



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

FROM: Seimone Jurjis, Assistant City Manager/Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Community Development Director for the week ending July 25, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS JULY 24, 2025

- Item 1: Breakers Drive Lot Line Adjustment (PA2025-0036)
Site Address: 3150 and 3200 Breakers Drive
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| Action: Approved by Resolution No. ZA2025-046 | Council District | 6 |
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- Item 2: Lobel Residence Coastal Development Permit (PA2024-0103)
Site Address: 1212 West Oceanfront
- | | | |
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| Action: Approved by Resolution No. ZA2025-047 | Council District | 1 |
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- Item 3: Kickstand LLC Temporary Soda Trailer Limited Term Permit (> 90 days) and Coastal Development (PA2025-0074)
Site Address: 2001 West Balboa Boulevard
- | | | |
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| Action: Approved by Resolution No. ZA2025-048 | Council District | 1 |
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COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)

- Item 1: Holiday Inn Express Remodel Staff Approval (PA2025-0041)
Site Address: 2300 West Coast Highway
- | | | |
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| Action: Approved | Council District | 2 |
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APPEAL PERIOD: An appeal or call for review 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 is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Wendy Joe, Civilian Investigator, NBPD (*Telecom - Massage – ABC License*)
Mark Short, Police Sergeant, NBPD (*Massage – ABC License*)

RESOLUTION NO. ZA2025-046

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT NO. LA2025-0036 TO ADJUST THE BOUNDARY BETWEEN TWO CONTIGUOUS PARCELS LOCATED AT 3150 AND 3200 BREAKERS DRIVE (PA2025-0036)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Apex Land Surveying, Inc (Applicant) on behalf of the property owners, with respect to properties located at 3150 and 3200 Breakers Drive, and legally described as Lot 10 and Lot 11, respectively, of Tract No. 1026, requesting approval of a Lot Line Adjustment.
2. The Applicant proposes to adjust the interior lot line between two contiguous properties that are developed with single-unit dwellings. Approximately 48 square feet of land will be taken from 3150 Breakers Drive (Parcel 1) and added to the adjacent parcel at 3200 Breakers Drive (Parcel 2). The adjusted lot line will allow for an in-ground spa originally constructed over the interior lot line to be located entirely within Parcel 2. There will be no net change in the number of parcels (Project).
3. The properties are categorized as Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and are located within the Single-Unit Residential (R-1) Zoning District.
4. The properties are located within the Coastal Zone. The properties are categorized as Single Unit Residential Detached (RSD-A) - (0.0 – 5.9 DU/AC) by the Coastal Land Use Plan and are located within the R-1 (Single-Unit Residential) Coastal Zoning District. The Project does not require a Coastal Development Permit, as it does not result in a change to the density or intensity of the properties and is therefore not considered development under the definition of development provided in Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC).
5. The Project was previously approved under PA2015-105, and then subsequently under PA2022-083. Both of these approvals expired due to inactivity.
6. A public hearing was held on July 24, 2025, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA

Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

2. The Class 5 exemption applies to projects which are minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; including minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel. The Project will adjust a lot line to accommodate an in-ground spa. The Project will not result in a change in use or density and is consistent with the requirements of the Class 5 exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the 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 lot line adjustment is consistent with the legislative intent of the title.*

Facts in Support of Finding:

1. The purpose and intent of Chapter 19.76 (Lot Line Adjustment) of the NBMC is to allow for lot line adjustments. A lot line adjustment is defined as a minor boundary adjustment involving four or fewer adjacent lots or parcels where the land taken from one parcel is added to an adjacent parcel with the original number of parcels remaining unchanged after the adjustment. The Project will modify the interior boundary between two contiguous parcels to take a portion of land that is 4 feet wide by 12 feet long from Parcel 1 and add it to Parcel 2. The adjusted boundary will allow for an on-grade spa originally built over the property line in 1980 to be located entirely within Parcel 2. There will be no change to the overall number of lots. The project is consistent with the definition of a lot line adjustment and the overall purpose and intent of Chapter 19.76 of the NBMC.
2. The Project does not negatively impact surrounding landowners as the adjustment affects a small portion of an interior property line between two contiguous parcels.
3. Public improvements and infrastructure currently exist within the neighborhood and the Project will not result in the need for additional improvements and/or facilities.

Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the adjustment.*

Fact in Support of Finding:

1. Fact 1 in support of Finding A is hereby incorporated by reference.

Finding:

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth, and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

1. The Project will adjust a 12-foot-long portion of the interior boundary line between the subject properties. The area of adjustment is located towards the middle of the lots, approximately 57 feet north of the front property line and 73 feet south of the rear property line. The lot depth and overall lot width of the resulting parcels are unaffected by the Project.
2. Setbacks applicable to properties within the R-1 Zoning District shall continue to apply to the adjusted parcels in the same way that they applied to the previous parcel configuration.
3. The subject properties are located within the Bluff (B) Overlay District. NBMC Sections 20.28.040 (Bluff (B) Overlay District) and 21.28.040 (Bluff (B) Overlay District) establish development areas for the purpose of regulating the placement and location of structures. The existing spa is in what both NBMC Section 20.28.040 and 21.28.040 define as Development Area A. Spas and hot tubs are considered accessory structures and accessory structures are allowed in Development A.
4. The resulting parcels will comply with all applicable regulations of Title 20 (Planning and Zoning) of the NBMC and there will be no change in allowed land uses density, or intensity on the properties.

Finding:

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.*

Fact in Support of Finding:

1. Legal access to the subject properties is taken from Breakers Drive and will not be affected by the Project.

Finding:

- E. *That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

1. Vehicular access to both properties is currently provided from Breakers Drive. The final configuration of the subject properties will not result in the loss of the existing direct vehicular access.
2. There are no alleys located within or near the subject parcels.

Finding:

- F. *That the final configuration of a reoriented lot does not result in any reduction of the street site setbacks as currently exist adjacent to a front yard of any adjacent key unless such reduction is accomplished through a zone change to establish appropriate street site setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street site setbacks are appropriate and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.*

Fact in Support of Finding:

1. The project will not reorient the lots and no revised or reduced setbacks are required.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2025-0036, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 10 days after the adoption of this Resolution unless within such time an appeal or call for review is filed with the Director of Community Development in accordance with the provisions of Title 19 (Subdivisions), of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 24TH DAY OF JULY, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

1. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
2. *Prior to the Recordation of the Lot Line Adjustment, the Applicant shall submit the Lot Line Adjustment exhibits to the Public Works Department for final review and approval. All applicable fees shall be paid.*
3. This approval shall expire and become void unless exercised within twenty-four (24) months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Section 20.54.060 (Time Limits and Extensions) of the NBMC .
4. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold harmless the 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 **Breakers Drive** including, but not limited to **Lot Line Adjustment No. LA2025-0036 (PA2025-0036)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney’s fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of the City’s costs, attorney’s fees, and damages which the 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.

RESOLUTION NO. ZA2025-047

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING SINGLE-UNIT DWELLING UNIT AND CONSTRUCT A NEW, THREE-STORY, SINGLE-UNIT DWELLING WITH AN ATTACHED THREE-CAR GARAGE LOCATED AT 1212 WEST OCEAN FRONT (PA2024-0103)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by James Carlson, Architect, on behalf of the owner, David Lobel, with respect to property located at 1212 West Ocean Front, and legally described as Lot 4, Block 12 of Tract 234 (Property), requesting approval of a coastal development permit.
2. The applicant requests a coastal development permit (CDP) to allow the demolition of an existing single unit dwelling with detached garage and the construction of a new 4,684 square-foot, three-story, single-unit dwelling with an attached 642-square-foot three-car garage. The project also includes landscape, hardscape, drainage, and accessory structures located on private property. The project complies with all development standards and no deviations are requested (Project).
3. The property is categorized as RS-D (Single Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single Unit Residential) Zoning District.
4. The subject property is located within the Coastal Zone. The property is categorized RSD-C (Single Unit Residential Detached) - (10.0 – 19.9 DU/AC) by the Coastal Land Use Plan and is located within the R-1 (Single Unit Residential) Coastal Zoning District.
5. A public hearing was held on July 24, 2025, online via Zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition and construction of up to three single-family residences in urbanized areas. The proposed project consists of the demolition of an existing single-

unit dwelling and the construction of a new single-unit dwelling, consistent with the Class 3 exemption.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

A. Conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 5,753 square feet and the proposed floor area is 5,326 square feet.
 - b. The proposed development provides the minimum required setbacks which are eight feet from the front property line abutting West Ocean Front, three feet from each side property line, and zero feet from the rear property line abutting West Ocean Front Alley.
 - c. Both the highest flat roof and guardrails are less than 24 feet from established grade, or 35.5 feet based on the North American Vertical Datum of 1988 (NAVD 88), and the highest ridge is no more than 29 feet from established grade, or 40.15 feet (NAVD 88). The proposed development complies with all height requirements.
 - d. The proposed development provides a three-car garage, meeting the minimum three-car garage requirement for a single-unit dwelling with more than 4,000 square feet of habitable floor area.
 - e. The proposed lowest finished floor elevation of the new residence is 12.85 feet (NAVD 88), which complies with the minimum 9.0 foot (NAD 88) top of slab elevation requirement for interior living areas of new structures.

2. The surrounding neighborhood is predominantly developed with two-story and three-story dwellings. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development.
3. The Project proposes to demolish the existing single-unit dwelling to construct a new single-unit dwelling. The Project complies with the Housing Crisis Act of 2019 and Senate Bill 8 (Skinner) because it does not result in the loss of residential density.
4. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by PMA Consulting, Inc. dated September 15, 2024. As an ocean front property, the report analyzes the coastal hazards of shoreline erosion, flooding, wave runoff, and sea level rise. The property is separated from the Pacific Ocean by a wide sandy beach and is over 500 feet from the high tide line. The report assumes an approximate 3.15-foot increase to bay water levels, currently a maximum of 7.9 feet (NAVD88), due to sea level rise (based on low risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update) over the next 75 years (i.e., the life of the structure). The report concludes that given the wide nature of the beach, lack of long-term shoreline erosion, and a high finished first floor elevation, the Project is reasonably safe from coastal hazards and sea level rise. There is no anticipated need for a shore protection device over the life of the proposed development and there are no recommendations necessary for avoidance or minimization of coastal hazards.
5. The finish floor elevation of the residence is proposed at an elevation of 12.85 feet (NAVD 88), which complies with the minimum 9.00-foot (NAVD 88) elevation standard.
6. The property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of a building permit. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and the CBC prior to building permit issuance.
7. Pursuant to Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection – Development Standards) of the NBMC, the property owner is required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The property owner is also required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with Section 21.30.015(D)(3)(c) (General Site Planning and Development Standards) of the NBMC. Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
8. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the CBC and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit

issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.

9. The property is located adjacent to coastal waters. Pursuant to Section 21.35.030 (Construction Pollution Prevention Plan) of the NBMC, a Construction Pollution Prevention Plan (CPPP) is required to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation, and to minimize pollution of runoff, and coastal waters derived from construction chemicals and materials. A CPPP has been provided and construction plans and activities will be required to adhere to the CPPP.
10. Pursuant to Section 21.35.050 (Water Quality and Hydrology Plan) of the NBMC, due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area, a preliminary Water Quality Management Plan (WQMP) is required. The preliminary WQMP was prepared by Toal Engineering, Inc. dated January 10, 2025. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of an LID approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs. Construction plans will be reviewed for compliance with the approved Water Quality Hydrology Plan (WQHP) prior to building permit issuance.
11. Proposed landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. Condition of Approval No. 18 is included, which requires drought-tolerant species. Prior to the issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
12. The Property is not located adjacent to a coastal view road or coastal viewpoint as identified in the Coastal Land Use Plan. The nearest designated coastal viewpoint is at Marina Park, approximately 1,400 feet northwest of the property, and the nearest designated coastal view road segment is located along Newport Boulevard, over 6,000 feet away. The Project is not visible from either due to the distance from the points and intervening structures. The Project is, however, located adjacent to and visible from the Ocean Front public walkway and the beach beyond. The Project replaces an existing single-unit dwelling built over 100 years ago with a new single-unit dwelling that complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing and anticipated neighborhood pattern of development. The Project ultimately should blend in with existing development and does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts on existing public views.

Finding:

- B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding:


1. The Property is located on the Balboa Peninsula and between the nearest public road and the sea. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the Project includes the demolition of a single-unit dwelling and the construction of a single-unit dwelling on an R-1 zoned lot. The Project maintains the same number of units as the existing development and does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. Vertical access to the coast is available on either side of the Property via the 12th and 13th Street ends. Lateral access is provided on the beach and through the Ocean Front public walkway. The project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Coastal Development Permit filed as PA2024-0103, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 24TH DAY OF JULY, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Revisions to the approved plans require review by the Planning Division and may require an amendment to this coastal development permit or the processing of a new coastal development permit.
3. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
4. The Coastal Development Permit filed as PA2024-0103 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
5. *Prior to the final building permit inspection, a waterproofing curb or similar design feature shall be constructed around the proposed residence as an adaptive flood protection device up to a minimum of 10.9 feet (NAVD88). Flood shields (sandbags and other methods) can be deployed across the openings to protect and prevent flooding to the structure.*
6. *Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify 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 development. The letter shall be scanned into the plan set prior to building permit issuance.*
7. *Prior to the final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors.*
8. *Prior to the issuance of a building permit, the final WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall comply with the approved CPPP*

and WQHP/WQMP; any changes could require separate review and approval by the Building Division.

9. Prior to the issuance of a building permit, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.
10. Prior to the issuance of a building permit, the applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.
11. Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
12. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
13. This approval does not authorize any new or existing improvements (including landscaping) on State tidelands, public beaches, or the public right-of-way.
14. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands, or their buffers.
15. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
16. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock-piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
17. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
18. Prior to the issuance of a building permit, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.

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19. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
 20. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or holidays.
 21. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
 22. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of Native Birds pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
 23. 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 Coastal Development Permit.
 24. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
 25. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious

to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

26. All proposed accessory structures located within setback areas shall comply with applicable height limits consistent with NBMC Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls).
27. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
28. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **Lobel Residence** including, but not limited to the **Coastal Development Permit (PA2024-0103)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

29. The foundation shall be designed for liquefaction mitigation, pursuant to California Building Code (CBC) Policy No. CBC 1803.5.
30. Habitable levels greater than one story above or below an egress door shall not exceed the 50-foot maximum travel distance from any occupied point to a stairway or ramp that provides egress from said habitable level.

Fire Department

31. Installation of an NFPA 13D fire sprinkler system is required.

Public Works Department

32. The Applicant shall install a new sewer clean out on the existing sewer lateral, pursuant to City Standard 406.
33. The Applicant shall remove all existing encroachments within the Ocean Front right of way and install a new sidewalk to match.

34. The existing water service shall be abandoned at the water main. Proposed service and meter shall be installed pursuant to City Standard 502.

RESOLUTION NO. ZA2025-048

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LIMITED TERM PERMIT AND COASTAL DEVELOPMENT PERMIT FOR THE KICKSTAND TEMPORARY TRAILER FOR THE SERVICE OF NON-ALCOHOLIC BEVERAGES LOCATED AT 2001 WEST BALBOA BOULEVARD (PA2025-0074)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Richard Hancock, concerning property located at 2001 West Balboa Boulevard, and legally described as Lot 2 Block O in Tract No.323 requesting approval of a limited term permit and coastal development permit.
2. The applicant requests a limited term permit to authorize a temporary trailer for the service of non-alcoholic beverages (i.e., sodas) for up to a one-year term at the existing Kickstand bike rental shop parking lot. The temporary trailer, including a protected customer queuing area, will occupy two of the three existing on-site parking spaces. No late hours are proposed (i.e. after 11:00 p.m.). The project site is within the Coastal Zone and requires the approval of a coastal development permit.
3. The subject property is designated Mixed-Use Water 2 (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water (MU-W2) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and it is located within the Mixed-Use Water (MU-W2).
5. A public hearing was held on July 24, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and under Class 1 (Existing Facilities), respectively, of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The proposed scope of work includes the placement of the temporary mobile trailer within two

existing parking spaces at an existing bike rental shop. Therefore, the project qualifies under the parameters of the Class 1 exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.040.(G) (Limited Term Permits – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

A. The operation of the limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;

Facts in Support of Finding:

1. The limited term permit will allow the operation of a temporary trailer for soda service until July 24, 2026, unless an extension is granted pursuant to Section 20.52.040. (J) (Limited Term Permits – Extension of Limited Term Permit) of the NBMC.
2. The proposed operation is conditioned to be accessible to all persons, including those with disabilities, in accordance with the Americans with Disabilities Act (ADA).
3. The permitted use shall adhere to applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the use. It is the responsibility of the permittee to implement and follow industry-specific guidance of the State of California and the Orange County Health Care Agency guidelines.
4. The overall plan includes appropriate delineation of outdoor use spaces with physical barriers or markers.

Finding:

B. The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;

Facts in Support of Finding:

1. The subject lot is approximately 0.08 acres in size and is adjacent to West Balboa Boulevard. Based on the site plan, there is an adequate area to accommodate the temporary mobile trailer without impacting pedestrian circulation or vehicular circulation on-site.

2. The proposed temporary mobile trailer, including a protected customer queuing area, will occupy two of the three on-site parking spaces and will not encroach into the drive aisle or the 10-foot alley setback.
3. The lot frontage is on West Balboa Boulevard and the existing bike rental shop occupies the entire one-story structure that was constructed in the 1960s. The temporary mobile trailer for non-alcoholic beverage service will provide an additional amenity to visitors and the surrounding neighborhood. The accessory use will not impede the use and enjoyment of the properties in the area.

Finding:

- C. The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;*

Facts in Support of Finding:

1. The parking area on the subject property will remain accessible from the alley and West Balboa Boulevard.
2. The temporary mobile trailer, including the protected customer queuing area, will occupy two existing parking spaces. The queuing area contains substantial barriers to protect the area from the drive aisles and parking areas and will not encroach into the drive-aisles or the alley setback.
3. The proposed temporary mobile trailer is small in scale and intended to support existing visitors and residents of the Balboa Peninsula, therefore, potential traffic and parking impacts would be negligible.

Finding:

- D. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator; and*

Facts in Support of Finding:

1. The temporary mobile trailer, including the protected customer queuing area, will occupy two parking spaces with appropriate delineation and temporary substantial physical barricades. One parking space will be maintained for bike rental use during the limited term permit.
2. The Balboa Peninsula mixed-use area provides public on-street parking along West Balboa Boulevard.

Finding:

E. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.

Facts in Support of Finding:

1. The General Plan land use designation is Mixed-Use Water 2 (MU-W2) and Zoning designation for this site is Mixed-Use Water (MU-W2). The MU-W2 designation is intended to provide a range of general commercial, visitor-serving commercial intermixed with marine related uses and residential dwelling units on upper floors. The temporary mobile trailer for soda service is an accessory to the existing bike rental shop, will be utilized for a limited duration on-site, and will contribute to the visitor and neighborhood serving use.
2. The Limited Term Permit for temporary mobile trailer for soda service would complement and be consistent with the other commercial uses permitted within the Mixed-Use Water area in that it provides an amenity that support the visitors to the area as well as for those who live and work in the neighborhood, consistent with General Plan Land Use Element Goal LU2, below. Additional benefits include providing opportunities for the continuation of local businesses that generate sales tax and providing opportunities for employment, which is consistent with General Plan Land Use Element Policy LU 2.4 (Economic Development), also copied below:

Goal LU 2 *A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.*

Policy LU 2.4 Economic Development *Accommodate uses that maintain or enhance Newport Beach's fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents. (Imp 1.1, 24.1)*

3. Council Policy D-9 recognizes the need to balance economic development objectives with protection of the environment and the health and safety of the community. The policy recognizes the need to provide effective and efficient structures for implementing economic programs, utilizing staffing to provide healthy, thriving businesses, and maintain a healthy economy while preserving the unique commercial villages in Newport Beach. The proposed limited term permit would support a local business and economic prosperity while maintaining the unique character of the Balboa Peninsula.
4. The site is not located within a specific plan area.

Coastal Development Permit

In accordance with Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

F. Conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

1. The project site is not located adjacent to a coastal view road or public access way. The closest public viewpoint is approximately 500 feet south on Newport Pier. The site is located approximately 300 feet north from the West Ocean Front public boardwalk and beach. The temporary mobile trailer stands approximately 9 feet tall, less than the height of typical one-story commercial buildings and will remain within the two parking spaces on private property. Therefore, it will not impact views or public access. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.
2. The Property is located in the coastal zone and the proposed improvements require a coastal development permit in accordance with Section 21.52.035(C)(2) (Projects Exempt from Coastal Development Permit Requirements) of the NBMC. The improvements constitute a change in the intensity of the existing use by adding a temporary mobile trailer for soda service within two existing parking spaces on-site. The location of the mobile trailer does not pose a conflict to coastal resources, coastal access, or other adverse environmental effects.
3. The service will provide an additional commercial amenity accessory to the bike rental shop serving visitors and the surrounding neighborhood. The temporary mobile trailer complies with all applicable Local Coastal Program (LCP) development standards and is consistent with the existing pattern of development on the Balboa Peninsula.
4. There are no existing City utilities within the two parking spaces being utilized for the temporary mobile trailer and protected customer queuing area.
5. Development authorized by this permit is not located in any environmentally sensitive habitat area. The proposed operation does not contain Environmentally Sensitive Habitat Areas (ESHA), wetlands, or sandy beach area.
6. The authorized development is not located in an area in which the California Coastal Commission retains direct permit review authority.

Finding:

- G. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

1. The subject property is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone. The site is located approximately 300 feet north from the West Ocean Front public boardwalk and beach, which provides lateral access. Vertical access is provided at the terminus of 20th Street and the public boardwalk. The temporary mobile trailer would not obstruct access along these routes,
2. The public access to the coast will not be blocked. Coastal access is increased by allowing an added amenity to the existing commercial bike shop, promoting an additional service to the public visiting coastal areas

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Limited Term Permit and Coastal Development Permit filed as PA2025-0074, subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 20 (Planning and Zoning) and Title 21 (Local Coastal Implementation Plan), of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 24TH DAY OF JULY, 2025.

Benjamin M. Zieba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL****Planning Division**

1. The development shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The approval of this Limited Term Permit and Coastal Development Permit shall be effective for up to a one-year term, from August 8, 2025, to August 8, 2026. The applicant shall be required to cease all permitted operations and remove any temporary improvements made in the parking lot including removing the temporary soda trailer, unless an extension is granted pursuant to Section 20.52.040 (J) (Limited Term Permits - Extension of Limited Term Permit) of the NBMC.
3. *The hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m., daily.*
4. *The mobile trailer, including the protected customer queuing area, shall only occupy up to two of the onsite parking spaces (maximum).*
5. *Prior to the operation of the mobile trailer providing soda service, the operator shall abide by all applicable Orange County Health Care Agency and state requirements including obtaining necessary permits.*
6. *Substantial water-filled barricades shall be provided to protect the queuing area from the adjacent drive aisle and alley public-right-of-way.*
7. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
8. The applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this Limited Term Permit.
9. This Limited Term Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
10. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, may require an amendment to this Limited Term Permit.
11. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.

12. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the NBMC.
13. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
14. No outside paging system or amplified sound shall be utilized in conjunction with this establishment.
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 the 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. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
17. The exterior of the business shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
18. 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).
19. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Use Permit.
20. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.
21. *The drive aisle, as well as the parking space(s) not occupied by this temporary use, shall always remain free and clear of any obstructions. All uses on the site shall comply with Section 20.48.140 (Outdoor Storage, Display, and Activities) of the NBMC.*
22. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **Kickstand LLC Temporary Soda Trailer** including, but not limited to, **PA2025-0074**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which the City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

23. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons:
 - a. A minimum 4-foot-side accessible path to all functional areas shall be provided;
 - b. access to restrooms shall be provided at all times;
 - c. accessible parking stalls shall not be used for seating areas when onsite parking is provided.
24. All exiting paths shall be a minimum 36 inches free and clear. All public walks and sidewalks shall be minimum 48 inches free and clear.
25. Where food or drink is served for consumption at a counter exceeding 34 inches (864 mm) in height, a portion of the main counter 60 inches (1525 mm) minimum in length shall be provided in compliance with Section 11B-902.3 (California Building Code [CBC] 11B226.3).
26. A portion of the counter surface that is 36 inches (914 mm) long minimum and 34 inches (864 mm) high maximum above the finish floor shall be provided. A clear floor or ground space complying with Section 11B-305 shall be positioned for a parallel approach adjacent to the 36 inch (914 mm) minimum length of counter (CBC 11B-904.4.1).

Public Works Department

27. The parking layout shall comply with City Standard 805.
28. The substantial water-filled barricades shall not encroach into the required drive aisle widths or the 10-foot rear alley setback.
29. The applicant shall prohibit vehicles from queuing into the West Balboa Boulevard or alley public-rights-of-way.

30. Patrons shall be prohibited from standing or waiting within the drive aisle or impacting the public right-of-way.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Subject: Holiday Inn Express Remodel (PA2025-0041)
▪ Staff Approval

Site Location 2300 West Coast Highway

Applicant Brian Husting of Kollin Altomare Architects

Legal Description A portion of Lot A of Tract No. 919

On **July 24, 2025**, the Community Development Director approved a Staff Approval (PA2025-0041) in substantial conformance with Use Permit No. 2006-019 (PA2006-182) to allow for the remodel of the existing Holiday Inn Express. The remodel includes changes to the exterior building façade, interior renovations, and converting the existing meeting room and breakfast room into a restaurant to provide all day service. This approval is based on the following findings and is subject to the following conditions.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** Visitor Serving Commercial (CV)
- **Zoning District:** Commercial Visitor-Serving (CV)
- **Coastal Land Use Plan Category:** Visitor Serving Commercial – 0.0 – 0.75 FAR (CV-A)
- **Coastal Zoning District:** Commercial Visitor-Serving (CV)

PROJECT SUMMARY

The applicant proposes to convert the existing Holiday Inn Express into a branded boutique motel by renovating the interior and exterior of the motel, including the 83 existing guestrooms, with new finishes and furnishings in compliance with current accessibility requirements. No changes to the number of guestrooms is proposed. The exterior of the motel will be remodeled within the existing footprint of the motel. The motel has an existing meeting room and adjacent breakfast room at the front of the building that will be converted into a restaurant that will provide full-service dining for motel guests with incidental service to the public. Room service will be available from the restaurant 24 hours per day for guests, with limited ancillary service to the public from 7:00 a.m. to 10:00 p.m. in the dining area of the motel. Additionally, a new outdoor dining patio will be constructed within the existing landscaped area adjacent to the restaurant in front of the motel along West Coast Highway.

BACKGROUND

On September 10, 1987, the Planning Commission approved Use Permit No. 3289 as well as a Traffic Study and Negative Declaration in compliance with the California Environmental Quality Act (CEQA) for the construction of a two-story motel facility with 53 guestrooms, a restaurant, cocktail lounge (Attachment No. CD 3). The project included a modification to the Newport Beach Municipal Code (NBMC) to allow compact parking spaces for a portion of the on-site parking.

Subsequently, on August 9, 1990, the Planning Commission approved an amendment to Use Permit No. 3289 to allow the expansion of the net public area (NPA) of the restaurant (Attachment No. CD 4). The amendment also approved a change in hours of operation for the cocktail lounge to extend the closing time to 1:30 a.m. Additionally, the amendment allowed live entertainment in the form of a piano bar, strolling musicians in the restaurant area, and a pipe organ in the lobby.

On April 5, 2002, the Planning Commission approved Use Permit No. 2001-044 (PA2001-253) to allow the removal of the existing restaurant and construction of 11 new guestrooms for a total of 64 guestrooms (Attachment No. CD 5). Additionally, a breakfast room was added to the 1st floor and a balcony area was enclosed to expand the interior of a guestroom.

On July 25, 2003, the Planning Director approved Staff Approval No. SA2003-017 (PA2003-169) in substantial conformance with Use Permit No. 2001-044 to add a small meeting room in the lobby/breakfast area of the motel (Attachment No. CD 6).

On November 2, 2006, the Planning Commission approved Use Permit No. 2006-019 and Development Plan No. 2006-001 (PA2006-182) to make changes to the parking lot and add another 19 guestrooms for a total of 83 guestrooms (Attachment No. CD 7). Additionally, the use permit included a review of the architectural design in conformance with the Mariner's Mile Strategic Vision and Design Framework including, but not limited to, five-sided architecture, landscaping, color palette, signage, and lighting.

I. FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project) of the NBMC, the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed changes are in substantial conformance with the entitlements:

Finding:

A. *The changes are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. The property is located within the Commercial Visitor-Serving (CV) Zoning District which is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. The property is currently developed with a Holiday Inn Express (motel), which provides accommodations for visitors to the City. The project proposes renovating the existing motel's food service area to include a full-service dining offering that will primarily serve guests of the motel. The exterior and interior renovations will provide an updated accommodation experience for visitors that complies with more modern accessibility requirements.
2. The project will not add any new gross floor area to the motel and no changes are proposed to the existing footprint. The restaurant, including the outdoor dining area, will continue to be an accessory use to the existing motel and primarily serve existing customers of the motel. Conditions of approval have been included in this Staff Approval to ensure the restaurant remains ancillary to the motel use and primarily serves motel guests. Restaurants and bars are common accessory uses to visitor accommodations. Therefore, the project will not generate additional parking demand and no additional parking spaces are required.
3. At the time the current Use Permit No. 2006-019 was approved, the floor area ratio (FAR) was allowed to be calculated within a variable FAR of 0.5 to 0.75 per the General Plan based on the proposed land use. Chapter 20.63 (Floor Area Ratios and Building Bulk) of the NBMC at the time established three categories of land uses: Reduced FAR, Base FAR, and Maximum FAR Uses. The motel use fell into the category for Maximum FAR Uses, allowing up to 0.75 FAR. This allowed for a different methodology of calculating the FAR and the motel complied with the FAR per the NBMC and the General Plan. However, Chapter 20.63 no longer exists in the current NBMC.
4. The FAR calculation using the current NBMC allows a maximum of 0.5, or approximately 26,712 square feet. The existing motel is approximately 40,257 square feet or 0.75 FAR, which exceeds the 0.5 FAR currently allowed. Therefore, the existing motel is nonconforming to the current NBMC. However, the project will not increase the existing gross floor area on the property. Pursuant to Section 20.70.020 (Definitions of Specialized Terms and Phrases) of the NBMC, outdoor dining areas associated with eating and drinking establishments are excluded from gross floor area for nonresidential structures and, therefore, the outdoor dining area associated with the new restaurant does not contribute to the FAR. The project is therefore consistent with Section 20.38.040 (Nonconforming Structures) of the NBMC.

Finding:

- B. *The changes 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. Use Permit No. 2006-019 was categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 32 (In-Fill Projects). The Class 32 Exemption applies to certain in-fill development projects in urban areas that are consistent with the General Plan and applicable zoning regulations within an urbanized area. This exemption allows for the expansion of an existing use within a built-out commercial area, and the project was found to be consistent with the General Plan and zoning standards. Further, the project is not located in an environmentally sensitive area nor are there any unique circumstances that would lead to a significant effect on the environment with project implementation.
2. The proposed changes to the existing motel will not compromise the original Class 32 exemption under the CEQA guidelines as the request involves alterations within the existing building without changing the primary use. The property will continue to operate as a motel with the restaurant as an ancillary to the motel that will primarily serve motel guests.

Finding:

- C. *The changes 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 change does not involve a feature that was specifically addressed or was the subject of a condition of approval for Use Permit No. 2006-019.
2. Condition of Approval No. 24 of Use Permit No. 2006-019 requires that there be a total of seven palm trees within the planting area adjacent to the sidewalk on West Coast Highway. The palm tree shall be a Mexican Fan Palm (*Washingtonia Robusta*) with a minimum of 8-foot trunk height and a subdrainage system. This requirement is from the Mariner's Mile Strategic Vision & Design Framework – Landscape Framework to create continuity through common landscaping improvements throughout Mariner's Mile. The proposed project will retain the required landscaping along West Coast Highway.
3. Condition of Approval No. 33 of Use Permit No. 2006-019 requires that there shall be no fewer than 83 parking spaces on site. At the time the parking configuration was approved, one of the 83 parking spaces was erroneously depicted in an infeasible location, directly in front of a side entrance into the motel. That parking space was never constructed since it conflicted with access requirements for the building. Additionally, subsequent restriping of the parking lot to comply with ADA (Americans with Disabilities Act) parking requirements reduced the parking spaces by one parking space. Removal of parking spaces to comply with accessibility requirements is allowed under Section 20.40.11 (A) (ADA Compliance) of the NBMC. Thus, there

are 81 existing parking spaces on site. Although the property does not meet the required number of parking spaces per the condition of approval, the project does not propose to further reduce the number of parking spaces on site and does not propose a use that would generate an additional parking demand. The existing parking lot is considered existing nonconforming, and the project complies with the limitations defined in Section 20.38.060 (Nonconforming Parking) of the NBMC.

Finding:

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

Facts in Support of Finding:

1. The existing use is a motel with 83 guestrooms and amenities for the motel guests. The proposed change will convert the existing meeting room and breakfast room into a restaurant that will continue to serve motel guests. The primary use of the building will be a motel to serve visitors to the City and the conversion of meeting room and breakfast room to full-service dining will allow motel guests to have a more robust and convenient dining experience while staying at the motel.
2. The restaurant will be partially converted from a breakfast room that provided a food option for motel guests. The restaurant will offer a similar benefit with more food options for guests. Although the restaurant is intended to be an amenity to guests of the motel, it will be open for ancillary public use between 7:00 a.m. and 10:00 p.m., and no late hours are proposed for the public. However, room service orders prepared in the restaurant will be available 24 hours per day for motel guests with dine-in and room service options, which is typical of visitor accommodations.
3. In addition to the restaurant conversion, the project proposes interior and exterior renovations to upgrade the aesthetics of the motel. The number of guest rooms will remain the same and the overall use of the building will not be changed from a motel use.

II. CONDITIONS

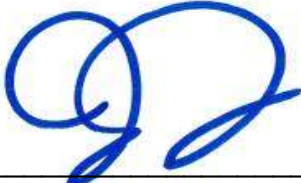
All previous findings and conditions of approval of Use Permit No. 2006-019 shall remain in full force and effect as stated in Attachment No. CD 2. The following conditions are specific to this Staff Approval and do not serve to modify or amend those conditions of the original permit.

1. All previous conditions of approval for Use Permit No. 2006-019 shall remain in full force and effect.
2. *The public hours of operation for the restaurant shall be between 7:00 a.m. and 10:00 p.m., daily.*

3. *The restaurant shall remain an ancillary use and shall not operate separately from the motel.*
4. *The restaurant shall not have a separate entrance. All access to and from the restaurant shall be through the motel.*
5. *Any proposed signage for the restaurant that is visible from the public right-of-way shall be minimized to the extent feasible and shall be reviewed by the Community Development Director prior to permit issuance.*
6. The development authorized by this Staff Approval shall be in substantial conformance with the approved plans (Attachment No. CD 8).
7. The Community Development Director may add or modify conditions to this staff approval or revoke this staff approval upon determination that the operation, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community if the property is operated or maintained so as to constitute a public nuisance.
8. This approval does not relieve the applicant of compliance with other City or State requirements. The applicant is required to obtain all applicable permits from the City Building Division and Fire Department. Prior to the issuance of any building, mechanical, and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. A copy of this action letter and conditions of approval shall be incorporated into the drawings approved for the issuance of permits.
9. *To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 the City's approval of the **Holiday Inn Express Remodel including, but not limited to, the Staff Approval (PA2025-0041)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceedings. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined 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 or call for review 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 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.

Prepared by:



Jenny Tran, Associate Planner

Approved by:



Seimone Jurjis, Assistant City Manager

LAW/jt

Attachments:

- CD 1 Vicinity Map
- CD 2 Project Description
- CD 3 Use Permit No. 3289
- CD 4 Use Permit No. 3289 Amendment
- CD 5 Use Permit No. 2001-044
- CD 6 Staff Approval No. SA2003-017
- CD 7 Use Permit No. 2006-019
- CD 8 Project Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval
PA2025-0041

2300 West Coast Highway

Attachment No. CD 2

Project Description



Holiday Inn Express Remodel

2300 West Coast Highway
Newport Beach, CA

Staff Approval Project Description

Site Information

Address: 2300 West Coast Highway
Newport Beach, CA 92663

Assessor's Parcel Number: 425 471 25

Tract TRM: 00919

Legal Description: A portion of Lot A, Tract 919

Lot Area: 53,424 SF or
54,906 SF

Lot Width: 132' / 129.69'
Lot Depth: 435.70' / 411.03'

Setbacks

Front	0'
Side Abutting Residential	5'
Side Abutting Non-Resid.	0'
Rear Abutting Residential	5'

Building Area

Existing Gross Floor Area	39,978.7 SF
Proposed Gross Area	40,256.5 SF
New Area	+ 277.8 SF

Floor Area Ratio

Site Area 54,943.1 SF

Level 1 (Gross Area)	19,856.6 SF
Stairways	-227.4 SF
Mech. Rooms	-256.1 SF
Shafts	-88.4 SF
Subtotal (Net Area)	19,284.7 SF

Level 2 (Gross Area)	20,399.9 SF
Stairways	-394.7 SF
Mech. Rooms	-131.2 SF
Shafts	-88.4 SF
Subtotal (Net Area)	19,785.6 SF

Total Net Area **39,070.3 SF**

Floor Area Ratio

39,070.2 SF / 54,943.1 SF = **0.73**

Lot Coverage

Buildings	19,856.6 SF	36.1%
Hardscape/ Parking	29,012.3 SF	52.8%
Landscape	6,074.2 SF	11.1%
Total	54,943.1 SF	100%

Parking

Provided Parking

Accessible Parking	3 Spaces
Van Accessible Parking	1 Space
Standard Parking (Existing)	69 Spaces
Compact Parking (Existing)	8 Spaces
Total	81 Spaces

The Owner has provided a Parking Analysis to show that there is sufficient available parking.
(See Parking Analysis prepared by Linscott Law & Greenspan)

Employees

Administration	2 Persons
Housekeeping	5 Persons
Food Service	5 Persons
Total	12 Persons



Hours of Operation

Hotel Use 24 Hours/Day

Building Use

Guestrooms Hotel/ Lodging
83 Guestrooms & Suites

Project Description

The existing Holiday Inn Express is comprised of 83 guestrooms within a two story structure on the north side of West Coast Highway.

In the past, there have been multiple additions to the hotel to increase the number of guestrooms. The current building is at the maximum allowable FAR for the site.

The exterior building facades will be remodeled as well but within the existing height limit.

The Owner is proposing to convert the existing Holiday Inn Express into an unique branded boutique hotel. The majority of the project will be interior renovation work that will include guestrooms and the addition of a new Restaurant available to the public. A new exterior dining patio will be constructed in the front setback area adjacent to the new Restaurant.

Site

Bordering the west of the Project site is the City's on-grade parking lot and a previous Sports Bar. The Hotel borders hillside residences on the north side. These residences are accessed by Cliff Drive. There is an existing two story structure with retail shops and offices to the east. West Coast Highway borders the Hotel on the south and is the main vehicular access path to the property.

Hotel Exterior Facades

The exterior building facades will be remodeled but will respect the maximum allowable height.

Parking

The Owner is providing a Parking Analysis to show that there is sufficient available parking. We are modifying the existing parking to provide the code required van accessible parking space.



Restaurant

The proposed Restaurant will be a 'Quality' level restaurant with about 80% of the clientele being the guests of the Hotel. Customers will be served by wait staff, order from menus and pay for meals after they eat. Room service will be provided for guests of the Hotel. A proposed menu has been provided.

Seating

Bar	8 Seats
Bar Accessible Seats	2 Seats
Lounge	10 Seats
Restaurant Dining	20 Seats
Terrace	18 Seats
Nook	9 Seats
Total	67 Seats

Tables

Bar	1 Bar-top
Lounge	2 Tables
Restaurant Dining	8 Tables
Terrace	6 Tables
Nook	2 Tables
Total	19 Tables

Hours/ Days of Operation

The Restaurant is open at 7am for breakfast

Dinner will be finished at 10pm.

Bar will be open to 2am.

Room service is available 24 hours/day for hotel guests.

Restaurant operation is 7 days per week

Average Length of Patron Stay: 1.5 Hours



Project Modifications

The Owner would like to make the following changes to the existing Hotel:

1. Change the existing Guest Breakfast Room into a 'Quality' level Restaurant. This Restaurant would be open for the Hotels guests and the general public.
2. Provide an outside Dining Terrace on the Coast Highway side that would be adjacent to the proposed Restaurant.
3. The Owner has provided a Parking Analysis to show parking compliance.
4. Provide a code required Van Accessible parking space. This reduces the existing parking count by one space.
5. Replace existing building signage. This work to be done under a separate permit.
6. New exterior façade remodeling. No change in building height.
7. Interior remodeling of existing guestrooms & suites.
8. Reconfiguration of public restrooms and Fitness Center.
9. Replace existing Kitchen Pantry with new Kitchen.
10. Replace existing pool with new Spa. Add one pool deck restroom.
11. Add additional storage area on Level 2 above existing trash enclosure.
12. Remodel selected building facades.
13. Replace existing air conditioning units for guestrooms. Reconfigure existing ductwork to suite new Restaurant. Provide new exhaust and make-up air for new Kitchen hood.



Attachment No. CD 3

Use Permit No. 3289

September 10, 1987

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ROLL CALL

INDEX

Motion
All Ayes

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Commissioner Merrill suggested that the applicant should be held responsible for the cost of the street name change. The Planning Commission discussed the recommendation that the City should be held free of any costs that may be incurred because of the street name change. In conclusion, the maker of the motion agreed to amend the motion to include a Finding and a Condition wherein the applicant would be held responsible for the cost of the street name signs.

Motion was voted on to approve the street name change from Crystal Bay Drive to Bayview Circle including Finding No. 1: "That the request to rename the street entails cost to the City for installing new street signs," and Condition No. 1: "That the applicant shall pay the cost of installing the required new street name signs.". MOTION CARRIED.

FINDING:

1. That the request to rename the street entails cost to the City for installing new street signs.

CONDITION:

1. That the applicant shall pay the cost of installing the required new street name signs.

* * *

A. Traffic Study (Public Hearing)

Request to approve a traffic study in conjunction with the construction of a motel and a related restaurant; and the acceptance of an environmental document.

AND

B. Use Permit No. 3289 (Public Hearing)

Request to permit the construction of a 53 unit motel facility and a related restaurant and cocktail lounge, on property located in the "Retail and Service Commercial" area of the Mariner's Mile Specific Plan Area. The proposal also includes a modification to the Zoning Code so as to allow the use of compact parking spaces for a portion of the required off-street parking.

Item No. 4TSUP 3289Approved

September 10, 1987

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CITY OF NEWPORT BEACH

ROLL CALL

INDEX

LOCATION: A portion of Lot A, Tract No. 919, located at 2300 West Coast Highway on the northerly side of West Coast Highway, across from Cano's Restaurant, in the Mariners Mile Specific Plan Area.

ZONE: SP-5

APPLICANT: Jermafa, Inc., Upland

OWNER: Same as applicant

In response to a question posed by Commissioner Debay, James Hewicker, Planning Director, stated that the Municipal parking lot is not directly connected to Cliff Drive as is stated in the Traffic Study.

The public hearing was opened in connection with this item, and Mr. Max Williams, 276 No. Second Street, Upland, representing the applicant, appeared before the Planning Commission. Mr. Williams stated that the applicant has met with the Newport Heights Community Association to determine their concerns regarding the proposed project, and he said that the two parties involved addressed the color of the roofing material and the proposed exterior lighting. Mr. Williams explained that the exterior lighting would project no glare; however, he said that there would be adequate lighting for security purposes and in the parking area.

In response to a question posed by Chairman Person, Mr. Williams replied that the applicant concurs with the findings and conditions as stated in Exhibit "A".

In reference to the second floor restaurant proposed for the project, Commissioner Winburn asked if there would be a waiting area outside of the restaurant and if outside amplified speakers are proposed? Mr. Williams explained that an outside waiting area for the restaurant is not proposed. He stated that the swimming pool is in an enclosed area to contain the noise and activities, and that the applicant will control the recreational hours. In response to a question posed by Commissioner Winburn, Mr. Williams stated that the applicants would agree to a condition that would state that there would be no outdoor speakers adjacent to the restaurant.

September 10, 1987

DEBAY
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MERRILL
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POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

In response to questions posed by Commissioner Debay and Mr. Hewicker, Mr. Williams described the screened roof area of the proposed project and the mechanical equipment that would be installed on the roof of the restaurant. Mr. Williams stated that there would be no mechanical equipment on the roof of the hotel. In reference to the equipment that may be viewed by the residents on the bluff above the proposed project, Mr. Williams stated that the applicant would cooperate with the recommendations that staff may have to screen the mechanical equipment.

In response to a question posed by Commissioner Merrill, Mr. Williams stated that the laundry room equipment will be ventilated through a wall.

Ms. Gail Demmer, 2812 Cliff Drive, appeared before the Planning Commission on behalf of the Newport Heights Community Association. Ms. Demmer stated that the proposed project meets the standards compatible with the surrounding area. Ms. Demmer stated that the Newport Heights Community Association requested assurance that the proposed project shall not exceed 26 feet as stated in Condition No. 2. She addressed conditions and concerns as follows: Condition No. 7 - to screen the roof top air conditioning units; Condition No. 19 - to expand the landscaping condition to require landscaping that would buffer the parking lot area; that a condition be added that would prohibit exterior loudspeakers and amplified music; and that there be restricted hours in the swimming pool area. Ms. Demmer stated that the Newport Heights Community Association concurs with the visual impact of the entire project. Ms. Demmer emphatically stated that the Newport Heights residents are concerned that Mariner's Mile could become "glitzy".

Ms. Demmer, Chairman Person, Commissioner Pomeroy, and Mr. Hewicker discussed roof top screening, and Mr. Hewicker stated that if the screening would exceed the 26 foot height limit, the applicant would have to come back to the Planning Commission even if the screening would be considered an architectural feature.

Commissioner Debay asked if there needs to be air space on top of an air conditioning unit to function properly? Mr. David Rich, 1625 E. Balboa Boulevard, architect, appeared before the Planning Commission, and he explained why lattice work over a roof top air conditioning unit could create problems.

September 10, 1987

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MERRILL
PERSON
POMEROY
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CITY OF NEWPORT BEACH

ROLL CALL

INDEX

Ms. Vickie Viesche, 2401 Cliff Drive, neighbor, appeared before the Planning Commission in support of the proposed project; however, she stated her concerns as follows: that the trees be limited to a height of 20 feet; the location of the trash area; that the swimming pool hours be regulated; that the six foot block concrete wall be landscaped and that there be adequate drainage; the closing hour of the cocktail lounge; construction dirt and dust from coming into her property; and the hours of construction. Discussion followed regarding construction schedule regulations, and Don Webb, City Engineer, stated that the Municipal Code permits Citywide construction on Sundays between 10:00 a.m. and 6:00 p.m. and from 7:00 a.m. to 6:00 p.m. during the week.

In response to questions posed by Ms. Viesche and her concern regarding a roadway below her residence and to the rear of the proposed project, Mr. Webb explained that a median may be constructed on West Coast Highway which may restrict ingress and egress to the proposed project wherein the traffic circulation system would be modified to include access through the Municipal parking lot and to the rear of the proposed project. Discussion followed regarding how the driveway traffic could be restricted.

There being no others desiring to appear and be heard, the public hearing was closed at this time.

Mr. Hewicker commented that the Newport Heights Community Association has requested that neon lighting be prohibited from Mariner's Mile, but florescent or incandescent lighting would be acceptable to the residents. In response to concerns regarding the landscaping proposed for the rear portion of the property, the public hearing was reopened and Mr. Williams reappeared before the Planning Commission. Mr. Williams explained that landscaping is proposed for the parking area and that the applicants intend to maintain and limit the tree height to 20 feet. In addition, Mr. Williams commented that the roof top air conditioning unit can be screened either partially or fully but it would need an opening. He explained that the applicant has attempted to depress the roof area as much as possible in the kitchen area to retain the 26 foot height limit.

The public hearing was closed at this time.

September 10, 1987

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CITY OF NEWPORT BEACH

ROLL CALL

INDEX

Motion

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Motion was made to approve Use Permit No. 3289, Traffic Study and the related Environmental Document subject to the findings and conditions in Exhibit "A" including the following amended or added conditions: add to Condition No. 19 "that the landscaping plan shall include landscaping along the northerly property line to act as a buffer for the residential uses located on top of the bluff, and that tree and shrub heights be limited to 20 feet on-site."; add Condition No. 34 "that neon strip lighting shall not be installed on the building in a manner that would infringe upon the views from the top of the bluff to the rear of the property."; add Condition No. 35 "that outside amplified sound shall not be allowed."; add Condition No. 36 "that the swimming pool and jacuzzi uses shall be restricted to the hours between 6:00 a.m. and 11:00 p.m. daily."

In reference to Condition No. 28 regarding handicapped parking, Mr. Hewicker inquired if the Planning Commission intended to reword said condition so as to require the handicapped parking sign to one sign on a post. The maker of the motion concurred with Mr. Hewicker's comment.

Commissioner Merrill referred to Condition No. 8 and requested that a typographical error be corrected to "a" from "at".

Discussion followed regarding added Condition No. 34 regarding neon lighting, and Commissioner Pomeroy stated that the intent of the motion was to control neon lighting on three sides of the project but not the side facing West Coast Highway.

Commissioner Debay commented on the proposed signage and the drive apron standard.

Commissioner Di Sano commented that the applicant has recognized the the Newport Heights Community Association concerns, and that he would support the motion.

Motion voted on to approve Use Permit No. 3289, Traffic Study, and Related Environmental Document including aforementioned modified Condition No. 8, amended Condition No. 19, modified Condition No. 28, added Conditions No. 34, No. 35, and No. 36. MOTION CARRIED.

All Ayes

September 10, 1987

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WINBURN

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

A. ENVIRONMENTAL DOCUMENT: Accept the environmental document, making the following findings:

FINDINGS:

1. That the environmental document is complete and has been prepared in compliance with the California Environmental Quality Act (CEQA), the State EIR Guidelines and City Policy.
2. That the contents of the environmental document have been considered in the various decisions on this project.
3. That based upon the information contained in the Initial Study, Negative Declaration and supportive materials thereto the project will not have a significant adverse impact on the environment.

B. TRAFFIC STUDYFINDINGS:

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.
3. That the Traffic Study indicates that the project-generated traffic will not be greater than one percent of the existing traffic during the 2 1/2 hour peak periods on any leg of the critical inter-sections.

C. USE PERMIT NO. 3289FINDINGS:

1. That the proposed development is consistent with the Land Use Elements of the General Plan and the Local Coastal Program, and is compatible with surrounding land uses.
2. The project will not have any significant environmental impact.

September 10, 1987

DEBAY
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PERSON
POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

3. That adequate parking is proposed to serve the project.
4. That the approval of a modification to permit the use of compact car spaces 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.
5. That the proposed development conforms to all requirements of the SP-5 District.
6. That 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.
7. That the applicant is on notice that in the future, a raised median may be installed on West Coast Highway and that left turns in and out of the site may be prohibited across the frontage of the property for future restriping or widening of West Coast Highway and that the proposed development will generate additional traffic that may require the future construction of acceleration and/deceleration lanes.
8. That the applicant is on notice that, in the future, the City may require that vehicular access be provided to the Municipal parking lot. The minimum width, location and design shall be approved by the City Engineer.
9. The approval of Use Permit No. 3289, under the circumstances of this case, will not 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.

September 10, 1987

DEBAY
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MERRILL
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POMEROY
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CITY OF NEWPORT BEACH

ROLL CALL

INDEX

CONDITIONS:

1. That development shall be in substantial conformance with the approved plot plan, floor plan, and elevations except as noted below.
2. That the height of the building shall not exceed 26 feet as measured from existing grade.
3. That a 6 foot high masonry wall shall be provided along all interior lot lines, to be reduced to 3 feet in height adjacent to West Coast Highway for sight distance purposes.
4. That one parking space shall be provided for each 40 sq.ft. of "net public area" in the proposed restaurant facility and that one parking space per room in the motel shall be provided.
5. That all signs shall conform to the provisions of Chapter 20.06 of the Municipal Code.
6. That a washout area for refuse containers be provided in such a way as to allow direct drainage into the sewer system and not into the Bay or storm drains, unless otherwise approved by the Building Department.
7. That all trash areas and mechanical equipment shall be screened from view from West Coast Highway, from Ensign View Park and from the adjacent residences.
8. That a trash compactor shall be installed in the restaurant facility.
9. 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, unless otherwise approved by the Building Department. Grease interceptors shall be located in such a way as to be easily accessible for routine cleaning and inspection.
10. That kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department.

September 10, 1987

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MERRILL
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POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

11. That no live entertainment or dancing shall be permitted in the restaurant or motel unless an amendment to this use permit is approved by the Planning Commission.
12. That neither the conference room nor outdoor deck areas shall be used in conjunction with the restaurant - bar facility, unless an amendment to this use permit is approved by the Planning Commission.
13. That the final location of the monument sign in the front setback area shall be subject to the approval of the City Traffic Engineer.
14. That all improvements be constructed as required by Ordinance and the Public Works Department.
15. That a standard use permit agreement and accompanying surety be provided in order to guarantee satisfactory completion of the public improvements, if it is desired to obtain a building permit prior to completion of the public improvements.
16. That the on-site parking, vehicular circulation and pedestrian circulation systems be subject to further review by the Traffic Engineer.
17. That the existing storm drain easement located along the northerly side of the subject parcel be shown on the grading plan and building plans.
18. That the intersection of the private drive with West Coast Highway be designed to provide sight distance for a speed of 45 miles per hour. Signs, landscaping, walls and other obstruction shall be considered in the sight distance requirements. Landscaping within the sight distance line shall not exceed twenty-four inches in height. The sight distance requirement may be modified at noncritical locations, subject to approval of the Traffic Engineer.
19. That landscape plans shall be subject to review and approval of the Planning Department, Parks, Beaches and Recreation Department and Public Works Department. The landscaping plan shall include landscaping along the northerly property line to

September 10, 1987

DEBAY
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KOPPELMAN
MERRILL
PERSON
POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

act as a buffer for the residential uses located on top of the bluff, and that tree and shrub heights shall be limited to 20 feet on-site.

20. That the unused drive aprons be removed and replaced with curb, gutter and sidewalk; that the proposed drive apron be constructed per City Standard 166-L.; and that the existing deteriorated sidewalk be reconstructed to a width of 10 feet along the West Coast Highway frontage under an encroachment permit issued by the Public Works Department and California Department of Transportation.
21. That a hydrology and hydraulic study be prepared by the applicant and approved by the Public Works Department for the site improvements prior to issuance of any grading or building permits. Any modifications or extensions to the existing storm drain system shown to be required by the study shall be the responsibility of the developer.
22. That prior to issuance of any grading or building permits for the site, the applicant shall demonstrate to the satisfaction of the Public Works Department and the Planning Department that adequate sewer facilities will be available for the project. Such demonstration shall include verification from the Orange County Sanitation District and the City's Utilities Department.
23. That 12 feet of right-of-way be dedicated to the public for street and highway purposes along the West Coast Highway frontage prior to issuance of any grading or building permits.
24. That County Sanitation District fees be paid prior to issuance of any building permits.
25. That plan check and inspection fees be paid for public works improvements.
26. That the proposed landscaping located within the 12 foot dedication along the West Coast Highway frontage not be included as a part of the required landscaped area.
27. That the overhead utilities along the West Coast Highway frontage be undergrounded.

September 10, 1987

DEBAY
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MERRILL
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POMEROY
WINBURN

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

28. That the required number of handicapped parking spaces shall be designated solely for handicapped self parking and shall be identified in a manner acceptable to the City Traffic Engineer. Said parking spaces shall be accessible to the handicapped at all times. One handicapped sign on a post shall be required for each handicapped parking space.
29. That the light system shall be designed, directed, and maintained in such a manner as to conceal the light source and to minimize light spillage and glare to the adjacent properties. The plans shall be prepared and signed by a licensed electrical engineer; with a letter from the engineer stating that, in his opinion, this requirement has been met.
30. That prior to the issuance of building permits, the Fire Department shall review the proposed plans and may require an automatic fire suppression/sprinkler protection system.
31. That the Fire Department access shall be approved by the Fire Department.
32. That the Planning Commission may add to or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
33. 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.
34. That decorative neon strip lighting shall not be installed on the building in a manner that would infringe upon the views from the top of the bluff to the rear of the property.
35. That no outside amplified sound shall be allowed.
36. That the swimming pool and jacuzzi uses shall be restricted to the hours between 6:00 a.m. and 11:00 p.m. daily.

CITY OF NEWPORT BEACH

TO: Planning Commission
FROM: Planning Department
SUBJECT: A. Traffic Study (Public Hearing)

Request to approve a traffic study in conjunction with the construction of a motel and a related restaurant; and the acceptance of an environmental document.

AND

B. Use Permit No. 3289 (Public Hearing)

Request to permit the construction of a 53 unit motel facility and a related restaurant and cocktail lounge, on property located in the "Retail and Service Commercial" area of the Mariner's Mile Specific Plan Area. The proposal also includes a modification to the Zoning Code so as to allow the use of compact parking spaces for a portion of the required off-street parking.

LOCATION: A portion of Lot A, Tract No. 919, located at 2300 West Coast Highway on the northerly side of West Coast Highway, across from Cano's Restaurant, in the Mariners Mile Specific Plan Area.

ZONE: SP-5

APPLICANT: Jermafa, Inc., Upland

OWNER: Same as applicant

Application

This is a request to permit the construction of a 53 unit motel facility and a related restaurant and cocktail lounge, on property located in the "Retail and Service Commercial" area of the Mariner's Mile Specific Plan Area. A motel is a permitted use within this designation, and a restaurant is a permitted use subject to the securing of a use permit in each case. Use permit procedures are outlined in Chapter 20.80 of the Municipal Code. The proposal also includes a modification to the Zoning Code so as to allow the use of compact parking spaces for a portion of the required off-street parking. Modification procedures are outlined in Chapter 20.81 of the Municipal Code.

The applicant is also requesting the approval of a Traffic Study. Traffic Study procedures are set forth in Chapter 15.40 of the Municipal Code and Council Policy S-1.

City of Newport Beach

TO:

Planning Commission -2.

Environmental Significance

Based on the attached Initial Study, it has been determined that this project will not have any significant environmental impact. A Negative Declaration has been prepared and is attached for Commission review.

Conformance with the General Plan and Local Coastal Program

The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan both designate the site for "Retail and Service Commercial" uses. The proposed development is consistent with these designations. The project will also require the approval of a Coastal Permit from the Coastal Commission.

Subject Property and Surrounding Land Uses

The subject property is currently utilized by the Laguan Beach Motors auto sales, service, and leasing, and boat storage and sales facility. To the northeast, on top of a bluff, are single family residences fronting on Cliff Drive; to the southeast is a mixed office and retail building; to the southwest, across West Coast Highway is Cano's Restaurant; and to the northeast are the Margaritaville Restaurant and the Municipal Parking Lot.

Analysis

The applicant proposes to establish a 53 unit motel and related restaurant and cocktail lounge in the Mariners Mile Specific Plan Area. Amenities provided for the use of motel guests will include a conference room, a swimming pool and spa, an exercise room, and a sauna. Coffee will be provided in the motel lobby as a courtesy to guests

The restaurant will be located on the second floor of the facility. Access will be through the motel lobby or from a second floor deck. The facility will have a "net public area" of 2,078± sq.ft. and will include a bar. The applicant has indicated to staff that the restaurant is designed to serve primarily patrons of the motel, and will be open from 6:00 a.m. to 10:00 p.m. daily. During peak hours, a maximum of 8 people will be employed in the restaurant.

Physical characteristics of the proposed development are summarized below:

	<u>SP-5 Requirement</u>	<u>Proposed</u>
Lot Size:		54,906 sq.ft. (including 12 ft. wide area adjacent to West Coast Highway to be dedicated to the City).

TO:

Planning Commission -3.

	<u>SP-5 Requirement</u>	<u>Proposed</u>
Setbacks:		
Front (including 12 ft. right-of-way dedication along West Coast Highway)	50% @ 17 ft. 50% @ 22 ft.	22 ft. to bldg. 21± ft. to 4 columns
Sides	0 ft.	0 ft.
Rear	5 ft.	104± ft. to trash enclosure; 141± ft. to bldg.
Gross Structural Area:	⇒ 51,689 sq.ft.	
Permitted:	25,842 sq.ft.	(0.5 x buildable area)
Proposed:	25,842 sq.ft.	(0.5 x buildable area)
Building Height:		
Permitted:	26 ft. average; 31 ft. maximum	
Proposed:	26 ft. average; 26± ft. maximum (1)	
Area of Front Setback:	2,574 sq.ft.	
Landscaping		
Required:	1,287 sq.ft. (50% of setback)	
Proposed:	2,009± sq.ft. (78±% of setback)	
Parking Area:	32,944± sq.ft.	
Landscaping		
Required:	3,294.4± sq.ft. (10% of parking area)	
Proposed:	4,097± sq.ft. (12.4±% of parking area)	

(1) As shown on the attached plans, it appears that the front portion of the roof may exceed 26 feet in height. The applicant has indicated that the height of the building will be adjusted, if necessary, to conform to City requirements.

The proposed development conforms to all criteria for development within the SP-5 District.

City of Newport Beach

Off-Street Parking Requirements

In accordance with Section 20.30.035 of the Municipal Code one parking space per room, or 53 parking spaces, would be required for the motel development. In addition, based on a parking requirement of one parking space for each 40 sq.ft. of "net public area" in the restaurant facility, 52 off-street parking spaces would be required for the proposed restaurant ($2,078 \pm \text{sq.ft.} \div 40 \text{ sq.ft.} = 51.9$ or 52 spaces). The Planning Commission, pursuant to Section 20.30.035 B(4) of the Municipal Code, may increase or decrease the parking requirement of a restaurant within a range of one space per 30 sq.ft. of "net public area" ($2,078 \pm \text{sq.ft.} \div 30 \text{ sq.ft.} = 69.3$ or 70 spaces) to one space per 50 sq.ft. of "net public area" ($2,078 \pm \text{sq.ft.} \div 50 \text{ sq.ft.} = 41.6$ or 42 spaces). Staff is of the opinion that a standard of one parking space for each 40 sq.ft. of "net public area" would be appropriate in this case, even though the applicant has indicated that the restaurant facility will be used primarily by patrons of the motel. The restaurant and bar will be open to the public and would not necessarily have to depend upon said patrons. A total of 105 parking spaces would therefore be required for the facility (53 motel spaces + 52 restaurant spaces = 105 spaces). The applicant proposes to provide 105 parking spaces.

The Public Works Department has indicated that, at such time as plans for the adjacent portion of West Coast Highway are finalized, it may become desirable to restrict access to the site to right turns only and require that vehicular access be provided to the adjacent Municipal parking lot. This would probably eliminate a number of parking spaces. At such time as access to the Municipal lot may be required, the Planning Commission may wish to re-examine the parking requirement for the site and, if appropriate, reduce the requirement if it is shown that a significant portion of restaurant patrons are also motel guests.

The applicant proposes to provide 24 of the parking spaces, or 22.9% of all parking, as compact spaces. Staff has no objection to this proposal.

Traffic Study

A Traffic Study for the proposed project has been prepared in accordance with Chapter 15.40 of the Municipal Code and City Policy S-1. The following four intersections were analyzed:

- Coast Highway and Balboa/Superior
- Coast Highway and Riverside
- Coast Highway and Tustin
- Coast Highway and Dover.

Traffic from the proposed project would lead to less than a 1 percent increase in traffic on any approach to the above intersections. Therefore, no specific traffic mitigation measures are required.

Restaurant Development Standards

Chapter 20.72 of the Municipal Code contains development standards for restaurants to ensure that any proposed development will be compatible with adjoining properties and streets. Said development standards include specific requirements for building setbacks, parking and traffic circulation, walls surrounding the restaurant site, landscaping, exterior illumination, signing, underground utilities, and storage. As currently proposed, the restaurant conforms to all requirements of the City's Restaurant Ordinance with the exception of walls. Section 20.72.070 requires that a solid 6 foot high masonry wall be erected on all interior lot lines. As shown on the attached plans, a 6 foot high masonry wall will be installed on the northerly and westerly sides of the site, with a combination wood fence and wall on the easterly side. Staff recommends that a masonry wall be required on the easterly side of the site as well.

Specific Findings and Recommendations

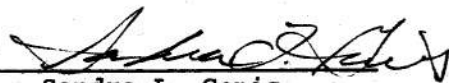
Section 20.80.060 of the Newport Beach Municipal Code provides that in order to grant any use permit, the Planning Commission shall find that the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the City.

Staff recommends the approval of Use Permit No. 3289 and the Traffic Study prepared in conjunction with this request, and the acceptance of the Negative Declaration. If it is the desire of the Planning Commission to approve this request, the Findings and Conditions of Approval as set forth in Exhibit "A" are suggested.

PLANNING DEPARTMENT

JAMES D. HEWICKER, Director

By



Sandra L. Genis
Senior Planner

SLG/11

UP44

Attachments: Exhibit "A"
Vicinity Map
Letter from Architect
Negative Declaration
Traffic Study
Plot Plan, Floor Plans and Elevations

EXHIBIT "A"

FINDINGS AND CONDITIONS OF APPROVAL FOR
TRAFFIC STUDY, USE PERMIT NO. 3289
AND RELATED ENVIRONMENTAL DOCUMENT

A. ENVIRONMENTAL DOCUMENT: Accept the environmental document, making the following findings:

FINDINGS:

1. That the environmental document is complete and has been prepared in compliance with the California Environmental Quality Act (CEQA), the State EIR Guidelines and City Policy.
2. That the contents of the environmental document have been considered in the various decisions on this project.
3. That based upon the information contained in the Initial "Study, Negative Declaration and supportive materials thereto the project will not have a significant adverse impact on the environment.

B. TRAFFIC STUDYFINDINGS:

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.
3. That the Traffic Study indicates that the project-generated traffic will not be greater than one percent of the existing traffic during the 2½ hour peak periods on any leg of the critical intersections.

TO:

Planning Commission -7.

C. USE PERMIT NO. 3289

FINDINGS:

1. That the proposed development is consistent with the Land Use Elements of the General Plan and the Local Coastal Program, and is compatible with surrounding land uses.
2. The project will not have any significant environmental impact.
3. That adequate parking is proposed to serve the project.
4. That the approval of a modification to permit the use of compact car spaces 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.
5. That the proposed development conforms to all requirements of the SP-5 District.
6. That 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.
7. That the applicant is on notice that in the future, a raised median may be installed on West Coast Highway and that left turns in and out of the site may be prohibited across the frontage of the property for future restriping or widening of West Coast Highway and that the proposed development will generate additional traffic that may require the future construction of acceleration and/deceleration lanes.
8. That the applicant is on notice that, in the future, the City may require that vehicular access be provided to the Municipal parking lot. The minimum width, location and design shall be approved by the City Engineer.
9. The approval of Use Permit No. 3289, under the circumstances of this case, will not 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 development shall be in substantial conformance with the approved plot plan, floor plan, and elevations except as noted below.
2. That the height of the building shall not exceed 26 feet as measured from existing grade.
3. That a 6 foot high masonry wall shall be provided along all interior lot lines, to be reduced to 3 feet in height adjacent to West Coast Highway for sight distance purposes.
4. That one parking space shall be provided for each 40 sq.ft. of "net public area" in the proposed restaurant facility and that one parking space per room in the motel shall be provided.
5. That all signs shall conform to the provisions of Chapter 20.06 of the Municipal Code.
6. That a washout area for refuse containers be provided in such a way as to allow direct drainage into the sewer system and not into the Bay or storm drains, unless otherwise approved by the Building Department.
7. That all trash areas and mechanical equipment shall be screened from view from West Coast Highway, from Ensign View Park and from the adjacent residences.
8. That a trash compactor shall be installed in the restaurant facility.
9. 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, unless otherwise approved by the Building Department. Grease interceptors shall be located in such a way as to be easily accessible for routine cleaning and inspection.
10. That kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department.

TO:

Planning Commission -9.

11. That no live entertainment or dancing shall be permitted in the restaurant or motel unless an amendment to this use permit is approved by the Planning Commission.
12. That neither the conference room nor outdoor deck areas shall be used in conjunction with the restaurant - bar facility, unless an amendment to this use permit is approved by the Planning Commission.
13. That the final location of the monument sign in the front setback area shall be subject to the approval of the City Traffic Engineer.
14. That all improvements be constructed as required by Ordinance and the Public Works Department.
15. That a standard use permit agreement and accompanying surety be provided in order to guarantee satisfactory completion of the public improvements, if it is desired to obtain a building permit prior to completion of the public improvements.
16. That the on-site parking, vehicular circulation and pedestrian circulation systems be subject to further review by the Traffic Engineer.
17. That the existing storm drain easement located along the northerly side of the subject parcel be shown on the grading plan and building plans.
18. That the intersection of the private drive with West Coast Highway be designed to provide sight distance for a speed of 45 miles per hour. Signs, landscaping, walls and other obstruction shall be considered in the sight distance requirements. Landscaping within the sight distance line shall not exceed twenty-four inches in height. The sight distance requirement may be modified at noncritical locations, subject to approval of the Traffic Engineer.
19. That landscape plans shall be subject to review and approval of the Planning Department, Parks, Beaches and Recreation Department and Public Works Department.
20. That the unused drive aprons be removed and replaced with curb, gutter and sidewalk; that the proposed drive apron be constructed per City Standard 166-L; and that the existing deteriorated sidewalk be reconstructed to a width of 10

feet along the West Coast Highway frontage under an encroachment permit issued by the Public Works Department and California Department of Transportation.

21. That a hydrology and hydraulic study be prepared by the applicant and approved by the Public Works Department for the site improvements prior to issuance of any grading or building permits. Any modifications or extensions to the existing storm drain system shown to be required by the study shall be the responsibility of the developer.
22. That prior to issuance of any grading or building permits for the site, the applicant shall demonstrate to the satisfaction of the Public Works Department and the Planning Department that adequate sewer facilities will be available for the project. Such demonstration shall include verification from the Orange County Sanitation District and the City's Utilities Department.
23. That 12 feet of right-of-way be dedicated to the public for street and highway purposes along the West Coast Highway frontage prior to issuance of any grading or building permits.
24. That County Sanitation District fees be paid prior to issuance of any building permits.
25. That plan check and inspection fees be paid for public works improvements.
26. That the proposed landscaping located within the 12 foot dedication along the West Coast Highway frontage not be included as a part of the required landscaped area.
27. That the overhead utilities along the West Coast Highway frontage be undergrounded.
28. That the required number of handicapped parking spaces shall be designated solely for handicapped self parking and shall be identified in a manner acceptable to the City Traffic Engineer. Said parking spaces shall be accessible to the handicapped at all times. Both the handicapped sign on the pavement and the handicapped sign on a post shall be required for each handicapped parking space.
29. That the light system shall be designed, directed, and maintained in such a manner as to conceal the light source and to minimize light spillage and

glare to the adjacent properties. The plans shall be prepared and signed by a licensed electrical engineer; with a letter from the engineer stating that, in his opinion, this requirement has been met.

30. That prior to the issuance of building permits, the Fire Department shall review the proposed plans and may require an automatic fire suppression/sprinkler protection system.
31. That the Fire Department access shall be approved by the Fire Department.
32. That the Planning Commission may add to or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
33. 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.

Attachment No. CD 4

Use Permit No. 3289 Amendment

CITY OF NEWPORT BEACH

TO: Planning Commission
FROM: Planning Department
SUBJECT: Use Permit No. 3289 Amended (Continued Public Hearing)

Request to amend a previously approved use permit which permitted the establishment of a 53 unit motel facility and related restaurant and cocktail lounge on property located in the "Retail Service Commercial" area of the Mariner's Mile Specific Plan. The proposed amendment involves a request to change the operational characteristics of the existing restaurant so as: to increase the "net public area" of the restaurant facility and the addition of a cocktail lounge; to increase the hours of operation of the restaurant facility from a closing time of 10:00 p.m. to 1:30 a.m. daily; and to allow the establishment of live entertainment, to include a piano bar and strolling musicians in the restaurant facility, and a pipe organ in the motel lobby.

LOCATION: A portion of Lot A, Tract No. 919, located at 2300 West Coast Highway, on the northerly side of West Coast Highway, across from Cano's Restaurant, in the Mariner's Mile Specific Plan Area.

ZONE: SP-5

APPLICANT: Newport Dynasty, Inc., Newport Beach

OWNERS: Chih Mao and Yean M. Kuo, San Clemente

Application

This application involves a request to amend a previously approved use permit which permitted the establishment of a 53 unit motel facility and related restaurant and cocktail lounge on property located in the "Retail Service Commercial" area of the Mariner's Mile Specific Plan. The proposed amendment involves a request to change the operational characteristics of the existing second floor restaurant so as to allow the expansion of the "net public area", the addition of a cocktail lounge, the increase in hours of operation, and the establishment of live entertainment within the restaurant and motel lobby, to include a piano bar and strolling musicians in the restaurant facility and a pipe organ in the motel lobby. The restaurant expansion consists of retention of the prior conversion of the conference room and enclosed atrium deck area into a bar area. Use permit procedures are set forth in Chapter 20.80 of the Municipal Code.

TO:

Planning Commission -2.

Environmental Significance

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).

Conformance with the General Plan and Local Coastal Program

The subject property is designated for "Retail and Service Commercial" use by the Land Use Element of the General Plan and the Land Use Plan of the Local Coastal Program. A motel is a permitted use under both these designations. The Mariner's Mile Specific Plan also permits motels and restaurants, subject to the securing of a use permit in each case. Inasmuch as the subject property is in the Coastal Zone and this item is discretionary, Coastal Commission approval will be required prior to implementation of the change in operational characteristics.

Background

On September 10, 1987, the Planning Commission approved Use Permit No. 3289 and related Traffic Study, a request to allow the construction of a 53 room motel with related restaurant. The construction of the facility was completed on December 5, 1989. Subsequently, a building permit was issued on July 21, 1989 for remodel and expansion of the restaurant facility and work was completed on January 9, 1990. Staff cannot determine the extent of the remodel or expansion, inasmuch as the Building Department no longer retains tenant improvement plans on file beyond ninety days after the building permit is finalized.

On July 5, 1990, the Planning Commission voted unanimously to continue Use Permit No. 3289 (Amended) so as to allow additional time for the property owners located within a 300 foot radius of the subject property to be renotified of the revised notice of public hearing.

On July 19, 1990, the Planning Commission voted unanimously to continue Use Permit No. 3289 (Amended) to its meeting of August 9, 1990, so as to allow staff additional time to review revised plans and additional changes in the operational characteristics of the restaurant facility.

Subject Property and Surrounding Land Uses

The subject restaurant facility is located in the Mariner's Mile Specific Plan Area. The subject property is occupied by the existing Newport Classic Inn and related second floor restaurant facility and the existing parking lot. To the northeast, on top of a bluff, are single family residences fronting on Cliff Drive; to the southeast is a mixed office and retail building; to the southwest, across West Coast Highway is Cano's Restaurant; and to the northeast are the Margaritaville Restaurant and the Municipal Parking Lot.

Analysis

The restaurant facility, as is currently being operated, contains approximately $4,603 \pm$ gross square feet and provides approximately $2,458 \pm$ square feet of "net public area". A 52 room motel is also located in the existing building. The facility as originally approved by Use Permit No. 3289 consisted of 53 rooms and a restaurant and sushi bar with an approved "net public area" of 2,078 square feet. The applicant proposes to further reduce the number of rooms to 50, by converting two rooms into a storage room and an employees' locker/change room, and to retain the existing restaurant facility which includes the prior conversion of the enclosed outdoor patio deck and conference to a bar and lounge.

The current restaurant operation includes the service of breakfast, lunch and dinner with hours of operation of:

11:30 a.m. to 2:00 p.m. Monday through Saturday
5:30 p.m. to 10:30 p.m. Sunday through Thursday
5:30 p.m. to 11:30 p.m. Friday and Saturday
11:00 a.m. to 3:00 p.m. Sunday

The hours of operation discussed in the staff report of the previous Use Permit No. 3282 had indicated hours of operation of 6:00 a.m. to 10:00 p.m. daily. The applicant proposes to increase the hours of operation from 7:00 a.m. to 1:30 a.m., daily. The maximum number of employees during peak hours is approximately 14 employees.

Expansion of "Net Public Area"

Staff has determined that the expansion into the enclosed patio deck area and the conference room was accomplished without approval of an amendment to this Use Permit No. 3289 as Condition of Approval No. 12 required. The amount of expansion is 380 sq.ft. ($2,458 \pm$ sq.ft. proposed - 2,078 sq.ft. allowed = 380 sq.ft. expansion) and is located primarily in the deck area and the conference room. The approved floor plan of the restaurant facility is attached for Commission review. The wall between the areas indicated as "covered deck area" and "conference room" has also been eliminated, and the cocktail bar indicated on the attached floor plan is existing. The square footage in the main restaurant facility has been reduced slightly by the expansion of the sushi bar.

Off-Street Parking Requirement

The original construction of the motel facility required one parking space for each guest room (53 rooms were approved) and one parking space for each 40 square feet of "net public area" for a total of 105 spaces. The actual number of parking spaces which exist on-site is 102 spaces. The parking requirement for the existing facility would be 102 spaces based on 50 rooms and a restaurant "net public area" of 2,078 square feet. ($2,078 \text{ square feet} \div 40 = 51.95$ or 52 spaces for the restaurant and 50 spaces for the 50 room motel = 102

TO:

Planning Commission -4.

spaces). The applicant has indicated that a portion of the parking lot is to be restriped to provide one additional parking space (103 parking spaces total).

The parking requirement for the expanded restaurant based upon a requirement of one parking space for each 40 square feet of "net public area" is 62 parking spaces ($2,458 \pm \text{sq.ft.} + 40 = 61.5$ or 62 parking spaces). The parking requirement could vary from 50 spaces (one parking space for each 50 sq.ft. of "net public area") to 82 spaces (one parking space for each 30 sq.ft. of "net public area"). The applicant is requesting that the parking requirement for the restaurant facility be reduced to one parking space for each 47 square feet of "net public area" ($2,458 \pm \text{sq.ft.} + 53 \text{ parking spaces} = 46.37$ or 47 square feet of "net public area"). Fifty (50) parking spaces for the 50 unit motel and 53 spaces for the restaurant facility are provided for a total of 103 parking spaces. Considering the operational characteristics of the restaurant, staff is of the opinion that one parking space for each 47 sq.ft. of "net public area" may be appropriate in this case.

Though the proposed change of the restaurant facility will result in a typical restaurant use and will not resemble the originally approved facility which was to be mainly patronized by persons staying at the motel, staff has no objection. Staff observed, at 7:00 p.m. on Thursday, July 12, 1990, that approximately 68 parking spaces were unoccupied on-site. At 9:00 p.m. on Thursday, August 2, 1990, staff also observed that approximately 80 parking spaces were unoccupied on-site.

Valet Parking

Staff has observed that the restaurant facility has been utilizing a valet parking service in the past, which was not approved as a part of Use Permit No. 3289 and is not in substantial conformance with the approved operational characteristics. The applicant has indicated that the contract with the valet service was to expire on August 2, 1990, and will not be renewed.

Live Entertainment

Staff is of the opinion that the introduction of live entertainment and expansion of the "net public area" of the existing facility will not drastically alter the characteristics of the facility as originally approved by Use Permit No. 3289. However, staff is concerned that the proposed organ concerts on Saturdays and Sundays may not be sufficiently contained within the building and will increase the amount of noise in the area and may disturb neighboring residential property located on Cliff Drive. There is also concern that the proposed organ concerts will encourage a public assembly type of use without providing adequate parking to accommodate the intensification of the use.

Hours of Operation of Live Entertainment

The hours of operation of the proposed live entertainment are: pipe organ concerts in the motel lobby, 4:00 p.m. to 8:00 p.m. Saturdays and Sundays; strolling violin player, and string duets and trios throughout the restaurant and lounge, 8:00 p.m. to 1:30 a.m., daily; and

TO:

Planning Commission -5.

piano bar, 8:00 p.m. to 1:30 a.m., daily. Other than the proposed organ concerts, staff has no concern with the live entertainment hours so long as they are confined to the interior of the building. Appropriate conditions of approval have been included in the attached Exhibit "A" to limit the hours of operation of the proposed live entertainment, as proposed.

Restaurant Development Standards

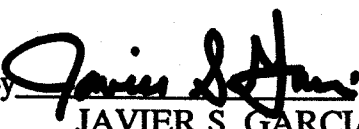
Chapter 20.72 of the Municipal Code contains development standards for restaurants to ensure that any proposed development will be compatible with adjoining properties and streets. Said development standards include specific requirements for building setbacks, parking and traffic circulation, walls surrounding the restaurant site, landscaping, exterior illumination, signing, underground utilities, and storage. Section 20.72.130 of the Municipal Code states that any of the above mentioned development standards for restaurants may be modified or waived if such modification or waiver will achieve substantially the same results and will in no way be more detrimental to adjacent properties or improvements than will the strict compliance with the standards. The restaurant as originally approved has appropriately satisfied all restaurant development standards in accordance with Section 20.72 of the Municipal Code.

Specific Findings and Recommendations

Section 20.80.060 of the Newport Beach Municipal Code provides that in order to grant any use permit, the Planning Commission shall find that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, 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.

Should the Planning Commission wish to approve this application, appropriate findings and conditions in conjunction with the applicant's request are set forth in the attached Exhibit "A". However, should the Planning Commission concur with staff's recommendation that the live entertainment be limited to non-amplified music and no pipe organ concerts or music, the findings and conditions in the attached Exhibit "B" are suggested. However, if the Planning Commission desires to deny this application, the findings set forth in the attached Exhibit "C" are suggested.

PLANNING DEPARTMENT
JAMES D. HEWICKER, Director

By 
JAVIER S. GARCIA
Senior Planner

TO:

Planning Commission -6.

Attachments:

Exhibit "A"

Exhibit "B"

Exhibit "C"

Vicinity Map

Excerpt of Planning Commission Minutes,
dated September 10, 1987

Letter from Applicant Describing Operation

Letters of Opposition from B.W. Kent

Approved Floor Plan of Restaurant

Plot Plan and Floor Plans

JAY-G\UP\REST\UP3289A.SR

EXHIBIT "A"
FINDINGS AND CONDITIONS OF APPROVAL FOR
USE PERMIT NO. 3289 (AMENDED)

FINDINGS:

1. The proposed restaurant is consistent with the General Plan and the Land Use Plan of the Local Coastal Program, and is compatible with surrounding land uses.
2. The project will not have any significant environmental impact.
3. That the proposed restaurant use can be adequately served by existing on-site parking.
4. That the approval of Use Permit No. 3289 (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 proposed development shall be in substantial conformance with the approved plot plan and floor plans.
2. That all previous applicable conditions of approval of Use Permit No. 3289 shall remain in effect.
3. That valet parking service shall not be permitted unless an amendment to this use permit is first approved by the Planning Commission.
4. That dancing shall not be permitted in conjunction with this restaurant or lounge facility unless an amendment to this use permit is first approved by the Planning Commission.
5. That all restaurant employees shall be required to park on-site at all times during the time which the restaurant facility is operating.
6. That the parking lot shall provide a minimum of 103 parking spaces which includes a maximum of 23 compact parking spaces (22.9%).

TO:

Planning Commission -8.

7. That one parking space for each 47 square feet of "net public area" in the restaurant facility shall be provided on-site.
8. That only 50 motel rooms shall be permitted on-site.
9. That the required number of handicapped parking spaces shall be designated within the on-site parking area and shall be used solely for handicapped self-parking. One handicapped sign on a post and one handicapped sign on the pavement shall be required for each handicapped space.
10. That the restriping of the on-site parking lot, vehicular circulation and pedestrian circulation systems be subject to further review by the Traffic Engineer.
11. That the hours of operation of the restaurant facility and the lounge shall be limited between the hours of 7:00 a.m. and 1:30 a.m. daily, unless an amended use permit is approved by the Planning Commission.
12. That the sound from the live entertainment shall be confined to the interior of the structure; and further that all windows and doors within the restaurant shall be closed when live entertainment is conducted on the site.
13. That the live entertainment shall be limited as follows: one strolling violin player, or strolling string duets or trios allowed within the interior of the restaurant and lounge; the piano bar shall be restricted to within the restaurant and bar lounge area and limited to the hours of 8:00 p.m. to 1:30 a.m. daily; and the pipe organ concerts shall be limited to the motel lobby area and restricted to the hours of 4:00 p.m. to 8:00 p.m. on Saturdays and Sundays only. This approval does not include musical groups which rely on amplified sound nor pre-recorded amplified music unless an amendment to this use permit is first approved by the Planning Commission.
14. That no outdoor loudspeaker or paging system shall be permitted in conjunction with the proposed operation.
15. That a Coastal Permit shall be required prior to the implementation of the change in operational characteristics.
16. That the Planning Commission may add or modify conditions of approval to the 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

TO:

Planning Commission -9.

injury, or is detrimental to the health, safety, peace, morals, comfort or general welfare of the community.

17. That this use permit shall expire if not exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

TO:

Planning Commission -10.

EXHIBIT "B"
FINDINGS AND CONDITIONS OF APPROVAL FOR
USE PERMIT NO. 3289 (AMENDED)
(approves live entertainment excluding
pipe organ concerts)

FINDINGS:

1. The proposed restaurant is consistent with the General Plan and the Land Use Plan of the Local Coastal Program, and is compatible with surrounding land uses.
2. The project will not have any significant environmental impact.
3. That the proposed restaurant use can be adequately served by existing on-site parking.
4. That the pipe organ concerts proposed may introduce amplified sound which may be difficult to contain within the building and which will be detrimental to the adjoining residential properties given the developed characteristics of the existing facility.
5. That the approval of Use Permit No. 3289 (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 proposed development shall be in substantial conformance with the approved plot plan and floor plans.
2. That all previous applicable conditions of approval of Use Permit No. 3289 shall remain in effect.
3. That valet parking service shall not be permitted unless an amendment to this use permit is first approved by the Planning Commission.
4. That dancing shall not be permitted in conjunction with this restaurant or lounge facility unless an amendment to this use permit is first approved by the Planning Commission.
5. That all restaurant employees shall be required to park on-site

at all times during the time which the restaurant facility is operating.

6. That the parking lot shall provide a minimum of 103 parking spaces which includes a maximum of 23 compact parking spaces (22.9%).
7. That one parking space for each 47 square feet of "net public area" in the restaurant facility shall be provided on-site.
8. That only 50 motel rooms shall be permitted on-site.
9. That the required number of handicapped parking spaces shall be designated within the on-site parking area and shall be used solely for handicapped self-parking. One handicapped sign on a post and one handicapped sign on the pavement shall be required for each handicapped space.
10. That the restriping of the on-site parking lot, vehicular circulation and pedestrian circulation systems be subject to further review by the Traffic Engineer.
11. That the hours of operation restaurant facility and the lounge shall be limited between the hours of 7:00 a.m. and 1:30 a.m. daily, unless an amended use permit is approved by the Planning Commission.
12. That the sound from the live entertainment shall be confined to the interior of the structure; and further that all windows and doors within the restaurant and lounge shall be closed when live entertainment is conducted on the site.
13. That the live entertainment shall be limited as follows: strolling violin player, or strolling string duets or trios allowed within the interior of the restaurant and lounge; and the piano bar shall be restricted to within the restaurant and bar lounge area and limited to the hours of 8:00 p.m. to 1:30 a.m. daily. Pipe organ concerts or any amplified music shall be prohibited in any portion of the subject property at any time. This approval does not include musical groups which rely on amplified sound nor pre-recorded amplified music unless an amendment to this use permit is first approved by the Planning Commission.
14. That no outdoor loudspeaker or paging system shall be permitted in conjunction with the proposed operation.

TO:

Planning Commission -12.

15. That a Coastal Permit shall be required prior to the implementation of the change in operational characteristics.
16. That the Planning Commission may add or modify conditions of approval to the 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.
17. That this use permit shall expire if not exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

EXHIBIT "C"
FINDINGS FOR DENIAL
USE PERMIT NO. 3289 (Amended)

FINDINGS

1. That the proposed change in operational characteristics of the subject restaurant represents an intensity of use which is greater than the existing restaurant operation.
2. That the proposed changes in the operational characteristics of the subject restaurant will require a greater amount of parking and generate more traffic than the existing restaurant use.
3. That the addition of live entertainment in conjunction with the late night operation of the subject restaurant will be incompatible with nearby residential uses.
4. That the proposed expansion of the "net public area" results in an increase in the parking demand.
5. That the proposed change in operational characteristics of the subject restaurant, so as to add live entertainment will, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, and be detrimental or injurious to property and improvement in the neighborhood, and the general welfare of the City.

Attachment No. CD 5

Use Permit No. 2001-044



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92659-1768

PLANNING DEPARTMENT
(949) 644-3209

NOTICE OF FINAL APPROVAL

DATE: April 5, 2002
TO: Kiran Patel
FROM: Planning Director
SUBJECT: Use Permit No. 2001-044 (PA2001-253)

Please be advised that Use Permit No. 2001-044 (PA2001-253) was reviewed and approved by the Planning Commission at its meeting of March 21, 2002 and became effective April 4, 2002. Any deviation from the applications and plans on file in the Planning Department may require an amendment to the application(s) mentioned above for the project.

Applicant: Newport Classic Inn

Location: 2300 West Coast Highway

Description: Request for a Use Permit to allow the remodel of an existing motel and restaurant to eliminate the restaurant and replace it with ten new guestrooms, add a new guestroom on the first floor at the rear of the building, refurbish the existing rooms by enclosing the patio and balcony areas, and to add a breakfast room in the first floor lobby area.

Should you have any questions, please contact our office.

Very truly yours,
PLANNING DEPARTMENT
Patricia L. Temple, Director

By Ginger Varin
Ginger Varin
Executive Secretary Planning Commission

Enclosure: ☒ Approved Resolution with Findings and Conditions of Approval
☐ Approved Planning Commission minutes with Final Findings and Conditions of Approval

cc: Property Owner (if not applicant)

Gvarin\PlanComm\ntcefftpc.doc

RESOLUTION NO. 1553

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING USE PERMIT NO. 2001-044 (PA2001-253) FOR PROPERTY LOCATED AT 2300 WEST COAST HIGHWAY

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. An application was filed by SMI Hotel, LLC, with respect to property located at 2300 West Coast Highway, and legally described as a Portion of Lot A, Tract 919, requesting approval of Use Permit No. 2001-044 to permit the remodel of an existing motel.

Section 2. A public hearing was held on March 21, 2002 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented to and considered by the Planning Commission at this meeting.

Section 3. The Planning Commission finds as follows:

1. The proposed location of the hotel needing this use permit, and the proposed conditions under which it would be operated or maintained, is consistent with the General Plan and the purpose of the district in which the site is located; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the city. The use permit pertains to a motel business to be operated in a building that is designated and zoned for this activity. The use has been conditioned in such a manner to meet the design and development standards of the zoning district within which it is located. In addition, the proposed remodel will result in the elimination of an existing restaurant use, which will result in a decrease in parking demand at the site.
2. The project design and operational characteristics of the proposed use are consistent with Municipal Code requirements. Any change in the design and/or operational characteristics would require an amendment to the Use Permit, reviewed by the Planning Commission.
3. The project as conditioned is consistent with the purpose and intent of the Mariner's Mile Specific Plan (SP-5), as well as the Mariner's Mile Strategic Vision and Design Framework.
4. The project has been reviewed, and qualifies for a categorical exemption pursuant to the California Environmental Quality Act under Class 1 (Minor alteration of existing structures).

Section 4. Based on the aforementioned findings, the Planning Commission hereby approves Use Permit No. 2001-044, subject to the Conditions set forth in Exhibit "A."

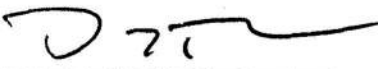
Section 5. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk or this action is called for review

by the City Council in accordance with the provisions of Title 20, Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF MARCH, 2002.

AYES: McDaniel, Agajanian, Tucker and Gifford

EXCUSED: Kiser, Kranzley and Selich

BY: 
Larry Tucker, Chairman

BY: 
Earl McDaniel, Secretary

EXHIBIT "A"

**CONDITIONS OF APPROVAL
USE PERMIT NO. 2001-044**

1. The development shall be in substantial conformance with the approved plot plan, floor plan, and elevations dated August 20, 2001.
2. Use Permit No. 2001-044 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, unless an extension is otherwise granted.
3. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the Uniform Building Code as well as all applicable Municipal Code requirements. The construction plans must meet all applicable State Disabilities Access requirements.
4. Any change in plans and/or operational characteristics, expansion in area, or other modification to the floor plan, shall require amendment to this Use Permit or the processing of a new Use Permit.
5. Should this business 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.
6. Prior to the issuance of a certificate of occupancy, a continuous hedge meeting the requirements of Chapter 20.42 of the Municipal Code shall be installed along the front of the property, and one additional Mexican Fan palm shall be planted in the front setback area. The size and location of the palm to be subject to the approval of the Planning Director.
7. Prior to the issuance of a certificate of occupancy, the parking lot shall be redesigned and landscaping shall be installed in a manner to retain a minimum of 64 parking spaces with design dimensions in accordance with Chapter 20.66 of the Municipal Code, and tree planters and shade trees installed to a ratio of one tree per four parking spaces within the lot. Credit may be given for any existing shade trees within the lot, provided the Planning Director approves the tree species. Ultimate design of the parking lot, tree species, tree size and specific location shall be subject to the approval of the Planning Director.
8. Prior to the issuance of a final certificate of occupancy, screening plants shall be installed within the raised planter within the front setback area. The plants shall be of a density, spacing and size to achieve full screening of the electrical cabinet located behind the planter. In addition, Eugénias, Podocarpus or other species approved by the Planning Director, shall be planted around the existing dish antennas.

9. The exterior grills on the heating/air conditioning units shall be painted to match the surrounding wall or glazing finish and shall be repainted on a regular basis as necessary to prevent peeling and fading of the grills.

Attachment No. CD 6

Staff Approval No. SA2003-017



CITY OF NEWPORT BEACH

STAFF APPROVAL NO. SA2003-017
(PA2003-169)

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3229

Staff Person: Javier S. Garcia, 644-3206
Appeal Period: 14 days after approval date

July 25, 2003

Delia Vechi & William Azzalino
c/o Concepts 4, Inc.
3229 E. Spring Street, Suite 200
Long Beach, CA 90806

APPLICATION: Staff Approval No. SA2003-017 (PA2003-169)

REQUEST: Planning Director's review and determination of substantial conformance with the approved Use Permit UP2001-044 (PA2001-253) and waive the requirement for a new use permit application. The hotel renovation is currently under construction and the proposed change in the hotel lobby/breakfast area includes the addition of a small meeting room.

APPLICANT: Delia Vechi & William Azzalino, Concepts 4, Inc., property owner

LOCATION: 2300 W. COAST HIGHWAY

Section 20.91.055 A of the Newport Beach Municipal Code provides that the Planning Director may waive the requirement for a new use permit application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval. The property is located in the SP-5 District.

ACTION: Approved July 25, 2003. The Planning Director determined that the proposed changes to the floor plan for the lobby area of the hotel is consistent with the plans approved by the Planning Commission in conjunction with the review and approval of Use Permit UP2001-044 (PA2001-253).

Findings:

1. The introduction of a small meeting room does not increase the hotel parking demand since the meeting room will be utilized primarily by hotel patrons. Additionally, the parking requirement for the facility is based on the number of hotel rooms. The number of parking spaces remains unchanged.
2. The proposed meeting room is located within the existing building and does not result in an increase of gross square footage of the building.

City of Newport Beach

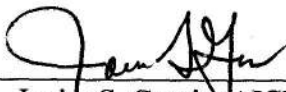
2. The proposed meeting room is located within the existing building and does not result in an increase of gross square footage of the building.
3. The conversion of a portion of the lobby area to provide offices for a general manager and sales manager does not increase or intensify the parking demand or traffic generated by the hotel use.

Conditions:

1. The development shall be in substantial conformance with the approved revised floor plan that converts the breakfast room to a meeting room and the addition of a general manager's office and sales manager's office.
2. The applicant shall submit revised construction plans that will be included as a part of the construction set of drawings issued by the Building Department for the current hotel remodel/renovation.
3. The Planning Director or the Planning Commission may add to or modify conditions of approval to this use permit. In addition, this permit may be revoked upon a determination that the operation which is the subject of this approval causes injury or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

PATRICIA L. TEMPLE, Planning Director

By



Javier S. Garcia, AICP
Senior Planner

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Attachments: Appendix
Vicinity Map
Exhibit 1 – Existing Floor Plan
Exhibit 2 – Approved Floor Plan
Exhibit 3 – Revised Floor Plan

Delia Vechi & William Azzalino,
Concepts 4, Inc.
3229 E. Spring Street, Suite 200
Long Beach, CA 90806

property owner:
Kiran Patel, DKN Hospitality
540 Golden Circle, Suite 214
Santa Ana, CA 92705

cc: To Use Permit File UP2001-044
(PA2001-253)

APPENDIXDiscussion

Request for determination of substantial conformance with floor plan approved with Use Permit No. UP2001-044 (PA2001-253) is subject to review by the Planning Director. The Planning Commission approved Use Permit UP2001-044 (PA2001-253) on March 21, 2002 that allowed the conversion of the existing restaurant into 10 new guest rooms and the addition of one new guestroom on the first floor for an overall total of 64 guestrooms.

The attached detail drawings show the existing floor plan, approved floor plan and the proposed revised floor plan. The dressing room has been deleted. The front desk (registration) and office are relocated. The net change to the approved plan entails the addition of offices for a general manager and sales manager; and the conversion of the former breakfast room to a meeting room.

Comparison of Floor Plans:

	Existing Rooms	Approved by Use Permit	Revised Rooms Floor Plan
Dressing Room	Yes	Yes	Deleted
Lobby	Yes	Yes- reduced	Yes- Reduced
Front Desk Mgr Office	Yes	Yes	Yes-Relocated
Breakfast Room	No	Yes	Deleted
Meeting Room	No	No	Yes
General Mgr Office	No	No	Yes
Sales Mgr Office	No	No	Yes
LOBBY AREA ROOM COUNT	3	4	5

Determination

The Planning Director has determined that the proposed revised floor plan is consistent with the original approval and waives the requirement for a new application for the following reasons:

- The introduction of a meeting room does not increase the parking demand of the use because it is anticipated that the meeting room will be used primarily by hotel patrons.
- The proposed meeting room is located within the existing building and does not increase the gross square footage of the building.
- The conversion of a portion of the lobby area to provide offices for a general manager and sales manager do not intensify the on site use.

Attachment No. CD 7

Use Permit No. 2006-019

RESOLUTION NO. 1702

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING DEVELOPMENT PLAN NO. 2006-001 AND USE PERMIT NO. 2006-019 FOR PROPERTY LOCATED AT 2300 WEST COAST HIGHWAY (PA2006-182).

WHEREAS, an application was filed by SMI, L.L.C., with respect to property located at 2300 West Coast Highway and legally described as Portion of Lot A, Tract 919, as shown on Miscellaneous Map Book 029, Pages 31-34 recorded on April 26, 1929, requesting approval of Use Permit No. 2006-019 and Development Plan No. 2006-001 for a 10,390-square foot, 19-guestroom addition to an existing motel; and

WHEREAS, on November 2, 2006, the Planning Commission held a noticed public hearing in the City Council Chambers, 3300 Newport Boulevard, Newport Beach, California, at which time the Planning Commission considered the Use Permit and the Development Plan and received comments from the public. Notice of time, place and purpose of the public hearing was given in accordance with law and testimony was presented to and considered by the Planning Commission at the hearing; and

WHEREAS, vehicular access to the municipal lot from the project site is not acceptable due to the loss of public parking and the need to modify or improve the municipal lot to accommodate through traffic from the project site. The access to the rear of this property and other properties to the east from the municipal parking lot is presently being studied by the City as there are merits to providing access to Tustin Avenue as these properties redevelop. Should the City conclude that access to this property and others to the east is desirable or necessary; the City Council would need to adopt a policy to provide vehicular access. The project design does not preclude future vehicular access.

WHEREAS, The site designated Retail and Service Commercial by the 1988 amended Land Use Element (LUE). Motels are permitted uses within this land use designation. Visitor-serving uses are desired by the City as declared in *Policy C* of the Land Use Element. The property is consistent with the variable floor area ratio of 0.5/0.75 established by the LUE as the weighted floor area ratio as calculated by Chapter 20.63 of the Municipal Code is 0.35.

WHEREAS, 2006 update of the Land Use Element will designates the site MU-H1 provided that the voters approve Measure V in November of 2006. This designation will allow for the horizontal intermixing of uses including marine-related, highway-oriented, visitor-serving general commercial uses up to 0.50 FAR with mixed-use buildings or residential uses located to the rear of the property. The project implementation would result in a floor area ratio of 0.70. Although this floor area ratio would exceed the potential future intensity limit, the nonconformity would not be a

detriment to the community as the project provides lower cost visitor accommodations within the Coastal Zone.

WHEREAS, The Coastal Land Use Plan designates the property as General Commercial and the proposed project is consistent with this designation. The project provides lower cost visitor serving accommodations and is a priority use within the Coastal Zone. No sensitive coastal resources are present on the fully developed site. No public access is provided or required due to the location of the site on the inland side of Coast Highway. Since the addition will cause no impact to coastal resources or public access with the elimination of the proposed driveway access to the adjacent municipal parking lot, the project is consistent with the Coastal Land Use Plan and the Coastal Act.

WHEREAS, the subject property is located within the Mariner's Mile Specific Plan which requires approval of a Development Plan for the proposed project. The project is consistent with the Mariner's Mile Specific Plan and the Strategic Vision and Design Framework for the following reasons:

1. The Mariner's Mile Specific Plan designates the site for retail and service commercial uses and visitor accommodations are allowed subject to the approval of a use permit.
2. The addition will maintain the overall existing architecture, color scheme and aesthetics of the existing motel, which was found to be consistent with the Mariner's Mile Strategic Vision and Design Framework. The proposed addition will continue the low, flat roof height of the existing motel at 21-feet 7-inches with no roof top equipment so that there will be no impact to views from above. Landscaping will be conditioned to bring the subject property into compliance with the applicable requirements.
3. The project will maintain the exiting color palette that meets standards by providing approximately 90% of the exterior structure being a neutral color with approximately 10% being complimentary trims and accents of lighter and darker colors.
4. The project, subject to the conditions of approval, meets applicable development standards of the Zoning Code related to building setbacks and height, parking and traffic circulation, walls, landscaping, exterior illumination, utilities, and refuse storage.
5. Equipment within the front of the property will be conditioned to be screened and there is no proposed equipment on the roof of the motel expansion.

WHEREAS, a Use Permit for the proposed increase in the number of guestrooms has been prepared and approved in compliance with Chapter 20.91 (Use Permits and Variances) of the Newport Beach Municipal Code for the following reasons;

1. Visitor accommodations and are permitted uses within the Mariner's Mile Specific Plan zoning district with the approval of a Use Permit. As stated in Section 20.42.020 of

the Municipal Code, the intent of establishing the Mariner's Mile Specific Plan was to encourage the orderly development of commercial uses including visitor-serving facilities and pedestrian orientated areas. The proposed increase in motel rooms will allow more visitors to take advantage of Newport Beach's many attractions, and the site is pedestrian-friendly because of the proximity to the water, restaurants, shops and other places of interest for tourists.

2. The location of the motel expansion requiring this Use Permit, and the proposed conditions under which it will be operated and maintained, is consistent with the General Plan and the purpose of the Mariner's Mile Specific Plan in which the site is located; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the City for the following reasons:

a. The site is designated Retail and Service Commercial by the 1988 Amended Land Use Element of the General Plan. Motels are uses allowed within this designation.

b. The existing motel site is located along West Coast Highway, commercial development adjacent to the site. There is a residential district abutting the rear of the project site, but the homes are situated above the commercial structures and the addition is 115 feet away from the homes. The addition will not block views of the residential properties because the construction will be at the rear of the commercial lot rather than at its front and because the height of the addition will match the existing at 21-feet 7-inches, which is below the allowable 26-foot height limit. The existing motel has not been found to be detrimental to the public health, safety, peace, morals, comfort, or welfare of the surrounding neighborhoods, and there is no anticipation that the proposed 19-room addition will change that.

c. The motel has been conditioned in such manner to comply with all development standards of the Zoning Code, including any specific conditions required for the expansion and to require strict adherence to safety, aesthetic and noise regulations.

d. The 19-room project with a previously approved 10-room expansion yet to be completed will generate 296 additional daily trips, and therefore a traffic study is not required pursuant to the Traffic Phasing Ordinance (TPO). Therefore, the project will not create a significant impact to traffic; and

WHEREAS, the project qualifies for a categorical exemption pursuant to Section 15032 (Class 32 In-fill development) of the implementing guidelines of the California Environmental Quality Act. This exemption allows for the expansion of an existing use that is consistent with the General Plan and applicable zoning regulations within an

urbanized area. The project meets these criteria and it is not located in an environmentally sensitive area nor are there any unique circumstances that would lead to a significant effect on the environment with project implementation.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Planning Commission of the City of Newport Beach hereby approves Use Permit 2006-019 and Development Plan 2006-001, subject to the conditions set forth in Exhibit "A".

Section 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 2TH DAY OF NOVEMBER 2006.

AYES: Eaton, Peotter, Hawkins, Cole, McDaniel
and Toerge

ABSTAIN: Henn

BY:


Jeffrey Cole, Chairman

BY:


Robert Hawkins, Secretary

EXHIBIT "A"
CONDITIONS OF APPROVAL
USE PERMIT 2006-019 AND DEVELOPMENT PLAN 2006-001
(PA2006-182)

Fire Department Conditions

1. Applicant shall relocate the fire hydrant into landscaping area because current location blocked by parking spot.
2. New elevator shall be gurney-accommodating in accordance with Article 30 of the California Building Code (2001 edition).
3. Applicant shall provide Class I standpipes as a substitute for the access or a turnaround.
 - A. Standpipe outlets shall be provided on both levels in all stairwells and at other locations on the first and second floors.
 - B. The locations will be selected by the Fire Marshal during plancheck.
 - C. Standpipes may be supplied by the existing fire sprinkler system if the system has the capacity to supply standpipes and the sprinklers.
 - D. The combined system must be designed so that closure of the fire sprinklers does not affect the operation of the standpipe.

Building Department Conditions

4. Fully accessible guestrooms, including no less than one room with a roll-in shower shall be provided, in compliance with Title 24.
5. No less than one of each room type/class shall be fully accessible.
6. All other new rooms in excess of the accessible rooms required above shall meet the minimum restroom dimensions of Title 24.
7. Hearing-impaired guestrooms shall be provided and equipped, as required by Title 24 requirements.
8. Intervening rooms and doors shall be removed from the building corridor and exit systems.
9. Smoke protection shall be required at the second floor elevator door or elevator lobby.

10. The first floor lobby adjacent to the second floor stair shall be one-hour rated.
11. A California-licensed architect shall determine the allowable building area per the CBC. Area separation or other approved means may be necessary to allow the proposed addition.

Public Works Conditions

12. The project shall comply with the City's non-storm on-site runoff retention requirements.
13. Staging, parking, or storage of construction equipment, vehicles, and materials shall not occur within the adjacent municipal parking lot or Coast Highway.
14. Prior to the issuance of a building permit, the applicant shall demonstrate the adequacy of the existing water and sanitary sewer laterals to serve the expanded facility.
15. Parking and vehicular areas shall be subject to further review and approval by the Public Works Department prior to the issuance of a building permit. Parking and vehicular areas shall be designed and maintained in accordance with Standard Drawing STD-805-L-A & B unless otherwise approved by the Public Works Department. Parking stalls shall be a minimum of 9 feet wide by 17 feet deep that are access from a 24-foot wide drive isle.
16. The dead end drive aisle shall be accompanied by a 5-foot drive aisle extension (hammerhead) to assist in vehicle turnaround.

Planning Department Conditions

17. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived for modified by the conditions of approval.
18. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations except as modified by the applicable conditions of approval.
19. Prior to the issuance of a building permit, the property owner shall execute and record an irrevocable offer of dedication, approved by the Office of the City Attorney, granting the City an easement for ingress, egress, and access, over, upon and across the portion of the property described in Exhibit B and depicted on Exhibit C. The irrevocable offer of dedication shall contain a provision providing that the City covenants that it, in all questions of interpretation, application, or implementation of any provision of the Municipal Code of the City of Newport Beach, shall treat any existing on-site landscaping removed to

replace existing parking spaces eliminated by the acceptance of the offer of dedication, towards the owner's on-site landscaping requirement up to a maximum of 500 square feet; however, the property shall comply with the minimum number of trees as prescribed in Chapter 20.45 of the Municipal Code.

20. This Use Permit may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
21. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
22. Prior to issuance of building permits, approval from the California Coastal Commission shall be required.
23. 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.
24. Prior to obtaining final occupancy, there shall be a total of 7 palm trees within the planting area adjacent to the sidewalk on West Coast Highway. The palm tree shall be a Mexican Fan Palm with a minimum of 8 foot trunk height and a subdrainage system.
25. Prior to obtaining final occupancy, there shall be a continuous 30-inch tall hedge adjacent to the sidewalk on West Coast Highway consisting of either *Ligustrum j. "Texanum"*, Texas Privet, (planted a minimum of 30 inches on center), *Buxus microphylla japonica*, Japanese Boxwood, (planted a minimum 18 inches on center) or *Carissa Macrocarpa "Tuttle"* (planted a minimum 24 inches on center).
26. Prior to obtaining final occupancy, there shall be one shade tree for each 4 parking spaces, or a total of 21 shade trees based on the required 83 parking spaces, within the parking lot. The trees should be consistent with the recommendations contained within the Mariner's Mile Design Framework. Parking lot planters shall be a minimum of 25 square feet, exclusive of curb.
27. Prior to obtaining final occupancy, the two utility fixtures that abut West Coast Highway shall be screened from view by landscaping.
28. All landscaping shall be maintained and kept free of weeds and debris.

29. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected.
30. Prior to obtaining a building permit, a photometric survey shall be submitted that is stamped and signed by a licensed lighting engineer. The survey shall show that lighting values are "1" or less at all property lines.
31. Prior to obtaining a building permit, a review of existing and proposed lighting shall be required to ensure that exterior light standards are no higher than 20 feet and that "Walpak" type light fixtures are removed in favor of zero cut-off "Shoebox" type fixtures to eliminate light spillage and glare.
32. Prior to obtaining final occupancy, there shall be a nighttime inspection by the City Code Enforcement Department for light spillage and glare issues.
33. The project shall not result in the placement of mechanical equipment on the roof of the building.
34. There shall be no fewer than 83 parking spaces on site.
35. The roof shall be painted a neutral, non-reflective color, approved by the Planning Director prior to the issuance of a certificate of occupancy.
36. All existing HVAC equipment on the roof shall be screened with a louvered horizontal screen and louvered vertical screen north of the equipment and not exceed the height limit.
37. All rooftop equipment shall be painted to match the roof prior to the issuance of a certificate of occupancy.
38. A building permit for the existing monument sign shall be applied for within 30 days of the approval of Use Permit No. 2006-019 and Development Plan 2006-001. The building permit shall be obtained before the building permit for the expansion is issued.

Attachment No. CD 8

Project Plans

Holiday Inn Express Remodel

2300 Pacific Coast Highway Newport Beach

City of Newport Beach Staff Approval

Submitted February 14, 2025

Revised May 28, 2025

SITE DATA	
ADDRESS:	2300 WEST COAST HIGHWAY NEWPORT BEACH, CA 92663
ASSESSOR'S PARCEL NO.:	425-471-25
TRACT TRM:	00919
LEGAL DESCRIPTION:	A PORTION OF LOT A, TRACT 919
SITE AREA:	54,943.1 SF

VICINITY MAP



LOCAL COAST LAND USE MAP



AGENCY ENTITLEMENTS	
The following Agency Entitlements are required for this project:	
CITY OF NEWPORT BEACH	
A. STAFF APPROVAL	
• PUBLIC RESTAURANT	
ENVIRONMENTAL REVIEW	
A. CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT	

ZONING	
ZONING:	CV-A: VISITOR SERVING COMMERCIAL
STATISTICAL AREA:	LU-9 - H4
COASTAL ZONE:	YES
DISTRICT:	SP-5 MARINER'S MILE SPECIFIC PLAN
LOCAL COASTAL PROGRAM FAR:	0.0 TO 0.75 FAR
CONDITIONAL USE PERMIT:	REQUIRED/ VISITOR ACCOMMODATIONS
CATEGORICAL EXCLUSION AREA:	NO

DEVELOPMENT STANDARDS	
COMMERCIAL ZONING DISTRICT CHAPTER 20.20 TABLE 2-7	
FRONT:	0'
SIDE ABUTTING RESIDENTIAL:	5'
SIDE ABUTTING NON-RESIDENTIAL:	0'
REAR ABUTTING RESIDENTIAL:	5'
MAX. HEIGHT LIMIT: (WITHIN SHORE LINE LIMIT)	26' FLAT ROOF/ 31' SLOPED ROOF
FENCES/ HEDGES (TABLE 20.30.040 TABLE 3-1):	
FRONT SETBACK:	42" HIGH
REAR & SIDE:	72" HIGH

REQUIRED PARKING	
OFF STREET PARKING REQUIREMENTS (20.40.040 TABLE 3-10)	
HOTEL PARKING REQUIREMENTS PER CONDITIONAL USE PERMIT:	
BARS:	1 SPACE PER 4 PERSONS
FOOD SERVICE:	1 SPACE PER 100SF (INSIDE) 1 SPACE PER 150 SF (OUTSIDE)
PARKING SPACE SIZE:	8'-6" X 17' NO COMPACT SPACES
aisle:	26'

EXISTING PARKING	
STANDARD SPACES (8'-6" X 17'-0")	69
COMPACT SPACES (7'-6" X 15'-0")	8
ACCESSIBLE SPACES (9'-0" X 18'-0" W/ AISLE)	3
VAN ACCESSIBLE SPACES (12'-0" X 18'-0" W/ AISLE)	1
TOTAL	81 SPACES

ALLOWABLE BUILDING AREA	
ALLOWABLE BUILDING AREA	
OCCUPANCY CLASSIFICATION: R1	
CBC TABLE 506.2 SM (WITHOUT HEIGHT INCREASE) = 36,000 SF	
FRONTAGE INCREASE CBC TABLE 506.3.3	
PERCENTAGE OF BUILDING PERIMETER = 50%-75% OPEN SPACE = 30' OR GREATER FRONTAGE INCREASE FACTOR = 0.50	
ALLOWABLE BUILDING AREA 36,000 + (36,000 X 0.50) =	54,000 SF
NEW BUILDING AREA	
LEVEL 1	19,856.6 SF
LEVEL 2	20,399.9 SF
TOTAL	40,256.5 SF

DEVELOPMENT AREA	
EXISTING SITE PROJECT SITE AREA = 54,943.1 SF 100.0%	
EXISTING LOT COVERAGE	
BUILDINGS	19,630.9 SF 35.7%
HARDSCAPE/ PARKING	28,675.7 SF 52.0%
LANDSCAPE	6,736.5 SF 12.3%
EXISTING TOTAL	54,943.1 SF 100.0%
PROPOSED LOT COVERAGE	
BUILDINGS	19,856.6 SF 36.1%
HARDSCAPE/ PARKING	29,012.3 SF 52.8%
LANDSCAPE	6,074.2 SF 11.1%
PROPOSED TOTAL	54,943.1 SF 100.0%

FLOOR AREA RATIO (NET)	
NEWPORT BEACH MUNICIPAL CODE, CHAPTER 21.70 DEFINITIONS	
'FLOOR AREA, NET' MEANS THE AREA INCLUDED WITHIN THE SURROUNDING WALLS OF A BUILDING, EXCLUSIVE OF VENT SHAFTS, ELEVATOR SHAFTS, STAIRWAYS, EXTERIOR CORRIDORS OR BALCONIES, ROOMS CONTAINING ONLY MECHANICAL AND ELECTRICAL EQUIPMENT USED FOR SERVICE OF THE BUILDING, UTILITY SHAFTS, AND PARKING STRUCTURE.	
LEVEL 1	19,856.6 SF
STAIRWAYS	-227.4 SF
MECH. ROOMS	-256.1 SF
SHAFTS	-88.4 SF
SUBTOTAL	19,284.7 SF
LEVEL 2	20,399.9 SF
STAIRWAYS	-394.7 SF
MECH. ROOMS	-131.2 SF
SHAFTS	-88.4 SF
SUBTOTAL	19,785.6 SF
TOTAL	39,070.3 SF
F.A.R. = BUILDING AREA/ SITE AREA 39,070.3 SF / 54,943.1 SF = 0.73	

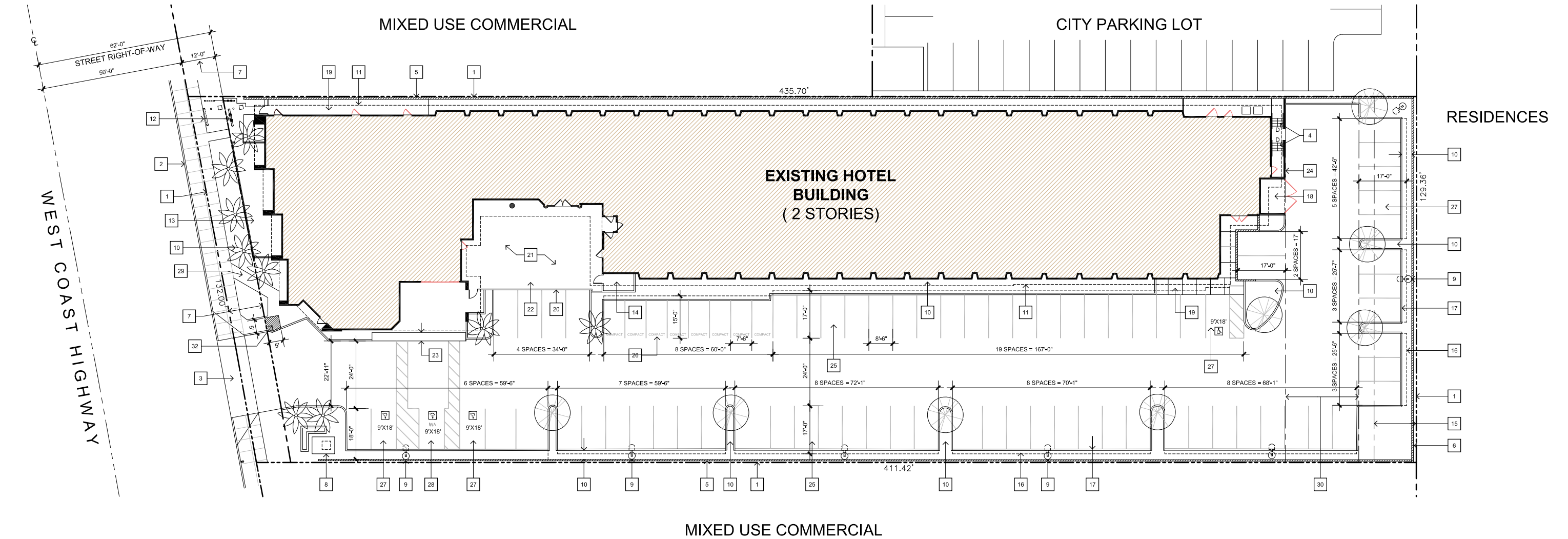
BUILDING OCCUPANCY			
OCCUPANCY	AREA	RATIO	OCC.
LEVEL 1			
RESTAURANT	463 SF	1P/15	31P
DINING PATIO	414 SF	1P/15	28P
LOUNGE	364 SF	1P/15	25P
BAR	218 SF	1P/7	32P
FITNESS CTR.	595 SF	1P/50	12P
KITCHEN	600 SF	1P/200	3P
GUESTROOMS	11,718 SF	1P/200	59P
OFFICE	520 SF	1P/150	4P
SUBTOTAL			194P
LEVEL 2			
GUESTROOMS	16,863 SF	1P/200	85P
TOTAL			279P

PROJECT NARRATIVE	
General The Owner is proposing to convert the existing Holiday Inn Express into a unique branded boutique hotel. The majority of the project will be interior renovation that will include guestrooms and the addition of a new Bar and Restaurant available to the public. A new exterior dining patio will be constructed in the front setback area adjacent to the new Restaurant.	
The current two story hotel structure has 83 guestrooms that will be maintained with new remodeled interior finishes & furnishings and made compliant to meet current accessibility codes.	
Site Bordering the west of the Project site is the City's on-grade parking lot. The Hotel borders hillside residences on the north side. These residences are accessed by Cliff Drive. There is an existing two story structure with retail shop and offices to the east. West Coast Highway borders the Hotel on the south.	
Hotel Exterior Facades The exterior building facades will be remodeled but will respect the maximum allowable height.	
Building Area In the past, there have been multiple remodels done to the hotel to increase the number of guestrooms. The current building near the maximum allowable FAR for the site. The Owner does not plan to substantially increase building area.	
Parking The Owner is providing a Parking Analysis to show that there is sufficient available parking.	

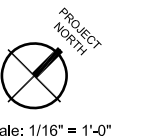
SHEET LIST	
ARCHITECTURAL	
A0	COVER SHEET
A1	PROJECT DATA
A2	SITE PLAN
A3	LEVEL 1 FLOOR PLAN: SOUTH
A4	LEVEL 1 FLOOR PLAN: NORTH
A5	LEVEL 2 FLOOR PLAN: SOUTH
A6	LEVEL 2 FLOOR PLAN: NORTH
A7	EXTERIOR ELEVATIONS
A8	EXTERIOR ELEVATIONS
A9	DAY RENDERING
A10	NIGHT RENDERING
A11	EXTERIOR MATERIALS
A12	FRONT LANDSCAPE PLAN
A13	EXISTING PHOTOS

PROJECT TEAM	
OWNER	
DKN Hotels 42 Corporate Park, Suite 200 Irvine, CA 92606 Attn: Ashika Keshav Email: AshikaD@dknhotels.com Tel: (714) 222-7705	
ARCHITECT	
Kollin Altomare Architects 4265 Conant Street, Suite 101 Long Beach, CA 90808 Attn: Michael Kollin, AIA CA Arch. Lic. 21173 Tel: 562.597.8760 Email: mkollin@ko-al.com	
INTERIOR DESIGNER	
Rockwell Group 6121 Sunset Blvd. Los Angeles, CA 90028 Attn: Chad Sterud Tel: 212.463.0334 Email: csterud@rockwellgroup.com	

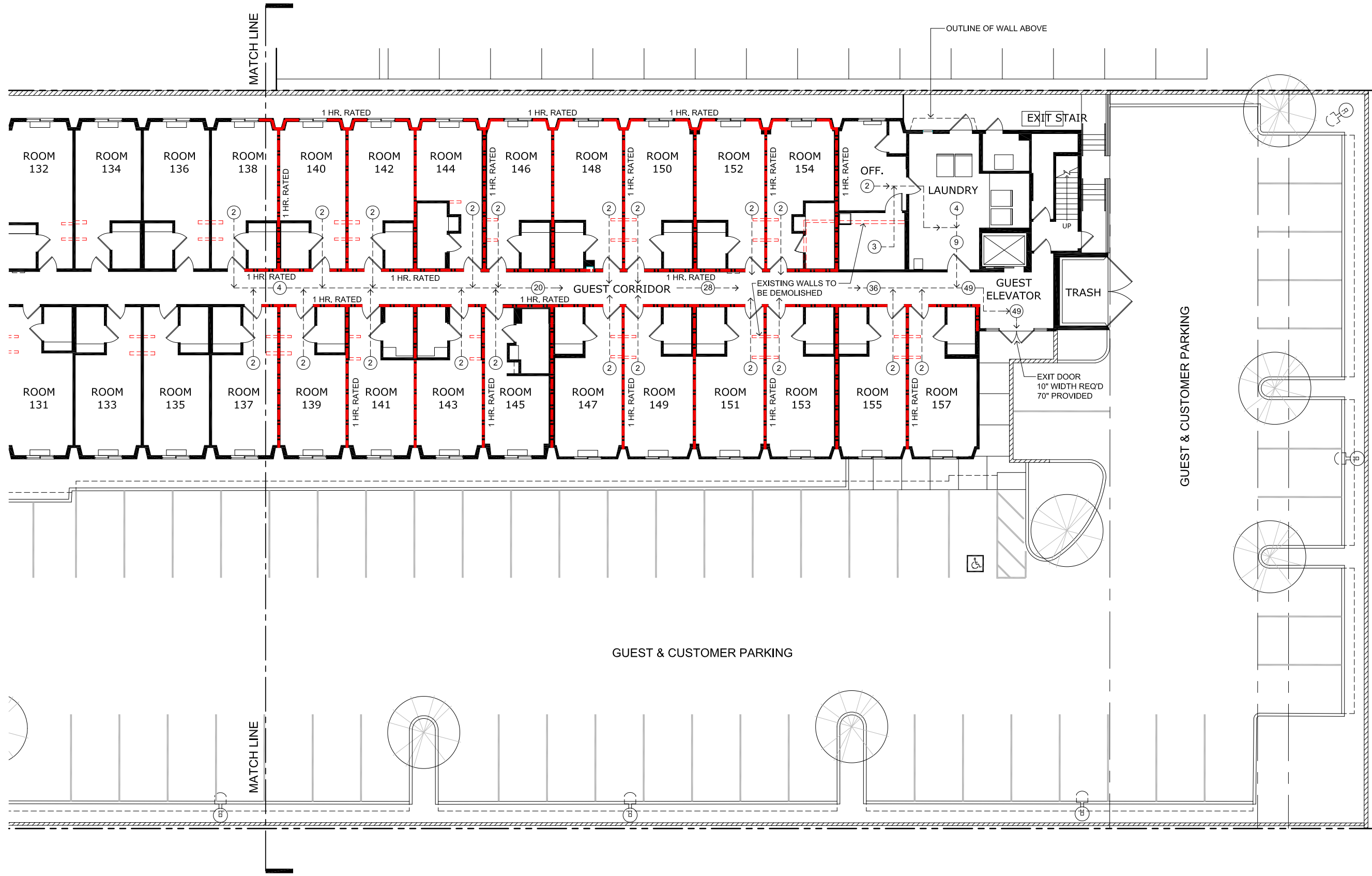
PROJECT DATA



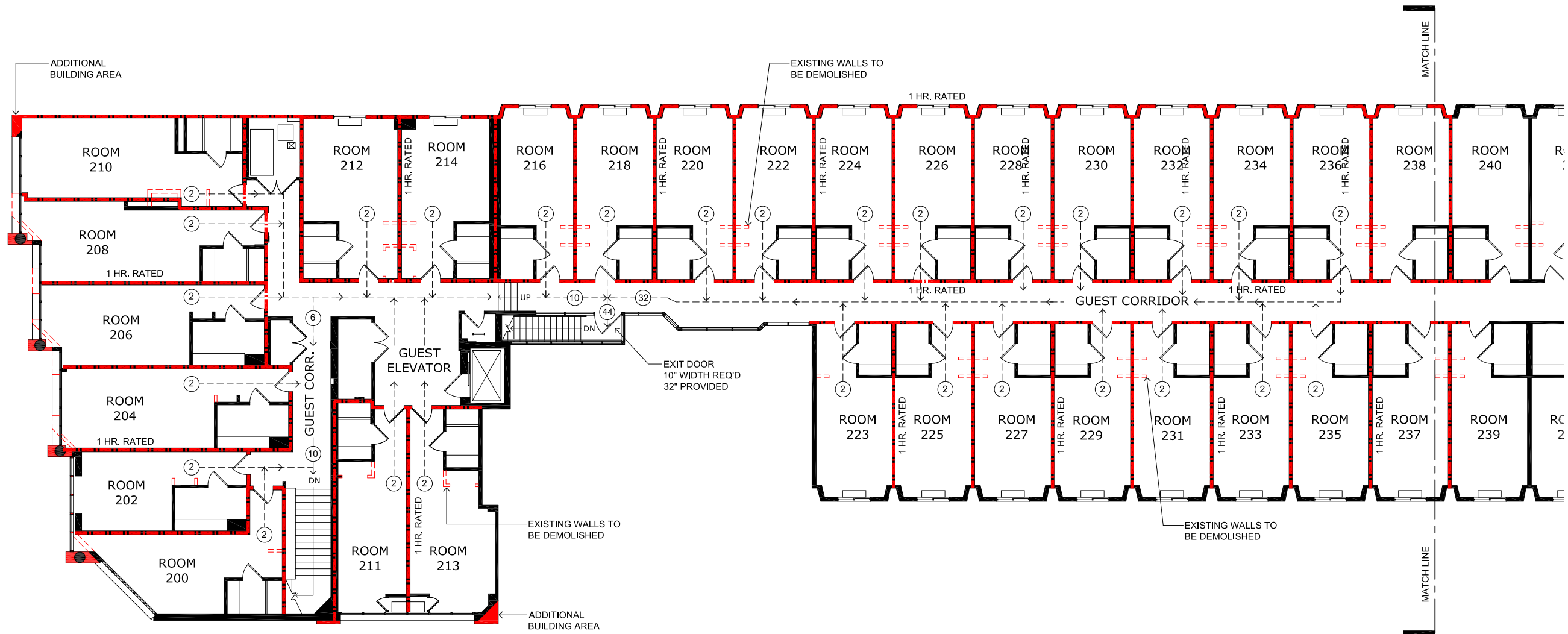
- NOTES**
- | | | | |
|---|---|---|--|
| 1 EXISTING PROPERTY LINE | 13 PROPOSED DINING TERRACE BEYOND STREET DEDICATION AREA | 24 EXISTING RETAINING WALL WITH GUARDRAIL | 32 COMPLY WITH SIGHT DISTANCE REQUIREMENT. CITY STANDARD STD-110-L. FIVE FEET FROM THE CORNER OF AN INTERSECTING STREET RIGHT-OF-WAY AND DRIVEWAY. |
| 2 EXISTING STREET CURB | 14 POOL EQUIPMENT ENCLOSURE WITH TRELLIS | 25 STANDARD PARKING SPACE, 8'-6" W. X 17'-0" L., WITH LANDSCAPE OVERHANG | 33 AN ENCROACHMENT PERMIT IS REQUIRED FOR ALL WORK ACTIVITIES WITHIN THE PUBLIC RIGHT-OF-WAY. |
| 3 EXISTING DRIVEWAY, TO REMAIN | 15 EXISTING 15' WIDE STORM DRAIN EASEMENT. LOCATION OF STORM DRAIN IS UNKNOWN | 26 EXISTING COMPACT PARKING SPACE, 7'-6" W. X 15'-0" L., WITH LANDSCAPE OVERHANG | |
| 4 NEW EXIT STEPS | 16 OUTLINE OF PARKING LANDSCAPE OVERHANG | 27 ACCESSIBLE PARKING SPACE, 9'-0" W. X 18'-0" L. | |
| 5 EXISTING MASONRY WALL, 5' HIGH, TO REMAIN | 17 EXISTING PARKING CURB | 28 VAN ACCESSIBLE PARKING SPACE, 12'-0" W. X 18'-0" L. | |
| 6 EXISTING RETAINING WALL, 5' HIGH, TO REMAIN | 18 EXISTING TRASH ENCLOSURE TO REMAIN | 29 EXISTING ACCESSIBLE WALKWAY | |
| 7 EXISTING WEST COAST HIGHWAY 12' WIDE STREET DEDICATION | 19 EXISTING CONCRETE WALK | 30 INGRESS & EGRESS EASEMENT, 26' WIDE | |
| 8 EXISTING PAD MOUNTED TRANSFORMER | 20 POOL ENCLOSURE FENCE, 5' HIGH | 31 INSTALL NEW SEWER CLEANOUTS AT ALL EXISTING SEWER LATERALS PER CITY STANDARD 406. ALL UNUSED SEWER LATERALS SHALL BE ABANDONED AT PROPERTY LINE. | |
| 9 EXISTING PARKING LIGHTING FIXTURE | 21 EXISTING SWIMMING POOL TO BE RECONFIGURED, EXISTING SPA TO BE REMOVED | | |
| 10 EXISTING PLANTING AREA | 22 EXISTING POOL DECK | | |
| 11 OUTLINE OF ROOF OVERHANG ABOVE | 23 NEW DETECTABLE WARNING STRIP | | |
| 12 EXISTING BACK FLOW DEVICE, DOUBLE CHECK DETECTOR, FIRE DEPARTMENT CONNECTIONS TO BE RELOCATED OUTSIDE OF 12' WIDE STREET DEDICATION. | | | |



SITE PLAN



LEVEL 1 FLOOR PLAN: NORTH



GUESTROOM TABULATION

LEVEL 1 GUESTROOM	36
LEVEL 2 GUESTROOM	44
SUITE	3
TOTAL	83

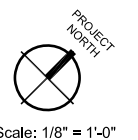
GUESTROOMS WITH MOBILITY FEATURES

# OF GUEST ROOMS PROVIDED	MIN. # OF REQUIRED ROOMS WITHOUT ROLL-IN SHOWERS	MIN. # OF REQUIRED ROOMS WITH ROLL-IN SHOWERS	TOTAL # OF REQUIRED ROOMS
REQUIRED ROOMS WITH ACCESSIBILITY FEATURES (TABLE 11B-224.2)			
76 TO 100	4	1	5
FIGURES SPECIFIC TO THIS PROJECT (ACCESSIBLE ROOMS PROVIDED)			
83	4	1	5

GUESTROOMS WITH COMMUNICATION FEATURES

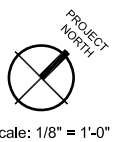
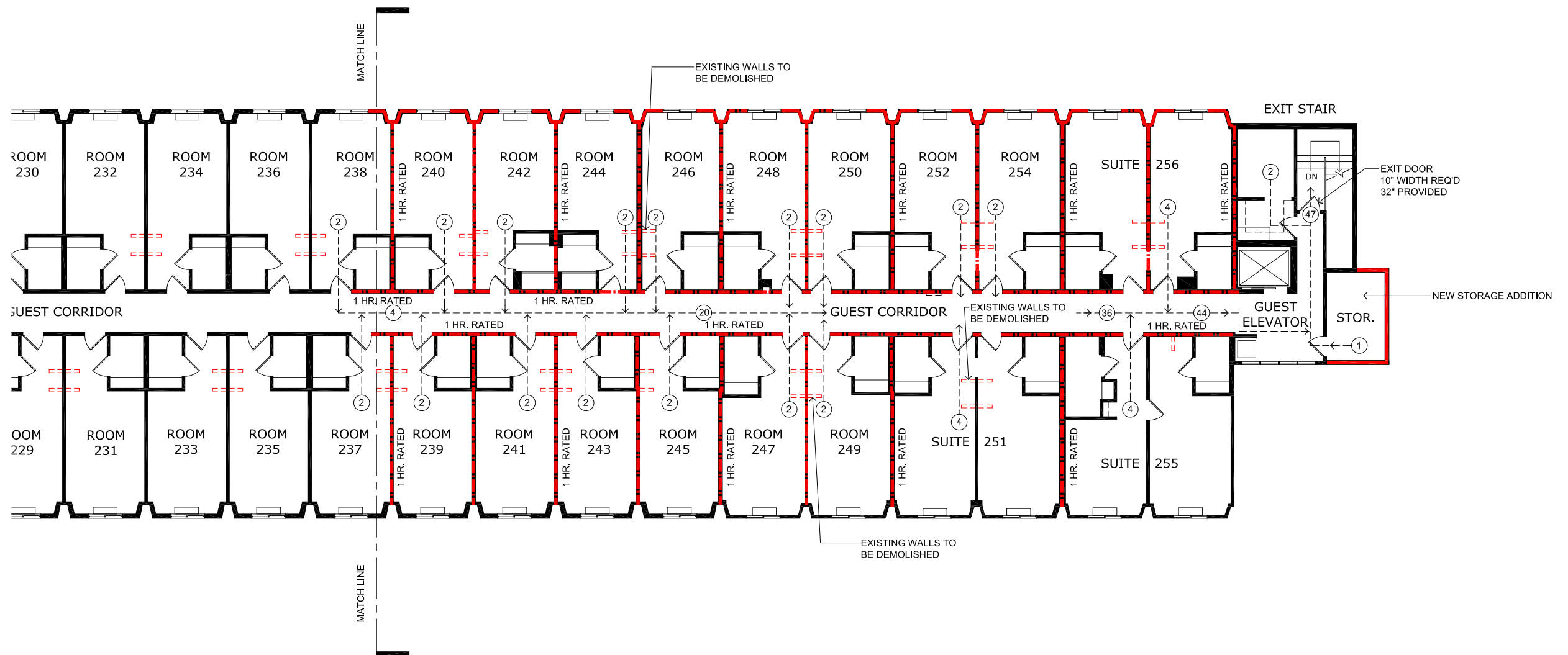
# OF GUEST ROOMS PROVIDED	MIN. # OF REQUIRED GUEST ROOMS WITH COMMUNICATION FEATURES
76 TO 100	9
FIGURES SPECIFIC TO THIS PROJECT SCOPE (ROOMS WITH COMMUNICATION FEATURE PROVIDED)	
# OF GUEST ROOMS PROVIDED	ROOMS WITH BOTH MOBILITY & COMMUNICATION FEATURES = 1 (ROOM 145)
83	8 + 1 (INCLUDED WITH A GUEST ROOM WITH MOBILITY FEATURES) = 9

CBC TABLE 11B-224.4

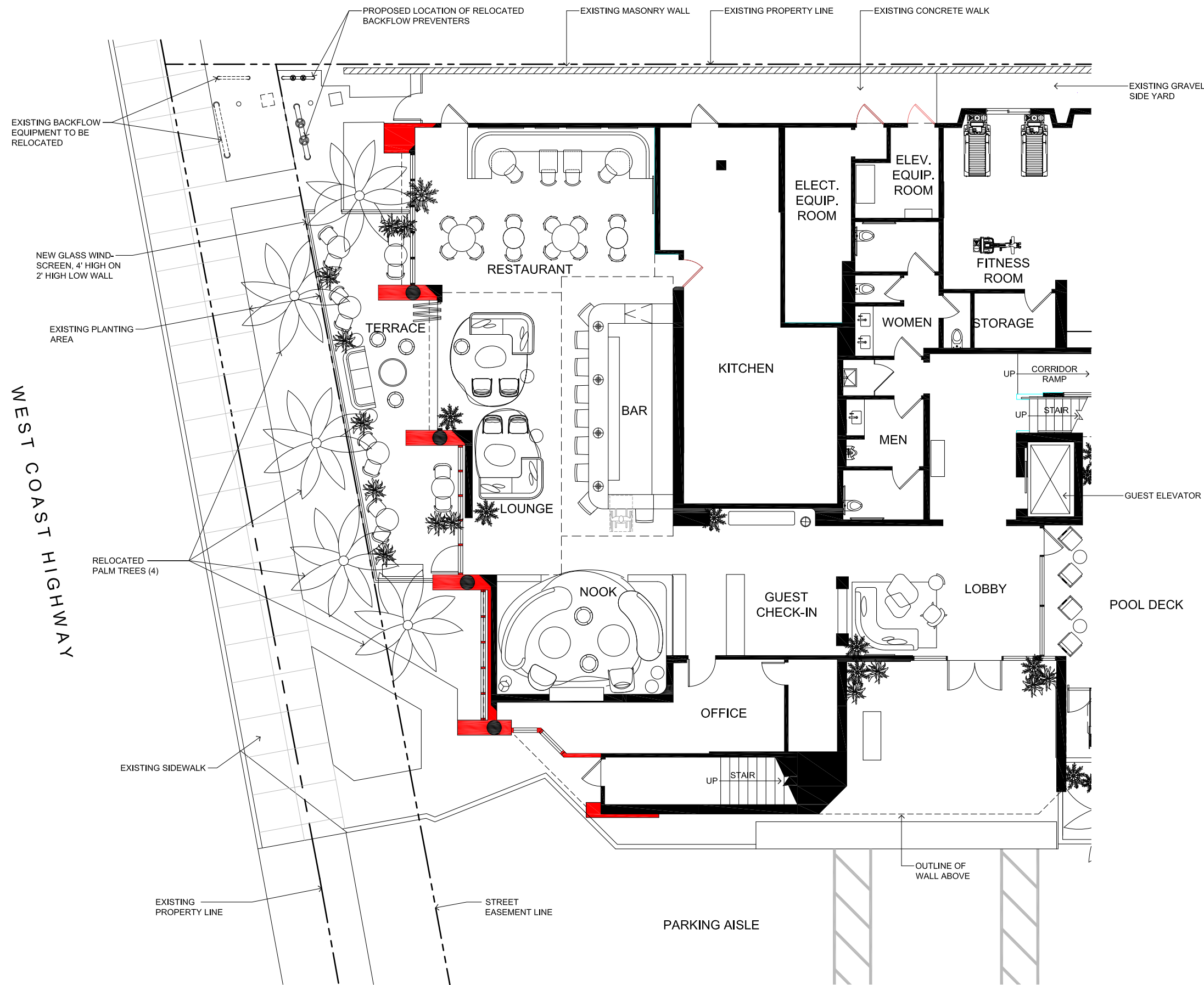


Scale: 1/8" = 1'-0"

LEVEL 2 FLOOR PLAN: SOUTH



LEVEL 2 FLOOR PLAN: NORTH



AREA

BAR	218 SF
LOUNGE	364 SF
RESTAURANT	463 SF
TERRACE	414 SF
NOOK	232 SF

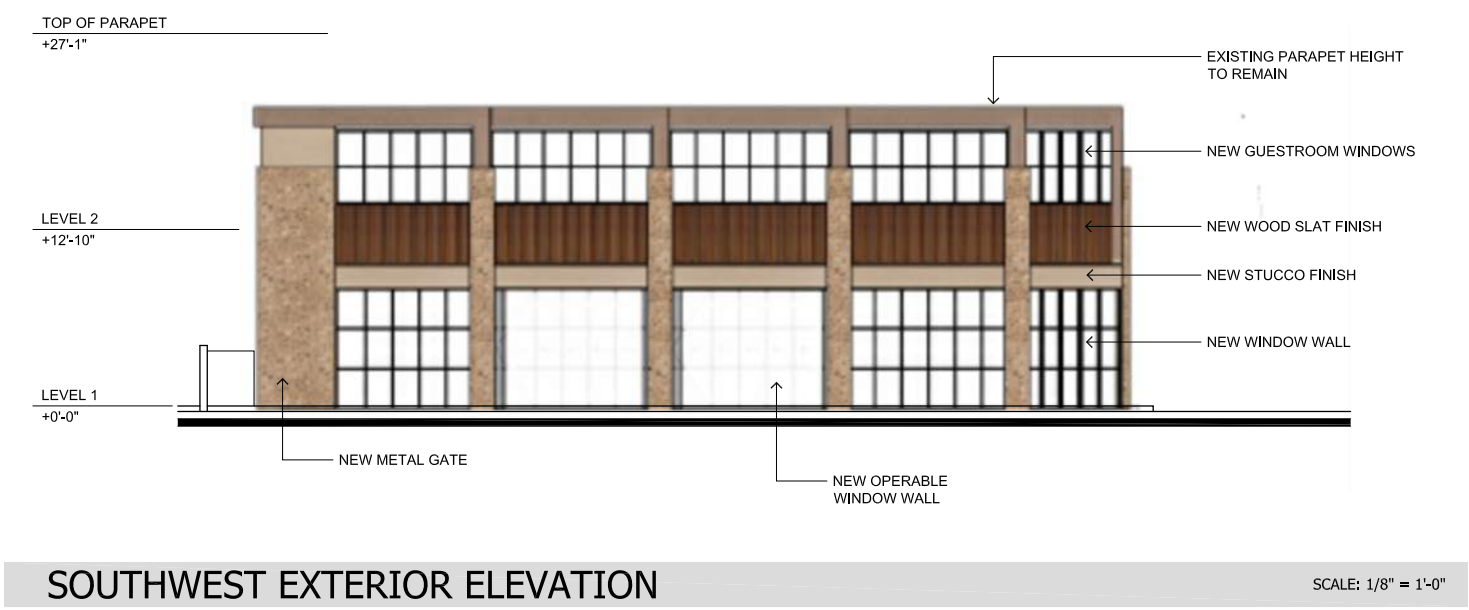
SEATING

BAR SEATING	8 SEATS
BAR ADA SEATING	2 SEATS
LOUNGE	10 SEATS
RESTAURANT SEATING	20 SEATS
TERRACE SEATING	18 SEATS
NOOK SEATING	9 SEATS
TOTAL SEATING	67 SEATS



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

LEVEL 1 RESTAURANT/ LOBBY FLOOR PLAN



UNPROTECTED OPENINGS

NORTHWEST & SOUTHWEST ELEVATIONS

CBC SECTION 704.8.1 IN BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM, THE MAXIMUM ALLOWABLE AREA OF UNPROTECTED OPENINGS IN OCCUPANCIES OTHER THAN GROUPS HH-1, H-2 AND H-3 SHALL BE THE SAME AS THE TABULATED LIMITATIONS FOR PROTECTED OPENINGS.

PER TABLE 704.8 AND SECTION 704.8.1 IN BUILDINGS EQUIPPED WITH FIRE SPRINKLER SYSTEM, THE UNPROTECTED OPENING FOR EXTERIOR WALL GREATER THAN 3-5 FT IS 15% OF AREA OF EXTERIOR WALL.

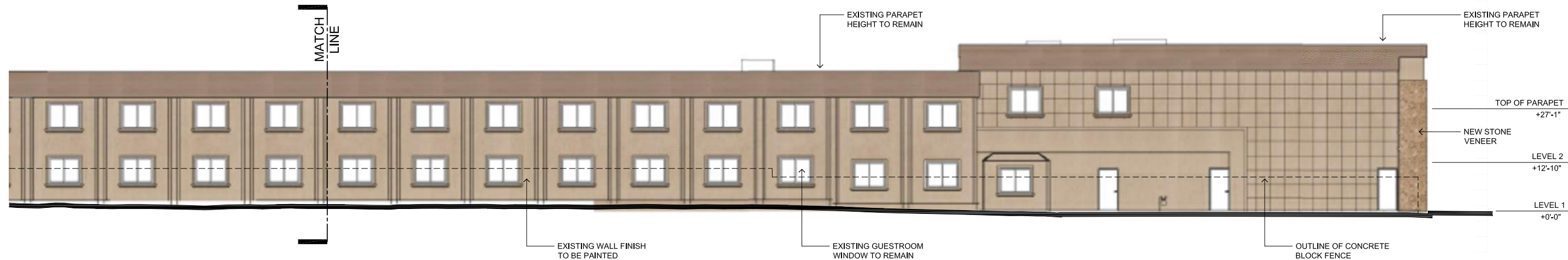
EXTERIOR WALL AREA 8,169 SF

UNPROTECTED OPENING AREA 1,064 SF
PERCENTAGE 13.0%



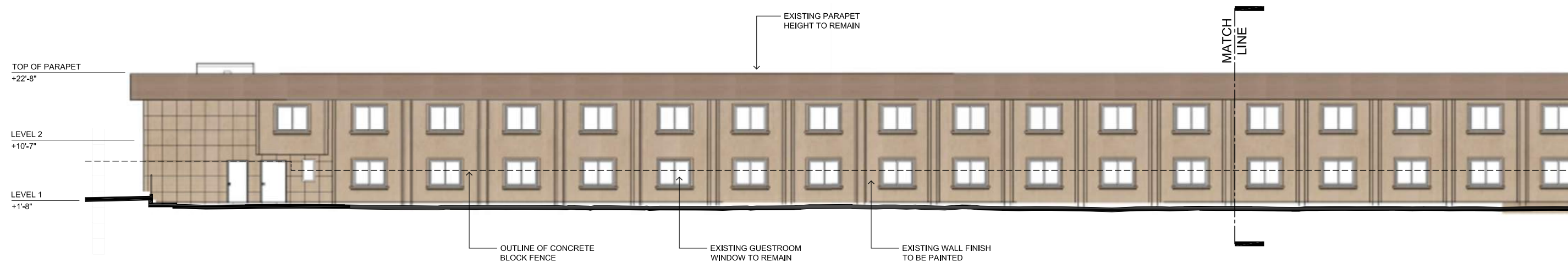
NORTHEAST EXTERIOR ELEVATION

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



NORTHWEST EXTERIOR ELEVATION

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



SOUTHWEST EXTERIOR ELEVATION

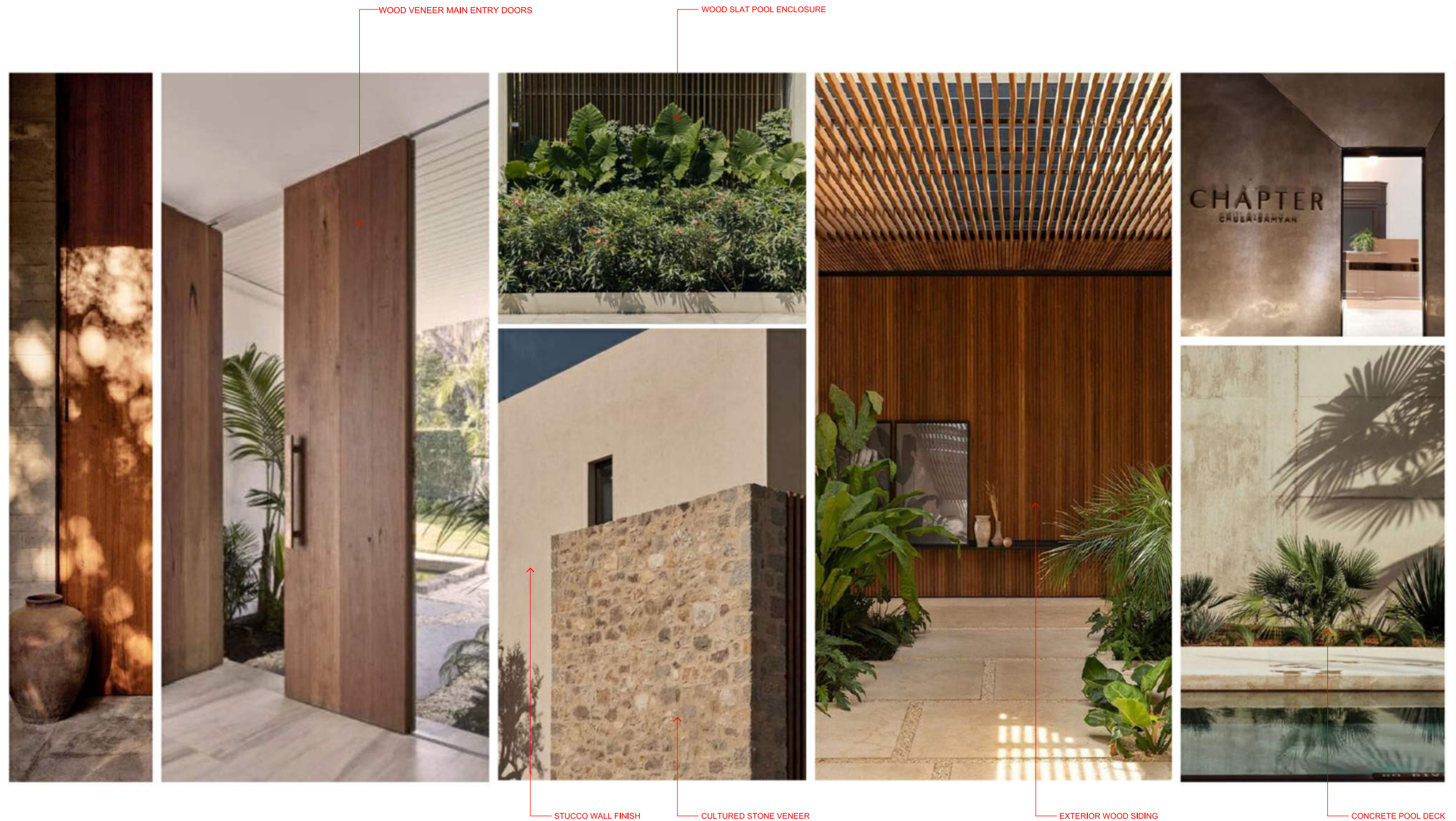
SCALE: 1/16" = 1'-0"



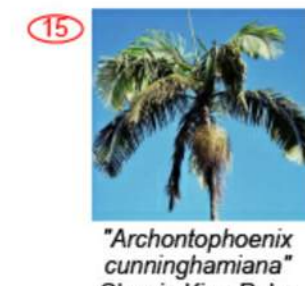
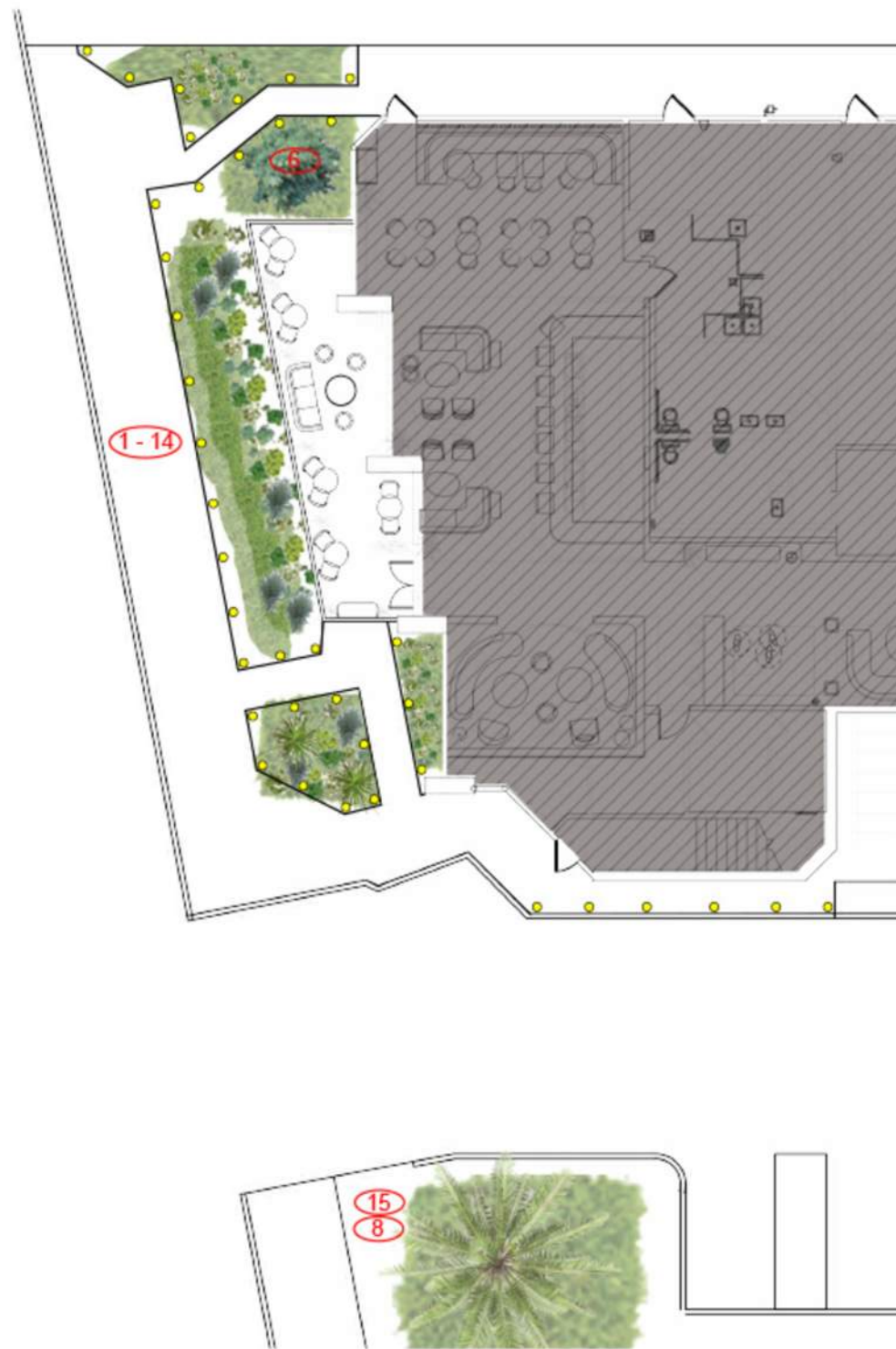
DAY RENDERING



NIGHT RENDERING



PROPOSED EXTERIOR MATERIALS





VIEW FROM SOUTHWEST



VIEW FROM PACIFIC COAST HIGHWAY



VIEW AT ENTRY DRIVE (SOUTHEAST)



VIEW FROM SOUTHEAST



VIEW AT ENTRY DRIVE



VIEW OF HOTEL ENTRY



VIEW OF HOTEL ENTRY



VIEW OF POOL ENCLOSURE



VIEW FROM PARKING (SOUTHEAST)



VIEW OF GUESTROOMS FROM NORTHEAST



VIEW OF NORTHEAST CORNER



VIEW OF NORTH ELEVATION