

**CITY OF NEWPORT BEACH
STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Planning Department
Jim Campbell, Principal Planner
jcampbell@city.newport-beach.ca.us

SUBJECT: Report of actions taken by Planning Director, Zoning Administrator and/or Planning Department staff for the week ending December 19, 2008.

Item 1: Los Arcos Newport LLC., DBA: A Restaurant – Accessory Outdoor Dining Permit No. OD2008-004 (PA2008-145)
3334 West Coast Highway

The Planning Director approved the applicants request to allow the establishment of an accessory outdoor dining use within an as-built outdoor patio in conjunction with an existing full-service restaurant. The outdoor dining area is approximately 283 square feet and is located adjacent to the main entrance to the restaurant. The service of alcoholic beverages will be included with the outdoor dining area.

Approved – December 17, 2008

Council District 3

Item 2: Omnipoint Communications Inc., a subsidiary of T-Mobile, USA, Inc.– Telecom Permit No. TP2008-008 (PA2008-183)
2503 Eastbluff Drive

The Planning Director approved the applicants request to install a wireless telecommunications facility on an existing commercial building. The project includes the installation of 6 panel antennas, a Global Positioning System (GPS) antenna and 3 support equipment cabinets.

Approved – December 16, 2008

Council District 4

Item 3: Anne Marie McNeil, property owner – Planning Director's Use Permit No. UP2008-060 (PA2008-203)
2071 Port Bristol Circle

The Planning Director approved the applicants request to allow the addition of an attached granny unit to an existing single-family dwelling. The granny unit will contain 640 square feet of living area and a single-car garage parking space. In accordance with the provisions of Chapter 20.85 of the Newport Beach Zoning Code the unit shall be for the sole occupancy of 1 or 2 persons who are at least 60 years in age.

Approved – December 17, 2008

Council District 7

Submitted by:


Jim Campbell, Principal Planner

APPEAL:

For Items 1 and 3: The decision of the Planning Director may be appealed to the Planning Commission within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed.

For Item 2: The decision of the Planning Director may be appealed to the City Council within 14 days of the action date. A \$1,550.00 filing fee shall accompany any appeal filed. The City Council's action on appeals shall be final.

c: David Lepo, Planning Director *(e-mail)*
Sharon Wood, Assistant City Manager *(e-mail)*
David Keely, Public Works Senior Civil Engineer *(e-mail)*
Jim Campbell, Senior Planner *(e-mail)*
Code Enforcement Division *(e-mail)*
Sgt. Ron Vallercomp, Vice/Narcotics *(e-mail)*
Lt. Tom Gazsi, NBPD *(e-mail)*
Iris Lee, Public Works *(e-mail)*
Evelyn Tseng, Revenue *(e-mail)*



CITY OF NEWPORT BEACH **Accessory Outdoor Permit No. OD2008-004**
(PA2008-145)

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

Application No: **Accessory Outdoor Dining Permit No. OD2008-004**
(PA2008-145)

Applicant: **Los Arcos Newport LLC**

Owner: **Marianne Brooks**

Address of Property Involved: **3334 West Coast Highway**

Legal Description: **IRVINE SUB LOT 170 BLK 2 IRREG LOT IN LOT**

Application Request:

Establishment of an accessory outdoor dining use within an as-built outdoor patio in conjunction with an existing full-service restaurant. The outdoor dining area is approximately 283 square feet and is located adjacent to the main entrance to the restaurant. The service of alcoholic beverages will be included with the outdoor dining area. The property is located in the SP-5 (Mariners Mile Specific Plan Area) District.

DIRECTOR'S ACTION: **DECEMBER 17, 2008**

The Planning Director determined in this case that the proposal, as conditioned, would not be detrimental to persons, property or improvements in the neighborhood and that the accessory outdoor dining permit as approved is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code based on the following findings:

FINDINGS

1. The Land Use Element of the General Plan and the Local Coastal Program designate the property for "General Commercial" land use; and the proposed outdoor dining is accessory to an existing restaurant, a permitted use within that designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
3. The approval of Outdoor Dining Permit No. **OD2008-004** will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the City for the following reasons:

- The use is accessory to the existing restaurant use, subject to the operational characteristics of the restaurant use including the service of alcoholic beverages, except as limited by this approval and is not an independent use.
- The proposed outdoor dining area, as conditioned, is compatible with the surrounding land uses and its limited and restricted hours of operation and limited seating requirement should alleviate potential noise from adversely impacting the nearby residential uses since the proposal does not include any noise generating activities outside of the facility (i.e., entertainment) and which have been prohibited in the outdoor dining area.
- The proposed accessory outdoor dining will not be located so as to result in a reduction of existing parking spaces.
- The restrictions on the use of solid roof structures as applied to this approval are consistent with the intent and purpose of the accessory outdoor dining.
- The operation of the proposed development is anticipated to increase the outdoor noise level in the immediate vicinity. Consequently, the provision of limited and restricted hours of use and limited number of tables and patron seating is necessary to minimize noise impacts on the residential uses located to the rear of the property that overlook the facility. If use of the outdoor dining area results in noise complaints, the Planning Department may require the removal of all, or a portion, of the outdoor seating or choose another remedy in accordance with Conditions of Approval numbers 7, 8 and 19.

CONDITIONS

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The accessory outdoor dining shall be used in conjunction with the related adjacent food establishment and shall be limited to two tables with seating for eight persons maximum, as proposed, unless an amendment to this application is first approved.
3. The seating and dining in the outdoor area shall be limited to dining table height (approximately 30 inches) and table surface area of 30 inches by 30 inches minimum. The use of elevated counters and barstools is prohibited in the outdoor dining area.
4. Prior to use of the outdoor dining patio, the existing cushioned bench on the easterly side of the patio area shall be reduced to a maximum of 6.5 (78 inches) linear feet and the remainder shall be eliminated and replaced by a combination of planter and/or potted plants approved by the Planning Director prior to use of the outdoor dining area.
5. Prior to use of the outdoor dining patio, gate and fencing (minimum 42 inches tall) shall be installed at the parking lot end of the outdoor dining area to clearly define and segregate the dining area from the access pathway to the restaurant. The gate shall provide access hardware for ingress and egress, and installed to the satisfaction of the Building Department. A gate at the end of the outdoor dining area near the

entrance to the restaurant may be required to be installed at a later date and remain open during the operational hours of the outdoor dining area, if the after hours use of the dining area occurs and creates any adverse impact.

6. All on-site runoff generated (including rainfall runoff) within the outdoor dining area shall be plumbed for discharge into the existing on-site sanitary sewer system, unless otherwise approved by the Building Department and the Water Quality and Code Enforcement Division. City (Public Works Department, Code Enforcement and Water Quality Division and Utilities Department) approval of such discharge system is required. The washing of the patio surface with any cleaning solutions is prohibited; the use of high pressure or steam cleaning devices is recommended.
7. The hours of operation of the outdoor dining area are limited to between 11:00 a.m. and 10:00 p.m., daily. The patio shall be closed and not utilized between the hours of 10:00 p.m. and 11:00 a.m. The interior restaurant operation shall be governed by the existing hours specified and may be subject to change in the future by the approval of a use permit. All activities within the outdoor dining area, including cleanup activities, shall cease at the specified closing hour and no later. Any increase in the hours of operation shall be subject to the approval of an amendment to this application.
8. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department shall require the removal of all or a portion of the outdoor dining area seating in the areas which contribute to the noise problems or complaints. The Planning Director may also curtail or reduce hours of operation and use of the outdoor dining area in response to noise complaints or loud and unreasonable noise generated by the outdoor dining use.
9. Alcoholic beverage service in the outdoor dining areas shall be subject to approval by the Police Department and the State Department of Alcoholic Beverage Control. Any substantial physical changes required (as determined by the Planning Department) to accommodate alcoholic beverage service shall be subject to the approval of an amendment to this Outdoor Dining Permit.
10. The noise generated by the outdoor dining activity shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. That is, the sound shall be limited to no more than depicted below for the specified time periods:

	between the hours of 7:00 a.m. and 10:00 p.m.;	between the hours of 10:00 p.m. and 7:00 a.m.
Measured at the property line of commercially zoned property:	65 dBA	60 dBA
Measured at the property line of residentially zoned property:	55 dBA	50 dBA

11. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the outdoor dining activity to insure compliance with these conditions, if required by the Planning Director.

12. No amplified music or entertainment is permitted in the outdoor dining area. No outside paging system, loudspeaker or other noise generating device shall be utilized in conjunction with this outdoor dining area.
13. All doors and windows leading to the outdoor dining area shall remain closed while any approved indoor amplified music/sound or live entertainment is being performed and during regular business hours of the restaurant.
14. The proprietor shall actively control any noise generated by the patrons of the facility.
15. The area outside of the food establishment, including the public sidewalks, shall be maintained in a clean and orderly manner and may be subject to providing periodic steam cleaning of the public sidewalks as required by the Public Works Department.
16. Light sources within the outdoor dining area and the parking lot, if altered or modified, shall be designed or altered to eliminate light and glare spillage onto adjacent properties or uses. Prior to issuance of a certificate of occupancy, the applicant shall demonstrate to the Planning Department that the exterior lighting system has been designed and directed in such a manner as to conceal the light source and to minimize light spillage and glare to the adjacent properties. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.
17. The operator of the food service use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
18. Future installation of roof coverings shall not have the effect of creating a permanent enclosure. The use of umbrellas for shade purposes shall be permitted. The use of any other type of overhead covering shall be subject to review and approval by the Planning Director and may require an amendment to this permit.
19. The Planning Department may add to or modify conditions of approval to this outdoor dining permit, or revoke this approval upon a finding of failure to comply with the conditions governing the food establishment. The Planning Director may also revoke this permit 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.
20. This approval shall expire unless exercised within 24 months from the end of the appeal period as specified in Section 20.91.050 of the Newport Beach Municipal Code.
21. This approval shall be subject to review by the Planning Department at any time after the first 30 days of use of the outdoor dining use (no sooner than 30 days after final of the building permit or use of the outdoor dining area) to determine compliance with the conditions of approval and to determine the effectiveness of

the conditions of approval to prevent, mitigate or alleviate noise impacts or problems.

APPEAL PERIOD

The decision of the Planning Department is final; however, the approval is subject to appeal by the Planning Commission or the City Council for referral to the Planning Commission within 14 days of the date of the decision. Additionally, in accordance with the provisions of Section 20.82.080 of the Municipal Code, the applicant or any interested party may appeal the decision of the Planning Director to the Planning Commission within 14 days of the date of the decision. A filing fee of \$1,810.00 shall accompany any appeal filed.

By David Lepo
David Lepo, Planning Director

DL:JSG/rm

Attachments: Appendix
Vicinity Map
Applicant's Project Description
Applicant's Letter to Neighbors
Opposition Letters:

- Westphal, 237 Santa Ana Avenue
- Chocek, 233 Santa Ana Avenue
- Gormly, 211 La Jolla Drive
- Fox, 215 La Jolla Drive
- Wong, 213 La Jolla Drive
- Okamoto, 209 Santa Ana Avenue

Opposition Petition:

- Twitchell, 202 La Jolla Lane
- Naegle, 201 Santa Ana Avenue
- Okamoto, 209 Santa Ana Avenue
- Goldfaden, 214 Santa Ana Avenue

Correspondence/Email dated October 2, 2008

- D. Gormly
- D. Fox
- P. Wong

Aerial Photo
Site Plan and Floor Plan

APPENDIX

Parking Requirement

In accordance with the provisions of Chapter 20.82 of the Newport Beach Municipal Code, accessory outdoor dining requires no additional parking if it is less than 25 percent of the interior net public area. The subject facility complies with that requirement with interior net public area of 2,255 square feet which allows a maximum outdoor dining area of 563 square feet. The plans as submitted indicate an area of 283 square feet, which has been further reduced to accommodate two tables and seating for 8 persons and complies with the limitations of the ordinance.

Accessory Outdoor Dining

Section 20.82.050 of the Newport Beach Municipal Code provides that the Planning Director may approve an application to add or expand outdoor dining to an existing eating and drinking establishment, provided the area devoted to outdoor dining does not exceed 25 percent of the existing interior net public area of the establishment, or 1000 square feet, whichever is less, and is accessory to any indoor dining. In approving an application for accessory outdoor dining, the Planning Director must make the following findings:

1. *That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.*
2. *The establishment, maintenance or operation of the accessory outdoor dining 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 or injurious to property or improvements in the area.*
3. *That the proposed accessory outdoor dining will not be located so as to result in a reduction of existing parking spaces.*

Required Conditions to add or expand outdoor accessory dining:

1. *That the outdoor dining shall be subject to all the existing hours of operation, operational characteristics and conditions of any use permit applicable to the establishment.*
2. *No amplified music or entertainment is permitted outdoors.*
3. *All doors and windows leading to the outdoor dining shall remain closed while any approved indoor amplified music is being played and during regular business hours of the restaurant.*
4. *Roof coverings shall not have the effect of creating a permanent enclosure.*
5. *Fences, walls or similar barriers shall serve only to define the dining area and not constitute a permanent all weather enclosure.*
6. *Such additional conditions the Planning Director deems necessary or appropriate to ensure operation of the outdoor dining is consistent with the findings made at the time of approval.*

Noise Impacts/Concerns of Residents

Staff has substantial concern with the location of the outdoor dining area and its potential impact on the neighboring residents. Staff has received letters and petitions in opposition in response to the public notice associated with this application and which are attached to this approval for information. The comments relate current noise and traffic concerns currently experienced by the residential neighbors. The concerns raised also focus on approval of the outdoor dining permit as proposed would exacerbate the current situation. The letters allege that noise associated with employees and patrons of the facility have contributed to disturbance of the neighborhoods resident's quiet enjoyment of their property. In response to the noise related concerns associated with the addition of outdoor dining, staff has recommended and included in the conditions of approval, limits/restrictions on the hours of use and limitation on the number of tables and chairs (two tables and eight chairs maximum).

Hours of Operation and Gate/Fence Requirements

The existing restaurant was established prior to the requirement for a use permit. Therefore, there is no use permit or conditions of approval that apply to the existing restaurant operation. Staff has conditioned the outdoor dining permit to require that the patio be closed and not utilized during the non-specified operational hours after 10:00 p.m. or before 11:00 a.m. (to minimize potential noise impacts on the surrounding residential use), and that the interior restaurant operation shall be governed by the existing hours of operation. Increase in the hours of operation for the outdoor dining area shall require the approval of an amendment to this application.

Additionally, the Planning Director has also required that a gate and fencing (minimum 42 inches tall) be installed to define and segregate the outdoor dining area from the main entry pathway that leads from the parking lot to the restaurant entrance. This may result in the relocation of the valet parking station to the side entry of the patio area, which would limit or reduce noise impacts that the neighboring residents are currently experiencing. The decision to relocate the valet station or not will remain with the applicant for final determination.

If use of the outdoor dining area during non-specified operational hours occurs, the Planning Director may require installation of an additional gate and fence at the southerly end of the outdoor dining area.

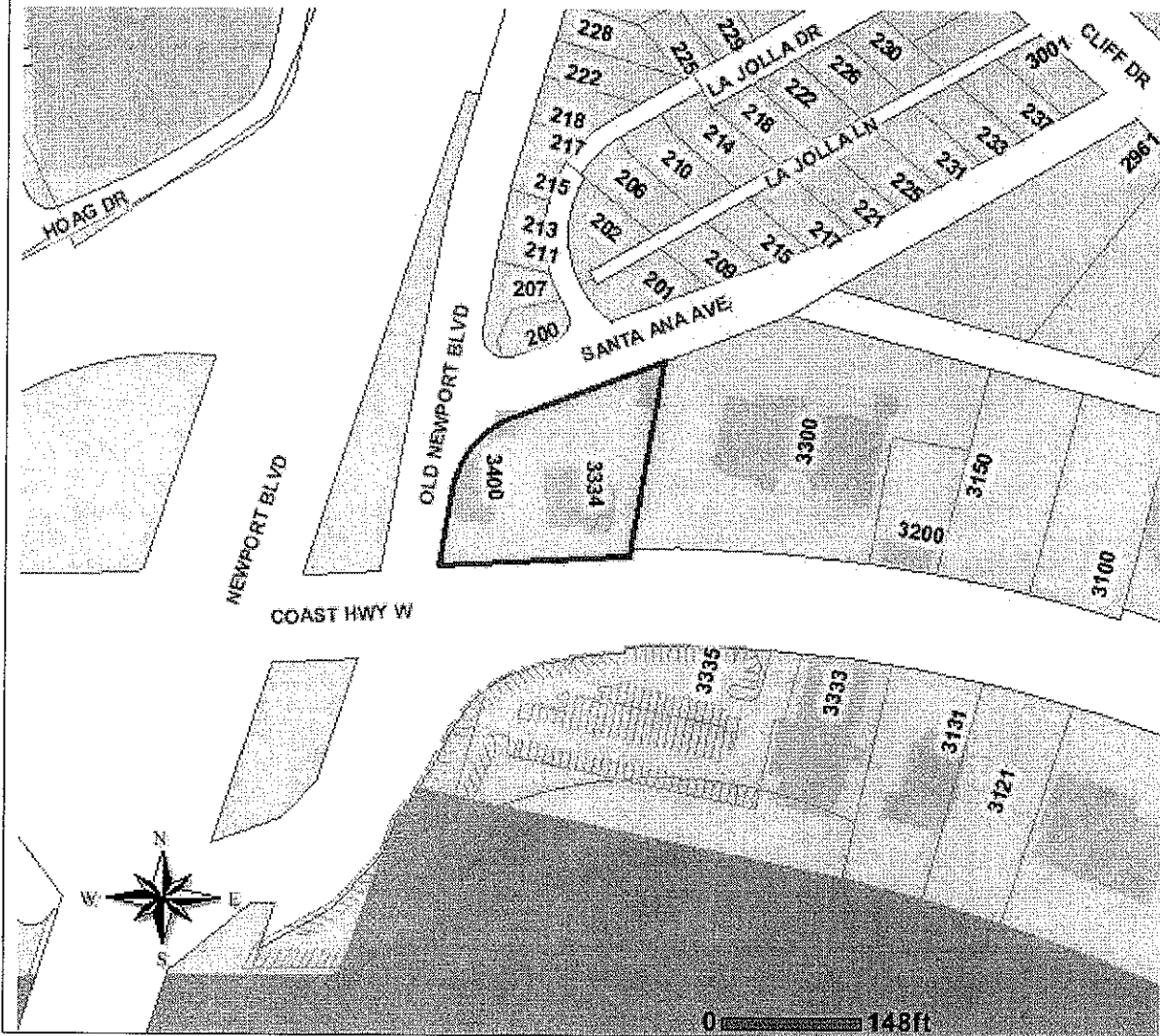
Loudspeaker and Paging System

Staff has recommended as a condition of approval that any sound system in the outdoor patio area is prohibited and that the use of speakers for pre-recorded music and paging of patrons shall also be prohibited.

Public Works Department Concerns

The Public Works Department has identified concerns related to the location of existing structures on site that serve the restaurant and the liquor store and that are located within the public right-of-way along Old Newport Blvd and Santa Ana Ave. The Public Works Department will pursue abatement/removal or other remedy with the applicant/owner.

VICINITY MAP



Outdoor Dining Permit OD2008-004
Project No. PA2008-145

Site Address: 3334 West Coast Highway

LOS ARCOS NEWPORT LLC DBA:



July 21, 2008

RECEIVED BY
PLANNING DEPARTMENT
JUL 21 2008
CITY OF NEWPORT BEACH

"A RESTAURANT" OUTDOOR DINING REQUEST

Two tables will be available for outdoor dining seating up to four (4) persons each.

A sign in the area of the tables will state "Outdoor Dining Available".

Patrons may either be seated by a hostess at the table or seat themselves on a first come first serve basis.

Service personnel will offer full restaurant menu to those indicating desire to dine outside.

Outdoor dining will be made available from the time the kitchen opens and is serving food in the restaurant until the service of food is finished in the evening.

Service persons will take order, and deliver it when prepared by kitchen staff.

Timothy Goodell
Managing Operator
Los Arcos Newport LLC DBA: A Restaurant



DOMAINE
RESTAURANTS

CITY OF NEWPORT BEACH

Dear Neighbor,

We wanted to take this opportunity to introduce ourselves and our company, Domain Restaurants, which is the operator of The A Restaurant on Coast Highway. We should probably have done this when we first opened but things were, as you could probably understand, quite hectic and we have been in a process of change ever since we opened.

About a month ago, we made application for outdoor seating for two small tables near the rear of our restaurant. As a result of that application, a notice went out to you. We discovered that there has been some problems with some of our neighbors since we opened our restaurant and that some of these problems had been communicated to our managers but not fully communicated to us.

Let us assure you that we want to be good neighbors and will take any problems expressed by our neighbors very seriously.

We met with the City of Newport Beach about three weeks ago and vowed to make some operational changes in hopes to alleviate some of our neighbor's expressed concerns.

Those changes, which have been implemented, were:

1. That we would instruct our employees not to park in the residential portions of the Heights which include along Santa Ana Ave. and La Jolla.
2. That we would be mindful of our neighbors concerning the generating of noise resulting from the dumping of trash and other activities, late at night and early in the morning.
3. That we would actively be involved with the valet parking staff to make sure that our customers left the restaurant with as little noise as possible late at night.

Since we made those changes, we, personally, have been monitoring the situation daily and truly believe that we have come a long way to alleviate any complaints you might have had.

The City, as of this date has not issued or denied the outdoor permit. Let us inform you that the request only involves the service of food and beverages at two small tables and that we are prepared to accept a condition that service at these tables end at 10:00 p.m., daily.

Finally, we want you to know that if you have a problem, you may call, personally, either of us, our new restaurant manager, Fredi Putra, or Parnell F. Delcham, Chief Operating Officer of all of our restaurant operations. We promise to be responsive to you and your concerns immediately. The phone number at the restaurant is (949) 6506505.

In closing, if you would like to discuss this matter with us directly, we would invite you to meet with us at any time at the restaurant. As we said, we want to have a good relationship with our neighbors and hope our communication will have that effect.

Sincerely,

LISA GOODALL

TIM GOODALL

PA2008-145 for OD2008-004
3334 WEST COAST HIGHWAY
Los Arcos Newport LLC

To: FILE
Subject: FW: 3334 W. Coast Hwy - "A" Restaurant - PA2008-145, OD2008-004

-----Original Message-----

From: lydia007@adelphia.net [mailto:lydia007@adelphia.net]
Sent: Tuesday, August 26, 2008 8:43 PM
To: Garciamay, Ruby
Subject: 3334 W. Coast Hwy - "A" Restaurant - PA2008-145, OD2008-004

Ruby, please forward to appropriate parties.

To: Newport Beach Planning Department
Re: A Restaurant 3334 W. Coast Hwy OD2008-004 & PA2008-145

Currently we reside at 237 Santa Ana Avenue. We did not receive any written communication regarding the plans to add outdoor dining at "A Restaurant". We learned of this only through neighbors. In the future, I would hope that such notification would in fact be mailed to those greatest affected by such a request. In my opinion, that would include all residents closest to the restaurant on Santa Ana Ave. and Cliff Drive.

I would like to communicate our opposition to this addition for many reasons. Firstly, there are already issues related to parking, safety, and noise. "A Restaurant" has been less than a good "business neighbor". With the desire to make an extra buck by charging for valet parking, many patrons along with workers choose not to pay the fee and use the neighborhood as their parking lot. We have asked management to please address this issue, but little has been done. We have asked that workers simply park on Cliff Drive where both sides of the street can be used for parking versus Santa Ana Ave. (200 block), where only one side can be used for parking. When we have kindly asked the workers to simply park one more block away, they have refused. With the parking side of the street fully packed with cars, this has forced pedestrians into the street, along with creating very tight passage for two cars.

The noise from late night revelers is already heard. By adding outdoor seating, this would further limit the amount of parking available at the existing location, and add to the noise issues we already experience. The restaurant has done little to accommodate the concerns we have already voiced, so previous behavior would only predict that they would do little if we asked them to keep the noise level down.

Also, most of the restaurants that I can think of that have outdoor dining either face the water or face a business area. They do not face a residential neighborhood. Bottom line, it doesn't add anything to the community or the neighborhood. We respectfully request that you deny the addition of outdoor seating, so that we could minimize the impact to our neighborhood community. We ask that you also consider the communities that you serve, not simply the businesses in our community.

Respectfully Yours
Jay and Lydia Westphal
237 Santa Ana Avenue

PA2008-145 for OD2008-004
3334 WEST COAST HIGHWAY
Los Arcos Newport LLC

To: FILE

Subject: FW: 3334 W. Coast Hwy - "A" Restaurant - PA2008-145, OD2008-004

From: Nancy Chocek [mailto:nchocek@pacbell.net]

Sent: Tuesday, August 26, 2008 4:00 PM

To: Garciamay, Ruby

Subject: 3334 W. Coast Hwy - "A" Restaurant - PA2008-145, OD2008-004

To: Newport Beach Planning Department

Re: A Restaurant 3334 W. Coast Hwy.

OD2008-004 & PA2008-145

During a conversation with a neighbor last night, we learned of the Public Notice requesting an Outdoor Dining Permit OD2008-004 by A Restaurant, located at 3334 W. Coast Hwy. This neighbor thought we would have received the notice, however it seems we are located "outside the required area of notification". We are NOT however, located outside the area of influence of this restaurant.

From the time of their opening, 'A' Restaurant has NOT been a "good neighbor". It seems that no parking plan was required by the City prior to opening this restaurant. Parking in this neighborhood is already limited – WHY the City did not require a Parking Plan for this establishment is a mystery!

The parking policy for their patrons is "Valet Only - \$5 please", causing many such patrons to just park their cars on Old Newport Blvd, lower La Jolla Drive, Santa Ana Avenue and even Cliff Dr. This problem extends itself further to their employees, who, when asked said that management *told* them to "just park up in the neighborhood to save the parking for the customers". I would like to add that most employees have been kind and sympathetic to the problem that this causes us. One even said that he told the Manager, "I'd be pretty mad too if I lived up there". Numerous telephone calls and personal visits have also been made to management of A Restaurant with no result. We were told for quite a while to "just be patient", they were working on an agreement with the medical complex next door. That doesn't seem to have panned out, as the medical complex parking lot is now chained off from access. Their customers *and* employees regularly, after it seems having had too much to drink, walk to their cars and stand outside them talking, smoking, laughing, leaving trash and generally making a lot of noise at all hours – midnight, 1:00 a.m. in the morning! And, yes, the Newport Beach Police have been called on numerous occasions for these and other reasons. Our home is located closer to Cliff Drive than our neighbors on lower La Jolla Dr., lower Santa Ana Ave. and Old Newport Blvd. – if it is a problem for us, than I can't imagine how bad it must be for them!

Therefore, **we cannot support the issuance of an Outdoor Dining Permit** to this establishment. Our opinion is that adding outside dining *and* alcohol to this restaurant will only compound a problem that both the City and this restaurant seem to refuse to address. So long as the City and A Restaurant continue to ignore the needs of the neighborhood, then we will continue to oppose their requests.

Sincerely,
Nancy & Chris Chocek
233 Santa Ana Avenue

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.526 / Virus Database: 270.6.9/1635 - Release Date: 8/26/2008 7:29 AM

PA2008-145 for OD2008-004
3334 WEST COAST HIGHWAY
Los Arcos Newport LLC

08/26/2008

To: FILE

Subject: FW: PA2008-145 for OD2008-004

3334 West Coast Highway

From: Dylan Gormly [mailto:dylangormly@gmail.com]

Sent: Tuesday, August 26, 2008 10:24 AM

To: Garciamay, Ruby; Garcia, Jay

Subject: PA2008-145

Ruby & Jay,

During my conversation with Ruby a week or so ago I voiced my concern regarding the A Restaurant's request for a patio area. When A Restaurant first opened there were severe parking issues on La Jolla Dr. and Santa Ana all the way up to and including Cliff Dr. I know it was a challenge for all home owners since the employees of A Restaurant were taking all of the parking and even worse were very disruptive after work when leaving. Also, since they only offer valet parking at \$5 per car many patrons use the above named streets to park. In many instances the patrons have parked illegally and have even blocked access to La Jolla Dr. I have even witnessed 2 patrons from the A Restaurant urinating on my property as well as my neighbors at 209 La Jolla. In each instance the 2 people were highly intoxicated and they both drove away.

In the 2 years I have lived at 211 La Jolla I never had a problem with the Arches restaurant and now I seem to have a problem every other day with the A Restaurant. I even went in and spoke with the manager (not sure of his name but he is there just about every night) on 2 separate occasions and expressed my concerns. Each time he assured me that they were working on a resolution with their neighbor at PCI to use their parking lot in the evenings. Not only has that not occurred, but PCI has even installed a chain to block access to their parking lot after hours.

I apologize for the long email, but the problems continue to occur with A Restaurant and I think it would be even worse if they were to have a patio where people would congregate and create more noise. Every night at around 11:30 I hear someone from A Restaurant throwing out the garbage of empty bottles etc and although it is annoying, having people outside drinking and eating would be much worse.

I am highly opposed to this request for a permit and I know many of my neighbors share the same opinion. I don't think that they even have the room to accommodate such a request seeing how they don't have enough room to park the cars that are going there on a regular basis.

Thank you for your consideration and please feel free to email or call me to discuss. 949-574-9643.

Sincerely,

Dylan Gormly
211 La Jolla Dr.
Newport Beach, CA 92663

PA2008-145 for OD2008-004
3334 WEST COAST HIGHWAY
Los Arcos Newport LLC

08/26/2008

To: FILE

Subject: FW: Regarding PA2008-145 Outdoor Dining Permit (OD2008-004).

From: Dave Fox [mailto:dfox@coastlabel.com]

Sent: Tuesday, August 19, 2008 9:34 AM

To: Garcia, Jay

Cc: Garciamay, Ruby

Subject: Regarding PA2008-145 Outdoor Dining Permit (OD2008-004).

Hi, my name is Dave Fox and I live at 215 La Jolla Drive in NB, in close proximity to 3334 West Coast Highway where the "A" restaurant is located. I received the notice that they are trying to set up an outdoor dining area.

As a close resident, the last couple of months since the restaurant opened have been extremely problematic with regards to parking, noise level and traffic. We never had these problems with the Arches since it had parking for its employees and patrons. The "A" restaurant has valet parking and so its employees park on our street (the only place we have to park at our residences). Though it has become a little better lately, it is still a problem.

Now, if they want to add an outdoor area with drinking, I am very concerned that this will cause even more noise and traffic and parking problems. This also causes noise at very late hours (early morning) when we are trying to sleep or at least have peace and quiet.

This could hurt our property values also. It has already made the quality of living worse for the local neighbors (I know many have complained already including myself).

I am against this and am encouraging others to email and write you so that we can have our voices heard in this matter.

Thank you.

--

David Fox
Director of Account Services
Coast Label Company
"Your partner in label solutions"™
17406 Mt. Cliffwood Circle
Fountain Valley, CA. 92708

Phone: (714) 426-1410 or (800) 995-0483

FAX: (714) 426-1440

web site: <http://www.coastlabel.com>

To: FILE

Subject: Regarding PA2008-145 Outdoor Dining Permit (OD2008-004).

3334 West Coast Highway

From: Patrick Wong [mailto:pmwong88@yahoo.com]

Sent: Wednesday, August 20, 2008 2:42 PM

To: Garcia, Jay

Cc: Garciamay, Ruby

Subject: Regarding PA2008-145 Outdoor Dining Permit (OD2008-004).

To Newport Beach City Planner:

In regards: to the plan of outdoor dining area for "A Restaurant". I opposed the plan for the outdoor dining area. Since the reopening of the A Restaurant their employees and patrons has been parking in the residential area along La Jolla Drive and Santa Ana St., in addition to taking all the parking spaces along Old Newport Road. Their establishment should have had proper planning for parking of their patrons and employees.

Another issue is the noticeable increase in trash (empty wine bottles and beer cans) along the sidewalk on Old Newport Road and on the steps of our complex.

Their employees and patrons are often loitering and talking loudly sometimes rowdy during closing of restaurant in the AM hours on the residential streets near the restaurant.

With the addition of outdoor dining, I am afraid the noise from the patrons and employees will only increase and parking to worsen, degrading our neighborhood.

I strongly oppose the outdoor dining permit for the A Restaurant.

I hope our City members will make the right decision to keep our City and neighborhood desirable.

Thanks for your time and consideration.

Patrick and Tallie Wong
213 La Jolla Drive,
Newport Beach, CA. 92663

PA2008-145 for OD2008-004
3334 WEST COAST HIGHWAY
Los Arcos Newport LLC

08/20/2008

August 15, 2008

RECEIVED BY
PLANNING DEPARTMENT

David Lepo, Planning Director
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

AUG 19 2008

CITY OF NEWPORT BEACH

Dear Mr. Lepo,

Re: Outdoor Dining Permit No. OD2008-004

We are residents of Newport Heights and live at 209 Santa Ana Ave. Our house sits on the hill just behind the "A Restaurant" and Pacific Coast Imaging. We are **vehemently opposed to any and all expansion of the "A Restaurant"** located at 3334 West Coast Highway and respectfully request you **deny** Los Arcos Newport LLC their request for an Outdoor Dining Permit.

Traffic and restaurant noise has been an ongoing problem for the residents on this section of Santa Ana Ave. due to our location above Pacific Coast Highway. Since the opening earlier this year of the "A Restaurant", we and our neighbors have experienced a dramatic increase in noise, litter and parking problems caused by their patrons and employees.

As an example; at 2:00 a.m. this morning, we were awakened by loud yelling and laughter from a group of people (we counted 8) gathered in the restaurant's parking lot. We assume they were employees. This went on for 30 minutes before they got into their vehicles, which were parked adjacent to the restaurant, and drove away.

Our home sits at the end of a cul de sac accessed from an entrance gate on Santa Ana Ave. and a narrow, crowded alley at the back. Due to insufficient restaurant parking, employees and patrons park in front of our home, often blocking our entrance gate on Santa Ana Ave. We have posted signs stating "Please Don't Block Entrance Gate" several times only to have them torn down a day or two later. This was seldom a problem with the Arches Restaurant as the owner and his employees were respectful of their neighbor's concerns, as was the clientele.

For years we have tolerated the speeding cars of customers from Sterling Motors as they test-drive the cars up our steep hill, the late night noise from restaurants and their loud, intoxicated customers, and the motorcyclists who gun their motors as they ride up PCH. Now the owners of "A Restaurant" want to add to the problem by bringing more noise outside and decreasing their parking lot size. **Please DENY the Outdoor Dining Permit to Los Arcos Newport LLC!**

Sincerely,



Kris and Ken Okamoto
209 Santa Ana Ave.
Newport Beach, CA 92663

PA2008-145 for OD2008-004
3334 WEST COAST HIGHWAY
Los Arcos Newport LLC

PUBLIC NOTICE
Outdoor Dining Permit No. OD2008-004
(PA2008-145)

Notice is hereby given that an Outdoor Dining Permit application has been submitted by Los Arcos Newport LLC. The request is for the addition of an as-built outdoor dining area to an existing full-service restaurant. The outdoor dining area is approximately 283 square feet and is located adjacent to the main entrance to the restaurant. The service of alcoholic beverages will be included with the outdoor dining area. The property is located in the SP-5 District.

Property located at: **3334 West Coast Highway**

After reviewing this project, it has been determined that it is categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).

Outdoor Dining Permit OD2008-004 is scheduled for review by the Planning Department of the City of Newport Beach on or after Tuesday, August 26, 2008. Written comments or input related to the project should be submitted to the Planning Department by Monday, August 25, 2008, in order to be considered in the Planning Director's decision. If approved at the time of review, the appeal period of 14 days will begin from that date, during which time any interested party or their authorized agent aggrieved of that decision may file a notice of appeal to the Planning Commission with a filing fee of \$600.00 to defray the cost of the appeal procedure.

The application and development plans of the proposed project are available for public review and inspection at the Planning Department located at 3300 Newport Boulevard (Building C) Newport Beach, CA 92663. For further information, please contact the Newport Beach Planning Department at (949) 644-3200.

NOTE: The expense of this notice is paid from a filing fee collected from the applicant.

Karen L. Twichell

Author / Speaker

RECEIVED BY
PLANNING DEPARTMENT

AUG 21 2008

August 19, 2008

CITY OF NEWPORT BEACH

Newport Beach Planning Department
Mr. David Lepo
3300 Newport Boulevard, Bldg. C
Newport Beach, CA 92663

Re: Outdoor Dining Permit No. OD2008-004

Dear Mr. Lepo,

We are residents in Newport Heights. We are very distressed by the possibility of outdoor dining at the new restaurant located at 3334 West Coast Highway. Most of us have been here for many years. In all the years that the Arches Restaurant was there, we had very few complaints about noise caused by either the patrons or the employees. Management was considerate that the quality of our lives could be impacted by the noise level generated from his restaurant and we appreciated it.

From the beginning, the "A" Restaurant has caused us grief. They begin clean-up work early in the morning, often with hoses, blowers, trash and loud voices – well before 7 on most days. The parking situation is pathetic. Our neighbors who face Santa Ana Avenue have lost all of their on-street parking to the employees, who then thank them by having loud conversations on the way to their cars and dumping trash on the street and private property. This is often well after midnight. Then they slam doors and race down the street.

PA2008-145 for OD2008-004
3334 WEST COAST HIGHWAY
Los Arcos Newport LLC



Noise carries badly from that site. Allowing outdoor dining would be a nightmare for us. It would be like having a dinner party in our own homes every night, everyone talking at once, dishes clanging and, no doubt, smoke rising as well. We can't imagine why anyone would want to eat in a parking lot surrounded by two busy streets filled with exhaust fumes. We implore you to deny this permit and to go one step further by assisting us with the existing problems at the "A" Restaurant.

Sincerely,

Mr & Mrs E. Bruce Twichell 202 La Bolla Lane

Mr. & Mrs. E. B. Twichell and

Newport Heights Residents Opposed to Outdoor Dining Permit No. OD2008-004:

Resident

Address

<i>Jim [Signature]</i>	<i>201 Santa Ana Avenue</i>
<i>Luis & Ken Okamoto</i>	<i>209 Santa Ana Ave Newport Beach Ca 92643</i>
<i>Brian + Nicole Goldhaber</i>	<i>214 Santa Ana Ave</i>

From: Dylan Gormly [mailto:dylangormly@gmail.com]

Sent: Thursday, October 02, 2008 1:27 PM

To: Dave Fox

Cc: pmwong88@yahoo.com; lydia007@adelphia.net; nchocek@pacbell.net; Garcia, Jay; Lepo, David

Subject: Re: 3334 W Coast Hwy- "A" Restaurant activity

Jay,

Over the last few weeks the parking problem has gotten better aside from the party they had last night. I think they have done a decent job at minimizing the parking problem, but I think that is because they want to insure they get the permit they have requested. Once they get their permit I am concerned that they will go back to their old ways and our problems will continue. I agree that they don't have enough parking for the patrons that do visit and it is unfair that we have to bear the grunt of those problems. If the owners of the Pacific Coast Imaging building would allow A Restaurant to use their parking lot in the evenings for their employees and patrons I think it would help to alleviate a lot of the problems.

I think that if you were to allow any kind of outdoor dining area it will increase the noise level. The only way I would be comfortable allowing it is if they were to close it at a reasonable time (9:00 pm) and they were held accountable for the parking problems going forward.

Please feel free to email or call me should you have any questions.

Dylan Gormly
949-374-2276

From: Dave Fox [mailto:dfox@coastlabel.com]
Sent: Thursday, October 02, 2008 11:34 AM
To: Garcia, Jay
Subject: Re: 3334 W Coast Hwy- "A" Restaurant activity

Thanks you for the reply, it has been much better. We got a letter from the owners that was nice.

Yesterday some special event was going on there and it was bad, we had no parking, hopefully a one time thing?

You can call me at the number below if you like.

Thanks.

--

David Fox
Director of Account Services
Coast Label Company
"Your partner in label solutions"™
17406 Mt. Cliffwood Circle
Fountain Valley, CA. 92708

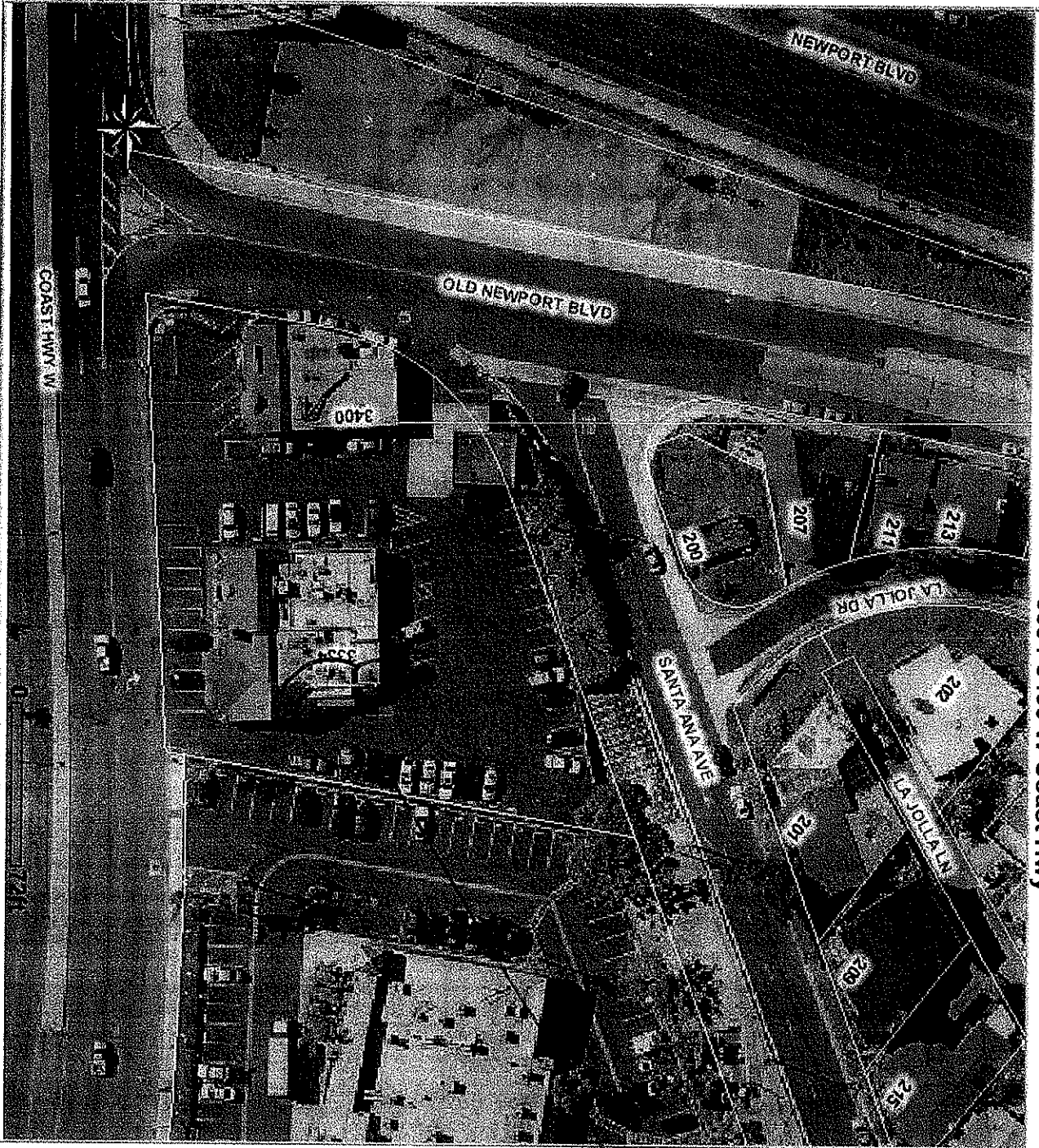
Phone: (714) 426-1410 or (800) 995-0483
FAX: (714) 426-1440
web site: <http://www.coastlabel.com>

From: Patrick Wong [mailto:pmwong88@yahoo.com]
Sent: Thursday, October 02, 2008 11:07 AM
To: lydia007@adelphia.net; nchocek@pacbell.net; dylangormly@gmail.com;
dfox@coastlabel.com; Garcia, Jay
Cc: Lepo, David
Subject: Re: 3334 W Coast Hwy- "A" Restaurant activity

Jay Garcia,

Thank you for contacting me. The parking situation seems to have improve somewhat, but noise level has not improved at all. Just last evening Wednesday 10/01/08, I they had a loud celebration or crowds at the A Restaurant well past 11:00pm. This is even without outdoor dining...

Patirck Wong



3334-3400 W Coast Hwy

City Boundary

Dining
Patio

PA2008-145 for OD2008-004
3334 WEST COAST HIGHWAY
Los Arcos Newport LLC



TELECOM PERMIT NO. TP2008-008
(PA2008-183)

Planning Department
3300 Newport Boulevard
Newport Beach, CA 92663
(949) 644-3200; FAX (949) 644-3229

Staff Person: Erin Steffen, Planning Technician
(949) 644-3243

APPLICATION: Telecom Permit No. TP2008-008 (PA2008-183)

APPLICANT: Omnipoint Communications Inc., a subsidiary of T-Mobile, USA, Inc.

LOCATION: 2503 Eastbluff Drive

LEGAL DESCRIPTION: Parcel 1 of PM 53-30

PROJECT REQUEST AND DESCRIPTION

T-Mobile has submitted an application requesting to install a wireless telecommunications facility on an existing commercial building. The project includes the installation of 6 panel antennas and a Global Positioning System (GPS) antenna on the roof of the building screened from view behind and below a new radio frequency ("RF") friendly parapet wall, and 3 support equipment cabinets that will be ground-mounted and hidden from view in a secure equipment enclosure behind the building. The property is located in the RSC (Retail and Service Commercial) District.

DIRECTOR'S ACTION: **Approved with Conditions – December 16, 2008**

In approving this application, the Planning Director analyzed issues regarding compliance with Chapter 15.70 of the Newport Beach Municipal Code. This approval is based on the findings and subject to the following conditions attached to this report.

The Planning Director determined in this case that the proposed wireless telecommunications facility ("telecom facility") meets the provisions of Chapter 15.70. The proposed 6 panel antennas and GPS antenna will be located on the roof of the existing building and will be screened from view behind and below an existing parapet wall. The 3 proposed support equipment cabinets will be ground mounted and hidden from view in a secure equipment enclosure behind the building.

Consistent with Section 15.70.050 C (Co-Location Requirements) of the Wireless Telecommunication Facilities Ordinance, the approval of this telecom permit allows three carriers to co-locate on the site. Currently, an existing telecommunication operated by Royal Street Communications, LLC (dba Metro PC) is located at this site, as approved by Telecom Permit No. TP2007-007(PA2007-119). Future modifications to the existing facilities will be subject to compliance with Chapter 15.70 of the Newport Beach Municipal Code (NBMC) and will require approval of a modified telecom permit.

APPEAL PERIOD

The applicant may appeal any denial of the application or any conditions of approval to the City Council within 14 days of the date of written notification of action by the Planning Director. The City Council's action on appeals shall be final. Any appeal filed shall be accompanied by a filing fee of \$1,550.00.

On behalf of David Lepo, Planning Director,

By: 
Erin Steffen
Planning Technician

Attachments: Vicinity Map
Findings and Conditions of Approval
Site Plan & Elevations

**FINDINGS AND
CONDITIONS OF APPROVAL**
TP2008-008 (PA2008-183)

FINDINGS

1. The telecom facility as proposed meets the intent of Chapter 15.70 of the Newport Beach Municipal Code (NBMC), while ensuring public safety, reducing the visual effects of telecom equipment on public streetscapes, protecting scenic ocean and coastal views, and otherwise mitigating the impacts of such facilities for the following reasons:
 - The proposed telecom facility will not be detrimental to public health or safety because it is required to comply with the applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
 - The proposed telecom facility will be located on an existing structure where another telecom facility by a different carrier exists, thereby limiting the adverse visual effects of proliferation of facilities in the City.
 - Due to the location and design of the facility, there is no impact to public views.

2. The telecom facility as proposed conforms to the technology, height, location, and design standards for the following reasons:
 - The telecom facility approved under this permit utilizes the most efficient available technology in order to minimize the number of facilities and reduce the visual impact.
 - The telecom facility approved by this permit does not exceed the upper maximum building height of 32/50 feet allowed in the RSC (Retail and Service Commercial) District as specified in the Zoning Code.
 - The antennas for the telecom facility will be roof-mounted and will be screened from public view in a manner consistent with the architectural style, color, and materials of the building.
 - The support equipment cabinets for the telecom facility will be ground-mounted behind the existing commercial building and will be screened from public view in a manner consistent with the architectural style, color, and materials of the building and its natural surroundings.

3. 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 3 (New Construction or Conversion of Small Structures).

CONDITIONS

1. The development shall be in substantial conformance with the approved plot plan, antenna and equipment plans, and elevations, except as noted in the following conditions.
2. Anything not specifically approved by this Telecom Permit is not permitted and must be addressed in a separate and subsequent Telecom Permit review.
3. The telecom facility approved by this permit shall comply with all applicable rules, regulations and standards of the Federal Communications Commission (FCC) and the California Public Utilities Commission (CPUC).
4. Consistent with Section 15.70.050 C (Co-Location Requirements) of the Wireless Telecommunication Facilities Ordinance, a future facility proposed by another carrier to be located within 1,000 feet from the subject property may be approved to co-locate at the same site by the property owner or authorized agent, unless otherwise approved by the Planning Director.
5. The telecom facility shall comply with all regulations and requirements of the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code, and National Electrical Code. All required permits shall be obtained prior to commencement of the construction.
6. 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 approval letter shall be incorporated into the drawings approved for the issuance of permits.
7. A maximum of 6 panel antennas, 1 GPS antenna, and 3 equipment cabinets shall be installed as depicted in the approved set of plans and be screened from public view in a manner consistent with the architectural style, color, and materials of the building.
8. All antennas shall be roof mounted behind and below a "RF" friendly parapet wall on the existing building and not exceed the upper maximum building height of 32/50 feet allowed in the RSC (Retail and Service Commercial) District as specified in the Zoning Code.
9. The equipment cabinets shall be ground-mounted and hidden from view in a secure equipment enclosure behind the building. Landscaping shall be installed for screening purposes around the equipment enclosure.
10. If any of the existing public improvements surrounding the site are damaged by the private work, new concrete sidewalk, curb and gutter, alley/street pavement, and other public improvements will be required by the City at the time of private construction completion. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.

11. All City landscape, street trees, and irrigation in place shall be protected. If any damage should occur, the contractor will be required to repair as directed by the General Service Department and guarantee work for a minimum of 1 year.
12. Vista Del Sol and Vista Del Oro, adjacent to the property, are on the City's street/alley-cut Moratorium List. Trenching into these streets as a part of this project will require extensive street repair work. Details of such repair work may be obtained from the Public Works Department.
13. No permanent structures can be built within the limits of the Public Utilities Easement.
14. The storage of all project related equipment during the construction shall be on private property.
15. A Temporary Street Closure Permit and/or Encroachment Permit is required for all work activities within the public right-of-way.
16. Appropriate information warning signs or plates shall be posted at the access locations and each transmitting antenna. In addition, contact information (e.g. a telephone number) shall be provided on the warning signs or plates to arrange for access to the equipment and antenna areas. The location of the information warning signs or plates shall be depicted on the plans submitted for construction permits.
17. No advertising signage or identifying logos shall be displayed on the telecom facility except for small identification, address, warning and similar information plates. A detail of the information plates depicting the language on the plate shall be included in the plans submitted for issuance of building permits.
18. The facility shall transmit at a frequency range of 1962.6 to 1964.6, 1970.4 to 1974.8, 19575.2 to 1979.6 Megahertz, and shall receive at a frequency range of 1882.6 to 1884.6, 1890.4 to 1894.8, 1895.5 to 1899.6 Megahertz. Any change or alteration to the frequency range shall require the prior review and approval of the Planning Director.
19. Prior to the issuance of any permits to install the facility, the applicant shall meet in good faith to coordinate the use of frequencies and equipment with the Communications Division of the Orange County Sheriff-Coroner Department to minimize, to the greatest extent possible, any interference with the public Safety 800 MHz Countywide Coordinated Communications System (CCCS). Similar consideration shall be given to any other existing or proposed wireless communications facility that may be located on the subject property. The applicant shall provide the Planning Department with documentation from the OCSCD that the meeting has taken place.

The applicant recognizes that the frequencies used by the cellular facility located at 2503 Eastbluff Drive are extremely close to the frequencies used by the City of Newport Beach for public safety. This proximity will require extraordinary "comprehensive advanced planning and frequency coordination" engineering

- measure to prevent interference, especially in the choice of frequencies and radio ancillary hardware. This is encouraged in the "Best Practices Guide" published by the Association of Public-safety Communications Officials-International, Inc. (APCO), and as endorsed by the Federal Communications Commission (FCC).
20. T-Mobile shall not prevent the City of Newport Beach from having adequate spectrum capacity on the City's 800 MHz radio frequencies at any time.
 21. Prior to activation of facility, the applicant shall submit to a post-installation test to confirm that "advanced planning and frequency coordination" of the facility was successful in not interfering with the City of Newport Beach Public Safety radio equipment. This test will be conducted by the Communications Division of the Orange County Sheriff-Coroner Department or a Division-approved contractor at the expense of T-Mobile. This post-installation testing process shall be repeated for every proposed frequency addition and/or change to confirm the intent of the "frequency planning" process has been met.
 22. Prior to activation of facility, the applicant shall submit a letter to the Planning Director prepared by the Orange County Sheriff-Coroner Department indicating that the OCSD has reviewed the results of the post-installation test and that the facility will not cause interference with the City's Public Safety radio equipment.
 23. Within 30 days after installation of the telecom facility, a radio frequency (RF) compliance and radiation report prepared by a qualified RF engineer acceptable to the City shall be submitted in order to demonstrate that the facility is operating at the approved frequency and complies with FCC standards for radiation. If the report shows that the facility does not so comply, the use of the facility shall be suspended until the facility is modified to comply and a new report has been submitted confirming such compliance.
 24. Prior to issuance of building permits, a deposit of \$1,000 shall be paid to the City of Newport Beach. This deposit is required by the Planning Department to ensure preparation and submittal of the RF Compliance and Radiation Report, referenced in the above Condition. The deposit will be used to defray any and all fees associated with review of the report by an independent technical consultant, pursuant to Section 15.70.070 B-10 of the Telecom Ordinance. Any unused deposit fees will be refunded to the applicant upon determination of compliance with the approved frequency and FCC standards.
 25. T-Mobile shall provide a "single point of contact" in its Engineering and Maintenance Departments that is monitored 24 hours per day to insure continuity on all interference issues, and to which interference problems may be reported. The name, telephone number, fax number and e-mail address of that person shall be provided to the Planning Department and Newport Beach Police Department's Support Services Commander prior to activation of the facility.
 26. Should interference with the City's Public Safety radio equipment occur, use of the facility shall be suspended until the radio frequency is corrected and verification of the compliance is reported.

27. T-Mobile shall insure that lessee or other user(s) shall comply with the terms and conditions of this permit, and shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.
28. 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 applicant, current property owner or leasing agent.
29. The telecom facility approved by the permit shall comply with any easements, covenants, conditions or restrictions on the underlying real property upon which the facility is located.
30. The telecom facility shall not be lighted except as deemed necessary by the Newport Beach Police Department for security lighting. The night lighting shall be at the lowest intensity necessary for that purpose and such lighting shall be shielded so that direct rays do not shine on nearby properties. Prior to the final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm compliance with this condition.
31. The operator of the telecom facility shall maintain the facility in a manner consistent with the original approval of the facility.
32. The City reserves the right and jurisdiction to review and modify any telecom permit approved pursuant to Chapter 15.70 of the Newport Beach Municipal Code, including the conditions of approval, based on changed circumstances. The operator shall notify the Planning Department of any proposal to change the height or size of the facility; increase the size, shape or number of antennas; change the facility's color or materials or location on the site; or increase the signal output above the maximum permissible exposure (MPE) limits imposed by the radio frequency emissions guidelines of the FCC. Any changed circumstance shall require the operator to apply for a modification of the original telecom permit and obtain the modified telecom permit prior to implementing any change.
33. This telecom permit may be modified or revoked by the City Council should they determine that the facility or operator has violated any law regulating the telecom facility or has failed to comply with the requirements of Chapter 15.70 of the NBMC, or this telecom permit.
34. Any operator who intends to abandon or discontinue use of a telecom facility must notify the Planning Director by certified mail no less than 30 days prior to such action. The operator or property owner shall have 90 days from the date of abandonment or discontinuance to reactivate use of the facility, transfer the rights to use the facility to another operator, or remove the telecom facility and restore the site.

T-Mobile

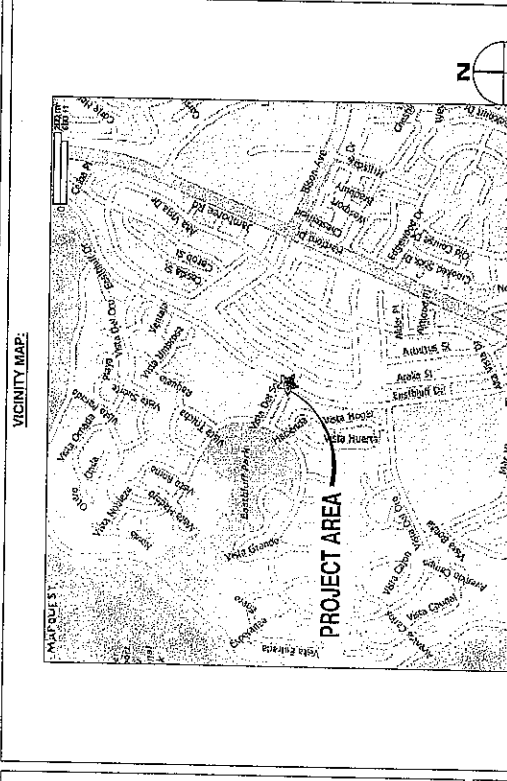
T-Mobile
Stick Together.SM

3 MOBILE PLACES, SUITE 1100
SAN ANTONIO, TEXAS 78202

PLANS PREPARED BY:
NATIONAL
ENGINEERING & CONSTRUCTION, INC.
RANCHERO BLVD. SUITE 200
SAN ANTONIO, TEXAS 78202
PHONE: (512) 382-7777
FAX: (512) 382-7778

CONSULTANT:
TRILJUK CONSULTING INC.
10000 W. LOOP WEST, SUITE 200
HOUSTON, TEXAS 77042
PHONE: (713) 795-0000
FAX: (713) 795-0000

SITE NUMBER: LA02861F **CITY: NEWPORT BEACH**
SITE NAME: EASTBLUFF PROFESSIONAL BLDG. **COUNTY: ORANGE**
SITE TYPE: RAWLAND **JURISDICTION: CITY OF NEWPORT BEACH**



SHEET INDEX:

SHEET	DESCRIPTION
T-1	TITLE SHEET
LS-1	TOPOGRAPHIC SURVEY
A-1	SITE PLAN FOR PLANNING
A-2	ARCHITECTURAL ELEVATIONS
A-3	ARCHITECTURAL ELEVATIONS

PROJECT SUMMARY:

SITE ADDRESS: 2503 EASTBLUFF DRIVE, NEWPORT BEACH, CA 92660
LESSOR: JIM WOOD, 2503 EASTBLUFF DRIVE, NEWPORT BEACH, CA 92660
PROJECT: 941-29-3100

PROPERTY OWNER AND LESSEE:
OWNER: T-MOBILE COMMUNICATIONS INC., 3 MOBILE PLACES, SUITE 1100, SAN ANTONIO, TEXAS 78202
LESSEE: T-MOBILE COMMUNICATIONS INC., 3 MOBILE PLACES, SUITE 1100, SAN ANTONIO, TEXAS 78202

APPLICABLE:
1. 2007 CALIFORNIA MECHANICAL CODE (CMC) (2007 INTERNATIONAL MECHANICAL CODE WITH CALIFORNIA AMENDMENTS)
2. 2007 CALIFORNIA PLUMBING CODE (CPC) (2007 INTERNATIONAL PLUMBING CODE WITH CALIFORNIA AMENDMENTS)
3. 2007 CALIFORNIA ELECTRICAL CODE (CEC) (2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS)
4. 2005 CALIFORNIA FIRE CODE (CFC) (2005 CALIFORNIA FIRE CODE)
5. 2007 CALIFORNIA MECHANICAL CODE (CMC) (2007 INTERNATIONAL MECHANICAL CODE WITH CALIFORNIA AMENDMENTS)
6. 2007 CALIFORNIA PLUMBING CODE (CPC) (2007 INTERNATIONAL PLUMBING CODE WITH CALIFORNIA AMENDMENTS)
7. 2007 CALIFORNIA ELECTRICAL CODE (CEC) (2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS)
8. 2005 CALIFORNIA FIRE CODE (CFC) (2005 CALIFORNIA FIRE CODE)
9. CITY/COUNTY ORDINANCES

APPROVALS:

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE OCCUPANTS AND RECORDS FOR THE PROJECT DESCRIBED HEREIN. ALL CONSTRUCTION SHALL BE ACCORDING TO THE CONSTRUCTION RECORDS, PERMITS, AND ORDINANCES OF THE BUILDING DEPARTMENT AND ANY ORDINANCES AND REGULATIONS THEY MAY IMPOSE.

APPROVAL	SIGNATURE	DATE
LANDLORD		
PRECON. MGR		
DEVELOP. MGR		
CONST. MGR		
PROJECT MGR		
ZONING MGR		
RF ENGINEER		
OPERATIONS		
SAC REP.		

CONSULTING TEAM:

ARCHITECTURAL & ENGINEERING:
NATIONAL ENGINEERING & CONSTRUCTION, INC., 200 RANCHERO BLVD., SUITE 200, SAN ANTONIO, TEXAS 78202
PHONE: (512) 382-7777
FAX: (512) 382-7778

ELECTRICAL ENGINEER:
NATIONAL ENGINEERING & CONSTRUCTION, INC., 200 RANCHERO BLVD., SUITE 200, SAN ANTONIO, TEXAS 78202
PHONE: (512) 382-7777
FAX: (512) 382-7778

PROJECT DESCRIPTION:
THE INSTALLATION OF (1) NEW T-MOBILE EQUIPMENT CABINETS AT SCREENING ON ROOFTOP OF AN EXISTING BUILDING.

BUILDING SUMMARY:
OCCUPANCY CLASSIFICATION: COMMERCIAL
TYPE OF CONSTRUCTION: 100
AREA OF CONSTRUCTION: 2594.50 SQ. FT.
ASSESSORS PARCEL NUMBER: 410-251-017

REVISIONS:

NO.	DATE	DESCRIPTION	BY
1	10/10/07	SOX FOR REVIEW	RFV
2	10/30/07	CLIENT REVISIONS	GR
3	11/26/07	CLIENT REVISIONS	GR
4	12/05/07	SAC'S LOOC	GR
5	01/08/08	CLIENT REVISIONS	MG
6	1/15/08	DRN REVISIONS	GR
7	1/17/08	CLIENT REVISIONS	GR
8	3/17/08	CLIENT REVISIONS	MG
9	6/19/08	CLIENT REVISIONS	FAR
10	06/16/08	CLIENT REVISIONS	JSM
11	06/16/08	DRN REVISIONS	GR
12	10/20/08	CLIENT REVISIONS	JSA

SITE INFORMATION:
LA02861F
EASTBLUFF
PROFESSIONAL BUILDING
2503 EASTBLUFF DRIVE
NEWPORT BEACH, CA 92660

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

POWER & TELCO UTILITY CONTACTS:

POWER:
JELCO
CONTACT: JOHN CHAMBERLAN
PHONE: (909) 421-5423

TELCO:
CONTACT: PAMEL ATEA
PHONE: (909) 232-0000

APPLICABLE CODES:

- 2007 BUILDING STANDARDS ADMINISTRATIVE CODE
- 2007 CALIFORNIA BUILDING CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- 2007 CALIFORNIA MECHANICAL CODE WITH CALIFORNIA AMENDMENTS
- 2007 CALIFORNIA PLUMBING CODE WITH CALIFORNIA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE WITH CALIFORNIA AMENDMENTS
- 2005 CALIFORNIA FIRE CODE
- CITY/COUNTY ORDINANCES

PA2008-183 for TP2008-008
2503 EASTBLUFF DRIVE
Omnipoint Communications Inc., (T-Mobile)

TITLE SHEET

T-1

T-Mobile
Get more from life[™]
3 WEDGEMAN AVENUE, SUITE 1100
SANTA ANA, CA 92707

PLANS PREPARED BY:
NATIONAL
SURVEYING & CONSULTING, INC.
11145 S. BERRY AVE., SUITE 100, SANTA ANA, CA 92705
TEL: 714.944.1111 FAX: 714.944.1112
WWW.NATIONALSURVEYING.COM

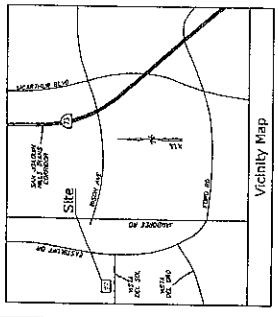
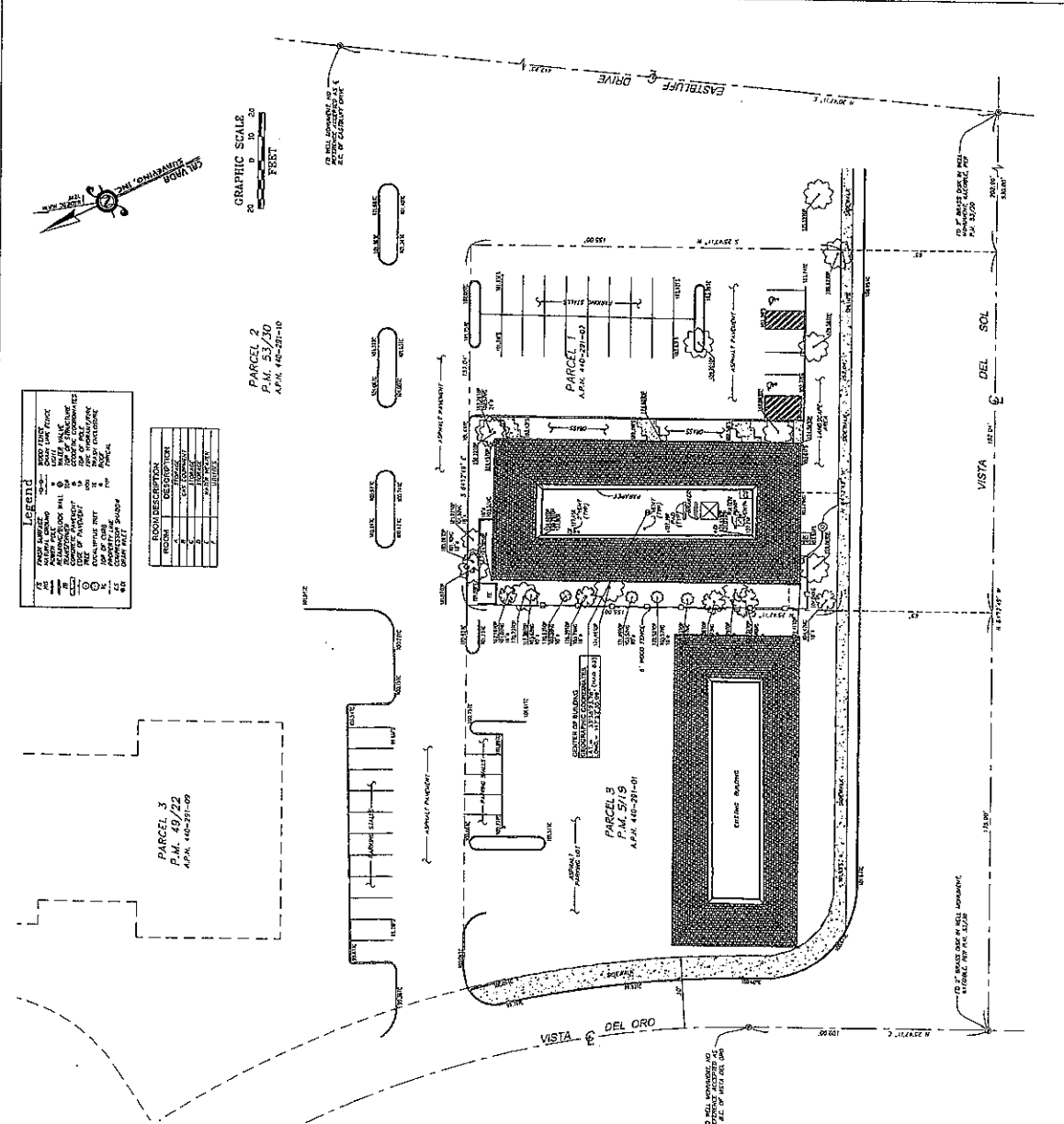
CONSULTANT:
CALVADA
SURVEYING, INC.
411 S. BERRY AVE., SUITE 100, SANTA ANA, CA 92705
TEL: 714.944.1111 FAX: 714.944.1112
WWW.CALVADA-SURVEYING.COM
JOB NO. 07NS

NO.	DATE	DESCRIPTION	BY:
1	10/03/07	PRELIMINARY	AL/AN
2	10/08/07	ADDITIONAL TOPO	AS
3	01/21/08	CLIENT'S COMMENTS	MR
4	01/22/08	CLIENT'S COMMENTS	RS
		TITLE REPORT/FINAL	RP/RC

SITE INFORMATION:
LA02861
EASTBLUFF
PROFESSIONAL BUILDING
2503 EASTBLUFF DRIVE
HENRFORT BEACH, CA 92650
ORANGE COUNTY

SHEET TITLE:
ROOF
SURVEY

SHEET NUMBER:
LS-1
SHEET 1 OF 1



Title Report
PROJECT NO. 07NS
DATE OF REPORT: SEPTEMBER 23, 2007

Legal Description
THE LAND HEREON IS PART OF PARCELS 2, 3 AND 4 OF THE TRACT OF 60 ACRES, COUNTY OF ORANGE, AND DESCRIBED AS FOLLOWS:
[Detailed legal description text]

Assessor's Parcel No.
442-271-01

- Easements**
- 1. A EASEMENT OF RIGHT (EASEMENT) INTERESTS APPROXIMATELY 12' WIDE IN AND ALONG THE EAST BLUFF DRIVE FROM THE TRACT OF 60 ACRES, COUNTY OF ORANGE, AND DESCRIBED AS FOLLOWS: [Detailed description]
 - 2. A EASEMENT OF RIGHT (EASEMENT) INTERESTS APPROXIMATELY 12' WIDE IN AND ALONG THE VISTA DEL ORO FROM THE TRACT OF 60 ACRES, COUNTY OF ORANGE, AND DESCRIBED AS FOLLOWS: [Detailed description]
 - 3. A EASEMENT OF RIGHT (EASEMENT) INTERESTS APPROXIMATELY 12' WIDE IN AND ALONG THE VISTA DEL ORO FROM THE TRACT OF 60 ACRES, COUNTY OF ORANGE, AND DESCRIBED AS FOLLOWS: [Detailed description]
 - 4. A EASEMENT OF RIGHT (EASEMENT) INTERESTS APPROXIMATELY 12' WIDE IN AND ALONG THE VISTA DEL ORO FROM THE TRACT OF 60 ACRES, COUNTY OF ORANGE, AND DESCRIBED AS FOLLOWS: [Detailed description]

Access Easement/Lease Area
[Detailed description of access areas]

Geographic Coordinates at Center of Building
NAD 83: 442510.000E, 3175100.000N
UTM: 18QUG 442510.000E, 3175100.000N

Basis of Bearings
THE BASIS OF BEARINGS IS THE STATE PLANE COORDINATE SYSTEM OF 1983 FROM THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C.

Bench Mark
THE BENCH MARK IS THE 1983 BENCH MARK AT THE CORNER OF THE TRACT OF 60 ACRES, COUNTY OF ORANGE, AND DESCRIBED AS FOLLOWS: [Detailed description]

Dates of Survey
OCTOBER 1, 2007



USE PERMIT NO. UP2008-060
(PA2008-203)

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

Staff Person: Russell Bunim, 644-3233
Appeal Period: 14 days after approval date

Application: Planning Director's Use Permit No. UP2008-060 (PA2008-203)

Applicant: Anne Marie McNeil

Site Address: 2071 Port Bristol Circle

Legal Description: Lot 21, Tract 06623

Approved as Requested:

To allow the addition of an attached granny unit to an existing single-family dwelling. The granny unit will contain 640 square feet of living area and a single-car garage parking space. In accordance with the provisions of Chapter 20.85 of the Newport Beach Zoning Code the unit shall be for the sole occupancy of 1 or 2 persons who are at least 60 years in age. The property is located in the PC-3 (Harbor View Hills Planned Community) Zoning District.

DIRECTOR'S ACTION APPROVED – DECEMBER 17, 2008

FINDINGS

1. The Land Use Element of the General Plan designates the site for "Single-Unit Residential – Detached" uses. The proposed granny unit is a permitted use within this designation as the General Plan recognizes that certain provisions of State law supersede local land use regulations, including the ability to add "granny units" in single-family residential areas.
2. The project will not have a significant environmental impact and is categorically exempt from CEQA review under a Class 3 exemption (New Construction or the Conversion of Small Structures).
3. The project, as conditioned, will comply with all applicable development regulations specified by the Harbor View Hills Planned Community.
4. The proposed location of the granny unit is in accordance with the objectives of the Zoning Code, specifically Chapter 20.85 (Accessory Dwelling Units) and the purposes of residentially designated Harbor View Hills Planned Community in which the site is located.

5. The Planning Director's approval of **Use Permit No. 2008-060**, as conditioned and 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. Since the project is a residential use located within a residentially designated area and the granny unit dwelling is limited to a maximum of two occupants, it will not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

CONDITIONS

1. The proposed development shall be in substantial conformance with the approved plot plan, floor plan and elevations.
2. The granny unit (second dwelling unit) shall be limited to the use of one or two persons at least 60 years in age.
3. Prior to the issuance of a building and/or grading permit for a granny unit, the property owner shall record a deed restriction with the County Recorder's Office. The form and content of which shall be satisfactory to the City Attorney and that states that under no circumstances shall the granny unit be rented to or otherwise occupied by any person or persons less than 60 years of age. Said document shall also contain all conditions of approval imposed by this Planning Director's Use Permit. This deed restriction shall remain in effect so long as the granny unit exists on the property.
4. Prior to the final inspection of building permits of the granny unit by a City Building Inspector, the property owner shall submit to the Planning Director the names and birth dates of any and all occupants of the granny unit constructed pursuant to this chapter to verify occupancy by a person or persons of at least 60 years in age. Thereafter, verification will be on an annual basis. Upon any change of tenants, the property owner shall notify the City immediately. This information shall be submitted in writing and contain a statement signed by the property owner certifying under penalty of perjury that all of the information is true and correct.
5. At least one person having an ownership interest in the property shall continuously occupy the primary residence or Granny Unit.
6. The single-car garage parking space as indicated on the approved plan shall be made available for the exclusive use of the occupant(s) of the granny unit and shall remain clear of any obstructions and available for the parking of a vehicle at all times.
7. The independent accessible parking space provided for the granny unit shall meet the minimum size requirements specified by Chapter 20.85 of the Zoning Code.

8. Upon completion of the private improvements on the site, the applicant shall be responsible for the repair or replacement of public improvements surrounding the subject property that are damaged by the private construction project. The extent of the remedial work includes but is not limited to the repair or reconstruction of curb, gutter, sidewalk, driveway approach, parkway landscaping, and street pavement, unless otherwise approved by the Public Works Inspector.
9. All improvements shall be constructed as required by Ordinance and the Public Works Department.
10. An encroachment permit shall be obtained prior to the performance of any work activities within the public right-of-way.
11. The Planning Director or the Planning Commission may add to or modify the conditions of approval for this use permit, or revoke this permit 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.
12. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

APPEAL PERIOD

The decision of the Planning Director may be appealed by the applicant or any interested party to the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a filing fee of \$1,810.00.

On behalf of Planning Director David Lepo,



Russell Bunim, Assistant Planner

RB:rm

Attachments: Appendix
Vicinity Map
Project Plans

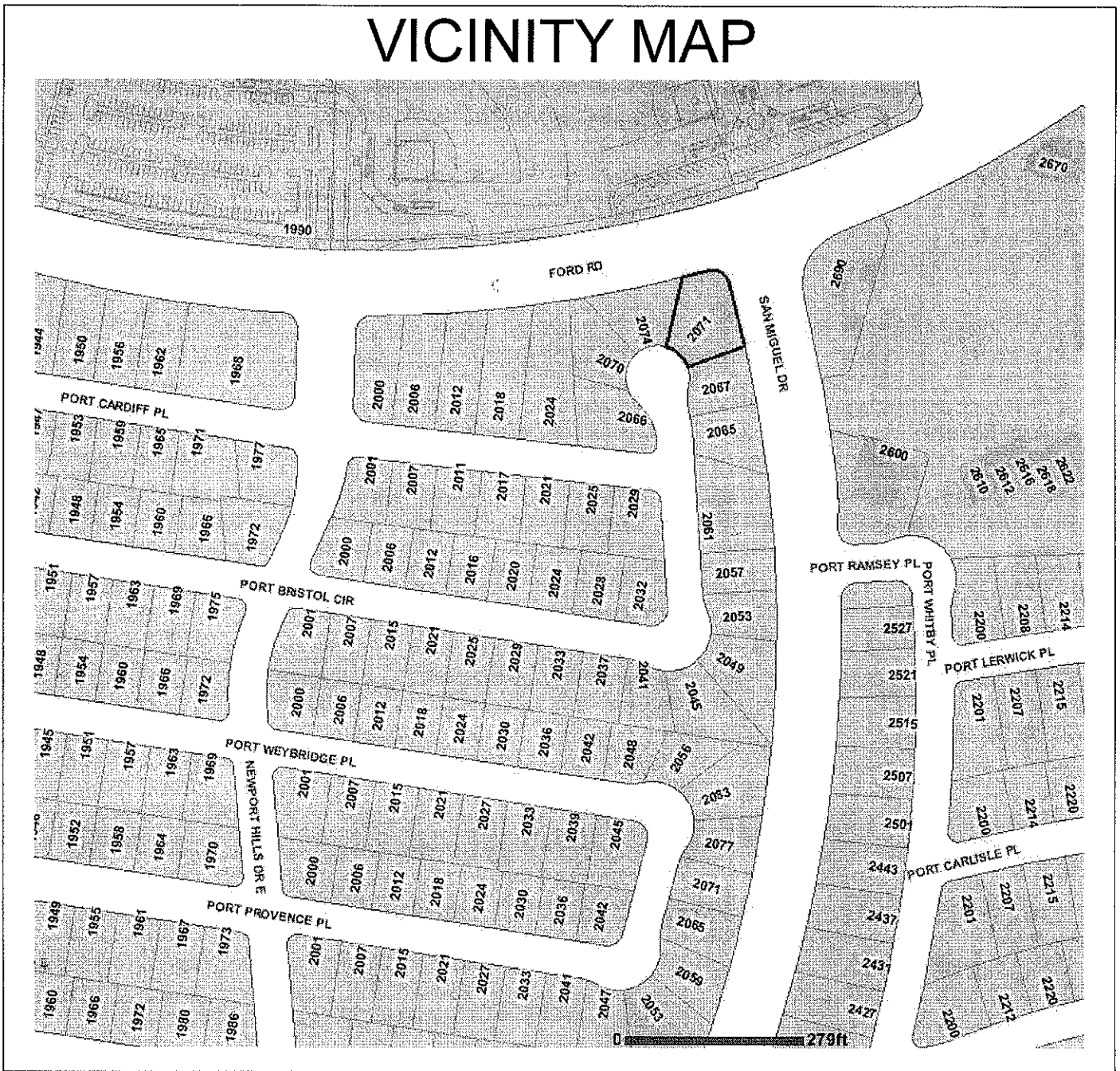
APPENDIX

Development Regulations

Granny Unit Development Standards

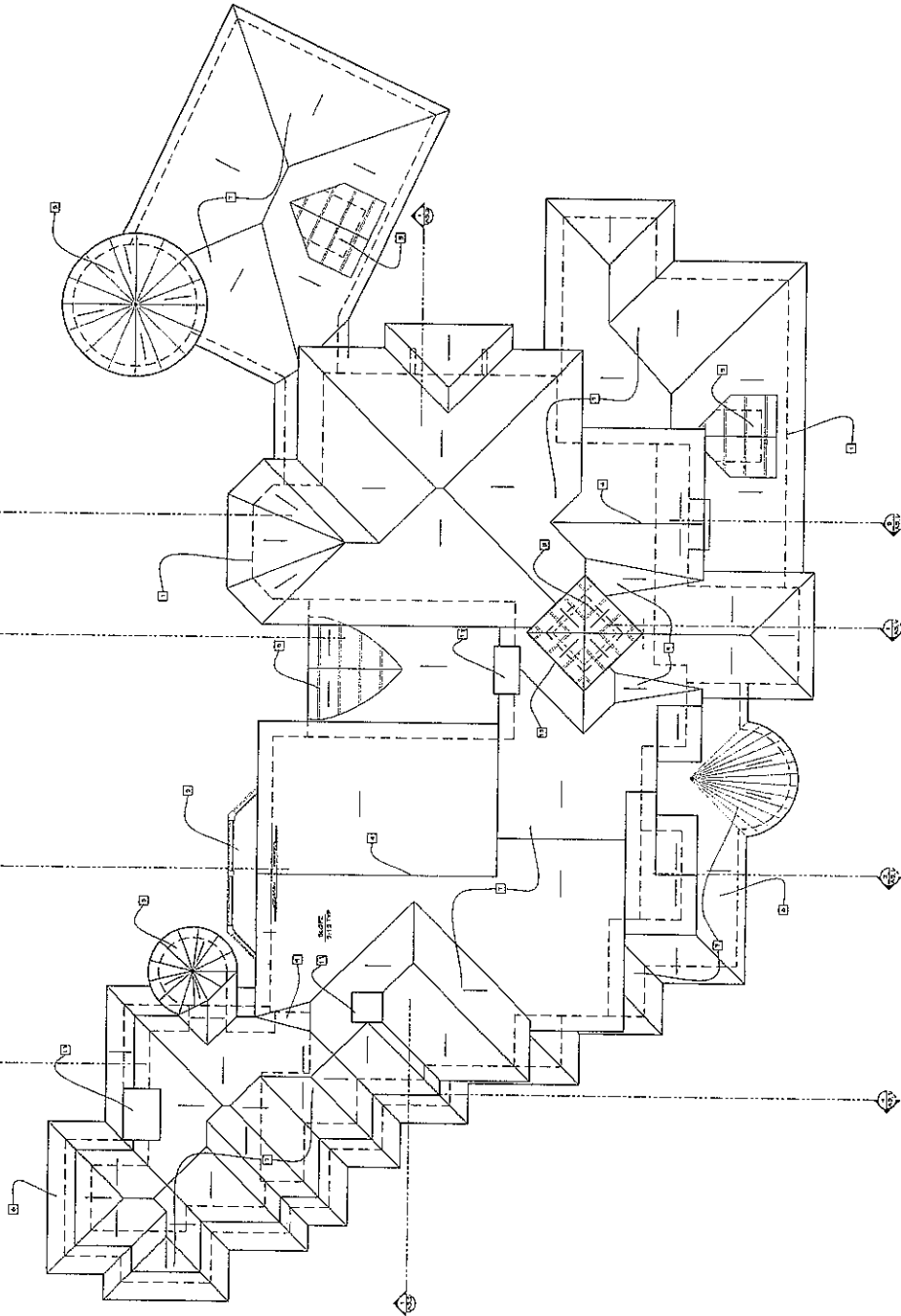
	REQUIREMENT	PROPOSED												
<i>A. Building Height</i>	Chapter 20.65, in accordance with the "Official Height Limitations Zone Map" incorporated within Chapter 20.65, shall regulate the building height. Granny units located in the Harbor View Hills Planned Community, which are attached or detached from the primary residence or on the second floor of an accessory building, are required to conform to the provisions of the 32 Foot Height Limit.	Complies. The height limit for residential buildings in the Harbor View Hills Planned Community is: Ridge: 32 feet Average: 30 feet Proposed Building/Granny Unit: 30 feet (Ridge)												
<i>B. Setbacks:</i>	All building setbacks required in the district in which the granny unit is proposed shall be met.	Complies. The proposed granny unit meets the required minimum setbacks for dwellings in the Harbor View Hills Planned Community which are: <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">Required</th> <th style="text-align: center;">Proposed</th> </tr> </thead> <tbody> <tr> <td>Front:</td> <td style="text-align: center;">20</td> <td style="text-align: center;">20</td> </tr> <tr> <td>Sides:</td> <td style="text-align: center;">5</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Rear:</td> <td style="text-align: center;">10</td> <td style="text-align: center;">10</td> </tr> </tbody> </table>		Required	Proposed	Front:	20	20	Sides:	5	5	Rear:	10	10
	Required	Proposed												
Front:	20	20												
Sides:	5	5												
Rear:	10	10												
<i>C. Minimum Lot Size:</i>	A minimum lot size of 5,450 square feet shall be required in order to establish a granny unit pursuant to this chapter.	Complies. The subject property is approximately 12,723 square feet in area.												
<i>D. Minimum Floor Area</i>	Each granny unit established pursuant to this chapter shall provide a minimum of 600 square feet of floor area, as measured from within the surrounding perimeter walls of the unit.	Complies. The proposed granny unit is 640 square feet.												
<i>E. Maximum Floor Area:</i>	No granny unit established pursuant to this chapter shall have more than 640 square feet of floor area, as measured from within the surrounding perimeter walls of the unit.	Conditionally Complies. The proposed granny unit shall be designed to comprise 640 square feet.												
<i>F. Required Parking:</i>	In addition to the parking required for the primary residence, there shall be at least 1 independently accessible parking space for the granny unit, provided there are at least 2 covered parking spaces on the site. This additional parking space shall be kept free, clear, and accessible for the parking of a vehicle at all times.	Complies. The proposed project provides an independent accessible single-car garage parking space.												
<i>G. Owner/Occupancy Required.</i>	At least 1 person having an ownership interest in the property shall continuously occupy the primary residence or the granny unit.	Conditionally Complies. Occupancy verification will take place prior to the final of building permits.												

VICINITY MAP



Planning Director's Use Permit UP2008-060
Project No. PA2008-203

Site Address: 2071 Port Bristol Circle



N PLAN NORTH

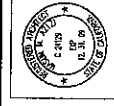
DATE	1/12/10
PROJECT TITLE	PROPOSE FLOOR PLAN
CLIENT	
ARCHITECT	
SCALE	
PROJECT NO.	A3.1

- ROOF PLAN NOTES**
- 1. EXTERIOR WALL DASHES NOTED.
 - 2. EXTERIOR WALL DASHES NOTED.
 - 3. EXTERIOR WALL DASHES NOTED.
 - 4. EXTERIOR WALL DASHES NOTED.
 - 5. EXTERIOR WALL DASHES NOTED.
 - 6. EXTERIOR WALL DASHES NOTED.
 - 7. EXTERIOR WALL DASHES NOTED.
 - 8. EXTERIOR WALL DASHES NOTED.
 - 9. EXTERIOR WALL DASHES NOTED.
 - 10. EXTERIOR WALL DASHES NOTED.
 - 11. EXTERIOR WALL DASHES NOTED.
 - 12. EXTERIOR WALL DASHES NOTED.
 - 13. EXTERIOR WALL DASHES NOTED.
 - 14. EXTERIOR WALL DASHES NOTED.
 - 15. EXTERIOR WALL DASHES NOTED.
 - 16. EXTERIOR WALL DASHES NOTED.
 - 17. EXTERIOR WALL DASHES NOTED.
 - 18. EXTERIOR WALL DASHES NOTED.
 - 19. EXTERIOR WALL DASHES NOTED.
 - 20. EXTERIOR WALL DASHES NOTED.

PROPOSE SECOND FLOOR PLAN

**McNEILL RESIDENCE
ADDITION**
2071 PORT BRISTOL CIRCLE
NEWPORT BEACH, CALIFORNIA

zizi architects
1470 Newport Beach, Suite 200
Newport Beach, CA 92660
Tel: (949) 718-6200 Fax: (949) 718-6202
www.ziziarchitects.com



THE ARCHITECT'S PROFESSIONAL SEAL IS A REQUIREMENT FOR THE ARCHITECT TO BE LICENSED BY THE BOARD OF ARCHITECTURE AND ENGINEERING EXAMINERS OF THE STATE OF CALIFORNIA. THE ARCHITECT'S PROFESSIONAL SEAL IS A REQUIREMENT FOR THE ARCHITECT TO BE LICENSED BY THE BOARD OF ARCHITECTURE AND ENGINEERING EXAMINERS OF THE STATE OF CALIFORNIA. THE ARCHITECT'S PROFESSIONAL SEAL IS A REQUIREMENT FOR THE ARCHITECT TO BE LICENSED BY THE BOARD OF ARCHITECTURE AND ENGINEERING EXAMINERS OF THE STATE OF CALIFORNIA.

NO.	DESCRIPTION	DATE
1	PROPOSE FLOOR PLAN	1/12/10

