



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT
September 26, 2013
Agenda Item No. 4

SUBJECT: Blue C Sushi Minor Use Permit - (PA2013-148)
1095 Newport Center Drive
Minor Use Permit No. UP2013-013

APPLICANT: Art Rodriguez & Associates, LLC

PLANNER: Melinda Whelan, Assistant Planner
(949) 644-3221, mwhelan@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC-56 (North Newport Center)
- **General Plan:** CR (Regional Commercial)

PROJECT SUMMARY

A Minor Use Permit application for the on-site sale and consumption of alcoholic beverages (ABC License Type C-47 – Full Liquor) for Blue C Sushi restaurant, a food service, eating and drinking establishment with no late hours (after 11:00 p.m.) and 77 seats. The location of the restaurant is proposed within an existing restaurant space on the upper level of the Fashion Island shopping center.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Minor Use Permit No. UP2013-013 (Attachment No. ZA 1).

DISCUSSION

- The subject property is located within the Fashion Island Shopping Center. The area in the vicinity of the project site is developed with commercial retail and restaurant uses within Fashion Island.
- Blue C Sushi will occupy an existing restaurant space on the upper level in the Fashion Island mall. The tenant improvement is currently in plan check.
- The Land Use Element of the General Plan designates the project site as Regional Commercial (CR), which is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents. The proposed restaurant with alcoholic beverage sales is a use that serves local and regional residents and visitors, consistent with this land use designation.
- The project is located in the Fashion Island Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District. Fashion Island is intended to be a regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees of the area. The restaurant with alcoholic beverage sales is a commercial use that is intended to serve visitors, residents, and employees in the broader regional area and, therefore, is consistent with the purposes of the North Newport Center Planned Community District for the Fashion Island Sub-Area.
- Eating and Drinking Establishments are permitted uses within the Fashion Island Sub-Area of the North Newport Center Planned Community Zoning District. Pursuant to the Planned Community Text, the on-premise sale of alcohol in conjunction with an eating and drinking establishment requires a minor use permit.
- The Police Department is familiar with the security plan in place for the overall shopping center and conditions of approval are proposed to adequately manage the late hour component of the proposed restaurant.
- The subject property is located within Reporting District No. 39 (RD39) and generally, crime statistics are higher in this district than adjacent districts due to the higher concentration of commercial uses within North Newport Center. The Newport Beach Police Department is aware of this and has recommended approval of the restaurant. The alcohol related statistics for RD39 are incorporated into the factors for consideration in the draft resolution prior to the Zoning Administrator hearing (Attachment No. ZA 1). A map of the Reporting Districts, alcohol related statistics, and a memorandum, which includes the recommendation of the Police Department, are attached as Attachment Nos. ZA 3, 4, and 5.
- The proposed hours of operation are 10:00 a.m. to 10:00 p.m., daily. Staff is recommending conditioning the closing hour to be no later than 11:00 p.m. as this would be considered late hours and would require an Operator's license and further review by the Police Department and Planning Division.

- The closing hour of 11:00 p.m. will help ensure the establishment does not operate like a bar, lounge, or nightclub after typical dinner hours.
- The proposed project complies with the development standards for on-sale alcohol sales and outdoor dining provided in Section 20.48.030 (Alcohol Sales) of the Zoning Code. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the restaurant. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will help ensure compatibility with the surrounding uses and minimize alcohol related impacts.
- The Fashion Island shopping center provides required parking within the surface parking lots and parking structures on site.

ENVIRONMENTAL REVIEW

The project qualifies for Class 1 (Existing Facilities) categorical exemption, Section 15301 of the California Environmental Quality Act. The proposed project involves the addition of alcoholic beverages at a new restaurant in an existing restaurant space. Therefore, both the interior use and outdoor dining patio qualify for a categorical exemption under Class 1.

PUBLIC NOTICE

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

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:



Melinda Whelan
Assistant Planner

GR/msw

Attachments:

- ZA 1 Draft Resolution
- ZA 2 Vicinity Map
- ZA 3 Police Department Reporting Districts
- ZA 4 Alcohol Related Statistics
- ZA 5 Police Department Recommendation
- ZA 6 Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-0##

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2013-013 TO ALLOW A TYPE 47 (ON SALE GENERAL) ALCOHOLIC BEVERAGE CONTROL LICENSE AT A NEW FOOD SERVICE, EATING AND DRINKING ESTABLISHMENT LOCATED AT 1095 NEWPORT CENTER DRIVE (PA2013-148)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Art Rodriguez & Associates, with respect to property located at 1095 Newport Center Drive, and legally described as Parcel 1 of Lot Line Adjustment No. LA2009-001, recorded May 6, 2009 as Instrument No. 2009000226826 of official records, in the office of the County Recorder of the County of Orange, requesting approval of a minor use permit.
2. The applicant requests a minor use permit to allow a Type 47 (On Sale General) Alcoholic Beverage Control (ABC) license for Blue C Sushi, a food service, eating and drinking establishment with no late hours (after 11:00 p.m.).
3. The subject property is located within the Fashion Island Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District and the General Plan Land Use Element category is CR (Regional Commercial).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on September 26, 2013 in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
2. The proposed project involves the addition of alcoholic beverages at a restaurant that is currently in plan check as a tenant improvement. Therefore, the project qualifies for a categorical exemption under Class 1.

SECTION 3. REQUIRED FINDINGS.

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

Finding

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

Facts in Support of Finding

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

- i. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
 1. The proposed establishment is located within Reporting District 39, wherein the number of crimes is higher than adjacent Reporting Districts (RDs) and the City. The adjacent RDs (43, 44, and 47) have a lower number of crimes as they are primarily residential with few commercial uses. Due to the high concentration of commercial land uses in Fashion Island, the crime rate and shoplifting rate is greater than adjacent residential Reporting Districts; however, the Newport Beach Police Department does not consider the number significant given the type of development within this Reporting District.
- ii. The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
 1. Due to the high concentration of commercial land uses, the calls for service and number of arrests are greater than adjacent residential Reporting Districts. The Police Department does not consider the rate high because of the concentration of restaurants and commercial uses within Fashion Island and the surrounding North Newport Center. The Newport Beach Police Department has not previously reported any calls for service to the subject property.
- iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
 1. Fashion Island does not abut sensitive land uses and is separated from other uses by parking lots, roadways and other commercial uses. Residential uses are permitted in the northern sections of the PC-56 (North Newport Center Planned Community) Zoning District within Blocks 500, 600, 800, and San Joaquin Plaza. The proposed use is not

located in close proximity to these residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools.

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

1. There are many comparable restaurant establishments within the Fashion Island Shopping Center. These include tenants such as Roy's Hawaiian Fusion, Fleming's Steak House, True Food Kitchen, Whole Foods, Lemonade's, Native Foods etc. The Type 47 (On Sale, General) alcohol license requested is the same as those obtained for said establishments and there is no evidence suggesting these uses have been detrimental to the neighborhood.

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

1. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the restaurant. Operational conditions of approval relative to the sale of alcoholic beverages will help ensure compatibility with the surrounding uses and minimize alcohol related impacts.
2. The restaurant use will be located within a shopping center designated to include such development. The Regional Commercial (CR) designation of the General Plan allows eating and drinking establishments. The service and consumption of alcohol at the proposed restaurant, pursuant to a Type 47 Alcoholic Beverage Control license under the conditions imposed by this Minor Use Permit that it will be operated and maintained, complies with the provisions of the Zoning Code and the North Newport Center Planned Community District Regulations.
3. The restaurant is within a highly-traveled commercial area that is occupied by a mixture of office and retail uses. It is anticipated that the establishment will serve visitors and employees of the nearby businesses who stop and eat within the North Newport Center area. Adding alcohol service to the menu will compliment the food service and provide for the convenience of customers.
4. The proposed restaurant is located within an existing restaurant space and tenant improvements to the interior of the building for the restaurant use is currently in plan check and will be designed specifically for a restaurant that includes on-site service and consumption of alcoholic beverages.

Minor Use Permit

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

Finding

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

Facts in Support of Finding

1. The Land Use Element of the General Plan designates the project site as Regional Commercial (CR), which is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents. The proposed restaurant with alcoholic beverage sales is a use that serves local and regional residents and is consistent with land uses in the CR land use designation.

Finding

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

Facts in Support of Finding

1. The project is located in the Fashion Island Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District. Fashion Island is intended to be a regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees of the area. The restaurant with alcoholic beverage sales is a commercial use that serves visitors, residents, and employees in the area and, therefore, is consistent with the purposes of the North Newport Center Planned Community District for the Fashion Island Sub-Area.
2. Eating and Drinking Establishments are permitted uses within the Fashion Island Sub-Area of the North Newport Center Planned Community Zoning District. Pursuant to the Planned Community Text, the on-premise sale of alcohol in conjunction with an eating and drinking establishment requires a minor use permit.

Finding

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

Facts in Support of Finding

1. The Fashion Island Sub-Area permits a range of retail, dining, and commercial entertainment uses within the PC-56 (North Newport Center Planned Community) Zoning District. The proposed use is compatible with surrounding permitted commercial uses in the vicinity and there are no sensitive land uses located nearby.

2. The on-site consumption of alcoholic beverages will be incidental to the restaurant use. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period, per the conditions of approval. Alcoholic beverage service will be under the supervision of employees who have completed a certified training program pursuant to Condition of Approval No. 12.
3. The restaurant will not be open late hours (past 11:00 p.m.) which will ensure that it does not operate as a bar, lounge or nightclub.

Finding

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

Facts in Support of Finding

1. The Fashion Island shopping center provides adequate parking and circulation within the surface parking lots and parking structures on site.
2. This site has been reviewed by the Fire Department to ensure adequate public and emergency vehicle access is provided. Utilities are provided with all applicable requirements.
3. The existing tenant space is designed for a restaurant use. Improvement to the interior of the building for the restaurant use is currently in plan check.
4. Improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

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

Facts in Support of Finding

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

2. The food service, eating and drinking establishment with alcohol service will serve visitors and the surrounding business community. The proposed establishment will provide alcohol service as a public convenience to visitors and workers within the surrounding area.
3. Fashion Island management has historically provided efficient on-site security and cooperates with the Newport Beach Police Department.
4. The existing space was previously occupied by a restaurant use and therefore is designed with a grease interceptor. The proposed restaurant will obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2013-013 (PA2013-148), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF SEPTEMBER, 2013.

By:

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division Conditions

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Alcohol service shall be limited to a Type 47 (On Sale General) Alcoholic Beverage Control License.
3. The closing hour of operation shall be limited to 11:00 p.m., daily. Any change to a later closing time shall require an Operator's License from the Police Department and an amendment to this Use Permit.
4. There shall be no live entertainment allowed on the premises without first obtaining a Live Entertainment Permit from the City.
5. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code, unless the Zoning Administrator first approves an amended minor use permit. This Minor Use Permit shall be terminated if the operation is no longer maintained as a "bona fide public eating place" as defined by the California Department of Alcoholic Beverage Control.
6. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
7. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
8. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of this restaurant business that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
9. There shall be no dancing allowed on the premises unless permitted by a Special Events permit.
10. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of

the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.

11. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
12. All owners, managers, and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's, and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
13. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
14. All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets, and shall be sound attenuated in accordance with Chapter 10.26 of the Municipal Code, Community Noise Control.
15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
16. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
17. The operator of the food service use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
18. Storage outside of the building shall be prohibited, with the exception of the required trash container enclosure.

19. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
20. The alcoholic beverage outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the alcoholic beverage outlet and adjacent properties, if directly related to the patrons of the subject alcoholic beverage outlet.
21. All proposed signs shall be in conformance with the provisions of the PC-56 (North Newport Center Planned Community), Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code, or an approved Comprehensive Sign Program for the project site.
22. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this permit.
23. The Zoning Administrator may add to or modify conditions of approval to this Minor Use Permit, upon a determination that the operation which is subject of this Minor Use Permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
24. Any changes in operational characteristics, hours of operation, expansion in area, or modification to the floor plan, shall require an amendment to this Minor Use Permit, unless otherwise approved by the Planning Division.
25. Should the business, subject to the Minor Use Permit conditioned herein, be sold or otherwise come under different ownership or a change in operators, any future owners, operators, or tenants shall be notified of the conditions of this approval by either the current business owner, property owner, or the leasing agent.
26. This Minor Use Permit shall expire unless exercised within twenty-four months from the date of approval as specified in Section 20.54.60 of the Newport Beach Municipal Code.
27. 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 Blue C Sushi Minor Use Permit including, but not limited to, the Minor Use Permit No. UP2013-013. 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.

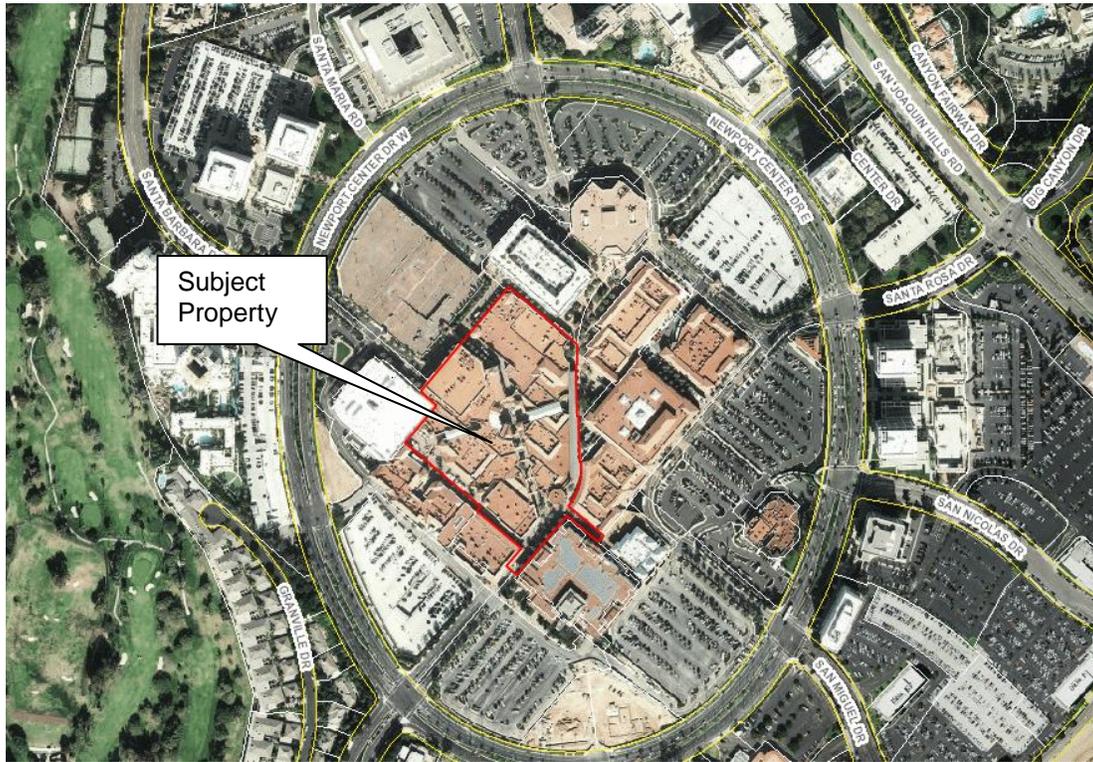
Building Division and Fire Department Conditions

28. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. 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. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
29. The tenant improvement for the restaurant shall comply with all plan check comments for Plan Check 1549-2013.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Minor Use Permit No. UP2013-013
PA2013-148

1095 Newport Center Drive

Attachment No. ZA 3

Police Department Reporting Districts

Attachment No. ZA 4

Alcohol Related Statistics



Chief Jay R. Johnson

NEWPORT BEACH POLICE DEPARTMENT

Crime Analysis Unit

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



CRIME AND ALCOHOL-RELATED STATISTICS - 2013 YTD

Subject:	Calls For Service	Crimes			Arrests				Citations	ABC Info	
		Part I Crimes	Part II Crimes	Crime Rate	All Arrests	DUI	Public Intoxication	Liquor Law	Alcohol Related	Active Licenses	License Per Capita
1095 Newport Center Dr	0	0	0	<i>not applicable</i>	0	0	0	0	0	1	<i>not applicable</i>
Subject RD: RD39	4,731	106	141	4,992.93	103	16	14	0	5	39	54
Adjacent RD: RD43	531	13	19	676.38	23	4	2	0	4	5	384
Adjacent RD: RD44	4,237	94	128	1,467.15	100	20	23	0	71	26	246
Adjacent RD: RD47	629	12	20	352.42	11	3	0	0	1	3	1,135
Newport Beach	64,672	1,625	2,382	1,903.35	2,265	329	430	7	709	394	217
California	<i>not available</i>	1,128,845	<i>not available</i>	2,994.92	1,183,470	104,345	99,017	15,904	<i>not available</i>	44,536	836
National	<i>not available</i>	10,266,737	<i>not available</i>	3,294.93	12,408,899	1,215,077	534,218	500,648	<i>not available</i>	<i>not applicable</i>	<i>not applicable</i>

Summary for Blue C Sushi at 1095 Newport Center Dr (RD39)

YTD 2013, RD39 had a total of 247 reported crimes, compared to a city-wide reporting district average of 105 reported crimes. This reporting district is 142 crimes, or 135%, OVER the city-wide average.

The number of active ABC licenses in this RD is 39, which equals a per capita ratio of one license for every 54 residents. Orange County averages one license for every 504 residents and California averages one license for every 836 residents. This location is within an RD that is OVER the Orange County and OVER the California per capita averages of ABC licenses.

Notes:

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

This report reflects City of Newport Beach data for calendar year 2013 YTD, through September 2.

California and National figures are based on the 2011 Uniform Crime Report, which is the most recent edition.

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

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

Additional Information

Highest Volume Crime in RD39
Shoplift

Highest Volume Crime in RD43
Grand Theft

Highest Volume Crime in RD44
Vandalism

Highest Volume Crime in RD47
Burg/Theft from Auto

Calls for Service at 1095 Newport Center Dr	
0	0
Grand Total	0

Attachment No. ZA 5

Police Department Recommendation

**City of Newport Beach
Police Department**

Memorandum

August 21, 2013

TO: Melinda Whelan, Assistant Planner
FROM: Detective John Thulin
SUBJECT: Blue C Sushi, 1095 Newport Center Drive,
Use Permit No. UP2013-0103 (PA2013-148).

At your request, the Police Department has reviewed the project application for *Blue C Sushi*, located at 1095 Newport Center Drive, Newport Beach. The applicant is requesting a minor use permit for an ABC Type 47 License (On Sale General – Eating Place) for a full service sushi restaurant. No late hours are proposed. The requested hours of operation are from 10:00 a.m. to 10:00 p.m. daily.

Applicant History

Blue C Sushi is a new restaurant to the City of Newport Beach however, the company has six locations in the state of Washington and four new locations planned for southern California and northern California.

Recommendations

The Police Department has no objection to the operation as described by the applicant.

Signs and Displays

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

Hours of Operation

The proposed hours of operation will continue to be 10:00 a.m. to 10:00 p.m., daily.

Security

The Police Department has no recommendations.

Employee Training

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

Additional Comments

For the purposes of this application, staff may also want to consider establishing conditions that would require a special event permit. A special event permit may be required for any event or promotional activity outside the normal operational characteristics of the proposed operation.

For example, events likely to attract large crowds, events for which an admission fee is charged, events that include any form of contract promoters, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

Other Recommended Conditions

In addition, the Police Department has determined that the following conditions would be appropriate for the Conditional Use Permit for the business:

1. Approval does not permit Blue C Sushi to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.
2. Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when offered in conjunction with food ordered from the full service menu. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
5. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
6. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business.

These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.

7. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
8. There shall be no live entertainment allowed on the premises.
9. There shall be no dancing allowed on the premises.
10. Strict adherence to maximum occupancy limits is required.
11. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

If you have any questions, please contact Detective John Thulin at (949) 644-3709.



John Thulin, ABC/Vice/Intelligence
Detective Division



Dale Johnson, Captain
Detective Division Commander

Attachment No. ZA 6

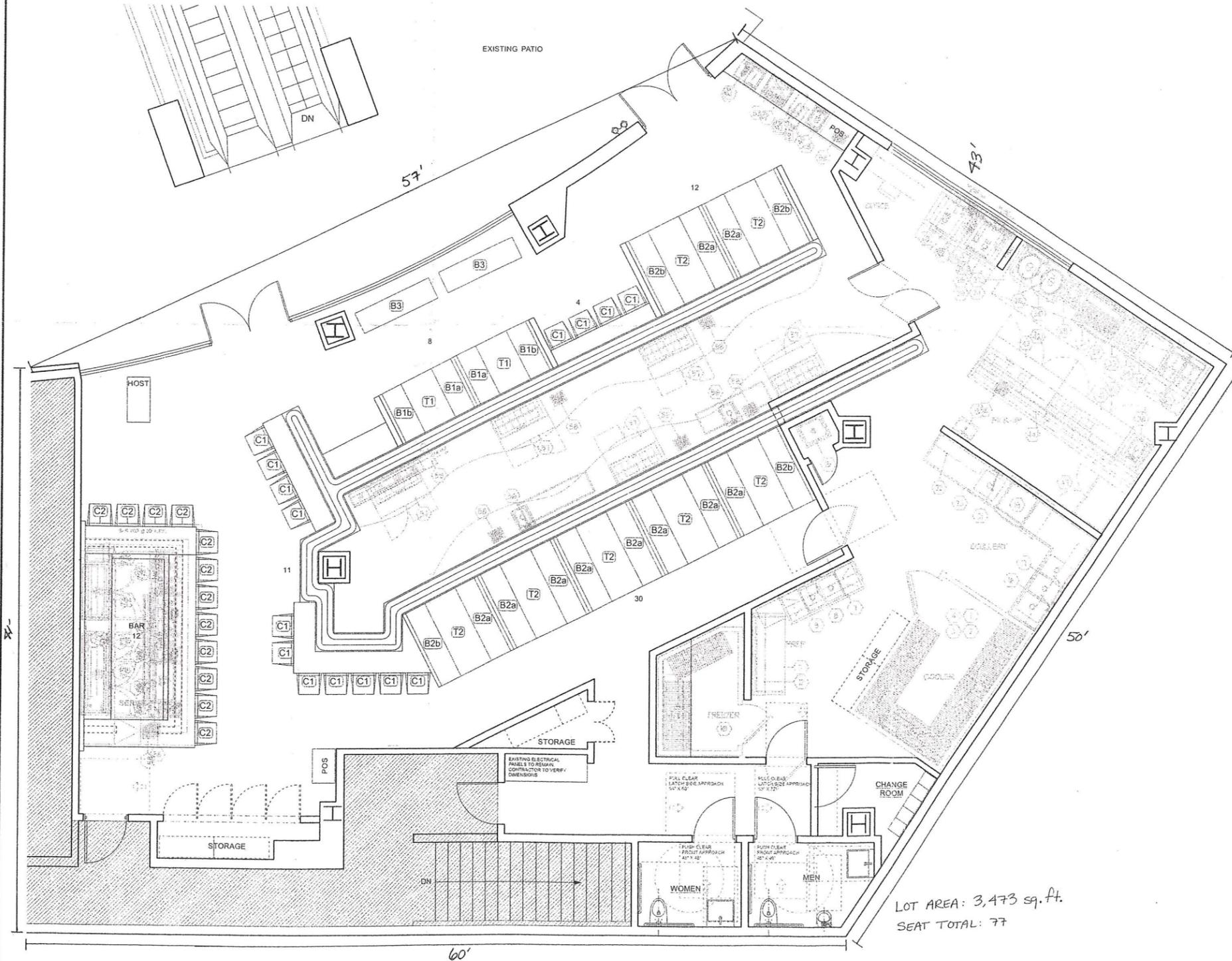
Project Plans

FURNITURE SCHEDULE

DESIGNATION	TYPE	LOCATION	MANUFACTURER	CONTACT INFO.	SIZE	SEAT UPHOLSTERY	BACK UPHOLSTERY	STAIN / FINISH	NOTES / ACCESSORIES
C1	CHAIR	SUSHI BAR							
C2	BARSTOOL	BAR							
T1	4-TOP BOOTH	SUSHI BAR			30" X 48"				
T2	6-TOP BOOTH	SUSHI BAR			30" X 72"				
B1	4 PERSON BOOTH	SUSHI BAR			SEE DTL				
B2	6 PERSON BOOTH	SUSHI BAR			SEE DTL				
B3	BENCH	RECEPTION							

NOTES:

1. ALL FURNITURE TO MEET CAL 133 SPECIFICATIONS
2. FURNITURE MANUFACTURER TO SUBMIT SHOP RAWINGS TO THE DESIGNERS FOR APPROVAL PRIOR TO ORDERING ANY FURNITURE.
3. THE FURNITURE MANUFACTURER IS RESPONSIBLE FOR ALL PERMITS REQUIRED BY THE LOCAL CITY AND STATE FOR THE INSTALLATION OF THE FURNITURE.
4. THE FURNITURE MANUFACTURER TO SUBMIT TO THE DESIGNER ALL FABRICS, STAIN SAMPLES, TABLE TOPSAMPLES AND SAMPLE CHAIRS FOR APPROVAL.
5. THE FURNITURE MANUFACTURER IS RESPONSIBLE FOR ALL FIELD MEASUREMENTS REQUIRED FOR THE PRODUCTION OF BOOTHS AND BANQUETTES.
6. THE FURNITURE MANUFACTURER IS TO CONFIRM THE FINAL ORDER WITH SOUSA DESIGN PRIOR TO COMMENCING WITH ANY MANUFACTURING.



BLUE C SUSHI

1095 NEWPORT CENTER DRIVE
NEWPORT BEACH, CA 92660

ALL DRAWINGS, SPECIFICATIONS AND ARCHITECTURAL DESIGNS ARE THE PROPERTY OF SOUSA DESIGN ARCHITECTS AND SHALL NOT BE REPRODUCED OR USED ON THIS OR ANY OTHER PROJECT WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS ON SITE PRIOR TO BEGINNING ANY WORK. REPORT ALL DISCREPANCIES IN WRITING TO SOUSA DESIGN ARCHITECTS BEFORE PROCEEDING WITH THE WORK AND SHALL EXCEPT FULL RESPONSIBILITY FOR SAME. DRAWINGS SHALL NOT BE SCALED. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS, AND TO THE SATISFACTION OF THE OWNER AND THE ARCHITECT.

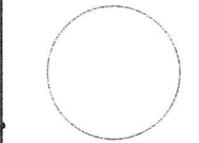
EACH CONTRACTOR SHALL SUBMIT TO SOUSA DESIGN ARCHITECTS FOR APPROVAL: SHOP DRAWINGS, SAMPLES, CUTS OF ALL THE ITEMS OF WORK PRIOR TO THEIR INCLUSION IN THE CONSTRUCTION. ALL ITEMS TO BE INCLUDED SHALL BE APPROVED FOR USE IN THE CITY OF NEWPORT BEACH, CA AND SHALL HAVE AN ASTM AND UL NUMBER WHEN SUCH ITEMS REQUIRE THIS DESIGNATION. EACH CONTRACTOR SHALL CO-ORDINATE HIS WORK WITH ALL OTHER CONTRACTORS.

THE QUALITY OF WORKMANSHIP AND MATERIALS USED SHALL COMPLY WITH ALL CITY OF NEWPORT BEACH AND CALIFORNIA STATE BUILDING CODES. DRAWINGS SUBJECT TO APPROVAL BY ALL GOVERNMENTAL AGENCIES HAVING JURISDICTION ALL NEW CONSTRUCTION TO COMPLY WITH APPLICABLE HANDICAPPED ACCESSIBILITY LAWS.

ISSUED FOR:
PERMIT

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Job #: 1249

Drawn By: DG Ckd by: SAS

Date: 02.28.2013

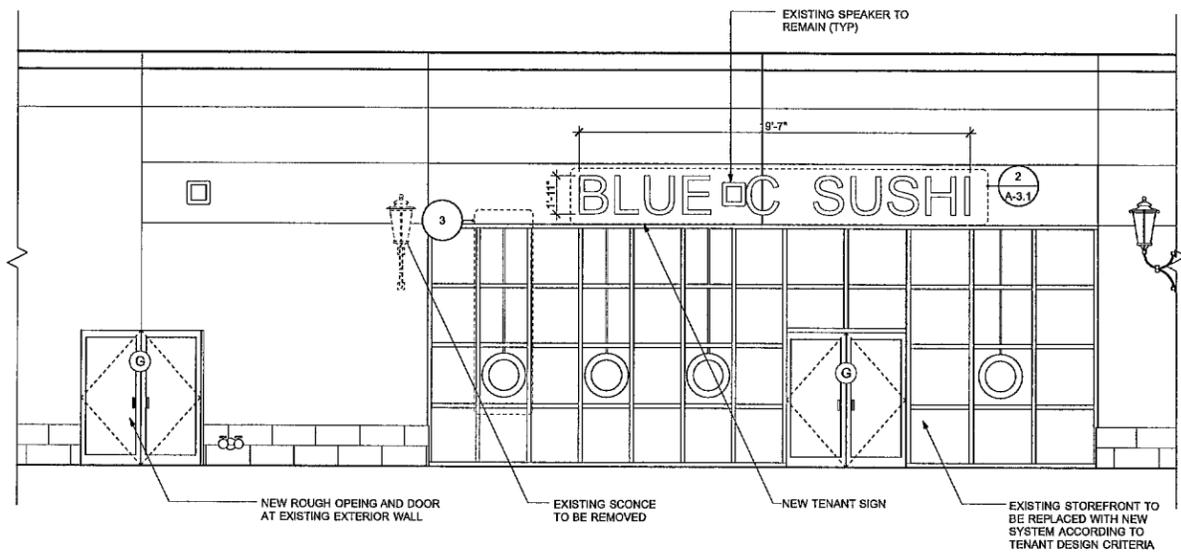
Revisions

NO.	REVISION	DATE
1	LANDLORD REVIEW	3/5/13
2	HEALTH PERMIT	5/22/13

FURNITURE PLAN

A-1.2
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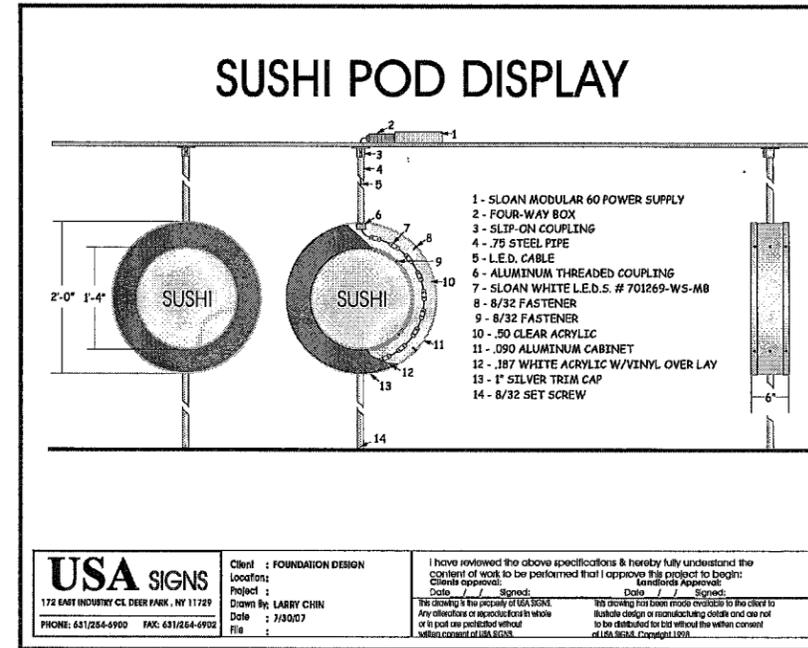
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1 EXTERIOR ELEVATION OF STOREFRONT
Scale: 1/4" = 1'-0"



2 EXTERIOR ELEVATION FROM PLAZA
Scale: 1/4" = 1'-0"



3 INTERIOR LIGHT ELEMENT BY OTHERS
Scale: Actual Size

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EXTERIOR
ELEVATION &
SIGNAGE

A-3.1

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