

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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: David Lepo, Planning Director  
SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending May 14, 2010

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**ACTIONS TAKEN AT MAY 13, 2010 ZONING ADMINISTRATOR HEARING**

Item 1: Condominium Conversion No. CC2010-005, Parcel Map No. NP2010-003, Modification No. MD2010-008 (PA2010-040)  
4500 and 4504 Seashore Drive  
This item was approved. Council District 1

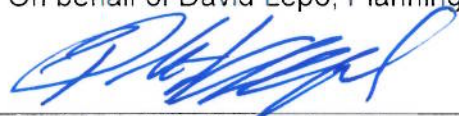
**ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF**

Item 2: Spoon Deep Yogurt Slingers – Use Permit No. UP2010-010 (PA2010-056)  
4525 B. West Coast Highway  
Approved – May 14, 2010 Council District 2

Item 3: Pizzeria Mozza – Staff Approval SA2010-004 (PA2010-058)  
800 West Coast Highway  
Approved – May 14, 2010 Council District 3

Item 4: James Ulcickas on behalf of Bluewater Grill– Staff Approval No. SA2010-005 (PA2010-060)  
630 Lido Park Drive  
Approved – May 14, 2010 Council District 1

On behalf of David Lepo, Planning Director:



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Patrick J. Alford, Planning Manager

**APPEAL PERIOD:** Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

*Email* City Council  
Planning Commission  
David Lepo, Planning Director  
Sharon Wood, Assistant City Manager  
David Keely, Public Works Senior Civil Engineer  
Code Enforcement Division  
Bryan Moore, NBPD  
Sgt. John Freeman, NBPD



## **CONDOMINIUM CONVERSION AND PARCEL MAP ACTION LETTER**

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

**Application No.**                      **Condominium Conversion No. CC2010-005 (PA2010-040)**  
   **Parcel Map No. NP2010-003 (PA2010-040)**  
   **County Parcel Map No. 2009-136**

**Applicant**                              **Carl and Barbara Mosen**

**Site Address**                        **4500 and 4504 Seashore Drive**  
   **Mosen Residence – Condominium Conversion/Parcel Map**

**Legal Description**                **N Track 3813 Lot 56**

On **May 13, 2010**, the Zoning Administrator approved the following: A condominium conversion and parcel map request to convert an existing duplex into a condominium project. The code-required two-car parking per unit will be provided. No exceptions to the Title 19 (Subdivision Code) development standards are proposed with this application. The property is located in the R-2 (Two-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

### **FINDINGS**

*For Condominium Conversion No. CC2010-005*

1. The Project conforms to the standards of Section 19.64.070 of Title 19 of the City of Newport Beach Municipal Code.

#### **Facts in Support of Findings**

- The property has the required four parking spaces for the existing two dwelling units. The approval of Modification Permit No. MD2010-008 allows the width of the required parking spaces to be less than the minimum requirements required by the Zoning Code.
- As conditioned, each dwelling unit within a building will have a separate sewer connection to the City sewer prior to final of the condominium conversion permit.
- As conditioned, each sewer lateral will be retrofitted/fitted with a cleanout at the property line prior to final of the condominium conversion permit.

- As conditioned, each unit will maintain water meter and water meter connection prior to final of the condominium conversion permit.
- As conditioned, electrical service connection will comply with the requirements of Chapter 15.32 of the Municipal Code prior to final of the condominium conversion permit.
- A special inspection for the Building Department was performed on May 7, 2010.
- As conditioned, the project will substantially comply with all applicable standard plans and specifications, adopted City and State Building Codes, and zoning requirements for new buildings related to the district in which the proposed project is located at the time of original construction.
- As conditioned, the project will comply with this requirement prior to recordation of the final parcel map.
- The project is consistent with the adopted goals and policies of the Land Use Element and other Elements of the General Plan and the Local Coastal Program Land Use Plan. The project site is designated as RT (Two-Unit Residential) by the Land Use Element of the General Plan and as RT-E (Two-Unit Residential) by the Coastal Land Use Plan (CLUP). The proposed project is consistent with the RT land use category, which is intended to provide for a range of two-family dwelling units such as duplexes and townhomes.
- An existing two-unit dwelling rental will be converted into a two-unit condominium project. The residential density on the site will remain the same.
- The application of the project conditions provided below will ensure the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood and the City.
- The design of the development will not conflict with any easements acquired by the public-at-large for access through or use of property within the proposed development.
- Public improvements will be required of the applicants per the Municipal Code and the Subdivision Map Act.
- The existing duplex was constructed in 1963. A new wall within the garage will be added to the existing duplex in association with this permit. 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 Section 15301 Class 1 (Existing Facilities), which exempts "interior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

*For Parcel Map No. NP2010-003*

The Zoning Administrator determined, in this case that the proposed parcel map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 of Title 19 (Subdivision Code):

Facts in Support of Findings

- The proposed parcel map is to create one parcel of land for two unit condominium purposes. An existing duplex will be converted to a two unit condominium project. The residential density on the site will remain the same. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation RT (Two-Unit Residential).
- The subject parcel, located at the northwest corner of Seashore Drive and 45<sup>th</sup> Street, has an area of 3,235 square feet. The lot is generally rectangular in shape with a slope of less than 20 percent and is suitable for the development.
- The project is categorically exempt from the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions) because it consists of a division of four or fewer parcels, is not involved in a division of a larger parcel within the previous two years, and does not have an average slope greater than 20 percent.
- The proposed parcel map is for residential condominium purposes. The construction of the proposed condominiums will comply with all Building, Public Works, and Fire Codes. Public improvements will be required of the developer per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.
- That the design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
- The project site is not subject to a Williamson Act contract as it is developed with a single family residence with no agricultural resources are present.
- The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code, and is not located within a specific plan area.
- The proposed Parcel Map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport



Beach Building Department enforces Title 24 compliance through the plan check and inspection process.

- The proposed subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need. The residential density on the site will remain the same. No affordable housing units are being eliminated based upon the fact that the previously existing units were not occupied by low or moderate income households and the proposed number of units remains the same.
- Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
- The proposed parcel map is located in the Coastal Zone, and there is no public access or recreation area located on the site. The subdivision conforms to the certified Local Coastal Program. The project site is designated as RT-E (Two-Unit Residential) by the Coastal Land Use Plan (CLUP) which allows for two unit residential use.

## **CONDITIONS**

*For Condominium Conversion No. CC2010-005*

1. The project shall be in substantial conformance with the submitted plot plan, floor plans and elevations, except as noted below.
2. No more than two dwelling units shall be permitted on the site.
3. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
4. Each of the tenants of the proposed condominium shall be given 180 days' written notice of intention to convert, prior to the termination of tenancy due to the proposed conversion.
5. Each of the tenants of the proposed condominium shall be given written notification within 10 days of the approval of the condominium conversion permit establishing the proposed condominium conversion. Proof of said notification shall be provided to the Planning Department.
6. Each of the tenants of the proposed condominium shall be given notice of an exclusive right to contract for the purchase of their respective units upon the same terms and conditions that such units will be initially offered to the general public or terms more favorable to the tenant. Such right shall run for a period of not less than 90 days prior to the initial public offer for sale, unless the tenant gives prior written notice of his or her intention not to exercise the right. Prior to final of the condominium conversion permit, the applicant shall provide a copy of the written

verification forwarded to the tenants and said verification shall be presented to the Planning Department.

7. Two-car parking, including one covered space, shall be provided on site for each dwelling unit per requirements of the Zoning Code. All parking spaces shall be maintained clear of obstructions for the parking of vehicles at all times.
8. Prior to final of the building permit for Condominium Conversion, the existing two-car garage shall be separated by a partition wall into individual single-car garages each with an individual roll-up or sectional garage door. Separation of the garages will require approval and issuance of a building permit. The garage separation shall be a condition of the Condominium Conversion unless otherwise approved by the Planning Department.
9. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout. Each water meter and sewer cleanout shall be installed with a traffic-grade box and cover. This work shall be completed prior to final of the condominium conversion permit.
10. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. All on-site drainage shall comply with the latest City Water Quality requirements.
11. The electrical service connection shall comply with the requirements of Chapter 15.32 of the Municipal Code.
12. All improvements shall be constructed as required by Ordinance and the Public Works Department.
13. In case of damage done to public improvements within the public right-of-way surrounding the development site, including any broken and/or otherwise damaged concrete sidewalk panels, alley section, concrete curb, and gutter along Seashore Drive and 45<sup>th</sup> Street frontages and alley way, by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
14. All existing, if any, overhead utilities shall be undergrounded.
15. A new ADA compliant curb access ramp shall be constructed at the Seashore Drive and 45<sup>th</sup> Street curb return per City Standards STD-181-L.
16. All private landscaping shall not overhang in the public right-of-way. The existing natal plum branches shall be trimmed back.
17. Smoke detectors shall be provided in each bedroom.

18. The corrections listed by the Building Department in the special inspection report shall be made prior to final of the condominium conversion permit.
19. The property owner shall provide information to the Building Department that the roof is a Class C fire retardant roof as certified by a roofing contractor.
20. Arrangements shall be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements if it is desired to record a parcel map or obtain a building permit prior to completion of the public improvements.
21. The building permit obtained from the Building Department in order to convert the subject residential units into condominiums shall be finalized after the Parcel Map for Condominium Purposes has been recorded with the County of Orange and all conditions of approval have been completed and verified by the Planning Department.
22. This condominium conversion approval shall expire unless exercised within 24 months from the date of approval, as specified in Section 20.93.050 of the Newport Beach Municipal Code.
23. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Mosen Residence – Condominium Conversion including, but not limited to, the CC2010-005 (PA2010-040). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

*For Parcel Map No. NP2010-003*

1. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The map to be submitted to the City of Newport

Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.

2. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner, unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. All applicable Public Works Department plan check fees, improvement bonds and inspection fees shall be paid prior to processing of the map by the Public Works Department.
4. County Sanitation District fees shall be paid prior to issuance of any building permits, if required by the Public Works Department or the Building Department.
5. Coastal Commission approval shall be obtained prior to the recordation of the Parcel Map.
6. All improvements shall be constructed as required by City Ordinance and the Public Works Department.
7. Additional Public Works improvements, including street and alley reconstruction, work may be required at the discretion of the Public Works Inspector.
8. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
9. All work conducted within the public right-of-way shall be approved under an encroachment permit issued by the Public Works Department.
10. All existing private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed unless an Encroachment Agreement is applied for and approved by the Public Works Department.
11. Arrangements shall be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements if it is desired to record a parcel map or obtain a building permit prior to completion of the public improvements.
12. Overhead utilities serving the site shall be undergrounded to the nearest appropriate pole in accordance with Section 19.28.090 of the Municipal Code unless it is

determined by the City Engineer that such undergrounding is unreasonable or impractical.

13. Each unit shall be connected to its individual water meter and sewer lateral and cleanout located within the public right-of-way. If installed at a location that will be subjected to vehicle traffic, each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover.
14. Each dwelling unit shall be served with an individual water service and sewer lateral connection to the public water and sewer systems, unless otherwise approved by the Public Works Department and the Building Department.
15. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
16. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
17. All on-site drainage shall comply with the latest City Water Quality requirements.
18. All existing drainage facilities in the public right-of-way shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements. The Public Works Inspector shall field verify compliance with this requirement prior to recordation of the parcel map.
19. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
20. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Department Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
21. Subsequent to recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until this permit is finalized.** The building permit for the new construction shall not be finalized until after recordation of the Parcel Map.

22. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Mosen Residence – Parcel Map including, but not limited to, the NP2010-003 (PA2010-040). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

**APPEAL PERIOD:** Condominium Conversion and Tentative Parcel Map applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

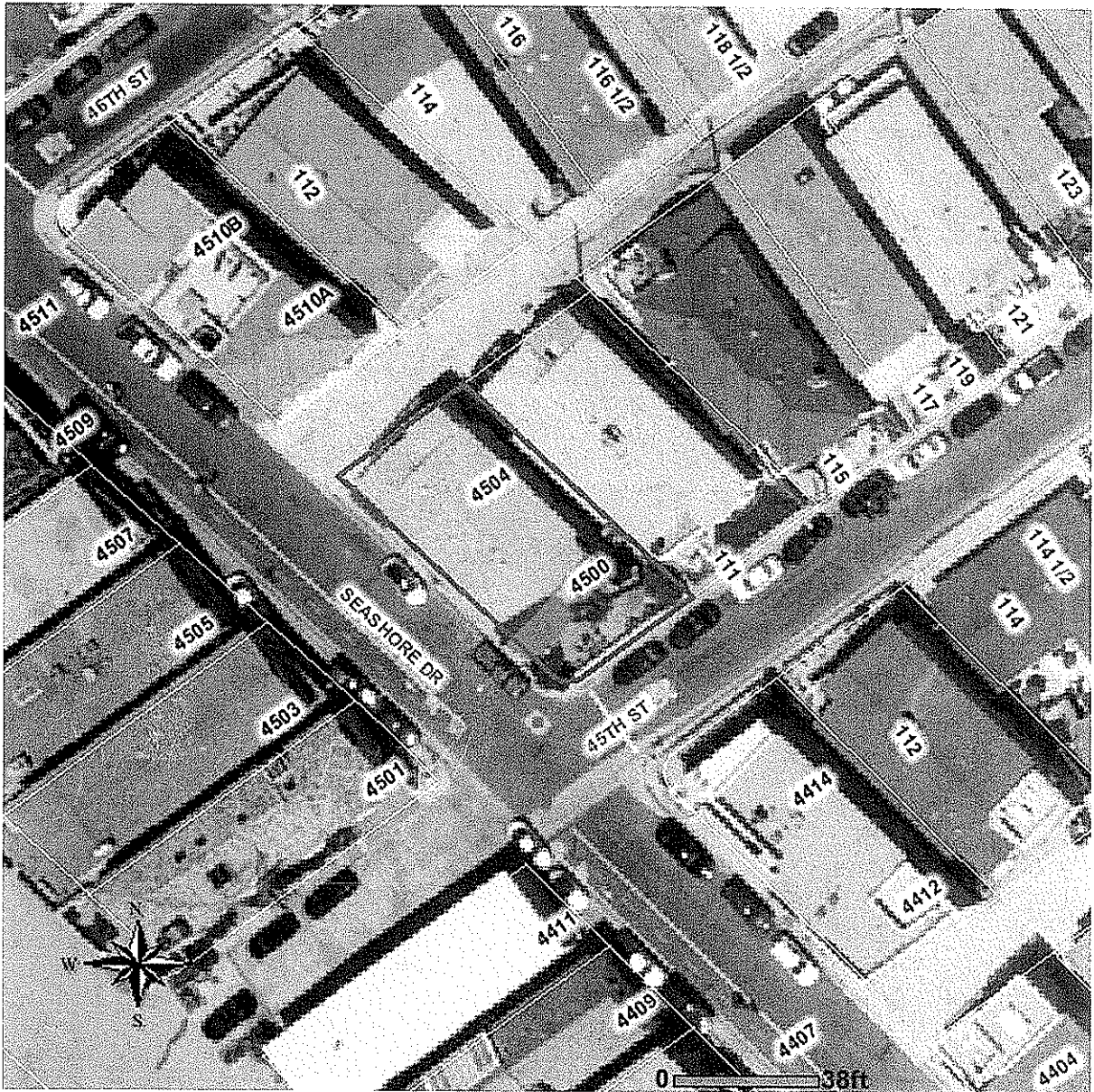
By:   
James W. Campbell, Zoning Administrator

JWC/ems

Attachments: Vicinity Map  
Condominium Conversion Inspection Report Dated 5/7/10



## VICINITY MAP



Condominium Conversion No. CC2010-005  
and Parcel Map No. NP2010-003 (PA2010-040)

### **4500 and 4504 Seashore Drive**



# CITY OF NEWPORT BEACH

## BUILDING DEPARTMENT

3300 NEWPORT BLVD.  
P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915  
(949) 644-3275

### CONDOMINIUM CONVERSION INSPECTION REPORT (CHECKLIST)

Inspection Fee: \$240.00 per unit (\$120/hr - 2 hrs minimum) No. Units 2 Condo Conv. No. CC 2010-005  
Address: 4500-4504 Seashore Dr Date: 4/30/10 5/7/10  
Existing Occ: Grp R-2 Type of Construction: WOOD FRAME  
Owner: MOSEN Phone Number: 949 673 9201  
Assigned to Inspector: \_\_\_\_\_ Date: \_\_\_\_\_ Phone: (949) 644-32

THE FOLLOWING CHECKLIST WILL BE USED DURING THE INSPECTION TO VERIFY EXISTING BUILDING CONDITIONS AND COMPLIANCE TO MINIMUM STANDARDS FOR THE CONDOMINIUM CONVERSION.

#### A. EACH UNIT MUST COMPLY WITH THE MINIMUM STANDARDS OF THE UNIFORM HOUSING CODE AS ADOPTED BY THE CITY OF NEWPORT BEACH.

1. Does the unit meet minimum sanitation requirements? (y) ~~Q~~ (n) X

Comment: ONE SEWER

2. Does the unit meet minimum structural and occupancy standards? (y) ~~X~~ (n) \_\_\_\_\_

Comment: \_\_\_\_\_

3. Does the unit meet minimum exiting safety standards? (y) X (n) \_\_\_\_\_

Comment: \_\_\_\_\_

4. Does the unit meet minimum plumbing standards? (y) ~~X~~ (n) \_\_\_\_\_  
Is there a garbage disposal installed on a dedicated circuit? (y) ~~X~~ (n) \_\_\_\_\_

Comment: \_\_\_\_\_

5. Does the unit meet minimum standards of heating and venting? (y) \_\_\_\_\_ (n) X

Comment: CROSS CONNECTION ON FAN

6. Does the unit meet minimum standards for electrical safety? (y) ~~X~~ (n) X  
Comment. MISSING GFCI

**B. EACH UNIT MUST COMPLY WITH CURRENT MINIMUM LIFE SAFETY REQUIREMENTS OF THE UNIFORM BUILDING CODE AS ADOPTED BY THE CITY OF NEWPORT BEACH.**

7. Do the existing stairs and handrails comply with minimum safety requirements of Chapter 10 UBC? (y) X (n) X  
Did they comply when originally constructed? (y) X (n) X  
Comment. NO CORR. REQUIRED

8. Do the existing guardrails comply with minimum safety requirements of Section 509 of the Uniform Building Code (y) X (n) X  
Did they comply when originally constructed? (y) X (n) X  
Comment. \_\_\_\_\_

9. Are smoke detectors installed in each bedroom and other required locations per section 310.9.1.1 of the UBC (y) X (n) X  
Comment: \_\_\_\_\_

10. Is there a required occupancy separation rating? \_\_\_\_\_ hr(s)(y) \_\_\_\_\_ (n) X  
If so, does it meet the requirements of section 302 UBC? (y) X (n) X  
Comment NOT REQUIRED @ TIME OF CONSTRUCTION

11. Is the roof a minimum Class C fire retardant roof? (y) X (n) X  
X Owner to submit letter of certification by a licensed roofing contractor of fire retardancy and remaining life of the roof. (y) \_\_\_\_\_ (n) \_\_\_\_\_  
Comment PROVIDED

12. Is safety glazing installed in areas subject to human impact?(y) X (n) \_\_\_\_\_  
Comment. \_\_\_\_\_

Other Comments. \_\_\_\_\_

- C. EACH UNIT IS REQUIRED TO BE INDIVIDUALLY SERVED BY SEPARATE UTILITIES.  
Note: the City does not consider it feasible to separate sewer piping when existing units are integrally piped through lower units to units above. (Please demonstrate for the inspector that utilities serving the units are not connected.)

13. Is this unit served by its own water meter and piping? (y) X (n) X  
Are the materials used in the system approved for the use? (y) X (n) X  
Are there apparent cross connection hazards in the system? (y) X (n) X

**NOTE:** New water service and water meter must go to the secondary unit.  
Existing water meter and service line must remain with original address.  
(Contact Water Meter Division with any questions: (949) 644-3019)

Comments: \_\_\_\_\_

14. Is this unit served by its own gas meter and piping? (y) X (n) X  
Are the materials used in the system approved for the use? (y) X (n) X  
Are there apparent safety hazards in the system? (y) X (n) X

Comments: PIPING @ METER SPALDING

15. Is this unit served by its own electric meter and wiring? (y) X (n) X  
Is the unit served by a minimum 100amp service? (y) X (n) X  
Is a new or relocated service required to be fed underground? (y) X (n) X  
Are there apparent safety hazards in the system? (y) X (n) X

16. Is this unit served by its own sewer and piping? (y) X (n) X  
Are the materials used in the system approved for the use? (y) X (n) X  
Is there an approved cleanout installed at the property line? (y) X (n) X

Comments: \_\_\_\_\_

Other Comments: \_\_\_\_\_

Signed By: Carl Moore

Date: 4/30/2010



# CITY OF NEWPORT BEACH

## BUILDING DEPARTMENT

3300 NEWPORT BLVD.

P.O. BOX 1768, NEWPORT BEACH, CA 92658

(949) 644-3275

### OWNER-BUILDER ACKNOWLEDGEMENT AND INFORMATION VERIFICATION (HSC 19825)

#### NOTICE TO PROPERTY OWNER

Dear Property Owner:

An application for a building permit has been submitted in your name listing yourself as the builder of the property improvements specified at 4500-404 SOUTHERN DRIVE.

We are providing you with an Owner-Builder Acknowledgment and Information Verification Form to make you aware of your responsibilities and possible risk you may incur by having this permit issued in your name as the Owner-Builder.

**We will not issue a building permit until you have read, initialed your understanding of each provision, signed, and returned this form to us at our official address indicated.** An agent of the owner cannot execute this notice unless you, the property owner, obtain the prior approval of the permitting authority.

#### OWNER'S ACKNOWLEDGMENT AND VERIFICATION OF INFORMATION

*DIRECTIONS: Read and initial each statement below to signify you understand or verify this information.*

*Am* 1. I understand a frequent practice of unlicensed persons is to have the property owner obtain an "Owner-Builder" building permit that erroneously implies that the property owner is providing his or her own labor and material personally. I, as an Owner-Builder, may be held liable and subject to serious financial risk for any injuries sustained by an unlicensed person and his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an Owner-Builder and am aware of the limits of my insurance coverage for injuries to workers on my property.

*Am* 2. I understand building permits are not required to be signed by property owners unless they are responsible for the construction and are not hiring a licensed Contractor to assume this responsibility.

*Am* 3. I understand as an "Owner-Builder" I am the responsible party of record on the permit. I understand that I may protect myself from potential financial risk by hiring a licensed Contractor and having the permit filed in his or her name instead of my own.

*Am* 4. I understand Contractors are required by law to be licensed and bonded in California and to list their license numbers on permits and contracts.

*Am* 5. I understand if I employ or otherwise engage any persons, other than California licensed Contractors, and the total value of my construction is at least five hundred dollars (\$500), including labor and materials, I may be considered an "employer" under state and federal law.

*Am* 6. I understand if I am considered an "employer" under state and federal law, I must register with the state and federal government, withhold payroll taxes, provide workers' compensation disability insurance, and contribute to unemployment compensation for each "employee." I also understand my failure to abide by these laws may subject me to serious financial risk.

*Am* 7. I understand under California Contractors' State License Law, an Owner-Builder who builds single-family residential structures cannot legally build them with the intent to offer them for sale, unless all work is performed by licensed subcontractors and the number of structures does not exceed four within any calendar year, or all of the work is performed under contract with a licensed general building Contractor.

*Am* 8. I understand as an Owner-Builder if I sell the property for which this permit is issued, I may be held liable for any financial or personal injuries sustained by any subsequent owner(s) that result from any latent construction defects in the workmanship or materials.

9. I understand I may obtain more information regarding my obligations as an "employer" from the Internal Revenue Service, the United States Small Business Administration, the California Department of Benefit Payments, and the California Division of Industrial Accidents. I also understand I may contact the California Contractors' State License Board (CSLB) at 1-800-321-CSLB (2752) or www.cslb.ca.gov for more information about licensed contractors.

10. I am aware of and consent to an Owner-Builder building permit applied for in my name, and understand that I am the party legally and financially responsible for proposed construction activity at the following address: 4500-4504 SEASHORE DRIVE

11. I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern Owner-Builders as well as employers.

12. I agree to notify the issuer of this form immediately of any additions, deletions, or changes to any of the information I have provided on this form.

Licensed contractors are regulated by laws designed to protect the public. If you contract with someone who does not have a license, the Contractors' State License Board may be unable to assist you with any financial loss you may sustain as a result of a complaint. Your only remedy against unlicensed Contractors may be in civil court. It is also important for you to understand that if an unlicensed Contractor or employee of that individual or firm is injured while working on your property, you may be held liable for damages. If you obtain a permit as Owner-Builder and wish to hire Contractors, you will be responsible for verifying whether or not those Contractors are properly licensed and the status of their workers' compensation insurance coverage.

Before a building permit can be issued, this form must be completed and signed by the property owner and returned to the City of Newport Beach, Building Department, for issuing the permit.

**Note: A copy of the property owner's driver's license or form notarization is required to be presented when the permit is issued to verify the property owner's signature.**

Print name of property owner: CARL MOSEN  
Property Owner's Signature: Carl Mosen Date: 5/3/10

**Note:** The following Authorization Form is required to be completed by the property owner only when designating an agent of the property owner to apply for a construction permit for the Owner-Builder.

#### **AUTHORIZATION OF AGENT TO ACT ON PROPERTY OWNER'S BEHALF**

Excluding the Notice to Property Owner, the execution of which I understand is my personal responsibility, I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my project.

Scope of Construction Project (or Description of Work):

JAMES C. PERSON, JR  
Project Location or Address: 4500-4504 SEASHORE DRIVE

Name of Authorized Agent: JAMES C. PERSON JR Tel No (949) 675-9201

Address of Authorized Agent: 507A 29th St, Newport Beach, CA 92663

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy. **Note: A copy of the owner's driver's license, form notarization, or other verification acceptable to the agency is required to be presented when the permit is issued to verify the property owner's signature.**

Property Owner's Signature: Carl Mosen Date: 5/3/2010

**Note:** A copy of the owner's driver's license or form notarization is required to be presented when the permit is issued to verify the property owner's signature.



# Lee Roofing

OF COSTA MESA, INC.

1653 1/2 Superior Ave.  
Costa Mesa, CA 92627

(949) 642-7222  
Cont. License #349686

## ROOF INSPECTION

January 7, 2010

To:

James C. Person

507 29<sup>th</sup> St.

Newport Beach, CA 92663

Ref: 4500 Seashore Dr.

Newport Beach, CA 92663

Dear James C. Person,

I, Mike Burke, Representative of Lee Roofing of Costa Meds, Inc., conducted a roof inspection at the property located at 4500 Seashore Dr., Newport Beach, CA on January 5, 2010.

Upon inspection I found the following:

**EXISTING ROOFING SYSTEM:** The dwelling is a two (2) story residence with a Composition Shingle Fire Free Quarry Slate roof sytem installed. The roof is approximately 10-15 years old.

**CONDITION OF ROOF:** On front portion of roof where Quarry Slate is installed there are many loose pieces of Slate which have slipped downward. Edge metal at same locations are rusted. Where Composition Shingles are installed roof appears to be in sound condition except for one (1) broken turbin vent at rear of building.

**ADDITIONAL ROOFS OR INFORMATION:** Roof system is in need of maintenance, resecure loose material, change out broken turbin and seal all pipe flashings.

**CONCLUSION:** Roof with general maintenance should have approximately 10 years of life left.

If you should have any questions or need additional information, please feel free to call my office at (949) 642-7222.

Sincerely,



Lee Roofing of Costa Mesa, Inc.



## **MODIFICATION PERMIT ACTION LETTER**

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

**Application No.**                      **Modification Permit No. MD2010-008 (PA2010-040)**  
**Applicant**                              **Carl and Barbara Mosen**  
**Site Address**                          **4500 and 4504 Seashore Drive**  
   **Mosen Residence Modification**  
**Legal Description**                  **N Track 3813 Lot 56**

On **May 13, 2010**, the Zoning Administrator approved a modification permit to allow the width of the required parking spaces for a two-unit dwelling to be less than the minimum requirements required by the Zoning Code. The property is located in the R-2 (Two-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

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### **FINDINGS**

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designate the site for "Two-Unit Residential" use. The existing two-unit dwelling unit is consistent with this designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities). The project involves negligible or no expansion of the existing use and only minor alterations of the existing structure.
3. In accordance with the provisions of Chapter 20.93, the granting of this application is necessary due to practical difficulties associated with the property. The strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code for the following reasons:

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

- The existing two-unit dwelling constitutes a practical difficulty associated with the property as the required parking spaces are nonconforming in regards to the minimum width requirements per the Zoning Code. Bringing these spaces into conformance is infeasible without major reconstruction or moving an existing exterior wall or posts into a required side yard given the design of the existing structure, which is approximately 34 feet wide along the rear on a lot

that is 40 feet wide and maintains the minimum required 3-foot side yard setbacks.

- The approval of Condominium Conversion No. 2010-005 (PA2010-040) necessitates the conversion of the existing two-car garage into two separate garage spaces to provide clear and distinct legal descriptions for the future owners of each unit. Strict application of the minimum interior width standard of the Zoning Code for parking spaces would not allow this separation without approval of a modification permit to allow the spaces to be substandard in width.
4. In accordance with the provisions of Chapter 20.93, the requested modification will be compatible with existing development(s) in the neighborhood for the following reasons:

#### Facts in Support of Finding

- The deviation from the Zoning Code requested through this application is compatible with the characteristics of the surrounding properties, which have similar structures with nonconforming parking dimensions. Many of the dwelling units in this area were constructed at a time when the Zoning Code did not specify a minimum width requirement for parking spaces.
  - The existing structure is to be consistent with the development pattern of the neighborhood and complies with all of the development standards relating to area and setbacks. It will continue to appear consistent as no changes to the exterior are proposed with this modification. The work is limited to the addition of a wall, designed to a minimum width, to the separate the garage into two spaces.
5. In accordance with the provisions of Chapter 20.93, the granting of this Modification Permit will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and not be detrimental to the general welfare or injurious to property or improvements in the neighborhood based on the following:

#### Facts in Support of Finding

- The width of each proposed parking space is substandard in size per Zoning Code requirements; however, is not so deficient to preclude their use.
- A condition has been included requiring the garages to be free of obstructions so that they are available for the parking of vehicles.
- As conditioned, the application of the California Building Code regulations to the construction of the project will ensure the safety and welfare of the surrounding community.

- The proposed design of the parking spaces is a reasonable solution given the development constraints of the existing, two-unit dwelling on the property. The project will not increase the nonconforming status once complete and will comply with all other provisions of the R-2 Zoning District.

### **CONDITIONS**

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations, except as noted in the following conditions.
2. If any of the existing public improvements surrounding the site is damaged by private work, new concrete sidewalk, curb and gutter, 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.
3. Prior to issuance of building permits, the applicant shall submit to the Planning Department an additional copy of the approved architectural plans for inclusion in the Modification Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11-inches by 17-inches. The plans shall accurately depict the elements approved by this Modification Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
4. A building permit shall be obtained prior to commencement of the construction.
5. Prior to final of the building permit for the condominium conversion, the existing two-car garage shall be separated by a partition wall into individual garages each with an individual roll-up or sectional garage door. The proposed wall to separate the existing garage shall be designed to a minimum width.
6. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.
7. All work performed within the public right-of-way shall be reviewed and approved by the Public Works Department under an encroachment permit/agreement, if required.
8. The proposed addition and related work shall comply with the California Building Code and all adopted local amendments.
9. This approval shall expire unless exercised within 24 months from the approval date, as specified in Section 20.93.050 (A) of the Newport Beach Municipal Code.

Prior to the expiration date of this approval, an extension may be approved in accordance with Section 20.93.050 (B) of the Newport Beach Municipal Code. Requests for an extension must be in writing.

10. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Mosen Residence Modification including, but not limited to, Modification No. MD2010-008 (PA2010-040). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

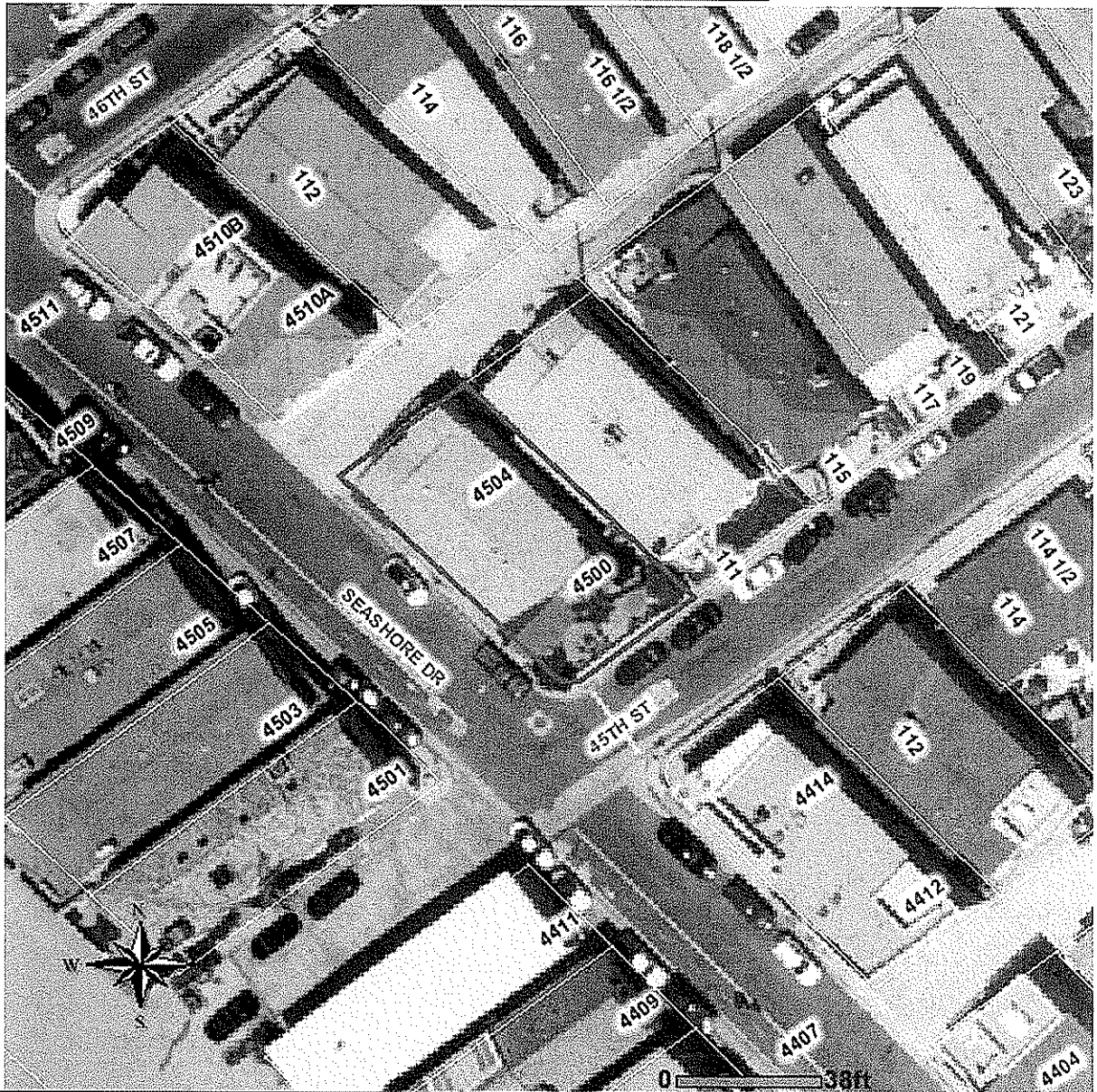
**APPEAL PERIOD:** Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

By:   
James W. Campbell, Zoning Administrator

JWC/ems

Attachments: Vicinity Map

## VICINITY MAP



Modification Permit No. MD2010-008  
PA2010-040

**4500 and 4504 Seashore Drive**





## NOTICE OF PLANNING DIRECTOR ACTION

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

May 14, 2010

TJ Design  
Attn: Tim Johnson  
5215 River Avenue #A  
Newport Beach, CA 92663

**Application No.**      **Use Permit No. UP2010-010 (PA2010-056)**  
**Site Address**        **4525-B W. Coast Highway**  
                              **Spoon Deep Yogurt Slingers**

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On May 14, 2010, the Zoning Administrator approved the above referenced application based on the findings and conditions in the attached action letter.

By:   
James W. Campbell, Zoning Administrator

JWC: es

**APPEAL PERIOD:** The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3201.

**cc:**  
*property owner*  
Hoshizaki Investment Company  
Attn: Lynette Morse  
505 E. 1st Street #H  
Tustin, CA 92780



## **USE PERMIT ACTION LETTER**

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

<b>Application No.</b>	<b>Use Permit No. UP2010-010 (PA2010-056)</b>
<b>Applicant</b>	<b>TJ Design</b>
<b>Site Address</b>	<b>4525 B. West Coast Highway Spoon Deep Yogurt Slingers</b>
<b>Legal Description</b>	<b>BANNING TR LOT D POR OF LOT AND POR SEC 29 T 6 R 10</b>

On **May 14, 2010**, the Planning Director approved the following: A use permit application to convert 1,500 square feet of existing retail space to a full service-small scale eating and drinking establishment. The establishment will be utilized as a self-serve, walk-in frozen yogurt outlet. The property is located in the RSC (Retail Service Commercial) District. The approval is based on the following findings and subject to the following conditions.

### **FINDINGS**

1. The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.

Facts in support of finding:

- The project is located in the Retail and Service Commercial (RSC) District. The purpose of the RSC District is to provide areas which are predominantly retail in character but also allows some service office uses. The proposed self-serve yogurt outlet is a retail sales use, which serves residents and visitors and, therefore, is consistent with the purposes of the RSC District.
- Subject to the approval of a use permit by the Planning Director, a full service-small scale eating and drinking establishment is permitted within this district. Use permits enable the City to control certain uses which could have detrimental effects if not compatible with uses on adjoining properties and in the surrounding area. The self-serve yogurt outlet is compatible to and complements the other uses in this district, including restaurants, retail stores, and a nail salon. The proposed application does not present any conflicts with the purpose and intent of this district.

2. The proposed location of the use permit and the proposed conditions under which it would be operated or maintained will be 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.

Facts in support of finding:

- The project site is designated as Neighborhood Commercial (CN) by the Land Use Element of the General Plan. The proposed project is consistent with the CN land use category, which is intended to provide for a limited range of retail and service uses developed in one or more distinct centers oriented to primarily serve the needs of and maintain compatibility with residential uses in the immediate area.
  - The proposed hours of operation of the facility, 10:00 a.m. to 10:00 p.m. daily, will limit the noise impacts on the neighboring residential uses.
  - The conditions imposed on the use will reduce the possibility of detriments to the community, such as littering, excessive noise, and negative parking impacts, by ensuring continued consistency with the intent and purpose of Chapters 20.82.
  - The proposed use will not impact parking within the center as no additional off-street parking spaces are required. The existing retail sales use require six (6) parking spaces based upon the retail use parking ratio of one (1) parking space per 250 feet of gross floor area required per Chapter 20.66 (Off-street Parking and Loading Regulations) of the Municipal Code. Chapter 20.66 requires 6 spaces for the proposed use based upon the floor plan that provides 300 square feet of net public area and 18 seats (1 space per 3 seats or 1 per each 75 square feet of net public area).
3. The proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located.

Facts in support of finding:

- The project has been conditioned to comply with the development and operational regulations pursuant to Section 20.82.040 of the Municipal Code as they relate to the operation of the proposed eating and drinking establishment.
- The Use Permit approval has a condition that requires submittal and approval of a practical program for the control of litter, spills and stains for the subject property, the adjacent private property as well as the adjacent public rights-of-way to be maintained in a clean and orderly manner.

**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 proposed project shall be designed as to not to exceed the parking requirement for the previously existing use, unless all the required off-street parking can be provided or a parking waiver is approved to waive any additional required parking in excess of the existing use.
3. The hours of operation shall be limited to between the hours of 8:00 a.m. and 10:00 p.m., daily; and any increase in the hours of operation shall be subject to the approval of an amendment to this use permit.
4. Any public sanitation facilities as required by the Building Department shall be provided.
5. Storage outside the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
6. Trash receptacles for patrons shall be conveniently located both inside and outside of the proposed facility; however shall not be located on or within any public property or right-of-way or interfere with pedestrian or vehicular movement or vehicle parking. Trash dumpsters shall have a top which shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency. Additionally, the operator must monitor all trash receptacles having them emptied, maintained and cleaned when necessary as to control odors and any nuisances.
7. Public sidewalks or common walkways adjacent to the establishment shall be maintained in a clean and orderly manner. The operator of the establishment shall be responsible for maintaining these areas as well as the on-site parking lot adjacent to the site collecting any trash or litter generated by the business.
8. No outside paging or sound system shall be utilized in conjunction with this food service establishment. No on-sale alcoholic beverage service shall be permitted on the premises. No live entertainment or dancing shall be permitted in conjunction with the permitted use.
9. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the proposed food establishment, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code. Temporary signs shall be prohibited in the public right-of-way, unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.

10. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner or the leasing company.
11. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code or any applicable comprehensive sign program that is in force for the subject property.
12. The facility shall comply with the provisions of Chapter 14.30 of the Newport Beach Municipal Code for commercial kitchen grease disposal, as determined by the Building Department and the Utilities Department.
13. The facility shall be designed to meet exiting and fire protection requirements as specified by the California Building Code and shall be subject to review and approval by the Building Department.
14. All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets, and shall be sound attenuated in accordance with Chapter 10.26 of the Newport Beach Municipal Code, Community Noise Control.
15. The Planning Director or the Planning Commission may add to or modify conditions to this approval, or revoke this approval upon a finding of failure to comply with the conditions set forth in Chapter 20.82 of the Municipal Code or other applicable conditions and regulations governing the eating and drinking establishment.
16. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.91.050 of the Newport Beach Municipal Code.
17. *To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the self-serve yogurt outlet including, but not limited to, the Use Permit No. UP2010-010 (PA2010-056). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.*

**APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of David Lepo, Planning Director

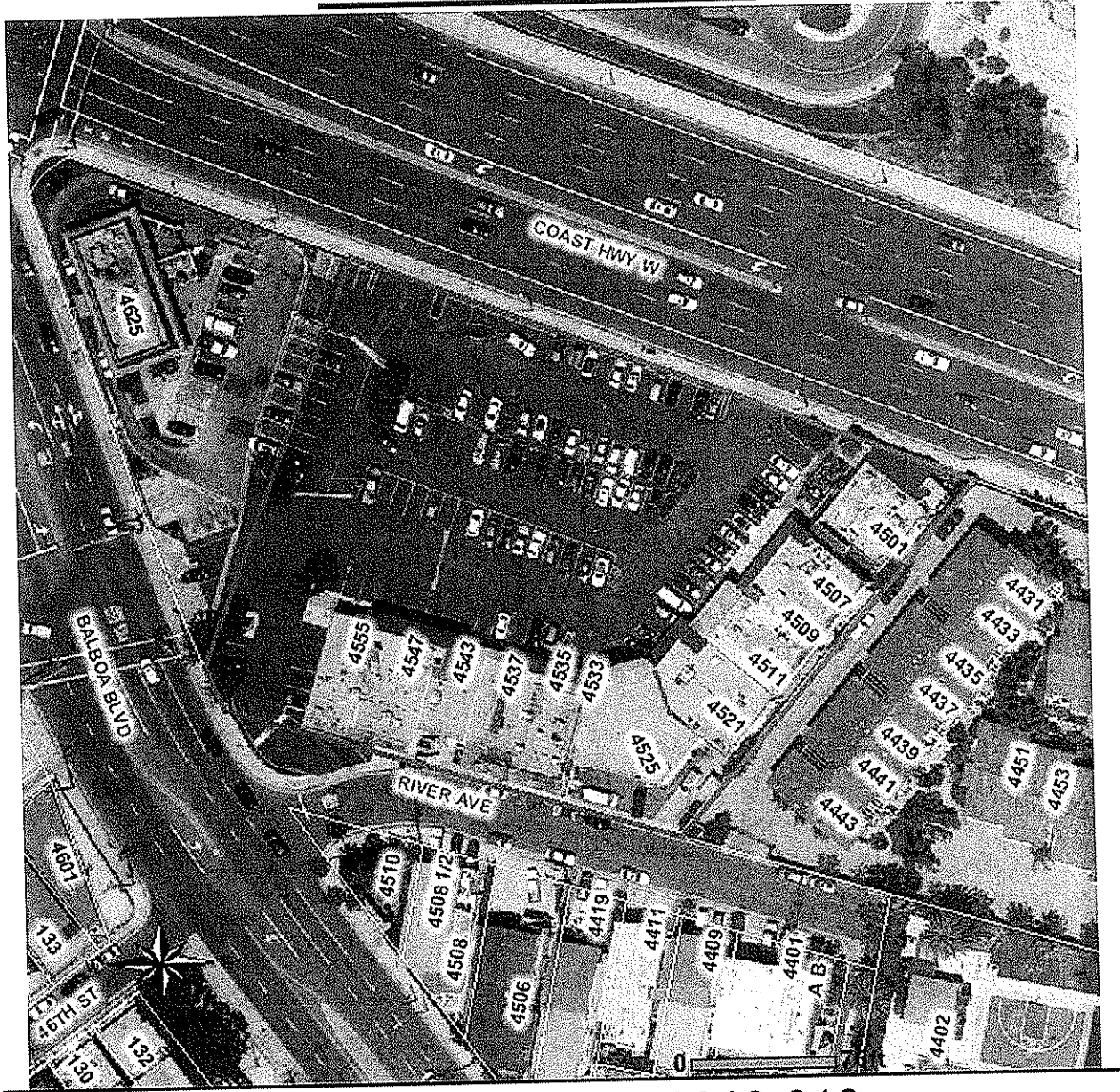
By:   
James W. Campbell, Principal Planner

JC/ems

Attachments: PD 1 Vicinity Map  
PD 2 Applicant's Project Description  
PD 3 Project Plans



## VICINITY MAP



Use Permit No. UP2010-010  
PA2010-056

**4525 B. West Coast Highway**

# TJ Design

5215 River Avenue  
Suite A  
Newport Beach, CA 92663  
(949) 515-3713  
timjdesign@sbcglobal.net

4/16/2010

Ms. Erin Steffen  
Planning Department  
City of Newport Beach  
3300 Newport Blvd.  
Newport Beach, CA

RECEIVED BY  
PLANNING DEPARTMENT  
APR 16 2010  
CITY OF NEWPORT BEACH

Re: Use Permit no. UP2010-010 (PA2010-056)  
4525 B W. Coast Hwy

Ms. Steffen

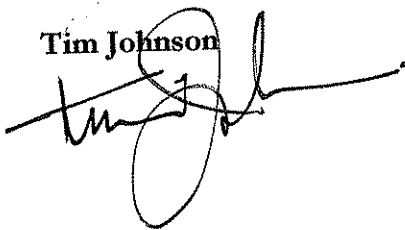
As part of the Use Permit submittal we are including this transmittal indicating the operational aspect of our proposed operation.

Our operation consists of customers entering our store and choosing the yogurt they desire and approaching one of our self-serve machines. Then they continue to the topping they desire and then check out. We have provided 16 seats and a unisex restroom for their use.

We anticipate a high turn-over which is traditional in these kinds of establishments.

If you should have any questions, please call.

Tim Johnson

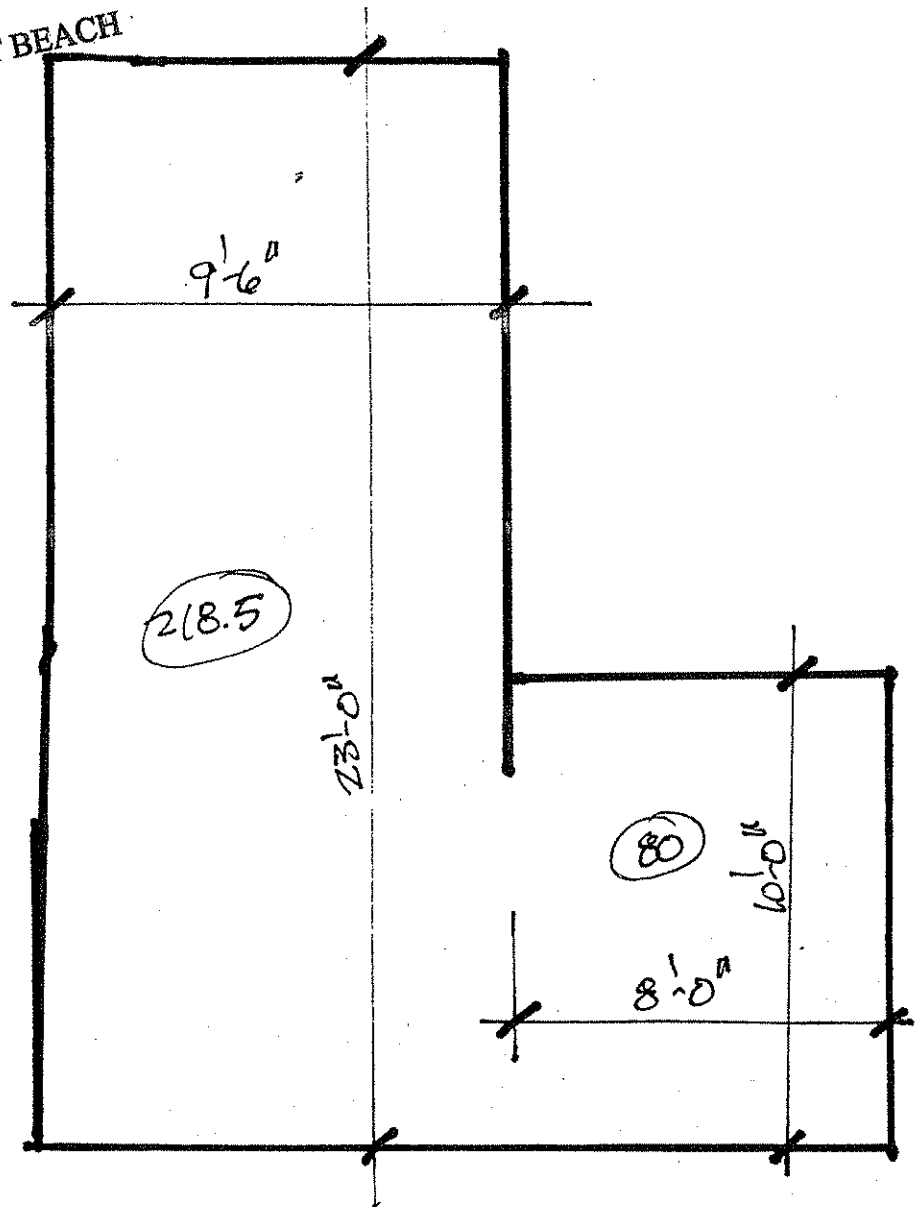


⊗ Gross Floor Area = 1500 sq. ft.  
⊗ Net Public Area = 298.5 sq. ft.

RECEIVED BY  
PLANNING DEPARTMENT

MAY 12 2010

CITY OF NEWPORT BEACH



NET PUBLIC AREA - 2997

SEUNGSEUNG YOUNG

# SPOON DEEP

## Yogurt Slingers

RECEIVED BY  
PLANNING DEPARTMENT  
MAY 12 2010  
CITY OF NEWPORT BEACH

### Health Department Requirements

1. A minimum of 20 foot candles (215LUX) of light measured 30" off floor shall be provided in all food preparation, manufacturing, packaging and processing area where utensils are cleaned.
2. A minimum of 10 foot candles (108LUX) of light measured 30" off floor shall be provided in all food and utensil storage rooms, refrigerated storage, toilet and dressing rooms, utensil cleaning areas (back room area).
3. All areas of the food facility shall be provided with a minimum 20 foot candles of light measured 30" off floor during general cleanup activities.
4. Shatter shields shall be provided for all lights above food preparation, work and storage areas.
5. All sinks and lavatories in the food facility shall be supplied with hot (minimum 120 degree F) and cold water under pressure.
6. All lavatories and hand sinks shall have a combination faucet or premixing faucet capable of supplying warm water for a minimum of 10 seconds.
7. All plumbing, electrical, and gas lines shall be concealed within the building structure to as great extent as possible.
8. An approved backflow preventer shall be properly installed up stream of any potential hazard between the potable water supply and a source of contamination.
9. No grease trap shall be installed for this application.
10. All food related and utensil related equipment shall meet or be equivalent to applicable sanitation standards.
11. Sneeze guards are required for this application.
12. Prior to installation, a sample of ceiling tile is to be submitted to environmental health for approval.
13. Spoon Deep recognizes that they are responsible for maintaining restroom to Department of Environmental Standards.
14. Quarry tile will have a smooth surface.

### Menu

1. Soft serve yogurt from pre-packaged containers dispensed by customers from soft-serve machines
2. Pre-packaged dry and hot toppings
3. Fresh fruit toppings prepared on premises.

### Firer Department notes

1. Fire prevention bureau must inspect the building for final grant of acceptance before the building department is summonsed for the final inspection.
2. Provide address/suite numbers at least 8" high which shall be visible from roadway.
3. Provide a 2A 10BC minimum rated fire extinguishers to be located on each level within 75 feet of travel distance from all areas. Mount fire extinguisher to wall at between 3'-6" and 5'-0" AFF.
4. Inspector may require additional exit signs and fire extinguishers at the time of final inspection.
5. Plans for all fixed fire protection equipment such as standpipes, sprinkler systems and fire alarm systems, must be submitted to the fire department and approved by the fire department before the equipment is installed.

### Code Review

Number of stories one  
Floor Area: 1500sf  
Type of Construction VN  
Occupancy Type Sprinklered no  
Occupant Load Tabulation 244 sf at 15 per = 16  
Maximum of employees any one shift 3  
SEATING PROVIDED 16  
No alcoholic beverages are permitted

NET PUBLIC AREA: 244A

### Codes

2007 CBC, CMC, CEC, CPC

Zone RSC

Occupancy Group B

Parking - spaces provided and required

### Scope of Work

Interior tenant improvement only  
Shell existing  
HVAC system existing  
Lighting system existing  
T-Bar ceiling existing

### Legal Description

Parcel No.2 of PM-207/1-3

**Project Description:** Project to convert 1500 square feet of existing retail space to a full service-small scale eating and drinking establishment. The establishment will be utilized as a self-serve, walk-in frozen yogurt outlet with a net public area of 299 square feet. The property is located in the RSC (Retail Service Commercial) District.

REVISIONS	BY

TJ Design  
5315 River Ave.  
Newport Beach, CA 92663  
(949) 515-3713

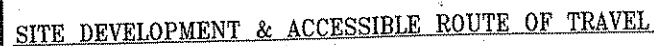
Spoon Deep Yogurt Slingers  
4525 -B Coast Highway  
Newport Beach, CA

DRAWN
CHECKED
DATE
SCALE
JOB NO.
SHEET
T-1
OF SHEETS

**TJ Design**  
5215 River Ave.  
Newport Beach, CA 92663  
(949) 515-3713

DRAWN
CHECKED
DATE
SCALE
JOB NO.
SHEET
A-1
DP
SHEETS

Case	Offense	Offense Code	Offense Description	Offense Date	Offense Location	Offense Status	Offense Outcome	Offense Notes
001	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
002	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
003	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
004	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
005	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
006	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
007	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
008	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
009	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
010	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
011	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
012	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
013	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
014	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
015	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
016	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
017	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
018	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
019	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01
020	Aggravated Assault	18.01	Aggravated Assault	1998-01-15	18.01	18.01	18.01	18.01



- (1) All building entrances that are accessible to and usable by persons with disabilities and at every major junction along or leading to an accessible route of travel shall be identified with a sign displaying the International Symbol of Accessibility, and with additional directional signs, as required, to be visible to persons along approaching pedestrian ways.
- (2) Provide a complying path of travel a minimum of 48" wide from the public sidewalk and accessible parking spaces to the entrance of the building.
- (3) Provide \_\_\_\_\_ accessible parking spaces as required by Table 11B-6 per detail below.
- (4) Each parking space reserved for persons with disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of a profile view of a wheelchair with occupant in white on dark blue background. The sign shall not be smaller than 70 square inches in area and, when in a path of travel, shall be posted at a minimum height of 80" from the bottom of the sign to the parking space finished grade.
- (5) Signs to identify accessible parking spaces may also be centered on a wall at the interior end of the parking space at a minimum height of 36" from the parking space finished grade, ground or sidewalk.
- (6) Van accessible parking spaces shall have an additional sign stating "Van Accessible" mounted below the symbol of accessibility.
- (7) An additional sign shall also be posted, in a conspicuous place, at each entrance to off-street parking facilities, or immediately adjacent to and visible from each stall or space, ground or sidewalk: The sign shall be not less than 17" by 22" in size with lettering not less than 1" in height, which clearly states the following:
  - (8) Slopes exceeding 5% in the direction of travel shall comply with ramp standards.
  - (9) Affix an international accessibility symbol on all accessible entrances.
  - (10) Entrance thresholds shall not exceed 1/2" in height and shall be beveled at 1:2 max. over 1/4" high.
  - (11) Provide a kickplate 10" from the bottom of the entrance door.
  - (12) The maximum effort to open an exterior door shall be 8.5 lbs., an interior door 5.0 lbs.

"Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owners expense. Towed vehicles may be reclaimed by telephoning the Police Dept. (849) 844-3881."

## Site Plan

1"=20'-0"

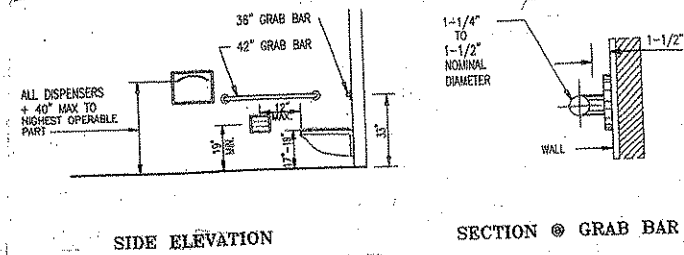
JOB ADDRESS: 4515-B W. PCH



PARKING - TOTAL 106 SPACES

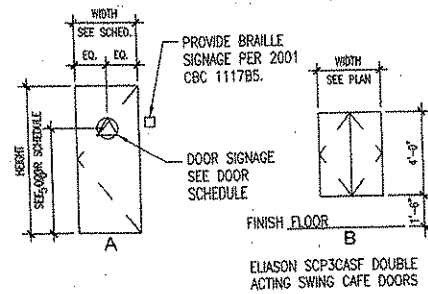
## RESTROOM DISABLED ACCESS NOTES

- Provide a contrasting colored 1/4" thick 12" equilateral triangle, with the vertex pointed upward, on the men's restroom door. Door to women's restroom require a 1/4" thick contrasting color 12" diameter circle. Center the symbol 60" A.F.F. Also, provide signage with raised lettering and Grade 2 Braille symbols on the wall adjacent to the strike edge of the door 60" A.F.F. that identify the restroom. Sign on doorways to unisex sanitary facilities are an equilateral triangle (1/4" thick) mounted on a 12" diameter circle (1/4" thick).
- Controls and flush controls shall be operable with one hand, not requiring tight grasping, twisting of the wrist and maximum of 5 lbs. activate the controls.
- Install the hot water and drain lines under lavatories.
- Install grab bars and restroom fixtures to be located as shown on plan and detailed below.
- All doors to have lever hardware centered at 48"-44".



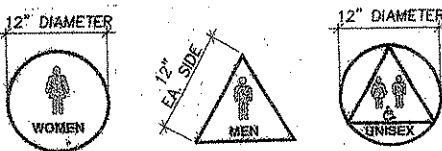
SIDE ELEVATION

SECTION @ GRAB BAR



Existing DOOR TYPE

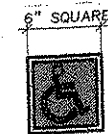
- CONTRACTOR TO VERIFY ALL DIMENSIONS AND, NOTIFY OWNER AND ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
- ALL DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED.



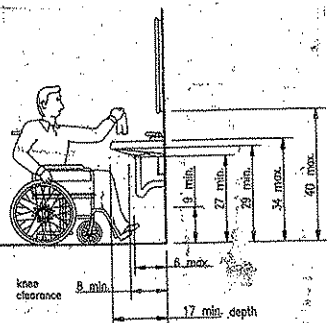
Restroom Door Signage

### NOTES:

- SYMBOLS SHALL BE CENTERED 60" A.F.F.
- THE CHARACTERS AND BACKGROUND SHALL HAVE A MATTE FINISH AND THE COLOR SHALL CONTRAST WITH THE COLOR ON WHICH IT IS MOUNTED.
- WALL MOUNTED SIGNAGE TO BE LOCATED ON THE LATCH SIDE OF THE DOOR CLEAR OF DOOR SWING.
- CHARACTER WIDTH TO HEIGHT RATIO BETWEEN 3:5 AND 1:1 WITH A 1:5 AND 1:10 STROKE WIDTH TO HEIGHT RATIO.
- PICTOGRAMS MUST INCLUDE LETTERING AND A 6" X 6" BACKGROUND.
- AFFIX AN INTERNATIONAL ACCESSIBILITY SYMBOL (WHITE FIGURE ON A BLUE BACKGROUND) ON ACCESSIBLE ENTRANCES TO FACILITIES. BLUE COLOR IS EQUAL TO #15090 IN FEDERAL STANDARDS 595a.



Exterior Entrance Door Signage (Decal)



LAVATORY CLEARANCES

### Finish Schedule

Public Area	
Floor	Sealed Concrete
Base	Slimfoot
Walls	Paint semi-gloss, color by Owner
Ceiling	Washable drop-in tile
Service	
Floor	Sealed Concrete
Floor	Slimfoot
Walls	Paint semi-gloss, color by Owner
Ceiling	Washable drop-in tile

Preparation	
Floor	Sealed Concrete
Base	Slimfoot
Walls	Paint semi-gloss, white
Ceiling	Washable drop-in tile

Dry Storage	
Floor	Sealed Concrete
Base	Slimfoot
Walls	Paint semi-gloss, white
Ceiling	Washable drop-in tile

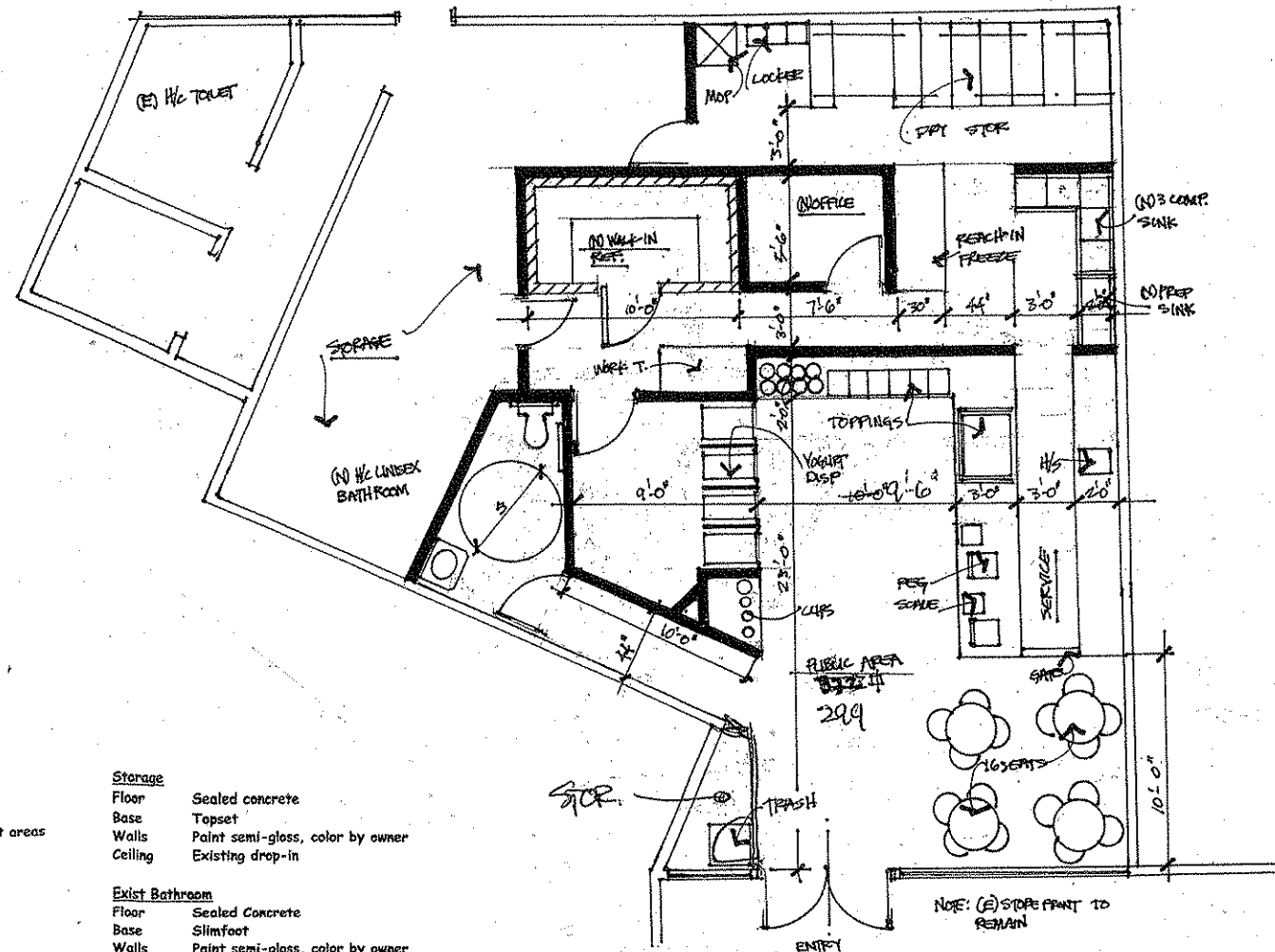
Walk-in	all finishes by supplier
---------	--------------------------

Office/Storage	
Floor	Sealed Concrete
Base	Slimfoot
Walls	Paint semi-gloss, color by owner
Ceiling	Washable drop-in tile

Storage	
Floor	Sealed concrete
Base	Tapset
Walls	Paint semi-gloss, color by owner
Ceiling	Existing drop-in

Exist Bathroom	
Floor	Sealed Concrete
Base	Slimfoot
Walls	Paint semi-gloss, color by owner
Ceiling	Existing dry wall, paint semi-gloss, white

(E) Corridor	
Floor	Sealed Concrete
Base	Tapset
Walls	Paint semi-gloss, white
Ceiling	Existing drop-in



Floor Plan

REVISIONS	BY

**TJ Design**  
5215 River Ave.  
Newport Beach, CA 92663  
(949) 515-3713

**Spoon Deep Yogurt Slingers**  
4525 -B Coast Highway  
Newport Beach, CA

DRAWN	AM
CHECKED	TS
DATE	3/11/10
SCALE	1/8"=1'-0"
JOB NO.	
SHEET	
A-2	



## NOTICE OF PLANNING DIRECTOR ACTION

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

May 14, 2010

Occhio Rosso, LLC  
Attn: Alex Munoz Suarez  
45 East 20th Street, 3rd Floor  
New York, NY 10003

<b>Application No.</b>	<b>Staff Approval No. SA2010-004 (PA2010-058)</b>
<b>Site Address</b>	<b>800 West Coast Highway Pizzeria Mozza</b>

---

On May 14, 2010, the Planning Director approved the above referenced application based on the findings and conditions in the attached action letter.

On behalf of David Lepo, Planning Director

By: JW Campbell  
James W. Campbell, Principal Planner

JWC/jb

**APPEAL PERIOD:** The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

**c:**

*property owner*  
800 Pacific Coast Highway LLC  
800 W Coast Highway  
Newport Beach, CA 92663

*contact*  
Jessica Dobkin  
1319 Abbot Kinney Boulevard  
Venice, CA 90291





## **STAFF APPROVAL ACTION LETTER**

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

**Application:** Staff Approval No. SA2010-004 (PA2010-058)  
Use Permit No. 3542

**Applicant:** Occhio Rosso, LLC - Pizzeria Mozza

**Site Address:** 800 West Coast Highway

**Legal Description:** Lots 24 and 25, Tract No. 1210

On May 14, 2010, the Planning Director determined that proposed alterations and additions to and proposed changes in operational characteristics of an existing eating and drinking establishment are in substantial conformance with Use Permit No. 3542 approved by the City in 1994 and pursuant to the provisions of Section 20.91.055.A, the Planning Director waives the requirement for a new use permit application. Use Permit No. 3542 authorized a change in operational characteristics of an existing restaurant with beer and wine service and allowing the use of tandem parking and valet parking operations. The proposed changes are:

1. The interior and exterior remodel of the existing restaurant building modifying the existing floor plan.
2. A 157 square foot kitchen and service area addition on the northwest side of the existing building.
3. Elimination of an existing enclosed patio dining area to accommodate for the future widening of West Coast Highway.
4. The construction of a 9-foot high retaining wall at the north side of the property to provide additional area for improved on-site parking and vehicle circulation.
5. Construction of a covered trash and recycling storage area.
6. Alteration of the existing vehicular circulation and parking areas, and the maintenance of full valet parking service with Use Permit No. 3542.

This determination is based upon the following findings and conditions of approval.



## Findings

1. *That the proposed location of the use is in accord with the objectives of this code and the purposes of the district in which the site is located.*

The project site is located in the RSC-MM Zoning District, which is intended to provide areas that are predominately retail in character, but allow some service and office uses. Eating and drinking establishments are a retail service use, and are permitted within this designation subject to the approval of a use permit. Use Permit No. 3542 was approved in 1994 to grant a change in operational characteristics of an existing restaurant use with beer and wine service only.

The purpose of the RSC-MM Zoning District is to encourage marine service businesses, visitor-serving facilities, local service retail, encourage a pedestrian orientation of the area, provide public physical and visual access to the bay, preserve and enhance the character of scenic highways and drives and city view parks in the area, and provide safe and convenient vehicular circulation and access to businesses. The overall improvements to the existing restaurant building and site based upon the project plans will provide a high aesthetic enhancement to the site benefiting the area, an area for future expansion of Coast Highway, enhanced on-site vehicular maneuvering and parking areas and an improved restaurant facility consistent with this purpose and consistent with the Mariner's Mile Strategic Vision and Design Framework.

2. *That the proposed location of the use permit and the proposed conditions under which it would be operated or maintained will be 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 project site is consistent with the General Commercial land use designation (CG, 0.3FAR) of the General Plan, which is intended to provide for a wide variety of commercial activities, including restaurants, oriented primarily to serve citywide or regional needs. With the proposed addition of 157 gross square feet, the floor area ratio of the project site would be approximately 0.22 FAR, and would not exceed the allowable 0.3 FAR of the site. The proposed project is also consistent with the purpose of the RSC-MM Zoning District as indicated above.

The proposed alteration of the floor plan and addition of 157 square feet to the existing restaurant building is substantially consistent with the floor plan of the former restaurant with the dining area at the south side of the building, and kitchen and service area at the north side of the building.

The proposed retaining wall in an existing slope area at the north side of the property will provide an increase in area for vehicle maneuvering and parking.

The existing parking lot layout has been reconfigured to meet current commercial parking lot standards for efficient valet operations that were previously authorized by Use Permit No. 3542 approved by the City in 1994.

Use Permit No. 3542 allowed a total of 90 seats based on the parking requirement of 1 parking space for each 3 seats. The reconfiguration of the parking lot will result in the loss of 5 parking stalls (25 total to be provided) to facilitate efficient valet operations despite the additional maneuvering space provided in conjunction with the construction of the retaining wall. Consistent with Use Permit No. 3542, the restaurant will be limited to a maximum of 75 seats based upon the parking ratio and 25 spaces being provided within the altered parking lot layout that has been reviewed and approved by the City Traffic Engineer. The 157 square foot kitchen and service area addition does not increase parking demand based upon the Zoning Code.

Landscaping of the site will be improved to provide a 4-foot wide planter along the street frontage with hedge and palm trees, consistent with the plant species required by the Mariner's Mile Specific Plan District.

The exterior enhancements and design quality based upon the approved plans depict a high quality aesthetic character consistent with Mariner's Mile Strategic Vision and Design Framework.

The proposed use is not a bar or night club, will not provide dancing or live entertainment, provides adequate trash enclosures and a grease interceptor. No change in the hours of operation or alcoholic beverage license type is proposed.

3. *That the proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located.*

Eating and drinking establishments are a permitted use in the RSC-MM Zoning District with an approved use permit. Use Permit No. 3542 was approved in 1994 to grant a change in operational characteristics to allow the use of valet and tandem parking in conjunction with the existing restaurant use with beer and wine service only. Chapter 20.86 provides standards for eating and drinking establishments (standards related to property line walls, landscaping and undergrounding utilities were waived by the Planning Commission when Use Permit No. 3542 was approved) and the use is consistent with these standards as conditioned.

#### Conditions of Approval

The following conditions of approval shall supersede the conditions of approval granted for Use Permit No. 3542 on October 20, 1994.

1. The development shall be in substantial conformance with the approved site plan, floor plan(s) and building elevations dated May 14, 2010. (Except as modified by applicable conditions of approval.)
2. The Use Permit is for the operation of a restaurant and does not authorize the use or operation of a bar, tavern, cocktail lounge, nightclub or commercial recreational entertainment venue. Alcohol service at the restaurant is limited to beer and wine service only and the operator shall maintain a valid license issued by the California Department of Alcoholic Beverage Control. The principal purpose allowed is the sale or service of food and beverages with sale and service of alcoholic beverages being incidental to the service of food.
3. The seating within the subject restaurant (including patio dining) shall be limited to 75 seats.
4. The applicant shall provide a minimum of one (1) on-site parking space for each three (3) seats within the restaurant dining and waiting areas, or a total of 25 parking spaces.
5. The hours of operation for the restaurant facility shall be limited to the hours between 11:00 a.m. and 12:00 midnight, daily. *(1994 condition carried forward)*
6. All signs shall conform to the requirements of Chapter 20.67 of the Newport Beach Municipal Code. *(1994 condition carried forward)*
7. The primary use of the proposed facility shall be the operation of a restaurant which shall provide a menu containing an assortment of food normally offered by such restaurant. Full meal service shall be provided during all hours of operation. The premises shall be furnished with tables and chairs at which food or beverages may be comfortably consumed, and the operator shall supply all necessary cutlery, condiments, and linens with which an eating establishment is customarily equipped.
8. No live entertainment or dancing shall be permitted unless an amendment to this use permit is approved by the Planning Commission. *(1994 condition carried forward)*
9. A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep and 72-inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Director and Public Works Director in conjunction with the approval of an alternate drainage plan.
10. Grease interceptors shall be provided for the restaurant facility in accordance with the provisions of the California Plumbing Code, unless otherwise approved by the Building Department. *(modified 1994 condition carried forward)*

11. Kitchen exhaust fans shall be installed/maintained in accordance with the Uniform Mechanical Code. The issues with regard to the control of smoke and odor shall be directed to the South Coast Air Quality Management District.
12. All mechanical equipment and trash areas shall be screened from surrounding public streets and adjoining properties. *(1994 condition carried forward)*
13. The development standards regarding walls and underground utilities shall be waived. *(modified 1994 condition carried forward)*
14. A landscape planter no less than 4 feet in width shall be created, planted and maintained in accordance with the Mariner's Mile Specific Plan District and conceptual site plan.
15. Prior to the issuance of a building permits, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Department and the General Services Department. 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. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor. Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.
16. All landscape materials and landscaped areas shall be installed and 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.
17. No outdoor loudspeaker, paging system, or exterior music shall be permitted in conjunction with the proposed operation of the restaurant facility. *(modified 1994 condition carried forward)*
18. All employees shall park their vehicles on-site. *(1994 condition carried forward)*
19. The lighting in the parking area and restaurant facility shall be shielded in such a manner so as to eliminate light and glare spillage on adjacent uses and West Coast Highway. *(1994 condition carried forward)*
20. All improvements shall be constructed as required by Ordinance and the Public Works Department. *(1994 condition carried forward)*

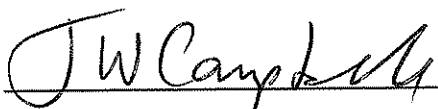
21. All on-site valet parking, vehicular circulation and pedestrian circulation systems shall be subject to further review and approval by the City Traffic Engineer. The valet parking service shall be utilized during all hours that the restaurant facility is open to the public. *(1994 condition carried forward)*
22. 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 California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
23. Any change in operational characteristics, hours of operation, 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.
24. This Use Permit may be modified or revoked by the City Council or the 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.
25. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
26. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Planning Director, and may require an amendment to this use permit.
27. Outdoor storage shall be prohibited with the exception of trash or recycling within the required trash container enclosure.
28. Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge, including minimum drink orders or sale of drinks is prohibited.
29. All doors and windows of the entire facility shall remain closed at all times except for the ingress and egress of patrons and employees.
30. All entrances and exits to the building shall remain free of obstructions and available for ingress and egress at all times.

31. The operator shall not allow occupancy of the building to exceed the occupancy limits established by the Building or Fire Department.
32. The use of private (enclosed) "VIP" rooms or any other temporary or permanent enclosures separate from public areas are prohibited.
33. Live entertainment and dancing shall be prohibited as a part of the regular operation, unless an amendment to this use permit or other required application is first approved in accordance with the provisions of the Municipal Code.
34. *To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Pizzeria Mozza including, but not limited to, the Staff Approval SA2010-005. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.*

### **APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of David Lepo, Planning Director

By: \_\_\_\_\_

James Campbell, Principal Planner

Attachments: PD 1 Vicinity Map  
PD 2 Site Plan, Floor (Seating) Plan and Elevations  
PD 3 Use Permit No. 3542

## VICINITY MAP



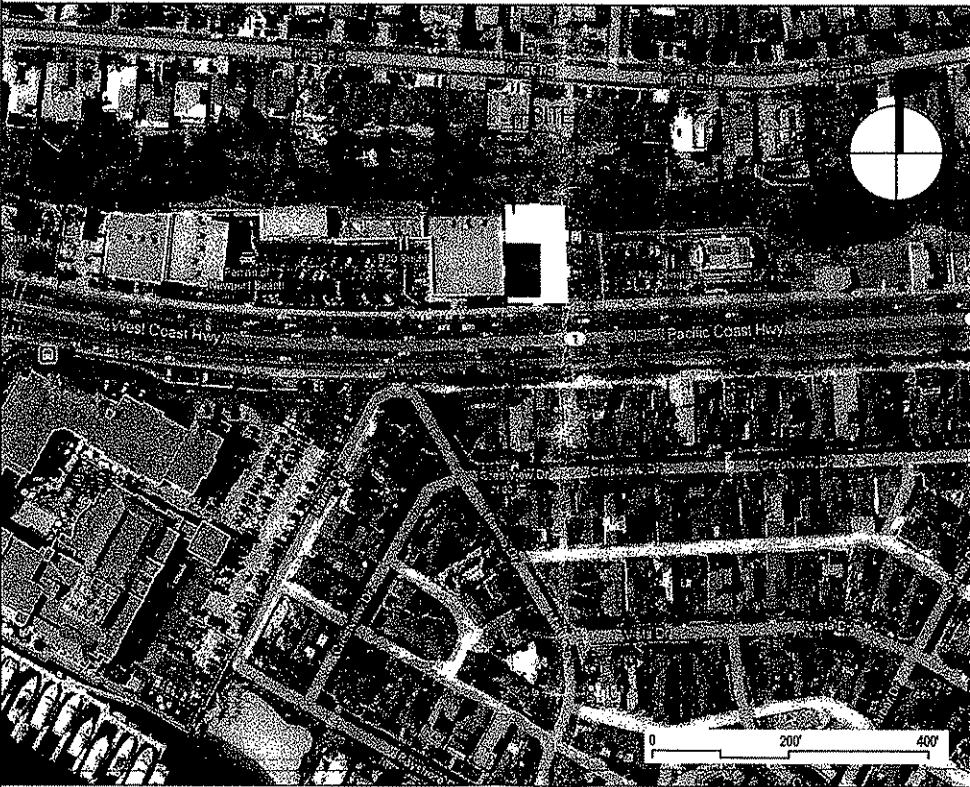
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Staff Approval No. SA2010-004

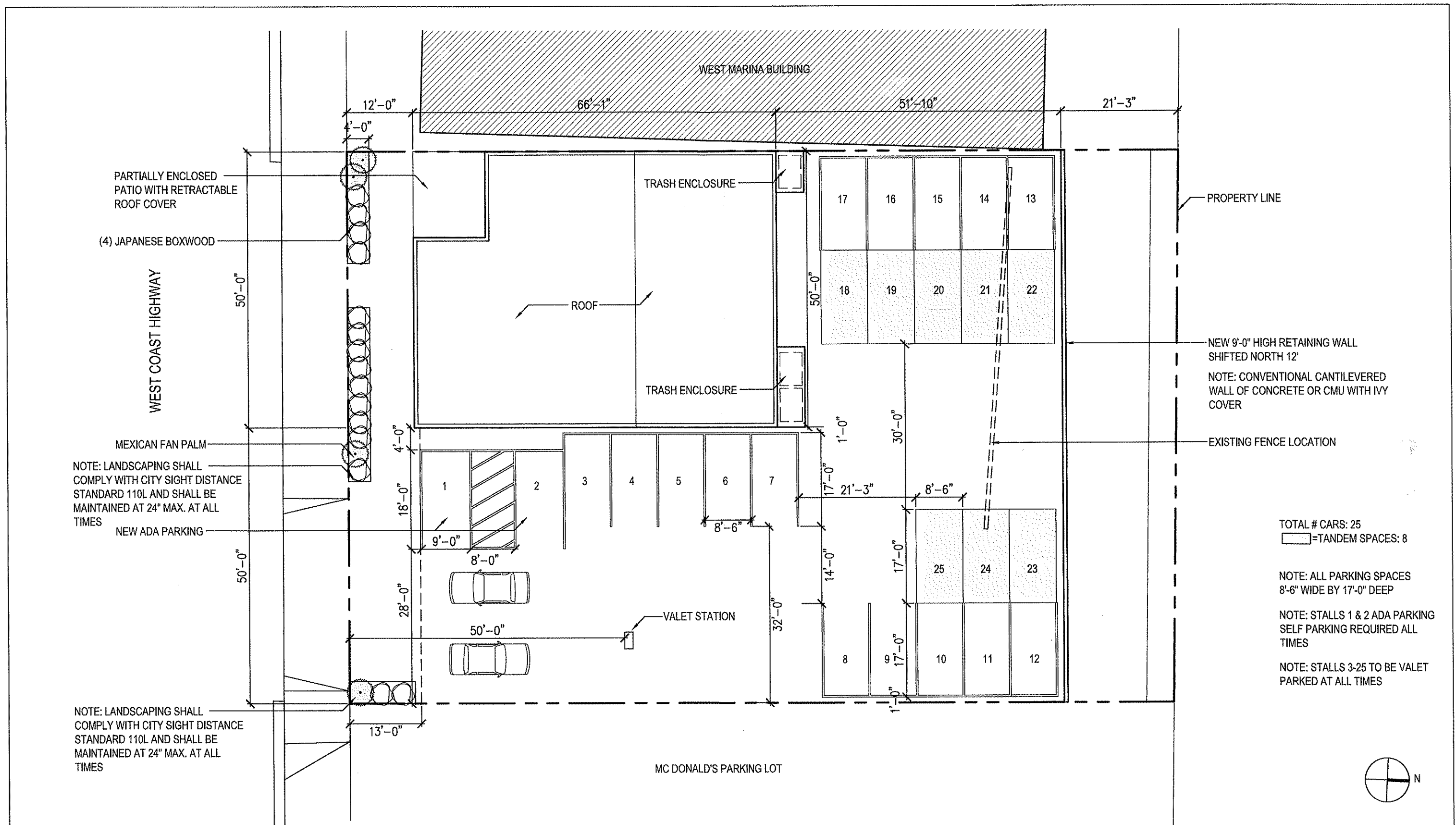
PA2010-058

**800 West Coast Highway**

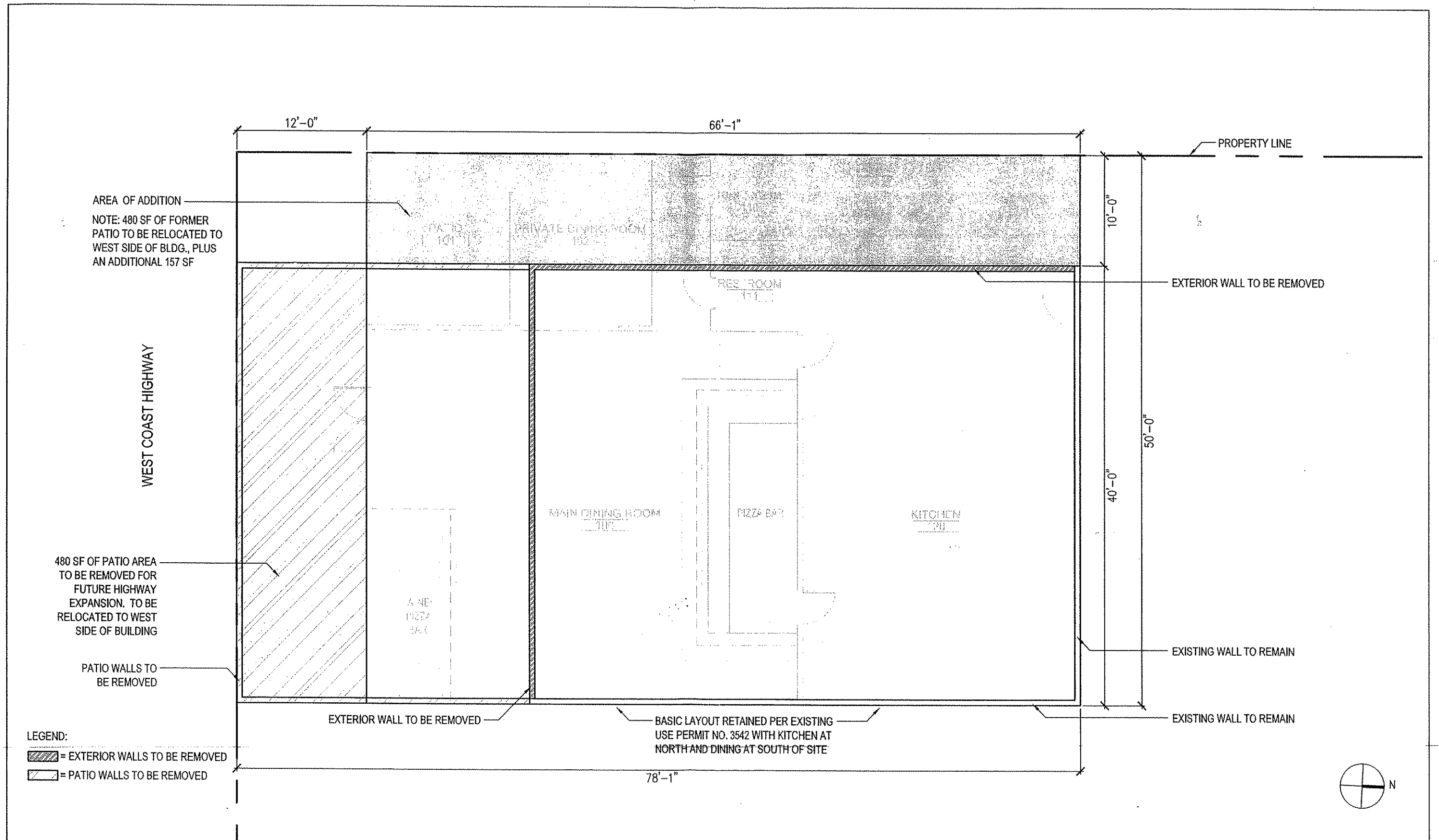


PROJECT INFORMATION				PROJECT DESCRIPTION		SHEET INDEX																									
<div><div>CLIENT:</div><div>B&amp;B HOSPITALITY GROUP</div><div>ADDRESS:</div><div>800 WEST COAST HIGHWAY NEWPORT BEACH, CALIFORNIA</div><div>BUILDING OWNER:</div><div>800 PACIFIC COAST HIGHWAY, LLC SEAN MANAVI</div><div>BUILDING JURISDICTION:</div><div>CITY OF NEWPORT BEACH</div><div>BUILDING USE:</div><div>RESTAURANT WITH ON-SALE BEER AND WINE</div><div>LOT NO.:</div><div>24 &amp; 25</div><div>PARCEL NO.:</div><div>35, 36</div><div>TRACT NO.:</div><div>1210</div><div>ZONING:</div><div>RSC-MM</div><div>PARCEL SIZE:</div><div>15,041 SF</div><div>FLOOR AREA RATIO [FAR]:</div><div>0.3</div><div>PARKING:</div><div>EXISTING</div><div>RENOVATED</div><div>SPACES:</div><div>30</div><div>30</div><div>NO. SEATS:</div><div>90</div><div>90</div><div>NO. STORIES:</div><div>1</div><div>1</div><div>TOTAL SF:</div><div>3,145</div><div>3,302</div></div>				<div>RENOVATION OF AN EXISTING 1-STORY RESTAURANT. FRONT 12'-0" OF THE EXISTING BUILDING (ALONG WEST COAST HIGHWAY) REMOVED FOR FUTURE STREET WIDENING ROW. FLOOR AREA LOST DUE TO THE 12'-0" STREET DEDICATION PLUS ADDITIONAL 157 SQ. FT. ADDED TO THE WEST SIDE OF THE EXISTING BUILDING. EXISTING FENCE AT THE NORTH SIDE OF THE PARKING REPLACED BY A RETAINING WALL LOCATED APPROXIMATELY 12'-0" NORTH FROM THE EXISTING FENCE TO IMPROVE THE ON-SITE PARKING AND THE HILL STABILITY.</div> <div>VICINITY MAP</div> <div></div>		<table><thead><tr><th>REF. #</th><th>NAME</th><th>SCALE</th></tr></thead><tbody><tr><td colspan="3">ARCHITECTURAL DRAWINGS</td></tr><tr><td colspan="3">GENERAL SHEETS</td></tr><tr><td>A0_001</td><td>PROJECT INFO. &amp; SHEET INDEX</td><td>NTS</td></tr><tr><td colspan="3">SITE PLANS</td></tr><tr><td>A1_101</td><td>RENOVATED SITE PLAN</td><td>1/16" = 1'-0"</td></tr><tr><td colspan="3">BUILDING PLANS</td></tr><tr><td>A2_101</td><td>RENOVATED FLOOR PLAN</td><td>1/8" = 1'-0"</td></tr></tbody></table> <div><div>A1-100</div><div>Demo Plan</div><div>A4-101</div><div>Exterior Elevations</div><div>A4-200</div><div>Concept Design Rendering</div></div>		REF. #	NAME	SCALE	ARCHITECTURAL DRAWINGS			GENERAL SHEETS			A0_001	PROJECT INFO. & SHEET INDEX	NTS	SITE PLANS			A1_101	RENOVATED SITE PLAN	1/16" = 1'-0"	BUILDING PLANS			A2_101	RENOVATED FLOOR PLAN	1/8" = 1'-0"
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A2_101	RENOVATED FLOOR PLAN	1/8" = 1'-0"																													
<table><thead><tr><th>MM/DD/YY</th><th>ISSUE/REV</th><th>MM/DD/YY</th><th>ISSUE/REV</th></tr></thead><tbody><tr><td>03/31/10</td><td>PLANNING DEPARTMENT</td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr></tbody></table> <div><div><div>Aedas</div><div>Aedas LA LLP 1319 Abbot Kinney Blvd. Los Angeles, CA 90291 USA</div><div>T +1 310 314 5200 F +1 310 314 5223 E losangeles@aedas.com aedas.com</div></div><div><div>PROJECT:</div><div>PIZZERIA MOZZA Newport Beach, California</div><div>PROJECT NO:</div><div>01002</div></div><div><div>PROJECT INFO. AND SHEET INDEX</div><div>SCALE: N.T.S.    DATE: 03.31.2010</div></div><div><div>DRAWING NO:</div><div>A0_001</div></div></div> <div><div>PA2010-058 for SA2010-004 800 West Coast Highway Occhio Rosso, LLC</div><div>5-14-10</div></div>				MM/DD/YY	ISSUE/REV	MM/DD/YY	ISSUE/REV	03/31/10	PLANNING DEPARTMENT																						
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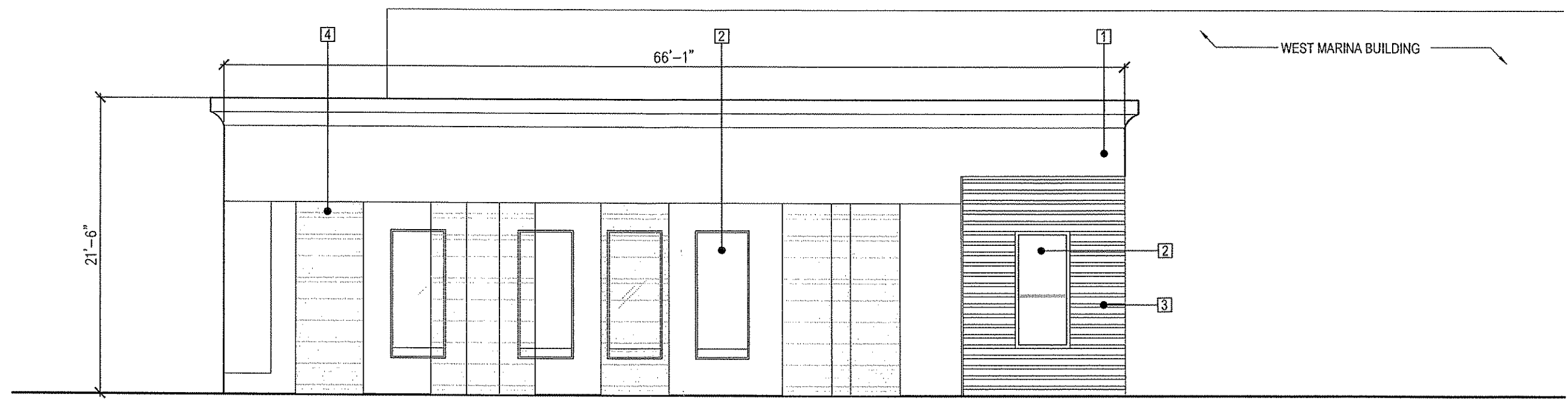






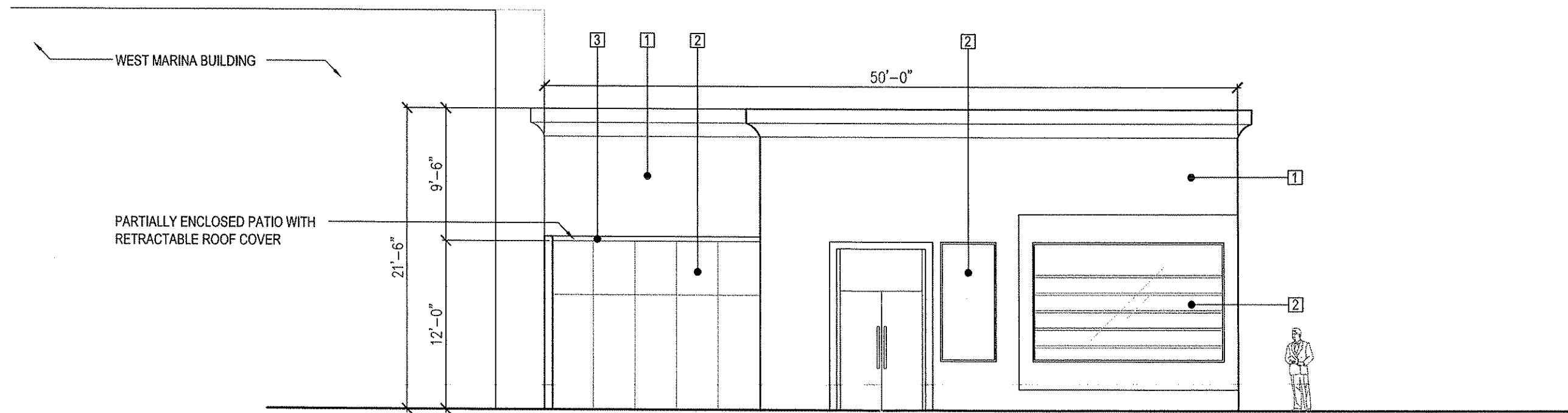
MM/DD/YY	ISSUE/REV	MM/DD/YY	ISSUE/REV					DRAWING NO:
03/31/10	PLANNING DEPARTMENT			<b>Aedas</b> <small>Aedas LA LLP            1319 Abbot Kinney Blvd.            Los Angeles, CA 90291            USA            T +1 310 314 6200            F +1 310 314 5223            E losangeles@aedas.com            aedas.com</small>		<b>PIZZERIA MOZZA</b> Newport Beach, California PROJECT NO: 01002		<b>DEMOLITION PLAN</b> SCALE: 1/8"=1'-0"    DATE: 04.19.2010
04/15/10	PLANNING DEPARTMENT R1							
04/19/10	PLANNING DEPARTMENT R2							
								<b>A1_100</b>

- 1 EXTERIOR STUCCO
- 2 INSULATED GLASS
- 3 WOOD TRELLIS
- 4 WOOD SCREEN



## 02 EAST ELEVATION

1/8" = 1'-0"



## 01 SOUTH ELEVATION

1/8" = 1'-0"

MM/DD/YY	ISSUE/REV	MM/DD/YY	ISSUE/REV
04/23/10	PLANNING DEPARTMENT		

**Aedas**

Aedas LA LLP  
1319 Abbot Kinney Blvd.  
Los Angeles, CA 90291  
USA



T: +1 310 314 5200  
F: +1 310 314 5223  
E: losangeles@aedas.com  
aedas.com

PROJECT:  
**PIZZERIA MOZZA**  
Newport Beach, California

PROJECT NO: 01002

## SOUTH AND EAST EXTERIOR ELEVATIONS

SCALE: 1/8"=1'-0" DATE: 04.23.2010

DRAWING NO:

**A4\_101**



MM/DD/YY	ISSUE/REV	MM/DD/YY	ISSUE/REV
04/23/10	PLANNING DEPARTMENT		

**Aedas**

Aedas LA LLP  
1319 Abbot Kinney Blvd.  
Los Angeles, CA 90291  
USA



T +1 310 314 5200  
F +1 310 314 5223  
E losangeles@aedas.com  
aedas.com

PROJECT:  
**PIZZERIA MOZZA**  
Newport Beach, California

PROJECT NO: 01002

CONCEPT DESIGN RENDERING

SCALE:

DATE: 04.23.2010

DRAWING NO:  
**A4\_200**

## CITY OF NEWPORT BEACH

October 20, 1994

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INDEX

the Public Works Department, prior to the issuance of a building permit.

3. That the applicant shall obtain a building permit for the proposed sign from the Building Department.
4. That the proposed temporary sign shall be removed in conjunction with the development of the subject, vacant property.

\* \* \*

Use Permit No. 3542 (Public Hearing)Item No.2

Request to change the operational characteristics of an existing restaurant with on-sale beer and wine, on property located in the RSC-H District, so as to allow the use of valet and tandem parking in conjunction with the existing restaurant use.

UP3542Approved

LOCATION: Lots 24 and 25, Tract No. 1210, located at 800 West Coast Highway, on the northerly side of West Coast Highway, across from Bayshores.

ZONE: RSC-H

APPLICANT: Dolce Risterante, Newport Beach

OWNER: B. Manovi, Newport Beach

Commissioner Adams requested a clarification of Condition No. 12, Exhibit "A", recommending that development standards pertaining to walls, a portion of the landscaping, and underground utilities be waived. William Laycock, Current Planning Manager, explained that development standards for restaurants require 6 foot high walls to be constructed along all interior lot lines, and reduced to 3 feet in height adjacent to a street. Staff opined that the adjoining commercial properties would not be affected and the



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requirement would not be necessary. The standard requires that at least 10 percent of the total site area shall be devoted to landscaping; however, the existing restaurant site does not meet the 10 percent requirement, but has ample landscaping. The Planning Commission generally waives the undergrounding requirement on existing development.

Commissioner Ridgeway requested a clarification of Condition No. 6, Exhibit "A", stating *That the primary use of the proposed facility shall be the operation of a restaurant, which shall provide a menu containing an assortment of food normally offered by such restaurant. Food service from the full menu shall be available until one hour prior to closing time of each day of operation. The premises shall be furnished with tables and chairs at which food may be comfortably consumed, and with all cutlery, condiments, and linen with which an eating establishment is customarily equipped.* James Hewicker, Planning Director, explained that the Police Department requests this type of a condition so as to be assured that the premises would be operated as a bona-fide restaurant. Commissioner Ridgeway concurred with the second sentence of the condition; however, he recommended that the first sentence be modified to state *That the primary use of the proposed facility shall be the operation of a restaurant*, and that sentence 3 be deleted on the basis that it is a far-reaching condition.

In response to a question posed by Commissioner Adams, Robin Clauson, Assistant City Manager, replied that the proposed, amended definition for the term "restaurant" will not affect the existing restaurants in the City.

Commissioner Edwards suggested that Condition No. 6 be amended to state *That the primary use of the proposed facility shall be the operation of a restaurant, and shall be furnished in accordance with an eating establishment. Food service from the full menu shall be available until one hour prior to closing time of each day of operation.* Commissioner Ridgeway supported the amended condition.

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Commissioner Pomeroy and Commissioner Edwards discussed the intent to keep *full menu* in Condition No. 6 so as to comply with the Police Department's concerns that the establishment operate consistently as a restaurant.

The public hearing was opened in connection with this item, and in response to questions posed by Commissioner Adams regarding valet parking, Mr. David Axe, applicant, appeared before the Planning Commission. Mr. Axe stated that the parking valets were included in the proposed six employees, and they would not oppose an added condition indicating that complimentary parking would be provided to the restaurant's patrons. In response to a question posed by Chairman Glover, Mr. Axe concurred with the findings and conditions in Exhibit "A".

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

Motion was made and voted on to approve Use Permit No. 3542 subject to the findings and conditions in Exhibit "A", and to amend Condition No. 6 as previously stated. Commissioner Adams requested that Condition No. 21 be added indicating that complimentary valet parking be provided to the restaurant's patrons. MOTION CARRIED.

Findings:

1. That the proposed application is consistent with the Land Use Element of the General Plan and is compatible with surrounding land uses.
2. That adequate parking will be available for the proposed use.
3. That the proposed development will not have any significant environmental impact.

Motion  
Ayes  
Absent

\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*



## CITY OF NEWPORT BEACH

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4. 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.
5. That the waiver of the development standards regarding walls, a portion of the landscaping and underground utilities will not be detrimental due to the existing developed nature of the property.
6. That public improvements may be required of a developer per Section 20.80.060 of the Municipal Code.
7. That the approval of Use Permit No. 3542 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 site plan and floor plan, except as noted below.
2. That the seating within the subject restaurant (including the patio dining) shall be limited to 90 seats.
3. That the applicant shall provide a minimum of one on-site parking space for each 3 seats (30 parking spaces) within the restaurant dining and waiting areas.
4. That the hours of operation for the restaurant facility shall be limited to the hours between 11:00 a.m. and 12:00 midnight, daily.

## CITY OF NEWPORT BEACH

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5. That all signs shall conform to the requirements of Chapter 20.06 of the Municipal Code.
6. That the primary use of the proposed facility shall be the operation of a restaurant, and shall be furnished in accordance with an eating establishment. Food service from the full menu shall be available until one hour prior to closing time of each day of operation.
7. That no live entertainment or dancing shall be permitted unless an amendment to this use permit is approved by the Planning Commission.
8. 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.
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.
10. That kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department.
11. That all mechanical equipment and trash areas shall be screened from surrounding public streets and adjoining properties.
12. That the development standards regarding walls, a portion of the landscaping, and underground utilities shall be waived.
13. That no outdoor loudspeaker or paging system shall be permitted in conjunction with the proposed operation.

## CITY OF NEWPORT BEACH

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14. That all employees shall park their vehicles on-site.
15. That the lighting in the parking area and restaurant facility shall be shielded in such a manner so as to eliminate light and glare spillage on adjacent uses and West Coast Highway.
16. That the required number of handicapped parking spaces shall be designed within the on-site parking area and shall be solely for handicapped self-parking. One handicapped sign or a post and one handicapped sign on the pavement shall be required for each handicapped space.
17. That all improvements be constructed as required by Ordinance and the Public Works Department.
18. That the on-site valet parking, vehicular circulation and pedestrian circulation systems shall be subject to further review and approval by the City Traffic Engineer. The valet parking service shall be utilized during all hours that the restaurant facility is open to the public.
19. That the Planning Commission may add or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
20. 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.
21. That complimentary valet parking shall be provided to patrons of the restaurant.

\* \* \*



## NOTICE OF PLANNING DIRECTOR ACTION

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

May 14, 2010

James Ulcickas  
630 Lido Park Drive  
Newport Beach, CA 92663

**Application No.**      **Staff Approval No. SA2010-005**  
                                  **(PA2010-060)**

**Site Address**            **630 Lido Park Drive**

---

On May 14, 2010, the Planning Director approved the above referenced application based on the findings and conditions in the attached action letter.

On behalf of David Lepo, Planning Director

By:   
Chris Savan, Planning Technician

JSG/cms

**APPEAL PERIOD:** The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

**c:**  
*property owner*  
Bluewater Marina and Plaza  
Attn: Francis Ursini  
632 Lido Park Drive  
Newport Beach, CA 92663

*contact*  
Planet Design  
Attn: Alexander Zabrodsky  
2435 E. Coast Highway Suite 7  
Corona Del Mar, CA 92625



## **STAFF APPROVAL ACTION LETTER**

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

**Application No.**                      **Staff Approval No. SA2010-005 (PA2010-060)**

**Applicant**                              **James Ulcickas**

**Site Address**                        **630 Lido Park Drive**

**Legal Description**                **TR 815 LOT 11 ALL -EX WATERWAY-(AND ALL -EX  
WATERWAY- LOTS 12 & 14 TO17 INC**

On **May 14, 2010**, the Planning Director approved the following: A request for an open trellis to be found in substantial conformance with Accessory Outdoor Dining Permit No. 47. The trellis would be 10 feet in height and will cover a 580-square-foot area above an existing outdoor dining area. The property is located in the PC-6 (Lido Peninsula - UP 1390, UP 1638) District. The approval is based on the following findings and subject to the following conditions:

### **FINDING**

The Planning Director waives the requirement for a new application for a use permit and outdoor dining permit tied to the use permit because the changes to the project are minor, do not involve substantial alterations or additions to the plan or the conditions of approval, and are consistent with the intent of the original approval.

Fact in support of finding:

- Condition 13 of Outdoor Dining Permit No. OD47 limits coverings within the outdoor dining area to umbrellas for sunshade purposes and prohibits "the use of solid, permanent roof coverings or patio coverings." The proposed trellis above the outdoor dining area is a partial shade structure that is greater than 50 percent open. The trellis is open in nature and does not constitute substantial alteration to the approved plan and is consistent with the intent of the original approval. Umbrellas or the use of fabric for shade purposes are not considered solid coverings and may be used for sunshade purposes as noted in Condition 13.

### **CONDITIONS**

1. The trellis shall remain at least 50 percent open above the outdoor dining area.

3. 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.
4. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the trellis structure located at the Bluewater Grill Restaurant including, but not limited to, the Staff Approval No. SA2010-005 (PA2010-060). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

#### **APPEAL PERIOD**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$3,070.00 filing fee shall accompany any appeal filed. For additional information on filing an appeal, contact the Planning Department at 949 644-3200.

On behalf of David Lepo, Planning Director

By:   
Chris Savan, Planning Technician

JSG/cms

Attachments: PD 1 Vicinity Map  
PD 2 Project Plans  
PD 3 Photos

# VICINITY MAP



Staff Approval No. SA2010-005  
PA2010-060

**630 Lido Park Drive**



OWNED BY  
JAMES M. ULCICKAS  
RICHARD THORTON

**BLUEWATER GRILL**  
SEAFOOD RESTAURANT ON NEWPORT BAY  
**BAYSIDE PATIO TRELLIS AWNING ON THE RHINE**  
630 LIDO PARK DR IN LIDO PENINSULA  
NEWPORT BEACH, CALIFORNIA 92663

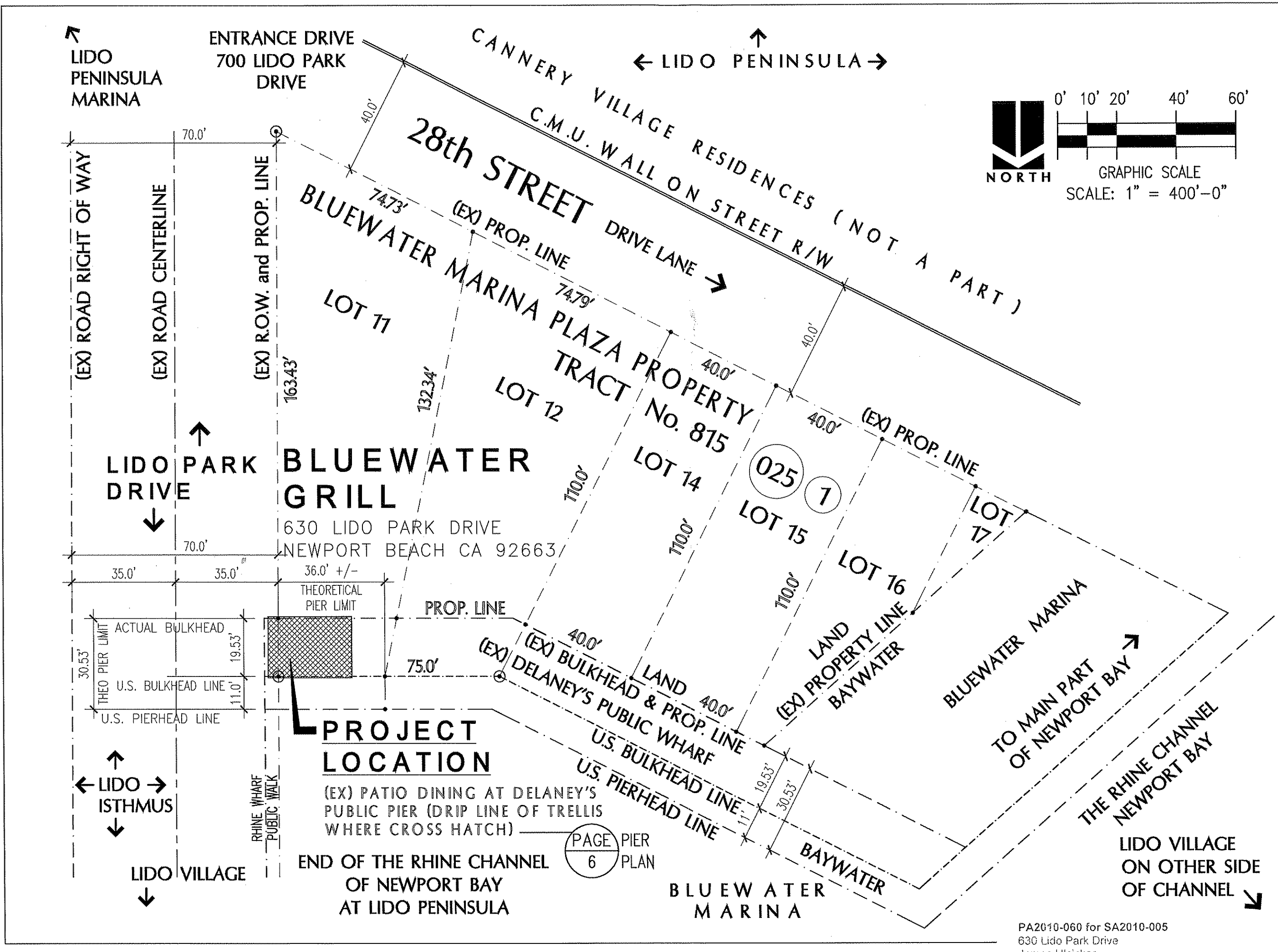
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CORONA del MAR CA 92625  
TEL: (949) 721-5500  
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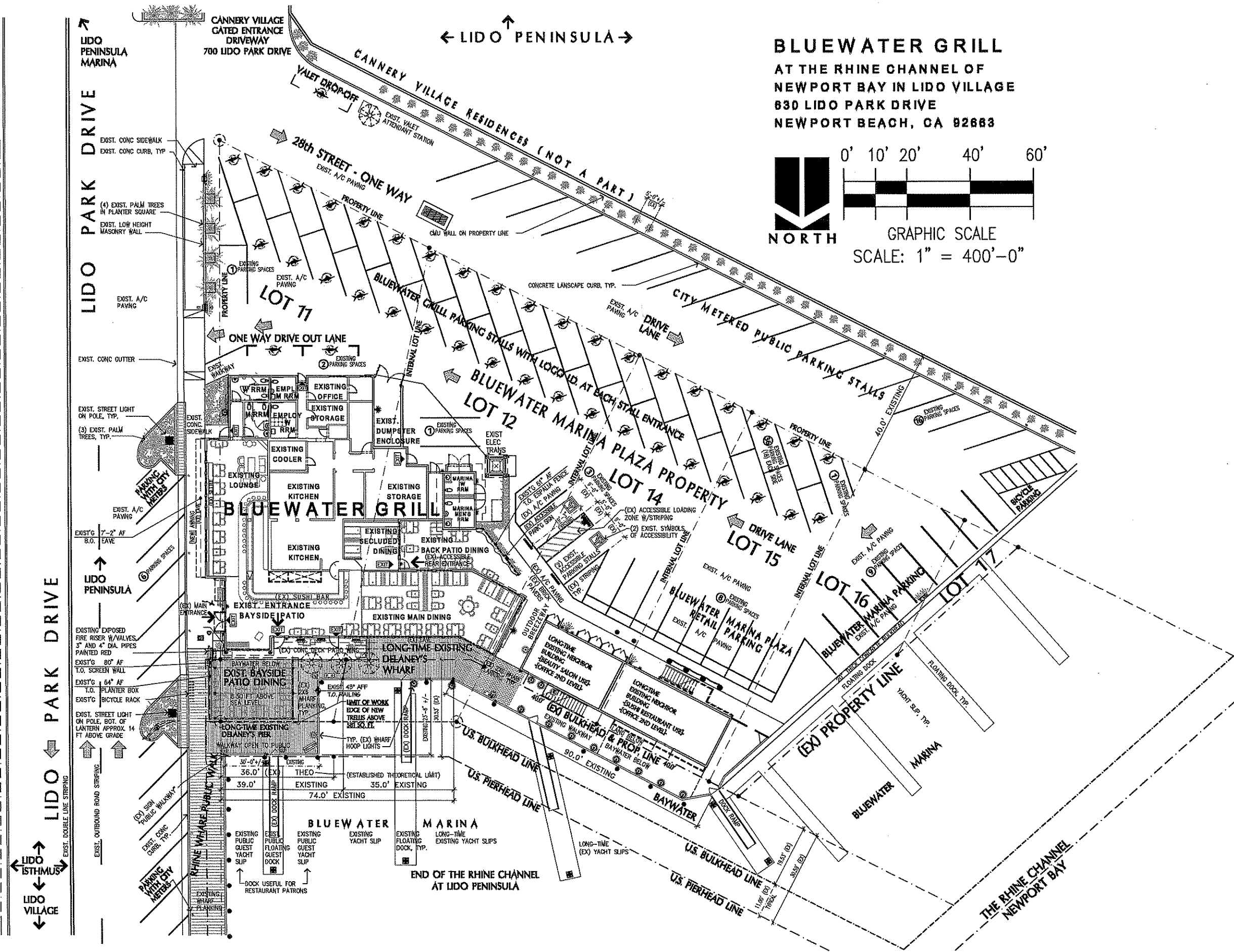
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BLDG PLAN CHECK 1566-2009  
JOB No. BW801

TITLE	DATE
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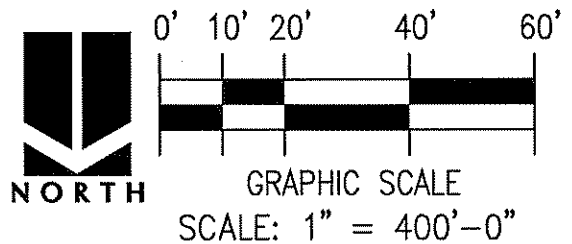
SHEET	TITLE
OVERALL PROPERTY PLAZA PLAN	







**BLUEWATER GRILL**  
AT THE RHINE CHANNEL OF  
NEWPORT BAY IN LIDO VILLAGE  
630 LIDO PARK DRIVE  
NEWPORT BEACH, CA 92663



APPLICANT

OWNED BY  
JAMES M. ULICKAS  
RICHARD THORTON

**BLUEWATER GRILL**  
SEAFOOD RESTAURANT ON NEWPORT BAY  
BAYSIDE PATIO TRELLIS AWNING ON THE RHINE  
630 LIDO PARK DR IN LIDO PENINSULA  
NEWPORT BEACH, CALIFORNIA 92663

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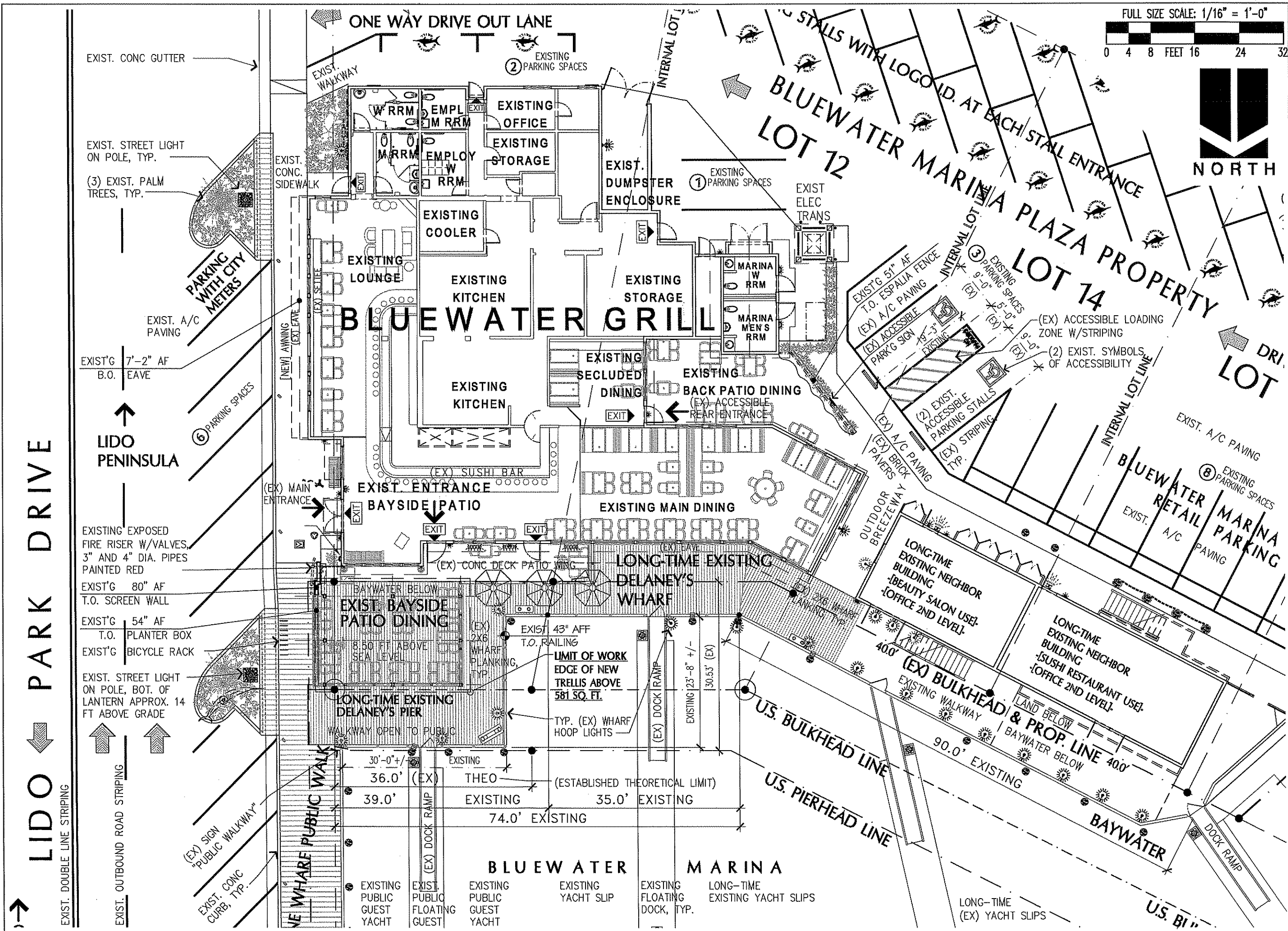
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TITLE	DATE
PLANNING ACTIVITY SUBMITTAL FOR STAFF REVIEW	3-31-2010
SHEET TITLE	

OVERALL  
MARINA PLAZA  
PROPERTY PLAN

SHEET



APPLICANT

OWNED BY  
JAMES M. ULICKAS  
RICHARD THORTON

BLUEWATER GRILL

SEAFOOD RESTAURANT ON NEWPORT BAY  
BAYSIDE PATIO TRELLIS AWNING ON THE RHINE  
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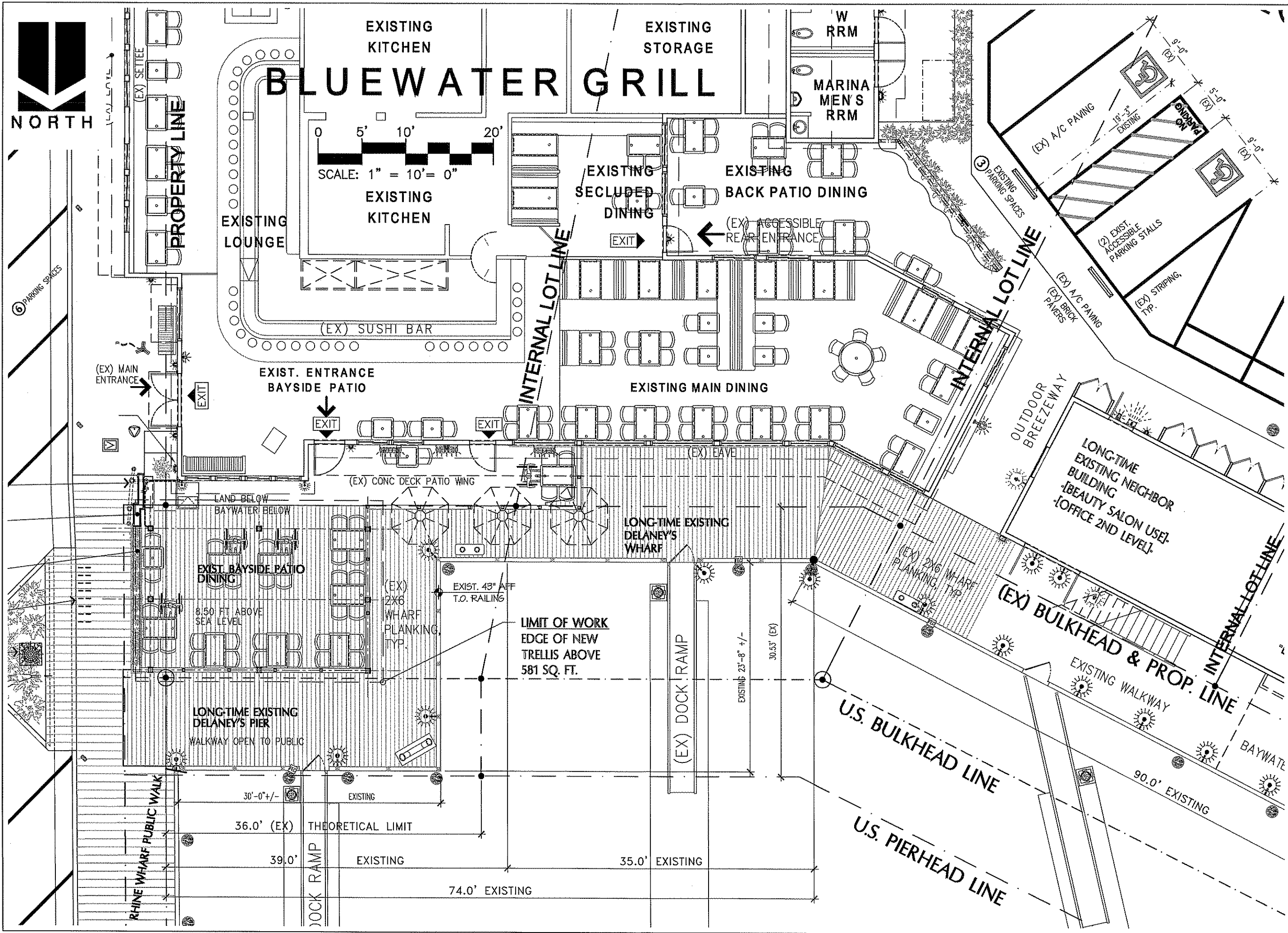
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JOB No. BW 801

TITLE	DATE
PLANNING ACTIVITY SUBMITTAL FOR STAFF REVIEW	3-31-2010
SHEET TITLE	
RESTAURANT SITE PLAN	
SHEET	

3 OF 11





OWNED BY  
JAMES M. ULICKAS  
RICHARD THORTON

**BLUEWATER GRILL**  
SEAFOOD RESTAURANT ON NEWPORT BAY  
BAYSIDE PATIO TRELLIS AWNING ON THE RHINE  
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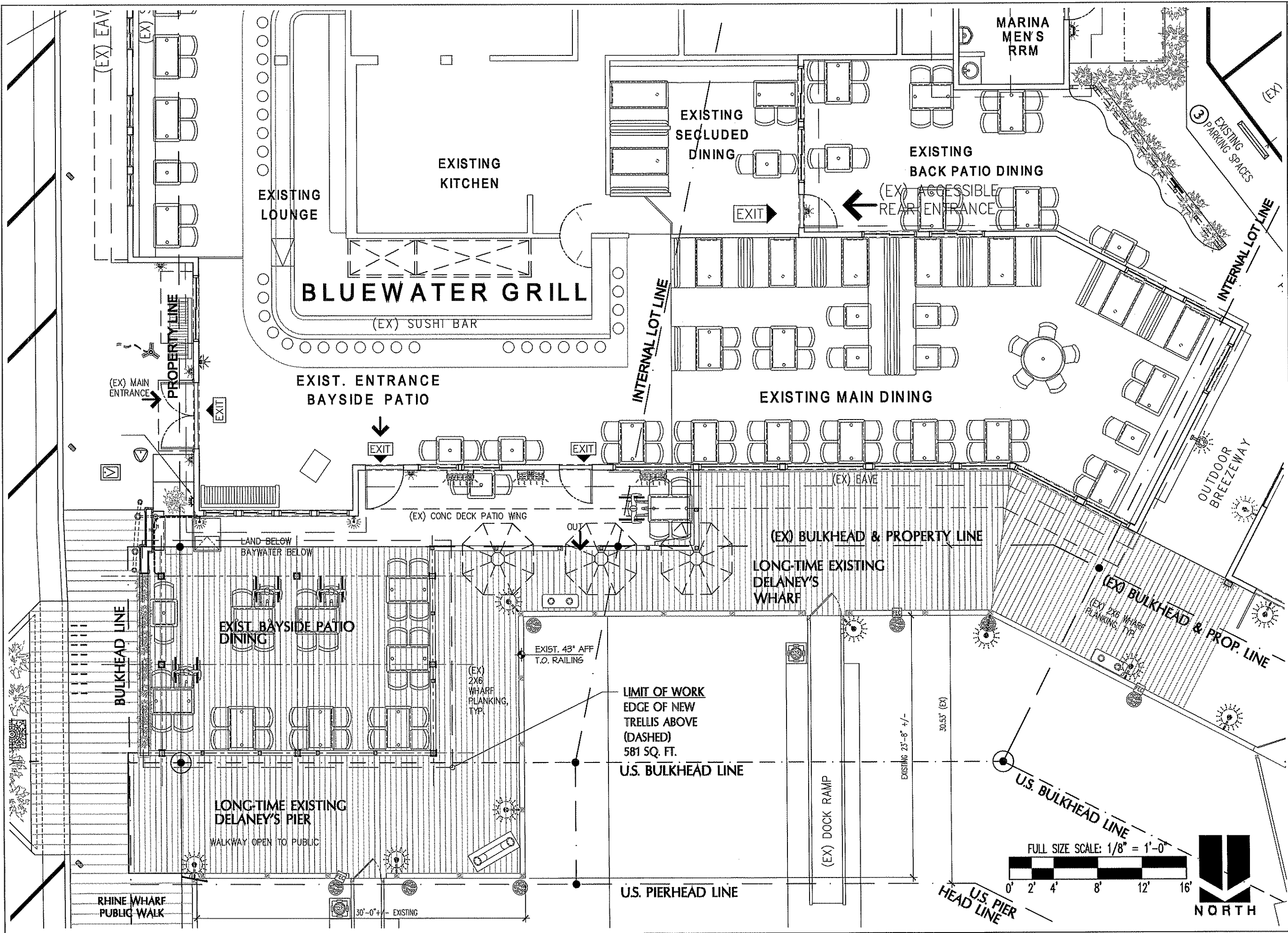
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TITLE	DATE
PLANNING ACTIVITY SUBMITTAL FOR STAFF REVIEW	3-31-2010
SHEET TITLE	
RESTAURANT DINING FLOOR PLAN	
SHEET	

4 OF 11





APPLICANT

**BLUEWATER GRILL**

OWNED BY  
JAMES M. ULCICKAS  
RICHARD THORTON

**BLUEWATER GRILL**  
SEAFOOD RESTAURANT ON NEWPORT BAY  
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RESTAURANT  
DINING  
AREA PLAN  
SHEET



**BLUEWATER GRILL**  
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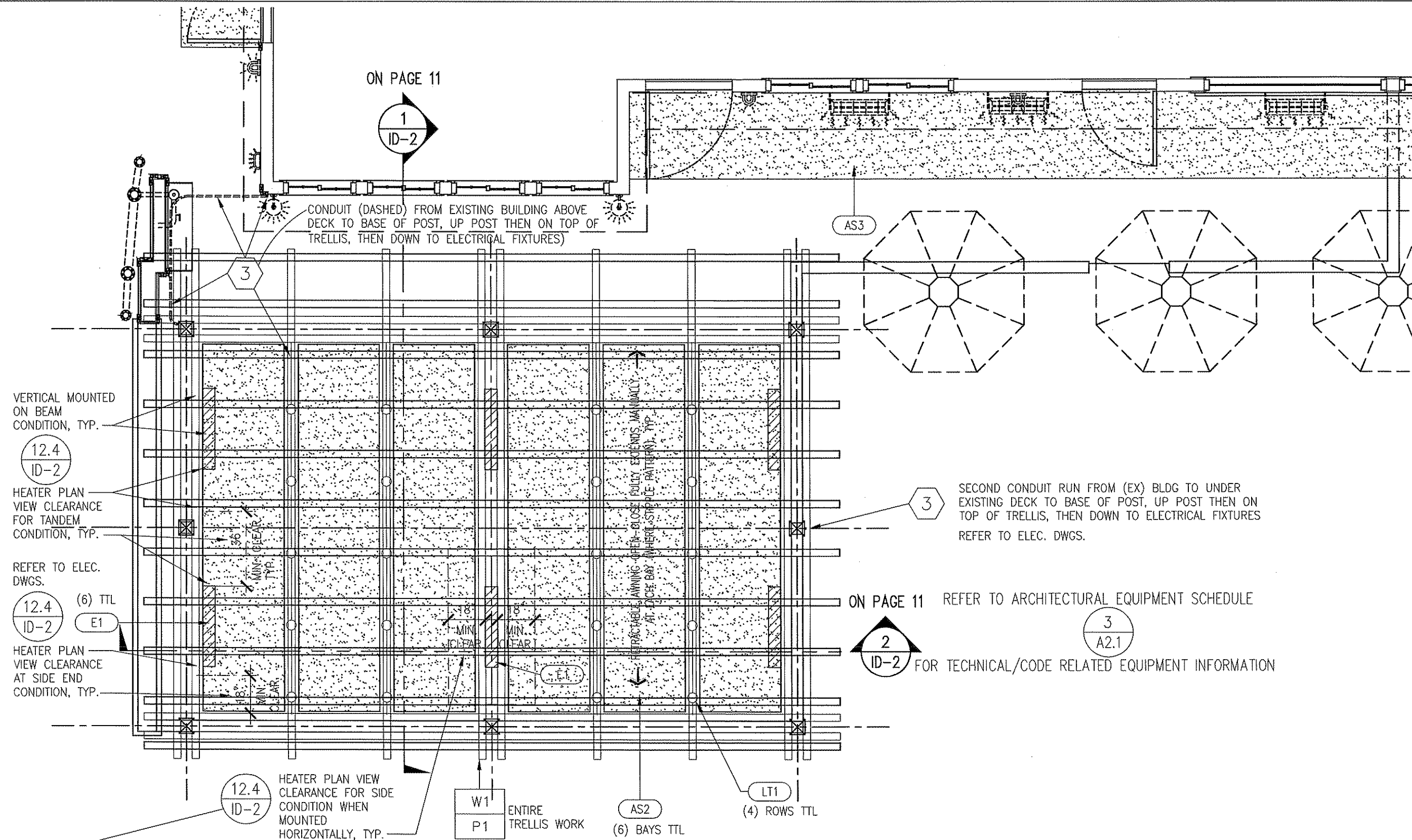
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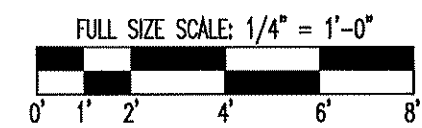
**RETRACTABLE  
AWNING  
PLAN**

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DETAIL REFERENCE TO A CONSTRUCTION DOCUMENT DRAWING, PERTINENT INFORMATION  
RELATIVE TO THIS SPECIAL SUBMITTAL IS LOCATED IN THIS STAFF REVIEW SET IN PAGES  
AFTER THIS ONE, TYP..


KEY NOTE LIST, EQUIPMENT AND MATERIAL SCHEDULES ON NEXT PAGES.



EQUIPMENT SCHEDULE											
ITEM NO.	DESCRIPTION	QTY.	SUPPLIED BY	INSTALLED BY	ELECTRICAL						
					VOLTS	PH	HP EA.	KW EA.	AMPS EA	CONN	REMARKS
ACCESSORIES											
AS1	UMBRELLA	3	FEC	OWNER	-	-	-	-	-	-	-
AS2	RETRACTABLE AWNING	2	OWNER	OWNER	-	-	-	-	-	-	-
AS3	STATIONARY AWNING	2	OWNER	OWNER	-	-	-	-	-	-	-
AS4	ENTRY AWNING	1	OWNER	OWNER	-	-	-	-	-	-	-
AS5	PLANTER PLANTS	1 LOT	OWNER	OWNER	-	-	-	-	-	-	-
E1	ELECTRIC HEATER	6	FEC	GC	240	1	-	2.5	10.4	J-BOX	USE INCREMENTAL CONTROL
LT1	STRING LIGHT	30	FEC	GC	110	1	-	0.04	-	DCO	CONNECT TO NEAREST DCO CONNECT THROUGH BLDG DIMM SYS
SE1	PATIO CHAIR	58	FEC	OWNER	-	-	-	-	-	-	-
SE2	PATIO CHAIR	28	FEC	OWNER	-	-	-	-	-	-	-
ACCESSORIES											
TB1	30X30 TABLE BASE	5	FEC	OWNER	-	-	-	-	-	-	-
TT1	30X28 TABLE TOP	5	FEC	OWNER	-	-	-	-	-	-	-
TB2	30X48 TABLE BASE	15	FEC	OWNER	-	-	-	-	-	-	-
TT2	30X48 TABLE TOP	15	FEC	OWNER	-	-	-	-	-	-	-
TB3	36X36 TABLE BASE	6	FEC	OWNER	-	-	-	-	-	-	-
TT3	36X36 TABLE TOP	6	FEC	OWNER	-	-	-	-	-	-	-
TB4	30X30 TABLE BASE	2	FEC	OWNER	-	-	-	-	-	-	-
TT4	30X30 TABLE TOP	2	FEC	OWNER	-	-	-	-	-	-	-
WW1	TRELLIS WORK	1	GC	GC	-	-	-	-	-	-	-

PLAN KEY NOTES											
1	PAINT PLANTER BOX WITH P3 PATCH/FILL/SAND PRIOR TO PAINT.										
2	PAINT (E) PATIO RAILING. PAINT ENTIRE RAILING TO BE P1 EXCEPT CAP P3										
3	RE-WIRE (E) ELECTRICAL LINE AS NECESSARY SO STRING LIGHT CAN CONNECT INTO DCO AND WIRE INTO ELEC. SPACE HEATER. RUN LEAD CORD ABOVE TRELLIS UNTIL LIGHT LOCATION. EACH LEAD CORD BETWEEN CONNECTION SHALL BE BUNDLED AND HIDDEN AS MUCH AS POSSIBLE.										
4	PAINT WINDOW/DOOR STILE/RAIL/MULLIONS ONLY IF WINDOW/DOOR HAS GLASS PANES. P3										
5	PAINT ALL EXISTING WHITE PAINTED TRIMS TO BE P1 PAINT THE REST OF THE SPACE TO BE P2 CLEAN/FILL/SAND PRIOR TO PAINT, THROUGHOUT ENTIRE RESTAURANT EXTERIOR.										
6	KEEP (E) RESTAURANT SIGNS. REMOVE AS NECESSARY FOR NEW PAINT.										
7	ENTRY DOORS SHALL REMAIN. CLEAN/SAND/RE-STAIN TO MATCH EXISTING.										
8	OWNER SHALL REPLACE ROPE.										
9	REMOVE PLANTS IN ORDER TO PAINT TRELLIS AND WALL, TYP.										
10	PAINT (E) WALL SCONCES. CLEAN PRIOR TO PAINT. P3										
11	REMOVE (E) SPACE HEATERS PER OWNER'S DIRECTION. PATCH/REPAIR WALL/WOOD DECK AS NECESSARY AFTER DEMO.										
12	RELOCATE UMBRELLA HOLD RINGS TO NEW LOCATION.										
13	AWNING FABRICATOR SHALL REUSE (E) AWNING FRAME.										
14	AWNING FABRICATOR SHALL PROVIDE NEW AWNING WITH FRAME. PROJECT 4'-0" OFF FROM BLDG FACE, VERIFY HTS IN FIELD.										
15	REMOVE & MODIFY (E) S.S. SHELF TO ACCOMMODATE NEW POST.										
16	TRELLIS WORK IS ONLY SHOWN FOR AESTHETIC DESIGN PURPOSE ONLY. IT NEEDS TO BE ENGINEERED AND PERMITTED BY OTHERS.										
17	NEW RESTAURANT SIGN SHALL BE PROVIDED AND INSTALLED BY OTHERS. GC TO PROVIDE NECESSARY POWER FOR THE NEW SIGN. COORDINATE WITH SIGN PROVIDER.										
18	ENTIRE NEW TRELLIS WORK SHALL BE IN P2										
19	REMOVE (E) PLANT FACING RESTROOM WALL. KEEP PLANTS ON (E) TRELLIS										
20	PROVIDE WOOD BOARD ALONG (E) TRELLIS, MATCH THICKNESS ON THE OTHER SIDE OF BRICK FLOORING ADJACENT TO CONC. FLOOR. FILL GAP WITH BRICK TO ACHIEVE CLEAN TRANSITION BETWEEN BRICK FLOOR TO DIRT. NEW BRICK TO MATCH (E).										
21	PREPARE FLOOR TO BE SMOOTH AND STABLE FOR FIREPLACE. RUN NATURAL GAS LINE TO STUB-UP LOCATED ON PLAN. COORDINATE EXACT LOCATION WITH FIREPLACE MANUFACTURE. FINAL HOOK-UP WILL BE DONE BY FIREPLACE MANUFACTURE.										
22	DEMO PORTION OF (E) PLANT & TRELLIS FOR NEW FIREPLACE. REWORK AS NEC. FOR STABILITY.										
23	RE-WIRE (E) LIGHT AS NEC. SO STRING LIGHT CAN CONNECT INTO DCO. PROVIDE WIRE CABLE FOR STRING LIGHT TO BE ATTACHED. BUNDLE UP LEAD-CORD FROM STRING LIGHT SO LIGHT SPACING IS CONSISTENT.										
24	MAKE SURE TO KEEP 48" MIN. CLEAR ISLE SPACE.										

APPLICANT



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FABRIC FOR PATIO COVER RETRACTABLE WITH SNAP HOOKS ON WIRE CABLE

ARCHITECTURAL SHADE FABRIC OUTDOOR MARINE FABRIC  
FERRARI SOLTIS® 92 SHADE CLOTH  
AWNINGS, BLINDS AND SHADE SAIL APPLICATIONS

FLAME RETARDANCY FIRE DEPT. FIRE PREVENTION DIVISION SAID THESE ASTM AND NFPA  
QUALIFICATIONS ARE SATISFACTORY - DECEMBER 2009  
CSFM T19 - NFPA 701 - ASTM E 84-03 (MEETS CLASS A)

FERRARI TEXTILE CORP. PRECONSTRAINT® TECHNOLOGY  
SUPERIOR SOLAR PROTECTION ACTS LIKE A HEAT SHIELD THAT ABSORBS  
AND REFLECTS UP TO 97% OF THE SUN'S RAYS

LOW SPACE REQUIREMENT.

PREVENTS GLARE WHILE PRESERVING NATURAL LIGHT.

OFFERS PRIVACY WITHOUT OBSTRUCTING EXTERIOR VIEWS.

TENSILE STRENGTH (WARP/WEFT)  
310/200 LBS/LINCH  
EN ISO 1421

TEAR STRENGTH (WARP/WEFT)  
88/44 LBS  
DIN ISO 53.363

THICKNESS: 450 µM

WIDTH: 69.7 INCHES

WEIGHT: 12.38 OZ/SQYD, EN ISO 2286-2

QUALITY MANAGEMENT SYSTEM: ISO 9001

FERRARI TEXTILES CORP.  
WESTERN USA MARKETING MANAGER: STEVE FREDERICKSON 469-371-7100

COMPANY:  
1510 SW 5TH COURT, POMPADO BEACH, FL 33069  
TEL: (954) 942-3600 FAX: (954) 942-5555

MFR WEB SITE: [HTTP://WWW.FERRARI-TEXTILES.COM](http://www.ferrari-textiles.com)

UP TO 97 PERCENT SOLAR PROTECTION.

RESISTS TEARING WITHOUT EXTRA REINFORCEMENT - HIGH TENACITY  
POLYESTER YARN REINFORCEMENT.  
WILL NOT SAG - DOUBLE RESISTANCE WARP AND WEFT RESISTS SAGGING.  
LONG LASTING AND DIRT RESISTANT.

TESTED FOR HARMFUL SUBSTANCES - OKO-TEX STANDARD 100.  
5 YEAR GUARANTEE, CERTIFIED ISO 9001, 100 PERCENT RECYCLABLE  
PRODUCT.

FADE-RESISTANT COLORS, SOLTIS® FABRICS  
INTERFERENTIAL FABRIC OPTION CHANGES COLOR WITH ANGLE OF VISION,  
30 COLORS  
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LIGHT FIXTURES

ITEM	LOCATION TYPE	RATING	MFR	BULB TYPE	MODEL NUMBER	POWER		COLOR	STYLE
						VOLTS	WATTS		
STRING LIGHTS	LANTERNS	INDOOR/OUTDOOR	PARTY LIGHTS	C7	6203	120	5 EA BULB	BRONZE AMBER	MINI-LANTERNS ORNAMENTAL

MATERIALS  
8 LIGHTS PER STRAND X 2 STRANDS PER BAY X 4 BAYS = 64  
LIGHTS IN ORNAMENTAL MINI-LANTERN HOUSINGS

64 LIGHTS X 5 WATTS EACH = 320 TOTAL WATTS

HOUSING/FRAME: EACH LIGHT IN ONE MINI-LANTERN STYLED  
HEAVY-DUTY METAL FRAME, 3.5" HIGH AND 2.75" WIDE WITH GLASS  
PANELS ON FOUR SIDES  
CONNECTED BY AN INSULATED ELECTRICAL COPPER WIRE CABLE:  
LANTERNS SPACED 9" APART FROM EACH OTHER ON A 14.5' LONG  
GREEN CORD. THE LEAD CORD IS 7'9" LONG.

FINISH  
OIL-RUBBED BRONZE FINISH  
AMBER SEEDED GLASS PANELS (BUBBLES IN GLASS).

CONSTRUCTION FEATURES  
SUSPEND FROM A STRUCTURE BY THE INSULATED WIRE CHORD OF  
THE STRAND

OPERATIONAL FEATURES  
IF ONE BULB BURNS OUT, THE REST STAY LIT. END-TO-END CONNECTION. CAN CONNECT UP TO 3 STRANDS CONTINUOUSLY. NO ASSEMBLY REQUIRED. THE  
COVERS ALREADY COME ATTACHED TO THE LIGHT STRAND.

WEB LINKS  
[HTTP://WWW.PARTYLIGHTS.COM/UPSCALE/C7-UPSCALE/C7-BRONZE-AMBER-LANTERNS](http://www.partylights.com/upscale/c7-upscale/c7-bronze-amber-lanterns)  
[HTTP://WWW.PARTYLIGHTS.COM](http://www.partylights.com)

QUICK ANSWERS AT FAQ PAGE (FREQUENTLY ASKED QUESTIONS).  
PARTICULAR PRODUCT, USE SEARCH FEATURE LOCATED NEAR THE TOP OF EVERY PAGE,  
OR CHECK OUT OUR SHOP INDEX WHICH INCLUDES A LIST OF ALL OF OUR PRODUCTS  
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MATERIAL  
& LICHTING  
SCHEDULES

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ELECTRICAL HEATER EQUIPMENT											
ITEM	TYPE	LOCATION RATING	MFR	MDL	POWER				INSTITUTION REVIEW	SIZE	
					VOLTS	WATTS	AMPS	EFFICIENCY		WEIGHT	LENGTH
HEATER	RADIANT	INDOOR/OUTDOOR OCEAN COASTAL	TWIN EAGLES	TEEH-2524	240	2500	10.4	90% OF INPUT TO RADIANT HEAT	UL APPROVED	8LBS	39"

(6) UNITS TOTAL:  
2500 WATTS EACH W/ VARIABLE CONTROL X 6 UNITS = 15,000 WATTS MAX ( DUE TO VARIABLE CONTROL OF HEAT OUTPUT/POWER USE )  
10.4 AMPS EACH W/ VARIABLE CONTROL X 6 UNITS = 62.4 AMPS MAX ( DUE TO VARIABLE CONTROL OF HEAT OUTPUT/POWER USE )

FIRE PREVENTION  
LOW CLEARANCE REQUIREMENT TO COMBUSTIBLES  
NO OPEN FLAMES

MATERIALS  
#304 STAINLESS STEEL CASING  
THE PARABOLIC REFLECTOR IS MADE OF A SPECIAL CORROSIVE  
RESISTANT ALLOY, AN IMPORTANT FEATURE FOR HUMID CLIMATES  
OR WINDY AREAS.  
SWIVEL MOUNTING BRACKETS ALLOW 6" OF CLEARANCE BEHIND  
HEATER

ENVIRONMENTAL IMPACT  
FRIENDLY - NO CARBON MONOXIDE OR GREEN HOUSE EMISSION  
UNAFFECTED BY WIND  
"...MAXIMIZE THE HEAT ...ESPECIALLY IN COASTAL AREAS."

FEATURES  
ENERGY EFFICIENT 90% OF THE INPUT ENERGY IS CONVERTED  
DIRECTLY TO RADIANT HEAT.  
EASY TO READ HEAT THERMOMETER

INSTALLED AT LOWER MOUNTING HEIGHTS (6-8 FT.)

THE PARABOLIC REFLECTOR IS MADE OF A SPECIAL CORROSIVE  
RESISTANT ALLOY, AN IMPORTANT FEATURE FOR HUMID CLIMATES  
OR WINDY AREAS.

CONSTRUCTION FEATURES  
MOUNTING HEIGHTS AS LOW AS 6'-8" TO 8 FEET.

SWIVEL MOUNTING BRACKETS ALLOW 6" OF CLEARANCE BEHIND  
HEATER. WALL MOUNTABLE

UL APPROVED INCREMENTAL CONTROL FOR EASILY REGULATED HEAT SETTINGS.  
(INCLUDED WITH HEATERS.)

MANUFACTURER CONTACT

TWIN EAGLES, INC.  
CORPORATE OFFICE  
13231 EAST 166TH STREET  
CERRITOS, CA 90703  
1-800-789-2206 TEL (562) 802-3488  
FAX (562) 802-3391 - GENERAL  
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EMAIL:  
GENERAL SALES AND MARKETING INQUIRIES:  
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SERVICE@TWINEAGLESBBQ.COM

TECHNICAL INFORMATION: TECHNICAL@TWINEAGLESBBQ.COM

HTTP://WWW.TWINEAGLESINC.COM/CONTACT.SHTML

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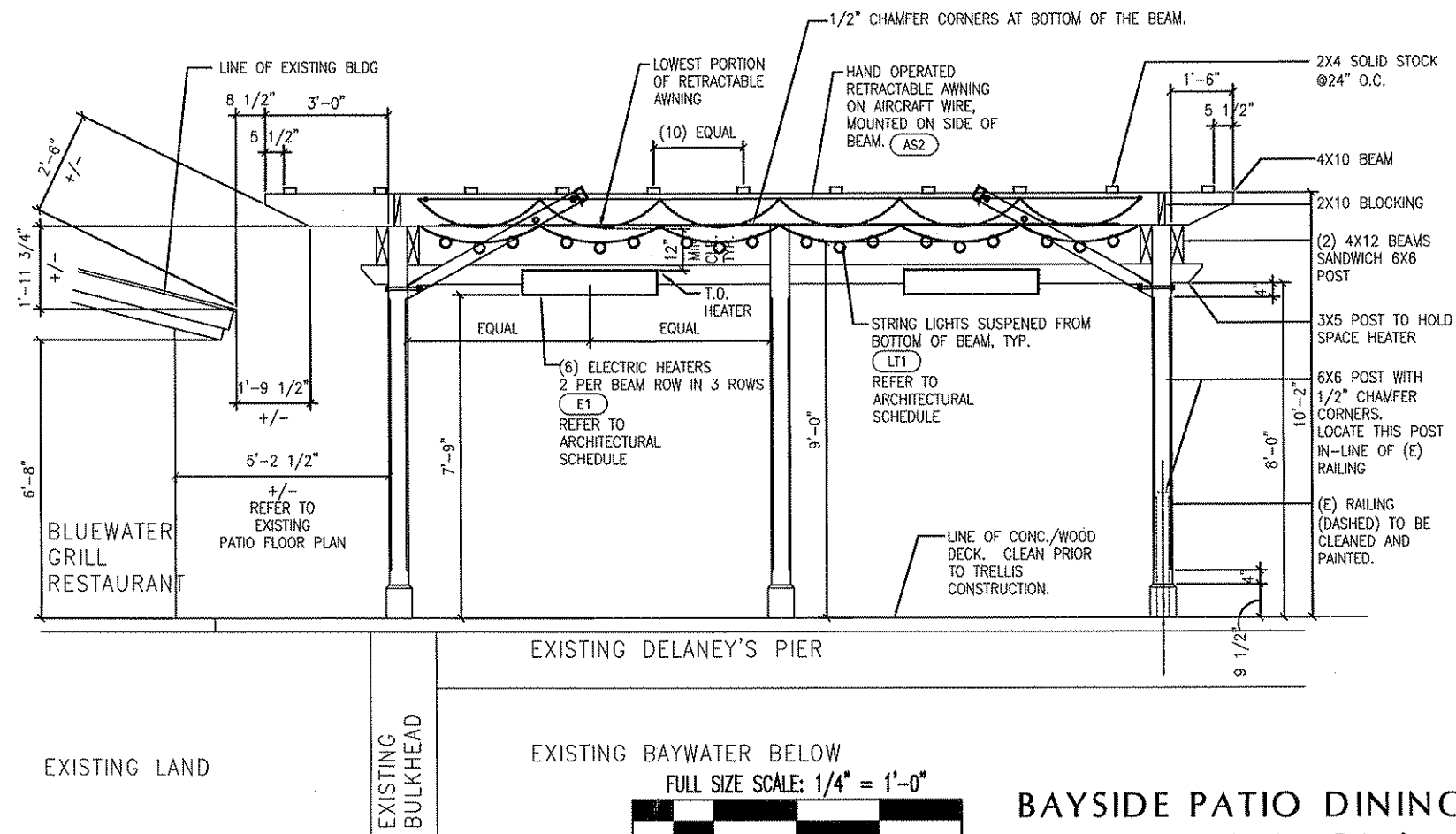
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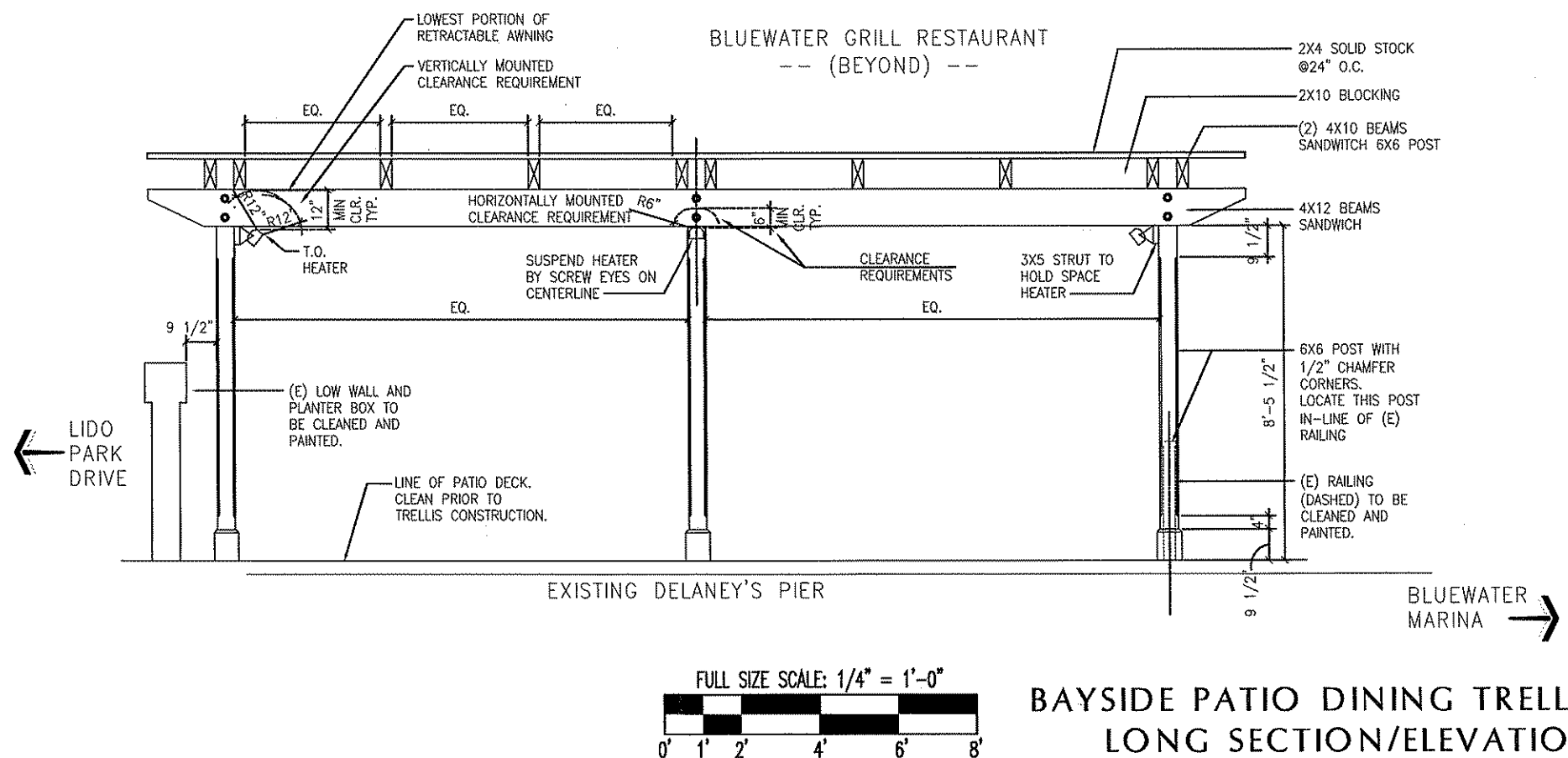
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ELECTRICAL  
HEATER  
EQUIPMENT

SHEET



BAYSIDE PATIO DINING TRELLIS  
SHORT SECTION/ELEVATION



BAYSIDE PATIO DINING TRELLIS  
LONG SECTION/ELEVATION

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