
 Newport Beach, CA 92663



EXISTING SITE PLAN and INFORMATION

**SCALE**

**DRAWN**

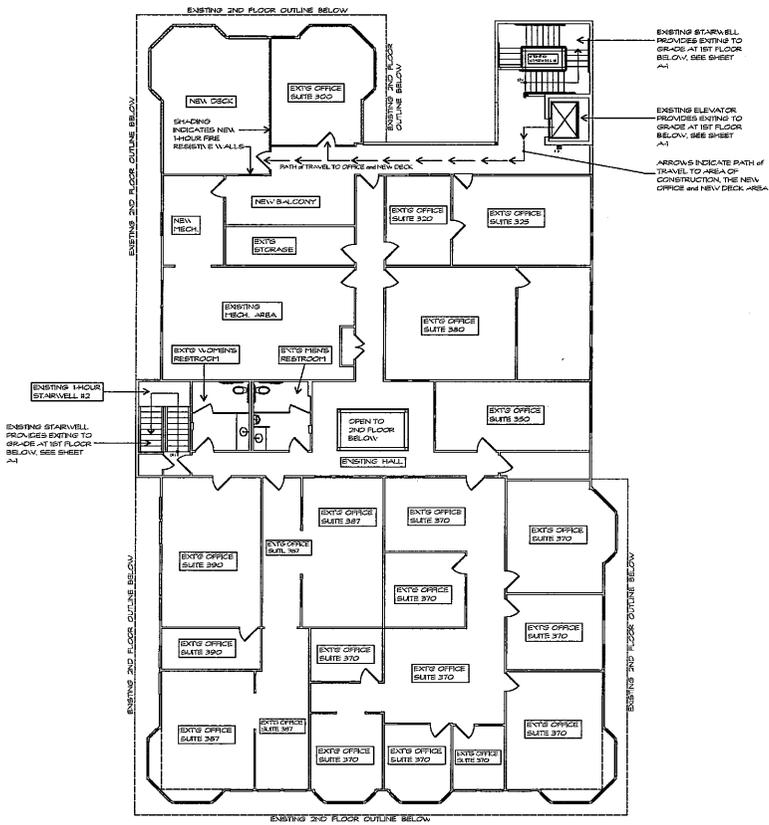
**CHECKED**

**DATE**  
11-23-2011

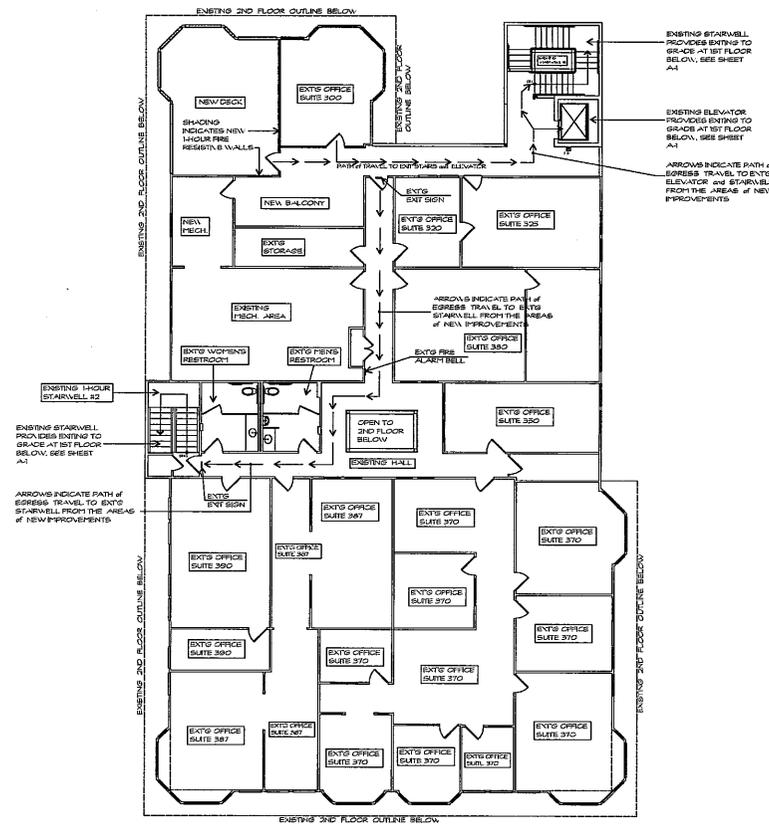
**JOB NO.**

**SHEET**  
A-1





AS-BUILT 3RD FLOOR PLAN with PATH of TRAVEL TO OFFICE



AS-BUILT 3RD FLOOR PLAN with PATH of TRAVEL TO EXITS

NO.	DATE	DESCRIPTION

ARCHITECT  
 John T. Ferguson Jr.  
 18682 Beachmont Avenue  
 North Tustin, CA 92705  
 P: (714) 250-2725 Fax: (714) 250-0724

OFFICE REMODEL  
 2801 West Coast Highway  
 Newport Beach, CA 92663



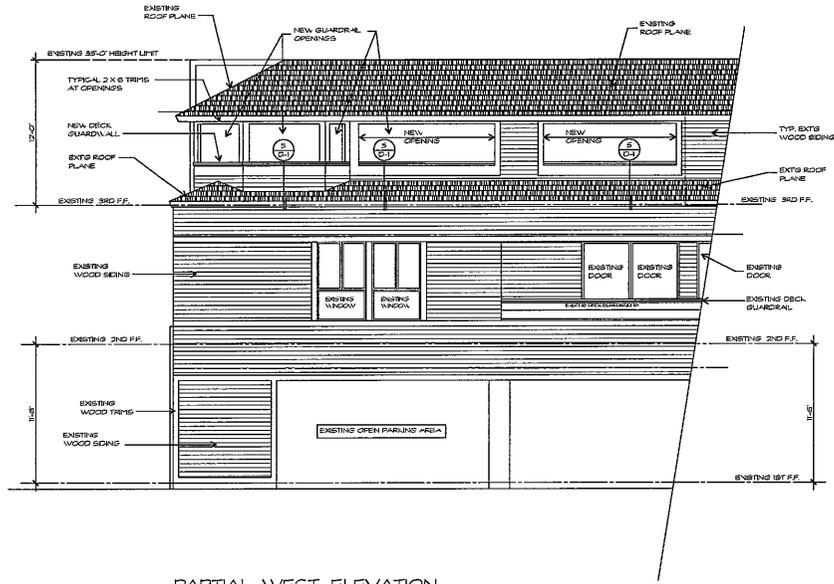
AS-BUILT 3RD FLOOR PLANS WITH PATH of TRAVEL PLANS TO  
 and FROM THE AREAS of CONSTRUCTION IMPROVEMENTS

SCALE	1/8" = 1'-0"
DRAWN	
CHECKED	
DATE	2-20-2024
JOB NO.	
SHEET	A-2

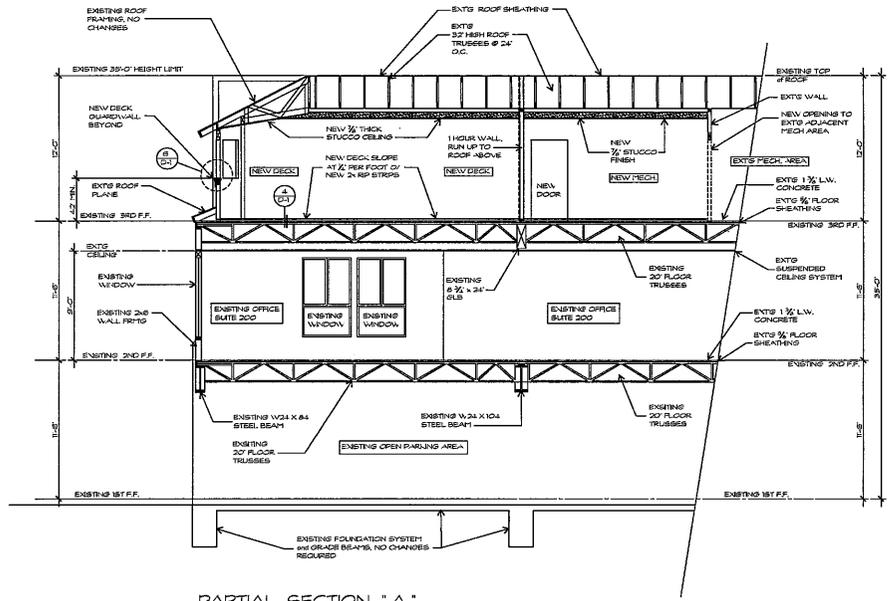




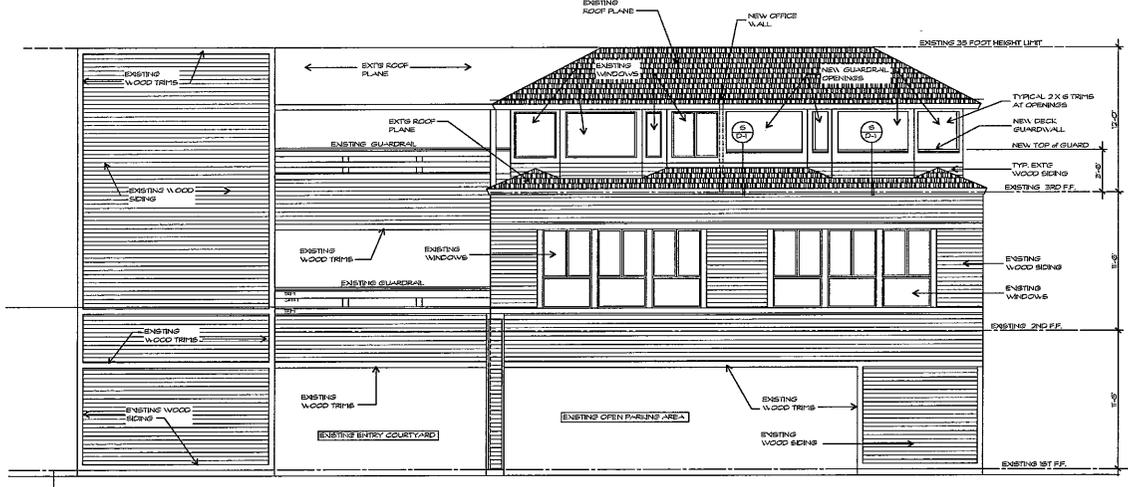




PARTIAL WEST ELEVATION



PARTIAL SECTION "A"



NORTH ELEVATION

- STUCCO NOTES**
1. ALL NEW STUCCO SHALL BE 3/4" MINIMUM THICKNESS APPLIED OVER A TYPICAL FIBERGLASS WITH A SMOOTH FINISH.
  2. ALL NEW WOOD SIDING SHALL BE A 3/4" THICK CEDAR WOOD SIDING TO MATCH THE EXISTING IN SIZE AND SHAPE APPLIED OVER ONE LAYER OF 1/2" TYPE-X FIBERGLASS OVER EXISTING OR NEW 1/2" GYPSUM BOARD TO ACHIEVE A ONE HOUR FIRE ASSEMBLY RATING.
  3. ANY NEW EXTERIOR WALLS AGAINST THE NEW 3RD FLOOR DECK AREA BEING CREATED SHALL BE VERIFIED TO HAVE R-10 BATTEN INSULATION MINIMUM INSIDE THE WALLS.
  - 4.

REVISIONS

ARCHITECT  
 John T. Morgan Jr.  
 19662 Bescomment Avenue  
 North Tustin, CA 92705  
 PH (714) 750-3723 FAX (714) 750-3724

OFFICE REMODEL  
 2801 West Coast Highway  
 Newport Beach, CA 92663



NEW NORTH ELEVATION, PARTIAL WEST ELEVATION  
 and SECTION "A"

SCALE
1/4" = 1'-0"
DRAWN
CHECKED
DATE
1-13-2014
JOB NO.

SHEET  
 A-7



## 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](http://www.newportbeachca.gov)

## **COMMUNITY DEVELOPMENT DIRECTOR** **ACTION LETTER**

**Application No.**           **Staff Approval No. SA2014-022 (PA2014-152)**

**Applicant**               **Brandon Architects**

**Site Address**           **2495 Ocean Boulevard**  
**2495 Ocean Boulevard Grade Determination**

**Legal Description**   **Parcel 2, Block C, PMB 36/3**

On **December 5, 2014**, the Community Development Director approved Staff Approval No. SA2014-022 to establish grade for the purpose of measuring heights using the original grade of the site that existed prior to the 1986 development of the existing residence and allow structure heights to be measured from the natural grade directly below. This approval is based on the following findings and subject to the following conditions.

### **ZONING DISTRICT/GENERAL PLAN**

- **Zone:** R-1 (Single-Unit Residential)
- **General Plan:** RS-D (Single-Unit Residential Detached)

### **DISCUSSION**

The subject parcel is an irregularly-shaped lot on the coastal side of Ocean Boulevard. The property is currently developed with a single-unit dwelling constructed in 1986 on a steeply sloped bluff (Attachment CD 1).

Subsequent to the site's 1986 improvements, the original grade of the subject site has been substantially altered with retaining walls resulting in extensive excavation and fill areas (Attachment CD 2). The current existing grade elevations no longer represent the natural topography of the bluff and therefore not appropriate for determining the grade from which heights should be measured. The applicant has prepared a topographic grade exhibit, based on the original topographic survey of the site conditions that existed prior to 1986, to be used as the grade for height measurement purposes (Attachment CD 3).

In addition, the applicant is requesting heights be measured from the grades directly below the structure's roof and deck features rather than the grade plane method currently specified in the Zoning Code.

Pursuant to Section 20.30.050.B (Establishment of Grade), on lots with slopes greater than five percent, the established grade from which structure height is measured is determined by placing five evenly spaced points along both side property lines and connecting each point with the corresponding point on the opposite side property line to establish an equidistant elevation grade along the width of the property. The intent of this code is to simplify the measurements of height and save time for staff, property owners, and builders. However, this current method of grade establishment does not work because the rear property line and portions of the side property lines are located within the Newport Bay resulting in interpolated elevations excessively below the actual grade elevations of the property and is not representative of the prevailing grades in the area or of the original topography (Attachment CD 4).

The purpose of this grade determination is to ensure development on-site is not artificially lowered or raised by providing a more precise measurement using the vertical distance between the highest points of the structure and the grades directly below using the original grades that existed prior to the 1986 improvements.

## **FINDINGS**

In accordance with Zoning Code Section 20.30.050.C (Grade Establishment – Establishment by Director) if the Community Development Director finds that the existing grade on the subject lot has been previously altered (e.g., contains retaining structures, property line walls, planters, or excavation/fill), or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot, the Community Development Director may establish the grade that is reasonable and comparable with the grades of adjoining lots and that will not be detrimental or injurious to property and improvements on adjoining lots.

### Finding:

- A. *The existing grade on the subject lot has been previously altered or other conditions are present to the degree that the existing grade is not representative of the prevailing grades on adjoining lots and/or the general area and, therefore, is not appropriate for the purpose of establishing the grade of the subject lot.*

### Facts in Support of Finding:

1. The existing grades on the subject property have been altered with planters, significant excavation/fill, and retaining walls artificially lowering and raising the current elevations from the original topography. Utilizing the original topography of the site that existed prior to the 1986 improvements is appropriate in this case and is representative of the prevailing grades that naturally existed on the bluff.
2. The current methodology to establish the grade plane from which structure height is measured is determined by measuring five evenly spaced points along each of the two side property lines and connecting each of the points along a side property line with the corresponding point on the opposite side property line . The rear property line and

segments of both side yard property lines are located within Newport Bay, thus resulting in interpolated elevations excessively below the actual grade elevations of the property and not representative of the prevailing grades in the area or of the original topography.

Finding:

*B. The grade is reasonable and comparable with the grades of adjoining lots and will not be detrimental or injurious to property and improvements on adjoining lots.*

Facts in Support of Finding:

1. The proposal will provide a grade plane that is representative of the original topography of the bluff that existed prior to the 1986 improvements of the existing home and the neighboring residences at the time of development.
2. The proposed grade establishes elevations consistent with natural topography of the site and requires building heights to be measured from the grade directly below each feature to ensure building height conforms to the original topography of the site as accurately as possible.
3. The property will be required to comply with all applicable development standards of the Zoning Code which are in place to prevent detriment or injury to the existing property and neighboring properties and improvements on adjoining lots.

**CONDITIONS**

1. A copy of this action letter including the findings and conditions shall be copied onto the building plans.
2. Grades for the purpose of measuring heights for the principal and accessory structures shall be measured from the topographic map stamped with the date of this approval and identified as Attachment CD 3 (Restored Topographic Map (GD-2)).
3. 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 Sheehy Residence Grade Determination including, but not limited to, the SA2014-022 (PA2014-152). 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.

**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. 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:



Debbie Drasler, Contract Planner

JM/dad

- Attachments:
- CD 1 Vicinity Map
  - CD 2 Current Topographic Survey
  - CD 3 Restored Topographic Map (GD-2.0)  
1986 Topographic Map (GD-2.1)
  - CD 4 Grade Plane Exhibit (GD-1.0)  
Grade Plane Sections (GD-1.3)

# **Attachment No. CD 1**

Vicinity Map

## VICINITY MAP



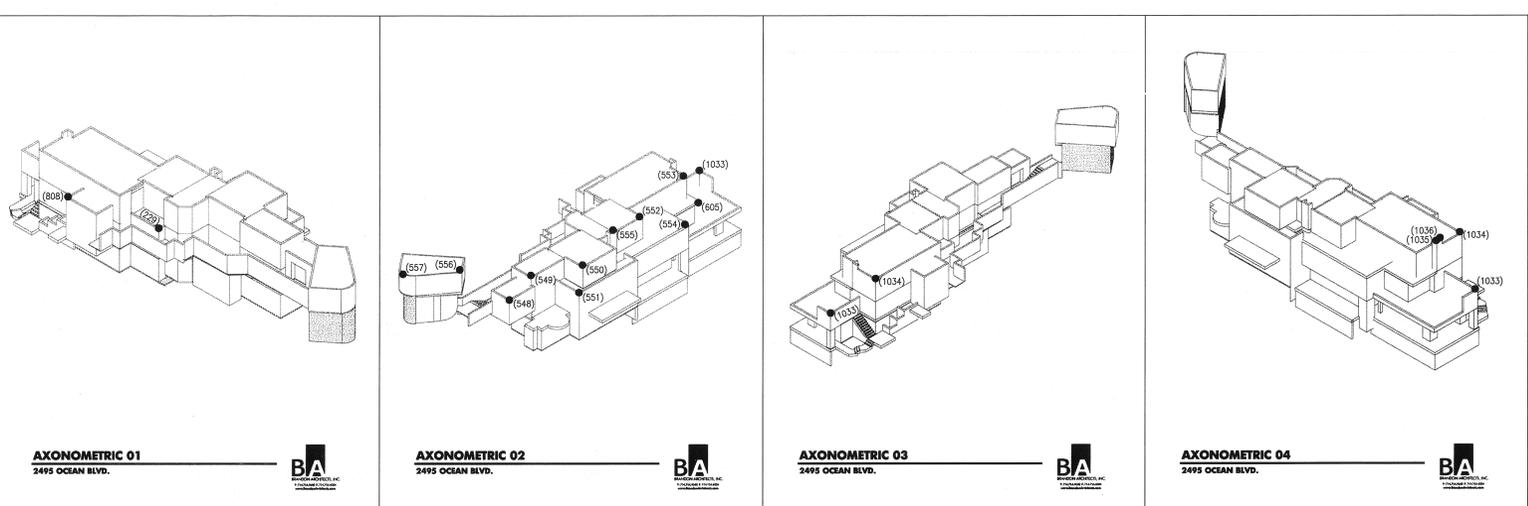
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Staff Approval No. SA2014-022  
PA2014-152

**2495 Ocean Boulevard**

# **Attachment No. CD 2**

Current Topographic Survey



**LEGEND**

---	PROPERTY LINE
-X-X-	FENCE
▨	CONCRETE SURFACE
▩	MASONRY WALL
▧	WOOD WALL
▦	ROCK WALL
FF	FINISHED FLOOR
FS	FINISHED SURFACE
TC	TOP OF CURB
IN	INVERT OF PIPE
EP	EDGE OF PAVEMENT
TW	TOP OF WALL
●	FOUND MONUMENT
▲	SURVEY CONTROL POINT



**BENCHMARK NOTE:**  
OCSM 3K-46-91  
ELEV: 95.484  
NAVD88 DATUM, 1991 ADJ.

**EASEMENT NOTE:**  
ALL EASEMENTS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE PER A PRELIMINARY TITLE REPORT PREPARED BY TIGOR TITLE COMPANY OF CALIFORNIA, ORDER NUMBER 00067970-997-CAK DATED APRIL 17, 2012.

① ITEM 4 OF THE PRELIMINARY TITLE REPORT, EASEMENTS FOR ROAD, RAIL AND UTILITY PURPOSES RECORDED DECEMBER 11, 1911 IN BOOK 204, PAGE 160 OF DEEDS IS NOT PLOTTED ON THIS MAP DUE TO POOR QUALITY OF RECORDED DOCUMENTS.

② ITEM 8 OF THE PRELIMINARY TITLE REPORT, AND EASEMENT FOR STORM DRAIN PURPOSES RECORDED APRIL 5, 1971 IN BOOK 3569, PAGE 643 O.R.

**CC&R'S NOTE:**  
NO EASEMENTS WERE LISTED IN THE CC&R'S

**BOUNDARY NOTE:**  
THIS IS NOT A BOUNDARY SURVEY. THE TOPOGRAPHIC FEATURES AS SHOWN ON THIS MAP MAY BE ADJUSTED RELATIVE TO THE PLAT UPON COMPLETION OF A BOUNDARY SURVEY.

**TOPOGRAPHIC SURVEY**  
PARCEL 2, PMB 36/3  
2495 OCEAN BOULEVARD, NEWPORT BEACH, CALIFORNIA

PREPARED FOR: BRANDON ARCHITECTS, INC.

H. SCALE: 1"=10'	DATE: 7-23-12
V. SCALE: N/A	DRN: M. FLUSS
DATE OF SURVEY: 5-25-12	DWG: --
BY: --	APPV: --
DATE: --	DATE: --

**TOAL ENGINEERING, INC.**  
Civil & Survey  
139 Avenida Navarro, San Clemente, Calif. 92672  
Ph: 949-482-8586 Fax: 949-498-8625

REGISTERED LAND SURVEYOR  
OLAV S. MEUM  
1-4-13  
NO. 4384  
STATE OF CALIFORNIA

Olav S. Meum LS 4384

SHEET 1 OF 1  
JOB NO. 14814

# **Attachment No. CD 3**

Restored Topographic Map (GD-2.0)  
1986 Topographic Map (GD-2.1)

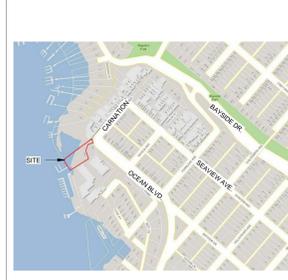
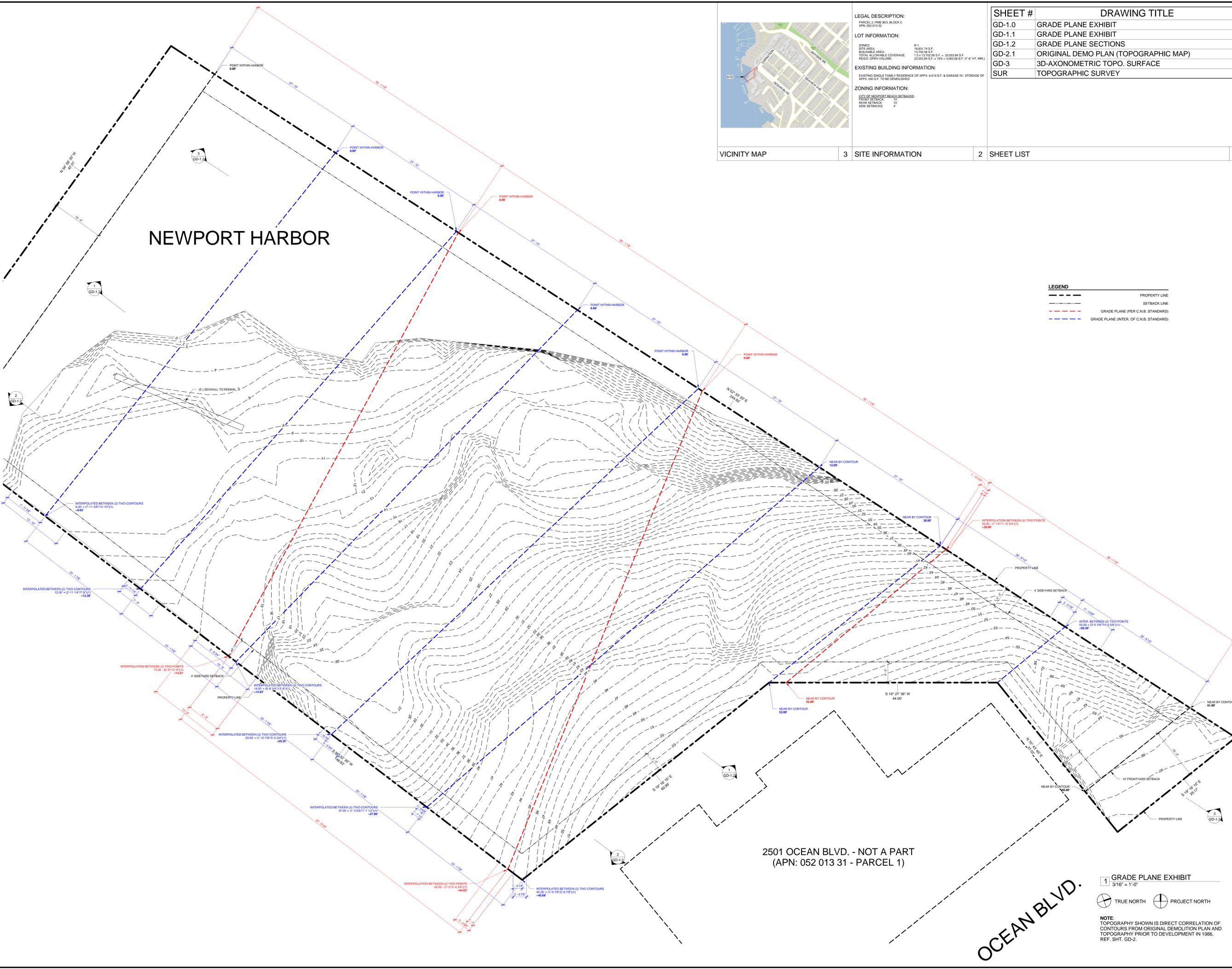




# **Attachment No. CD 4**

Grade Plane Exhibit (GD-1.0)

Grade Plane Sections (GD-1.3)



**LEGAL DESCRIPTION:**  
 PARCEL 2, PUB 303, BLOCK C  
 APN: 052 013 32

**LOT INFORMATION:**  
 ZONED: R-1  
 SITE AREA: 18,851.74 S.F.  
 BUILDABLE AREA: 13,702.98 S.F.  
 TOTAL ALLOWABLE COVERAGE: 1.9 X 13,702.98 S.F. = 20,535.84 S.F.  
 REQ'D OPEN VOLUME: 20,535.84 S.F. X 15% = 3,080.38 S.F. (7'-6" HT. MIN.)

**EXISTING BUILDING INFORMATION:**  
 EXISTING SINGLE FAMILY RESIDENCE OF APPROX. 6,519 S.F. & GARAGE W/ STORAGE OF APPROX. 500 S.F. TO BE DEMOLISHED

**ZONING INFORMATION:**  
 CITY OF NEWPORT BEACH SETBACKS:  
 FRONT SETBACK: 10'  
 REAR SETBACK: 10'  
 SIDE SETBACKS: 4'

SHEET #	DRAWING TITLE
GD-1.0	GRADE PLANE EXHIBIT
GD-1.1	GRADE PLANE EXHIBIT
GD-1.2	GRADE PLANE SECTIONS
GD-2.1	ORIGINAL DEMO PLAN (TOPOGRAPHIC MAP)
GD-3	3D-AXONOMETRIC TOPO. SURFACE
SUR	TOPOGRAPHIC SURVEY

VICINITY MAP	3 SITE INFORMATION	2 SHEET LIST	1
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PROJECT NAME: SHEEHY RESIDENCE  
 STATUS: GRADE DETER.  
**BRANDON ARCHITECTS, INC.**  
 brandon architects - better living  
 3001 Red Hill Ave., Suite 1, Ste. 102  
 Costa Mesa, CA 92626  
 P: 714.754.4040 F: 714.754.4004  
 www.BrandonArchitects.com

OWNER INFORMATION:  
 MR. BRIAN SHEEHY  
 2495 OCEAN BLVD.,  
 CORONA DEL MAR, CA 92625

**SHEEHY RESIDENCE  
 GRADE PLANE  
 CORONA DEL MAR, CA 92625**

DOCUMENT VALID UPON

ORIGINAL SIGNATURE

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REVISIONS

NO.	REVISION	DATE

JOB NO. 2495-2012  
 DATE 11/10/2014  
 SHEET NO.

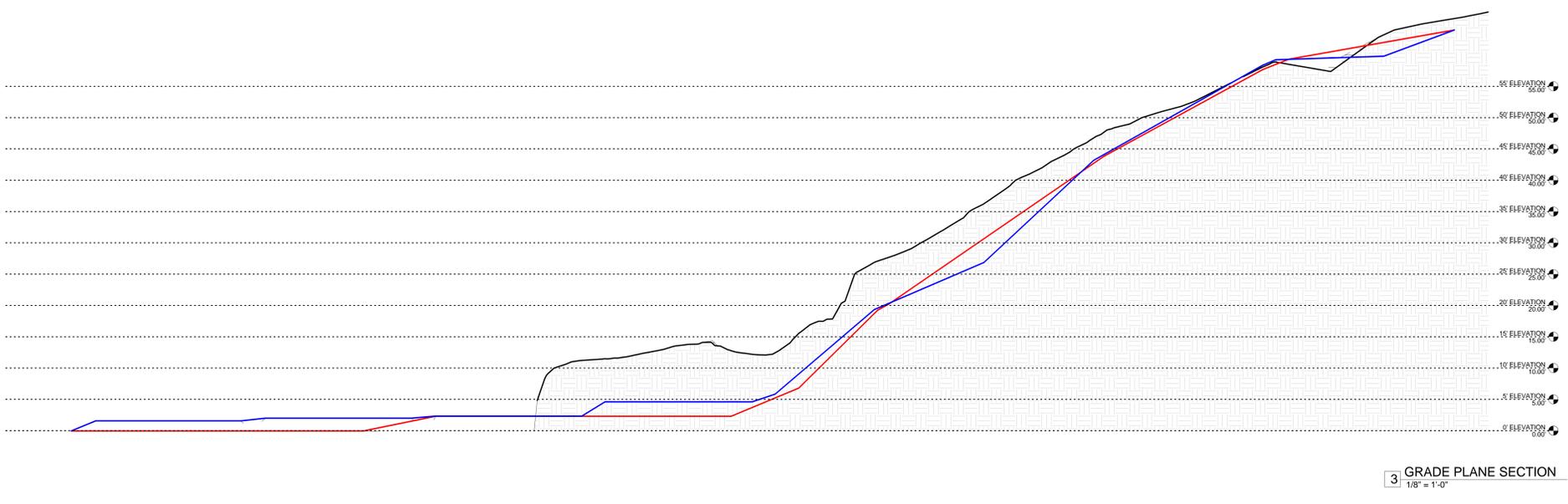
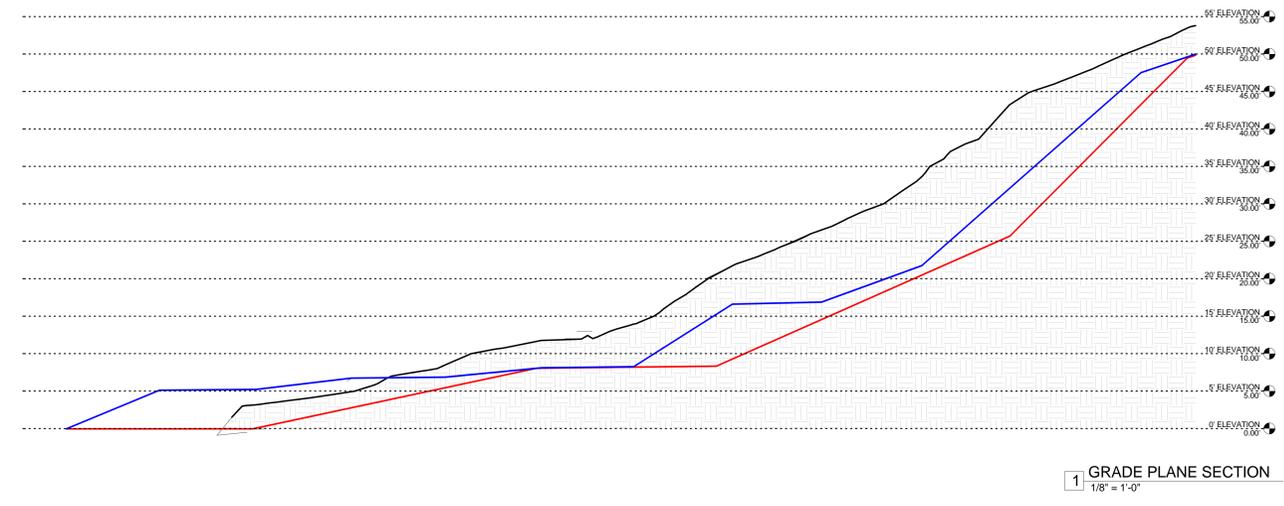
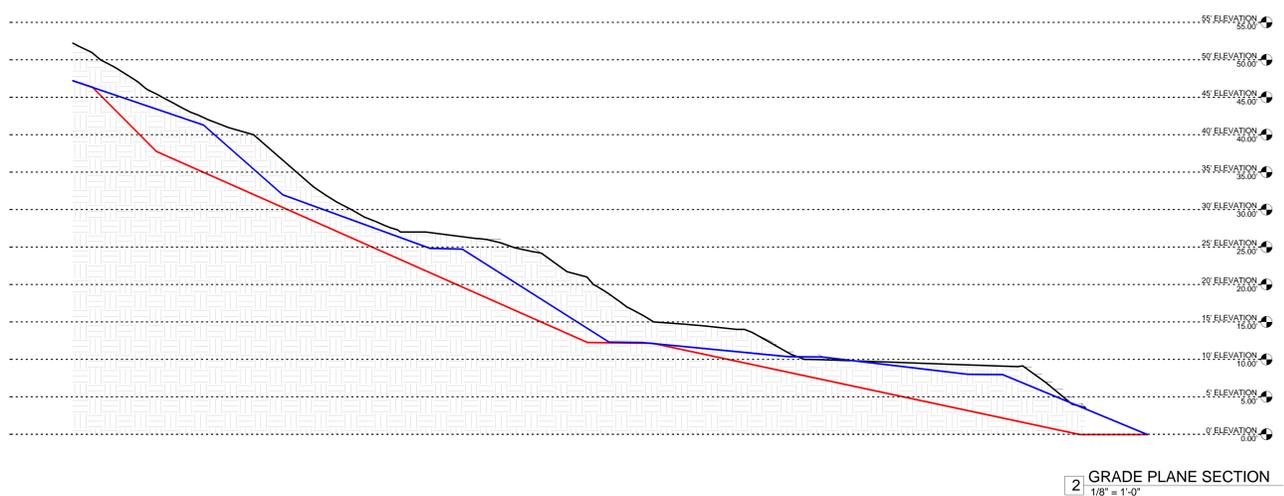
**GD-1.0**

1 GRADE PLANE EXHIBIT  
 3/16" = 1'-0"  
 TRUE NORTH PROJECT NORTH

NOTE:  
 TOPOGRAPHY SHOWN IS DIRECT CORRELATION OF  
 CONTOURS FROM ORIGINAL DEMOLITION PLAN AND  
 TOPOGRAPHY PRIOR TO DEVELOPMENT IN 1986.  
 REF. SHT. GD-2.

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NO.	REVISION	DATE





## 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](http://www.newportbeachca.gov)

## **COMMUNITY DEVELOPMENT DIRECTOR** **ACTION LETTER**

**Application No.**           **Staff Approval No. SA2014-023 (PA2014-166)**

**Applicant**               **NSC Enterprises Inc.**

**Site Address**           **312 Dahlia Place**  
**Determination of Compliance with Chapter 20.34 of NBMC**  
**and Government Code 65590**

**Legal Description**   **Lot 14, Block 232, of Corona Del Mar Tract**

On **December 5, 2014**, the Community Development Director approved Staff Approval No. SA2014-023 authorizing the demolition of a triplex in compliance with Zoning Code Chapter 20.34 (Conversion or Demolition of Affordable Housing). This approval is based on the following information and analysis.

### **ZONING DISTRICT/GENERAL PLAN**

- **Zone:** RM (Multi-Unit Residential)
- **General Plan:** RM (Multiple-Unit Residential)

### **SUMMARY**

A staff approval for determination of compliance with Zoning Code Chapter 20.34 and the Mello Act (Government Code Section 65590). The property owner proposes to demolish an existing triplex and construct a new duplex.

### **ANALYSIS**

Pursuant to Zoning Code Section 20.34.020 (Review Authority), the Director shall make a determination as to the applicability of this chapter when a residential structure of three or more units is to be converted or demolished. If it is determined that any of the units are occupied by low- or moderate-income tenants, provisions for their replacement shall be provided, if feasible. If applicable and based on the documentation provided in compliance with Section 20.34.060 (Determining Requirements for Replacement Units), the Director shall make determinations as to:

1. *How many units were occupied by low- and moderate-income persons or families;*

2. *Whether the conversion or demolition proposes to go from residential to nonresidential and if so whether the proposed new use is coastal dependent;*
3. *Whether a feasibility analysis is required to be prepared;*
4. *The feasible number of affordable units required to be replaced, if any; and*
5. *Whether the required replacement affordable units are to be located on site or off site.*

In this particular case, the property owner has provided documentation to demonstrate the units are not occupied by low- and moderate-income families or persons. The documentation shows all three units have been long-term rentals and are occupied by families or persons exceeding the low- and moderate-income limitations defined by the County of Orange. There is no conversion of residential to nonresidential, and since none of the units are and/or were occupied by low- and moderate-income families or persons, no further analysis is required.

**APPEAL PERIOD:** An appeal may be filed with the Director of Community Development within fourteen (14) days following the date the action or decision was rendered. 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:



Debbie Drasler, Contract Planner

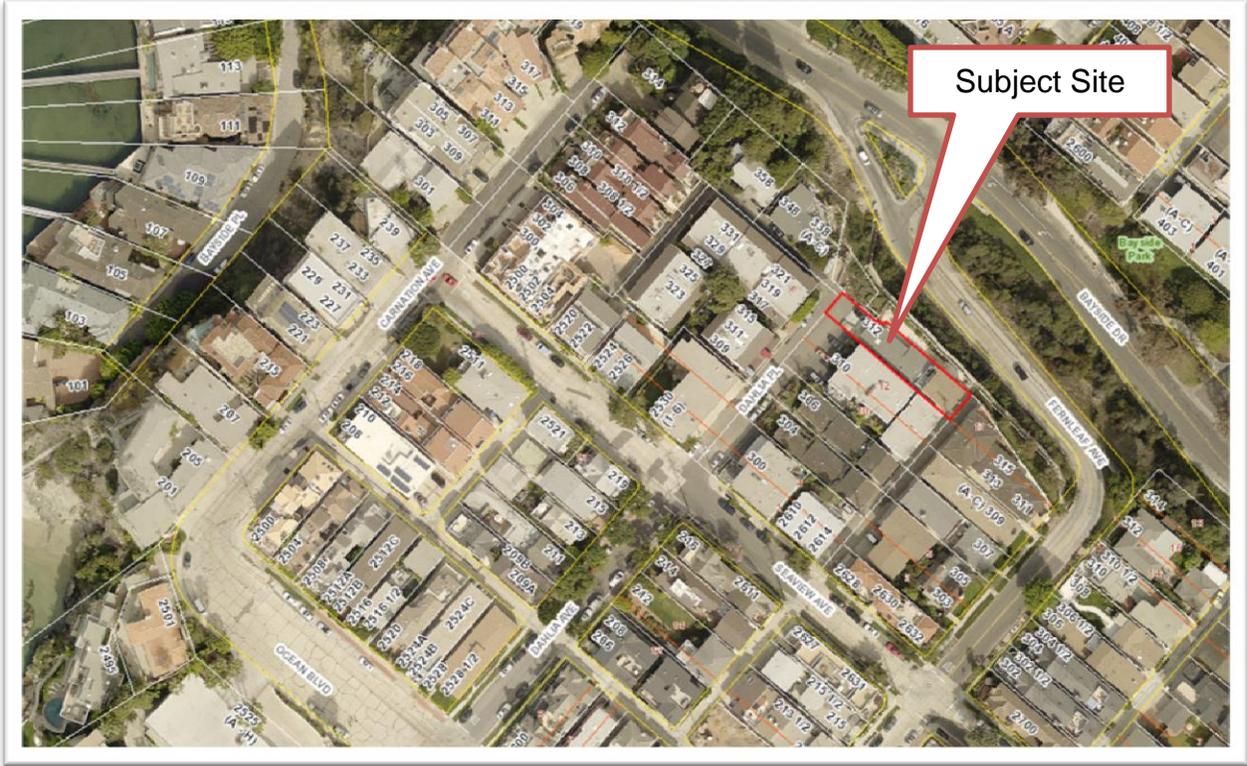
JM/dad

Attachments: CD 1 Vicinity Map  
CD 2 Unit Occupancy Table  
CD 3 County of Orange Income Limits

# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



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Staff Approval No. SA2014-023  
PA2014-166

**312 Dahlia Place**

# **Attachment No. CD 2**

Unit Occupancy Table

**Zoning Code Chapter 20.34 (Conversion or Demolition of Affordable Housing)  
312 Dahlia Place  
Unit Occupancy Table**

Unit No.	Occupant(s)	Income	2014 County of Orange Income Limits	
			Low	Moderate
A	One Long-Term Renter 1/2014 – Current	\$150,000 (yr. 2014)	\$53,950	\$73,250
B	One Long-Term Renter 6/2013 - Current	\$75,497 (yr. 2014)	\$53,950	\$73,250
C	Two Long-Term Renters 2/2014 – Current	\$108,000 (yr. 2014)	\$61,650	\$83,700

# **Attachment No. CD 3**

County of Orange Income Limits

Number of Persons in Household

County	Income Category	1	2	3	4	5	6	7	8	
<b>Orange County</b>	Extremely Low	20,250	23,150	26,050	28,900	31,250	33,550	35,850	38,150	
	4-Person Very Low Income	33,750	38,550	43,350	48,150	52,050	55,900	59,750	63,600	
	Area Median Income:	Low Income	53,950	61,650	69,350	77,050	83,250	89,400	95,550	101,750
	<b>\$87,200</b>	Median Income	61,050	69,750	78,500	87,200	94,200	101,150	108,150	115,100
	Moderate Income	73,250	83,700	94,200	104,650	113,000	121,400	129,750	138,150	
<b>Placer County</b>	Extremely Low	16,000	18,300	20,600	22,850	24,700	26,550	28,350	30,200	
	4-Person Very Low Income	26,650	30,450	34,250	38,050	41,100	44,150	47,200	50,250	
	Area Median Income:	Low Income	42,650	48,750	54,850	60,900	65,800	70,650	75,550	80,400
	<b>\$76,100</b>	Median Income	53,250	60,900	68,500	76,100	82,200	88,300	94,350	100,450
	Moderate Income	63,900	73,050	82,150	91,300	98,600	105,900	113,200	120,500	
<b>Plumas County</b>	Extremely Low	13,050	14,900	16,750	18,600	20,100	21,600	23,100	24,600	
	4-Person Very Low Income	21,700	24,800	27,900	31,000	33,500	36,000	38,450	40,950	
	Area Median Income:	Low Income	34,750	39,700	44,650	49,600	53,600	57,550	61,550	65,500
	<b>\$62,000</b>	Median Income	43,400	49,600	55,800	62,000	66,950	71,900	76,900	81,850
	Moderate Income	52,100	59,500	66,950	74,400	80,350	86,300	92,250	98,200	
<b>Riverside County</b>	Extremely Low	14,100	16,100	18,100	20,100	21,750	23,350	24,950	26,550	
	4-Person Very Low Income	23,450	26,800	30,150	33,500	36,200	38,900	41,550	44,250	
	Area Median Income:	Low Income	37,550	42,900	48,250	53,600	57,900	62,200	66,500	70,800
	<b>\$65,000</b>	Median Income	45,500	52,000	58,500	65,000	70,200	75,400	80,600	85,800
	Moderate Income	54,600	62,400	70,200	78,000	84,250	90,500	96,700	102,950	
<b>Sacramento County</b>	Extremely Low	16,000	18,300	20,600	22,850	24,700	26,550	28,350	30,200	
	4-Person Very Low Income	26,650	30,450	34,250	38,050	41,100	44,150	47,200	50,250	
	Area Median Income:	Low Income	42,650	48,750	54,850	60,900	65,800	70,650	75,550	80,400
	<b>\$76,100</b>	Median Income	53,250	60,900	68,500	76,100	82,200	88,300	94,350	100,450
	Moderate Income	63,900	73,050	82,150	91,300	98,600	105,900	113,200	120,500	
<b>San Benito County</b>	Extremely Low	17,050	19,500	21,950	24,350	26,300	28,250	30,200	32,150	
	4-Person Very Low Income	28,400	32,450	36,500	40,550	43,800	47,050	50,300	53,550	
	Area Median Income:	Low Income	45,100	51,550	58,000	64,400	69,600	74,750	79,900	85,050
	<b>\$81,100</b>	Median Income	56,750	64,900	73,000	81,100	87,600	94,100	100,550	107,050
	Moderate Income	68,100	77,850	87,550	97,300	105,100	112,850	120,650	128,450	
<b>San Bernardino County</b>	Extremely Low	14,100	16,100	18,100	20,100	21,750	23,350	24,950	26,550	
	4-Person Very Low Income	23,450	26,800	30,150	33,500	36,200	38,900	41,550	44,250	
	Area Median Income:	Low Income	37,550	42,900	48,250	53,600	57,900	62,200	66,500	70,800
	<b>\$65,000</b>	Median Income	45,500	52,000	58,500	65,000	70,200	75,400	80,600	85,800
	Moderate Income	54,600	62,400	70,200	78,000	84,250	90,500	96,700	102,950	
<b>San Diego County</b>	Extremely Low	17,350	19,850	22,300	24,800	26,800	28,750	30,750	32,750	
	4-Person Very Low Income	28,900	33,050	37,150	41,300	44,600	47,900	51,200	54,500	
	Area Median Income:	Low Income	46,250	52,900	59,500	66,100	71,400	76,700	81,950	87,250
	<b>\$75,900</b>	Median Income	53,150	60,700	68,300	75,900	81,950	88,050	94,100	100,200
	Moderate Income	63,750	72,900	82,000	91,100	98,400	105,700	112,950	120,250	
<b>San Francisco County</b>	Extremely Low	23,750	27,150	30,550	33,950	36,650	39,400	42,100	44,800	
	4-Person Very Low Income	39,600	45,250	50,900	56,550	61,050	65,600	70,100	74,650	
	Area Median Income:	Low Income	63,350	72,400	81,450	90,500	97,700	104,950	112,200	119,450
	<b>\$103,000</b>	Median Income	72,100	82,400	92,700	103,000	111,250	119,500	127,700	135,950
	Moderate Income	86,500	98,900	111,250	123,600	133,500	143,400	153,250	163,150	
<b>San Joaquin County</b>	Extremely Low	13,950	15,950	17,950	19,900	21,500	23,100	24,700	26,300	
	4-Person Very Low Income	23,250	26,550	29,850	33,150	35,850	38,500	41,150	43,800	
	Area Median Income:	Low Income	37,150	42,450	47,750	53,050	57,300	61,550	65,800	70,050
	<b>\$66,300</b>	Median Income	46,400	53,050	59,650	66,300	71,600	76,900	82,200	87,500
	Moderate Income	55,700	63,650	71,600	79,550	85,900	92,300	98,650	105,000	