



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending May 24, 2013

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**

- Item 1: Determination of Substantial Conformance – Staff Approval No. SA2013-004 (PA2013-069)
2531 Eastbluff Drive
- Action: Approved Council District 4
- Item 2: Staff Approval No. SA2013-007 (PA2013-100)
114 24th Street
- Action: Approved Council District 1

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION: Staff Approval No. SA2013-004 (PA2013-069)

APPLICANT: Irvine Company – Mr. John Murphy

LOCATION: 2531 Eastbluff Drive

LEGAL DESCRIPTION Parcel 3 of PM-49-22 (Resubdivision No. 339)

On May 22, 2013, the Community Development Director approved Staff Approval No. SA2013-004, for a determination of substantial conformance with the existing Use Permit and Outdoor Dining Permit approvals. This approval is based on the findings and subject to the following conditions.

PROJECT SUMMARY

A staff approval for a determination of substantial conformance with previous approvals granted by Use Permit No. 1640 and its amendments, that allowed the introduction and amendment to the operation of a full-service restaurant, formerly known as the Sage Restaurant. Also under consideration is a determination of substantial conformance with the plans and conditions approved in conjunction with Outdoor Dining Permit No. 48, that apply to the use of a roof-type structure over the outdoor dining area.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** CN (Neighborhood Commercial)
- **General Plan:** CG (General Commercial)

BACKGROUND

On November 16, 1972, the Planning Commission approved Use Permit No. 1640, which permitted the establishment of the original restaurant use within the Eastbluff Shopping Center, The Flying Butler.

On October 22, 1981, building permits for interior alterations to the former Showley Wrightson Restaurant to reduce the amount of interior "net public area (NPA)" from 1,000± square feet to 395 square feet of NPA, were approved. The reduction of "net

public area" did not require amending the Use Permit since the change was not an intensification of use.

On April 13, 1989, the Planning Commission approved Use Permit No. 1640 (Amended), a request to permit the as-built patio dining area consisting of approximately 450 square feet of "net public area", in conjunction with the subject restaurant. The total NPA approved was 880± square feet (approximately 395 square feet interior and 450 square feet exterior) based on justification that it was smaller than the original authorized area of 1,000 square feet of NPA. Parking was not an issue since there was a surplus based on the applicable Zoning Code requirements at the time. An excerpt of the minutes of that meeting is attached (Attachment CD 3).

On April 22, 1993, the Planning Commission approved Use Permit No. 1640 (Amended), a request to expand the NPA of the restaurant by adding to the existing building, the installation of a new outdoor patio dining area, and the addition of live entertainment inside the facility. The NPA approved was 1,450 square feet (1,250 square feet of interior dining NPA plus 200 square feet of outdoor dining area) and required parking based on one space for each 50 square feet of NPA. An excerpt of the minutes of that meeting is attached (Attachment CD 4).

On November 4, 1993, the Planning Commission approved Use Permit No. 1640 (Amended), a request to relocate the outdoor dining to the rear of the building. The patio area totaled approximately 1,181 square feet; however, there was only 196 square feet devoted to dining. The NPA approved was 1,450 square feet (1,250 square feet of interior dining NPA plus a maximum of 200 square feet of outdoor dining area). An excerpt of the minutes of that meeting is attached (Attachment CD 5).

On April 21, 1998, the Planning Director approved Outdoor Dining Permit No. 48, allowing an expansion of the area devoted to outdoor dining by 290 square feet (added 25percent of the interior NPA, increasing the total to 490 square feet). The outdoor dining area of 490 square feet occupied a portion of the 905- square- foot outdoor patio, as depicted in the attached outdoor dining plan (existing and proposed, Attachment CD 6).

On May 18, 2000, the Planning Commission approved a fourth amendment to Use Permit No. 1640, to allow a change in the type of alcoholic beverage license from beer and wine to a full-service liquor license. The staff report stated that no other changes were proposed or approved in conjunction with that Use Permit (Attachment CD 7). The minutes of that meeting, however, erroneously stated the applicable conditions of approval that were previously approved on April 22, 1993. Condition of Approval No. 1 stated that the exterior NPA was authorized at 1,450 square feet and the interior authorized at 1,250 square feet. However, the condition should have stated 490 square feet of outdoor dining area, authorized by Outdoor Dining Permit No. 48, as noted previously.

PROPOSED CHANGES

The applicant has submitted the attached letter in support of the application and specifying the application request. The applicant proposes to renovate the existing restaurant facility to include, reconfiguring the restaurant tenant space, and exterior alterations to the building façade with the addition of a trellis and skylight structure that will extend over the outdoor dining area (Attachment CD 8). The remainder of the restaurant facility and operation will comply with all applicable conditions of approval for the restaurant and outdoor dining area.

Interior Reconfiguration

The reconfiguring of the tenant space includes the addition of a private dining room adjacent to the kitchen preparation area. The overall net public area of the interior of the restaurant is consistent with the area approved in conjunction with Use Permit No. 1640 and its amendments. The net public area, although reconfigured, will comply with the limitations of the Use Permit and not exceed 1,250 square feet as described in the attached existing and proposed floor plans, and as limited by the conditions of approval (Attachment CD 5).

Exterior Façade Alterations

The renovation includes exterior alteration to the front and rear facades of the building to add architectural roof and trellis elements. The trellis elements at the rear of the building will extend over the outdoor dining area and also have glass skylight structures that protect the dining area from rain, but do not create a full-weather enclosure. Outdoor Dining Permit No. 48, Condition of Approval No. 16, limits sunshade protection to non-solid roof structures or patio covers. However, development standards for outdoor dining areas were changed with the Update of the Zoning Code in November 2010. The revised standards specify requirements for barriers and associated elements.

The placement of appropriate barriers are required between outdoor dining areas and parking, pedestrian, and vehicular circulation areas, and shall serve only to define the areas, and shall not constitute a permanent all-weather enclosure. The location of the outdoor dining area at the rear of the facility satisfies this requirement.

Associated elements (e.g., awnings, covers, furniture, umbrellas, etc) that are visible from public rights-of-way shall be compatible with one another, and with the overall character and design of the principal structure(s). This requirement does not apply, since the outdoor dining area is located at the rear of the property, behind the building, and is not visible from the public right-of-way. However, the applicant has created a roof and trellis structure that does architecturally complement the building façade.

Therefore, staff has determined that Condition of Approval No. 16 is no longer applicable, and that to allow the proposed facade change is consistent with both the Use Permit and Outdoor Dining Permit.

FINDINGS

Pursuant to Section 20.54.070, the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. This staff approval is based on the following findings and facts in support of the findings. In this case, the Director determined the proposed changes:

Finding:

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

Facts in Support of Finding:

1. The proposed changes include interior reconfiguration, exterior facade and roof alterations, with no increase in building floor area or net public area.
2. The subject restaurant and outdoor dining were established and approved in conjunction with Use Permit No. 1640 and its amendments, and Outdoor Dining Permit No. 48. The outdoor dining area was expanded by Outdoor Dining Permit No. 48, to 490 square feet. The proposed roof overhang will extend over the outdoor dining area. The proposed changes are consistent with the applicable conditions of approval of the Use Permit and the Outdoor Dining Permit.

Finding:

B. Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.

Facts in Support of Finding:

1. The previously approved project was determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, Existing Facilities, and was not subject to a negative declaration or Environment Impact Report.
2. The proposed project involves the renovation of the existing restaurant facility and qualifies for a categorical exemption from CEQA under Class 1, Existing Facilities. The Class 1 exemption includes interior and exterior alterations and no increase in the size of the building.

Finding:

- C. Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed changes do not involve a feature that was specifically addressed in staff reports or minutes prepared for Use Permit No. 1640 or Outdoor Dining Permit No. 48. Conditions of approval of the Outdoor Dining Permit are not in accordance with the updated development requirements of the Zoning Code (adopted in November 2010) and are therefore, in part, no longer applicable. The current development requirements are intended to address structures that are visible from public rights-of-way. The remodel of the structure does not result in a substantial change to the existing setbacks of the building or visibility of the cover over the dining area, since it remains not visible from any public right-of-way.

Finding:

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

Facts in Support of Finding:

1. The project remains a full-service restaurant with alcoholic beverage service, and the remodel includes reconfiguration of the interior space and exterior façade changes, which do not alter the operational characteristics of the facility, and does not represent a substantial change in the overall project as approved by the Planning Commission in 1993 and 2000, or by the Planning Director in 1998.

DETERMINATION

This staff approval has been reviewed and determined that the proposed changes to the building interior and exterior facades are in substantial conformance with the current applicable approvals.

CONDITIONS OF APPROVAL


All previous findings and conditions of approval of Use Permit No. 1640 and its amendments, and Outdoor Dining Permit No. 48 shall remain in full force and effect as stated in Attachment Nos. CD 2 and CD 3, with the addition of the following conditions:

1. The development authorized by this staff approval shall be in substantial conformance with the approved project plans.
2. All previous applicable conditions of approval of Use Permit No. 1640 and its amendments, and Outdoor Dining Permit No. 48 shall remain in force.

3. A building permit shall be obtained prior to commencement of the construction. A copy of this approval letter shall be incorporated into both the Building Division and field sets of plans prior to issuance of the building permits.
4. The outdoor dining area shall be limited to 490 square feet devoted to dining as depicted in the approved plans, and the interior net public area (NPA) shall be limited to a maximum of 1,250 square feet as depicted in the attached approved plans.
5. The trellis and skylight structure that extends over the outdoor dining area shall remain as approved and not allowed to be changed or modified to create a full-weather enclosure.
6. 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 Provence Restaurant Remodel including, but not limited to, the **Staff Approval No. SA2013-004 (PA2013-069)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director



Javier S. Garcia, AICP,
Senior Planner

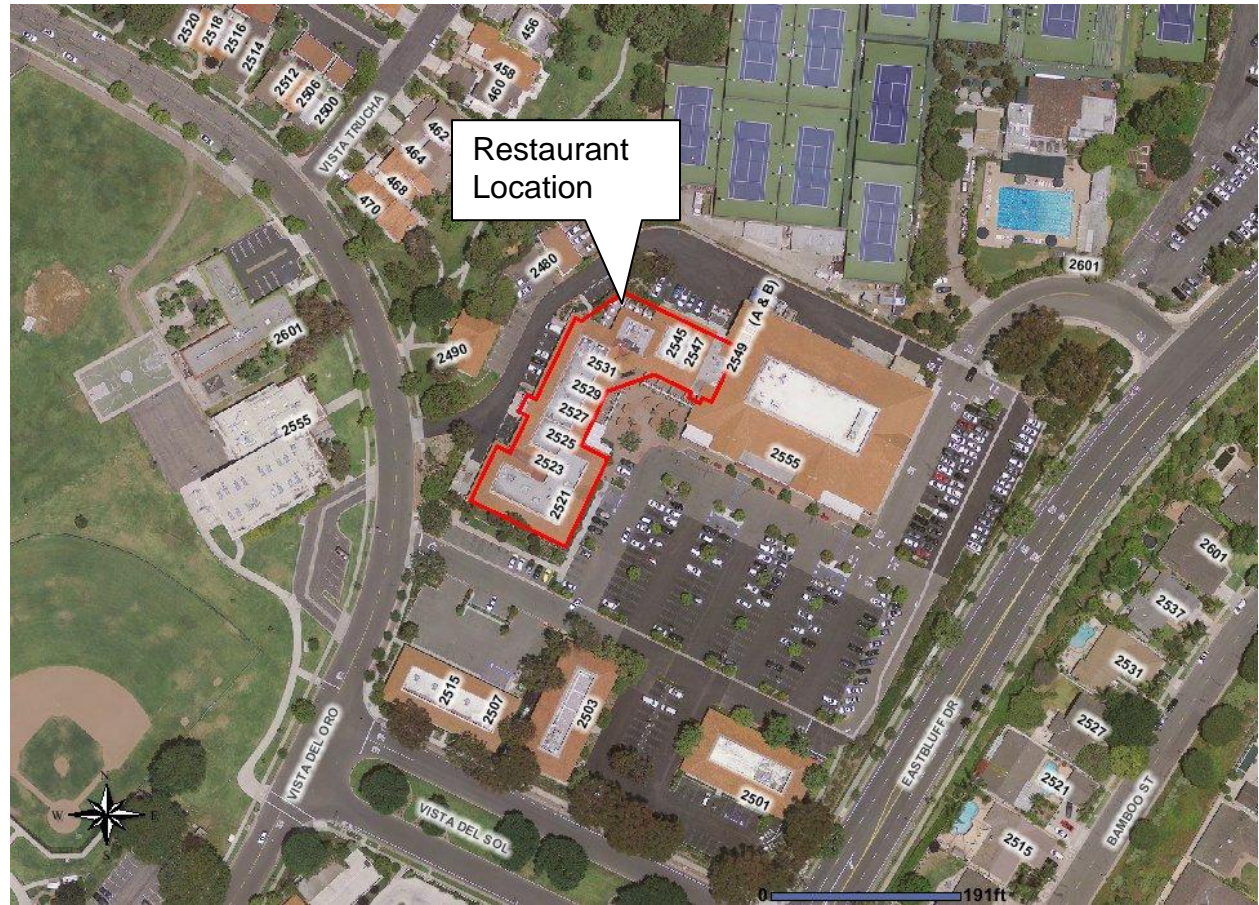
KB/jg

- Attachments:
- CD 1 Vicinity Map
 - CD 2 Applicant's Letter of request and Justification
 - CD 3 Excerpt of Planning Commission Minutes, dated April 13, 1989, and Staff Report, Use Permit 1640 Amended
 - CD 4 Excerpt of Planning Commission Minutes, dated April 22, 1993, and Staff Report, Use Permit 1640 Amended
 - CD 5 Existing and Proposed Net Public Area, Excerpt of Planning Commission Minutes and Staff Report, dated November 3, 1993
 - CD 6 Existing and Proposed Outdoor Dining Area Plans; Approval Letter Accessory Outdoor Permit No. 48, dated April 22, 1998
 - CD 7 Excerpt of Planning Commission Minutes, dated May 18, 2000, and Staff Report, Use Permit No. 1640 Amended dated November 3, 1993, and Staff Report, Use Permit 1640 Amended
 - CD 8 Project Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2013-004
PA2013-069

2531 Eastbluff Drive

Attachment No. CD 2

Applicant's Request and Justification Letter,
dated March 25, 2013,



CAA PLANNING

March 25, 2013

PA2013-069 for SA2013-004
2531 Eastbluff Drive
Irvine Company – Mr. John Murphy

Ms. Brenda Wisneski
Deputy Community Development Director
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663

Subject: Staff Approval Application, 2531 Eastbluff Drive, Eastbluff Village Shopping Center

Dear Ms. Wisneski:

On behalf of Irvine Company, CAA Planning, Inc. (CAA) submits the enclosed Staff Approval application to allow the continuation of an eating and drinking establishment (Food Service – no late hours) with alcohol sales (Type 47) at 2531 Eastbluff Drive formerly occupied by the Sage restaurant. We have reviewed the plans for the proposed Provenance restaurant and believe them to be in substantial conformance with Use Permit UP1640.

Eastbluff Village

Eastbluff Village Shopping Center (Eastbluff) is an existing Neighborhood Shopping Center located at the northwest corner of Eastbluff Drive and Vista Del Sol (Exhibit 1). Eastbluff is designated as Neighborhood Commercial (CN) in the General Plan and Commercial Neighborhood (CN) in the City's Zoning Code. The CN designation provides for a limited range of retail and service uses oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area. Eating and drinking establishments are a permitted in Eastbluff with the approval of a Minor Use Permit by the Zoning Administrator.

2531 Eastbluff Drive

Background

Following is a chronology of the restaurant use established by Use Permit 1640 and subsequent amendments.

- On November 16, 1972 the Planning Commission approved Use Permit No. 1640, which permitted the establishment of the Flying Butler restaurant at the Village.
- On April 13, 1989 the Planning Commission approved Use Permit No. 1640 (Amended) to permit an 845-square-foot patio dining area for the Showley-Wrightson restaurant.



Ms. Brenda Wisneski
 March 25, 2012
 Page 2 of 3

- On April 22, 1993 the Planning Commission approved Use Permit No. 1640 (Amended), which permitted the expansion of the Puccini Restorante restaurant by adding to the existing building, adding new outdoor patio dining area, and adding live entertainment. The parking requirement was established to be 29 spaces.
- On November 4, 1993 the Planning Commission approved Use Permit No. 1640 (Amended) which permitted the relocation of the previously approved outdoor dining area to the northerly side of the restaurant of the Puccini Ristorante adjacent to the rear parking area of the Eastbluff Shopping Center. The parking requirement continued to be 29 spaces.
- On April 21, 1998 the Planning Director approved Director’s Use Permit No. 48, which permitted the expansion of the outdoor seating dining area for the existing on-site restaurant at 2531 Eastbluff Drive (Sage Bistro).
- On June 9, 2000 the Planning Commission approved Use Permit No. 1640 (Amended) which permitted an upgrade of the existing Alcoholic beverage Outlet approval to permit the sale of general alcoholic beverages for on-site consumption (Type 47 License).

The June 9, 2000 amendment to UP1640, identified as UP1640 Amended (III), is the most recent discretionary approval for 2531 Eastbluff Drive. The Planning Commission Minutes established the current Conditions of Approval for this amendment (Exhibit 2)

Proposed

The Provenance restaurant will now be occupying 2531 Eastbluff which was vacated by the Sage restaurant late last year. The Provenance owner (i.e. tenant) and her architect have the Conditions of Approval (Condition 5) and have used them in the development of the tenant improvement drawings.

Consistency Analysis

UP1640 A III	PROVENANCE
Live entertainment shall be subject to the approval of a Special Events Permit and the issuance of permits shall be limited to 10 events per year. (Condition 1d)	The Provenance will not provide live entertainment.
The hours of operation shall be limited between 10:30 a.m. to 10:00 p.m., seven days a week, except the restaurant may be open and serve alcoholic beverages till 2:00 a.m. on New Year’ Eve. (Condition 10)	The Provenance will not operate with late hours.



Ms. Brenda Wisneski
March 25, 2012
Page 3 of 3

UP1640 A III	PROVENANCE
The net public area shall not exceed 1,450 square feet for outdoor dining and 1,250 square feet for interior dining. (Condition 1b)	The tenant improvement drawings show a total of 2,012 square feet of net public area with 1,281 square feet of interior dining net public area and 731 square feet of exterior dining net public area (Attachment 3). There will be 31 additional square feet of interior dining net public area, but significantly less exterior dining area and the total net public area is 688 square feet less than what is allowed by UP1640 Amended (III).
A minimum of one parking space per each 50 square feet of net public area shall be provided. (Condition 1a)	The current parking for the restaurant use is 29 spaces. The parking requirement for the Provenance will be 37 spaces. $(1,281+548.25/50=1,829.25/50=36.585=37)$ Note: The first 25% of outdoor net public area is not counted. $(731 \times .75=548.25)$ Therefore, an additional 8 spaces are required for compliance with the conditions of approval. The parking requirement for Eastbluff is currently 305 spaces (UP3646) with 333 spaces provided leaving a surplus of 28 spaces (Attachments 4 and 5). The additional 8 spaces required for the Provenance can be made available from the existing parking surplus.

We believe that a finding of substantial conformance can be made in this particular instance because the proposed restaurant will continue to operate in compliance with UP1640, will be improved within the maximums established for net public area, and will provide the necessary additional parking required. If you have any questions or concerns, please do not hesitate to contact me at 949-581-2888.

CAA PLANNING, INC.

Shawna L. Schaffner
Chief Executive Officer

Attachments: Staff Approval Application
Application Fee
Agent Authorization
Provenance Drawings
Exhibits 1-5

c: Mr. John Murphy, Irvine Company
Ms. Erinn Lambert, Irvine Company
Ms. Marianella Castillo, Irvine Company

City of Newport Beach
Planning Commission Minutes
May 18, 2000

INDEX

Commissioner Tucker - no script or logo on clock
Commissioner Kranzley - no script or logo on clock
Commissioner Gifford - no script or logo or trade coloring on clock
Chairperson Selich - no script or logo on clock

Chairperson Selich noted with the four votes, the logo was out.

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

SUBJECT: Sage Restaurant (Richard Mead, applicant)
2531 Eastbluff Drive
• Use Permit No. 1640 Amended (III)

Item No. 3
UP 1640 A (III)

A request to upgrade the existing Alcoholic Beverage Outlet approval to allow for the sale of general alcoholic beverages for on-site consumption (Type 47 License).

Approved

Commissioner Kiser recused himself from deliberation on this matter as he represents one of the owners of the Sage Restaurant.

Senior Planner Campbell noted that several letters of support have been received and distributed for review. One letter from an attorney representing the restaurant asked that the Commission consider the restaurant staying open on New Year's Eve until 2:00 a.m. This is the only request for a change in the hours of operation.

Public comment was opened.

Michael Chow, 3991 MacArthur Boulevard, representing the Sage Restaurant stated that the applicant understands and agrees to the findings and conditions as proposed. The operational characteristics of the restaurant are not going to change. They are asking for an upgrade of license privileges. In terms of what happened this last year with New Year's Eve, we thought this would be an opportune time to ask for an exception of the hours for that one evening for the year. Rich Mead, chef and owner of the restaurant is here to answer any questions of the Commission. (he presented a handout to the Commission)

Commissioner Kranzley stated that in the staff report states that there is no live entertainment currently, you would like to maintain that ability to have live entertainment.

Mr. Chow answered that we would like to maintain that ability in the event

someone would like to have a private party it would be nice to have the option of live entertainment. In terms of regularly scheduled entertainment, that is not within the operation characteristics of the restaurant.

Commissioner Kranzley asked staff if the restaurant could go in for a Special Events Permit and have live entertainment for a specific private party? He stated that he was in favor of the additional alcohol use, but not if the live entertainment was going to stay in tact.

Assistant City Manager Sharon Wood answered that yes, the applicant could come to the City for a Special Events Permit.

Mr. Chow added that while the applicant can go to the city and request a special events permit on a case by case basis, if you remove the element from this application, ABC will review the conditions. If entertainment were prohibited, they would then in turn license the restaurant prohibiting entertainment. There is no mechanism where the applicant can go to both the City and the ABC and ask the ABC for permission to provide live entertainment. Once it is prohibited in the CUP conditions, it will be prohibited in the license conditions and the applicant would have no opportunity to have entertainment, even though there is a mechanism within the City.

Chairperson Selich explained that what is suggested is that the applicant may be able to have it on a special event permit basis. The applicant would be permitted, but he would have to get a permit each time. This would not be a prohibition.

Commissioner Tucker asked about the condition regarding a specific bar area designed for the service of alcoholic beverages without food service, is there not a bar area that just has seats.

Mr. Chow answered that from the patron side of the bar, it does look like a bar. Operationally, from the other side of the bar, it is fixed up with counter space on the backside where the server would be. It therefore, does not act in the same capacity as a purpose built bar. Patrons could sit there and have a drink, but it is not purpose built for that.

Commissioner Tucker asked if this bullet condition (page 9) was needed? He was answered that if the Commission is uncomfortable with that, because there are several other reasons why the findings could be made already listed, there would be no harm in eliminating it.

Commissioner Tucker then suggested that this be eliminated.

Barry Eaton, 727 Bellis Street, President of the East Bluff Homeowners Association asked if the live entertainment would be restricted to within the confines of the building, as opposed to the patio?

Chairperson Selich answered that would be correct.

Richard Cooling, 425 Vista Trucha asked for limits of decibel readings on the live entertainment so that it does not come into the neighborhood?

Chairperson Selich answered that will be taken care of during the deliberation.

Commissioner Kranzley stated that it would be helpful to have a map of the reporting districts included in staff reports where alcohol beverage service is being deliberated. I need to get a clarification of the answers regarding the noise limitations and decibels of the live entertainment.

Mr. Campbell answered that there is one condition that limits the entertainment to the interior of the restaurant. There is a standard condition, which specifies compliance with the Noise Ordinance.

Commissioner Gifford offered that the existing conditions be amended so that live entertainment is permitted subject to a Special Events Permit.

At Commission inquiry, staff answered that the live entertainment permits can be limited.

Motion was made by Commissioner Kranzley to approve Use Permit No. 1640 Amended (III) subject to the findings and conditions in Exhibit A allowing this restaurant to close at 2:00 a.m. on New Year's Eve and live entertainment is allowed with Special Event Permits, which shall be limited to ten per year.

Ayes: McDaniel, Ashley, Selich, Gifford, Kranzley and Tucker
Noes: None
Absent: None
Recused: Kiser

EXHIBIT "A"
FINDINGS AND CONDITIONS OF APPROVAL FOR
Use Permit No. 1640 Amended (III)

Use Permit No. 1640 Amended

Findings:

1. The Land Use Element of the General Plan designates the site for "Retail and Service Commercial" use. A restaurant use with alcoholic beverage sales and service is considered a permitted use within this designation and is consistent with the General Plan.

-
2. The project has been reviewed, and it has been determined that it is categorically exempt under Class 1 (Existing Facilities) requirements of the California Environmental Quality Act.
 3. The project meets the purpose and intent of the development standards of the Municipal Code for an upgrade to the existing alcohol license for an existing restaurant and the existing physical characteristics of the site are not proposed to be altered.
 4. The proposed project is consistent with the purpose and intent of Chapter 20.89 of the Zoning Code (Alcoholic Beverage Outlets) and will not, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City and is consistent with the legislative intent of Title 20 of this Code for the following reasons:
 - The convenience of the public can arguably be served by the sale of desired beverages in a restaurant setting.
 - The percentage of alcohol-related arrests in the police reporting district in which the project is proposed is only slightly higher (2.4%) than the percentage citywide.
 - There are residences, a school, and park and recreation facilities in the general vicinity of the project site, but none that directly abut the restaurant, nor are any residential units directly adjacent to, or in close proximity of the outdoor patio area. A service drive and/or public street separates the restaurant from the closest residence or recreational area. The main entry of the restaurant is oriented towards the common parking area for the center and away from the recreational areas to the west.
 - The restaurant use is compatible with the surrounding commercial uses, since restaurant uses are typically allowed in commercial districts.
 - No live entertainment is currently offered, but is conditioned accordingly based on a previous use permit approval.
 - Conditions of approval have been included which should prevent problems associated with the sale and service of alcoholic beverages and noise.
 - Adequate on-site parking is available for the existing and proposed uses.
 - The proposed use is a continuation of the existing restaurant use, which serves the residential and commercial uses and visiting tourists in the area.
 - The alcoholic beverage service is incidental to the primary use of

the facility as a restaurant.

- ~~Because the restaurant does not have a bar area specifically designed for the service of alcoholic beverages without food service, the potential number of Police and Department of Alcoholic Beverage Control problems in the area should be minimized.~~
- 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.

Conditions:

1. The development shall be in substantial conformance with the approved site plan and floor plan, except as noted below.
 - All applicable conditions of approval of the previous UP 1640 and UP 1640 Amended shall remain in effect as follows:
 - a) A minimum of one parking space per each 50 square feet of net public area shall be provided.
 - b) The net public area shall not exceed 1,450 square feet for outdoor dining and 1,250 square feet for interior dining.
 - c) All employees shall be required to park on site.
 - d) **Live entertainment shall be subject to the approval of a Special Events Permit and the issuance of permits shall be limited to 10 events per year.**
 - e) Live entertainment be confined to the interior of the restaurant and shall not be performed in the outdoor dining area. In the event live entertainment is performed, the sound shall be confined to the inside of the restaurant only and during any live entertainment, all windows and doors within the restaurant shall be closed at all times, except when entering or exiting the main entrance.
 - f) No outdoor loudspeakers or paging systems shall be permitted.
2. The approval is only for an upgrade to the existing alcohol license to a Type 47 License as defined by Title 20 of the Municipal Code, as the principal purpose for the sale of food and beverages.
3. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 license that permits general alcoholic beverages to be sold and consumed on-site. Any upgrade in the alcoholic beverage license shall be subject to the approval of an amendment to this application and may require the approval of the Planning Commission.
4. This approval shall not be construed as permission to allow the facility to operate as a bar or tavern use as defined by the Municipal Code,

-
- unless a use permit is first approved by the Planning Commission.
5. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current owner or leasing company.
 6. On-sale alcoholic beverage service shall be allowed in the interior of the restaurant and the outdoor dining area as currently permitted by the State Department of Alcoholic Beverage Control.
 7. Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the ABC.
 8. The alcoholic beverage outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the alcoholic beverage outlet and adjacent properties during business hours, if directly related to the patrons of the subject alcoholic beverage outlet.
 9. Alcoholic beverage sales from drive-up or walk-up service windows shall be prohibited.
 10. The hours of operation shall be limited between 10:30 a.m. to 10:00 p.m., seven days a week, **except the restaurant may be open and serve alcoholic beverages till 2:00 a.m. on New Year's Eve.**
 11. The exterior of the alcoholic beverage outlet shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
 12. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. To qualify to meet the requirements of this section a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy.
 13. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

Standard Requirements

**City of Newport Beach
Planning Commission Minutes
May 18, 2000**

INDEX

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. The on-site parking, vehicular circulation and pedestrian circulation systems be subject to further review by the City Traffic Engineer.
3. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code.
4. The facility and related off-street parking shall conform to the requirements of the Uniform Building Code.
5. All improvements shall be constructed as required by Ordinance and the Public Works Department.
6. Public Improvement may be required of a developer per Section 20.91.040 of the Municipal Code.
7. The project shall comply with State Disabled Access requirements.
8. This Use Permit for an alcoholic beverage outlet granted in accordance with the terms of this chapter (Chapter 20.89 of the Newport Beach Municipal Code) shall expire within 12 months from the date of approval unless a license has been issued or transferred by the California State Department of Alcoholic Beverage Control prior to the expiration date.
9. The Planning Commission may add to or modify conditions of approval to this Use Permit or recommend to the City Council the revocation of this Use Permit upon a determination that the operation which is the subject of this Use Permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
10. 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.
11. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 7:00AM and 10:00PM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

SUBJECT:

13 Properties located on the bluff side of Pacific Drive, from 2205 Pacific Drive to the prolongation of the line west of Begonia Avenue at 2329 Pacific Drive

Item No. 4
 A 899

• Amendment to front yard setbacks on Pacific Drive

Amend Districting Map No. 16 to establish a front yard setback of 10 feet for the dwellings and 19 feet for the garages from the newly established property lines of properties located on the south side of Pacific Drive between Avocado Avenue and the west side of Begonia Avenue due to the vacation of a portion of the public right-of-way; amend Section 20.10.030 (Residential Districts: Property Development Regulations) and Section 20.10.040 (Special Development Regulations for Corona del Mar, West Newport, and the Balboa Peninsula) of the Zoning Code.

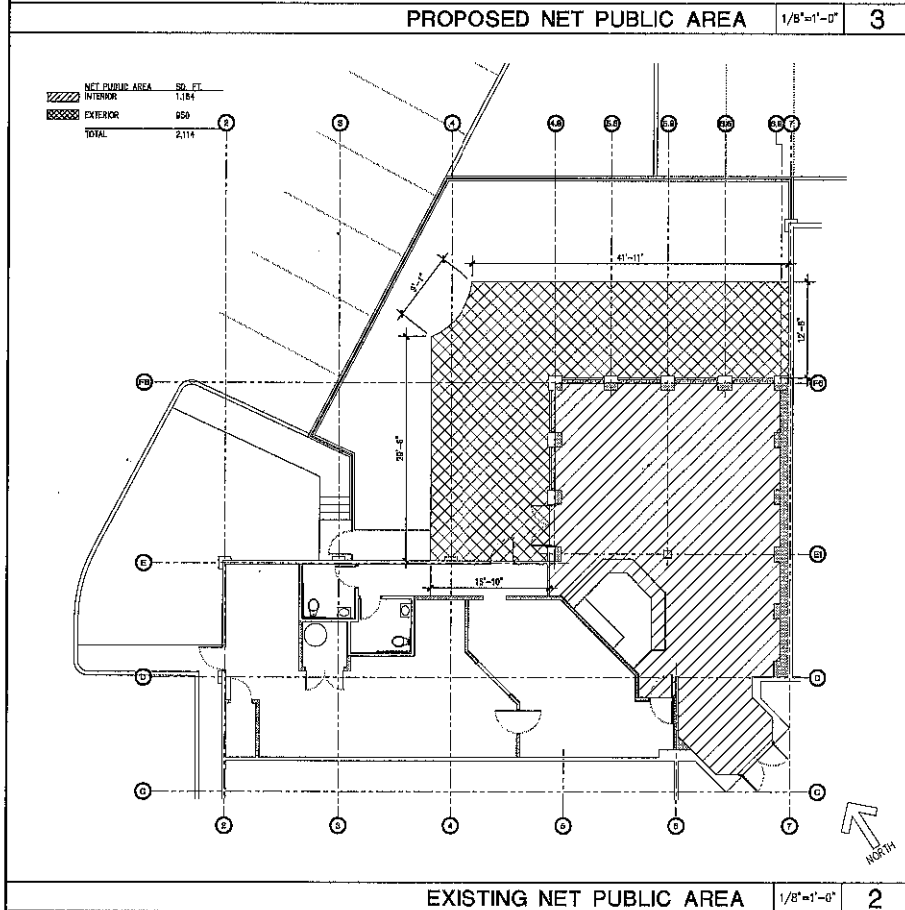
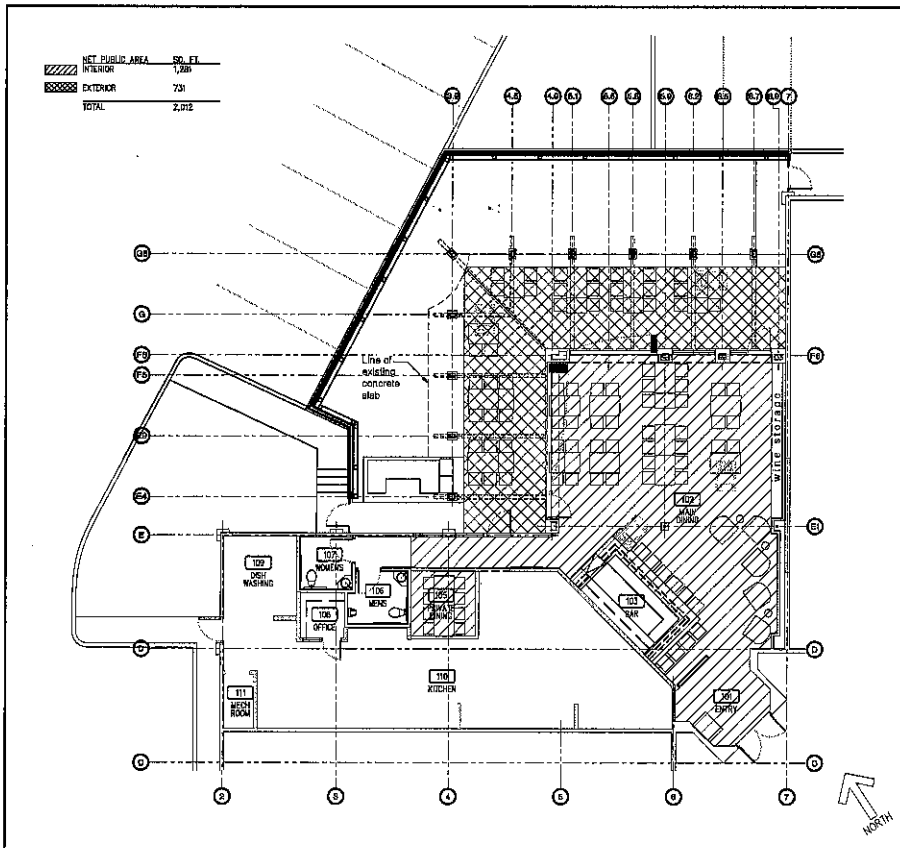
Commissioner Kiser recused himself from deliberation on this matter due to a conflict of interest.

Associate Planner Genia Garcia noted that letters had been received late this afternoon and were distributed tonight. The letters note the primary concern of view obstruction and retaining the openness of the streetscape.

Public comment was opened.

Bill Edwards, architect of Planet Design, 503 Fernleaf stated that he had been working with the City of Newport Beach facilitating the abandonment of the unused southerly portion of Pacific Drive right-of-way. He noted his support of this application stating the following:

- This 80-foot wide right-of-way was originally dedicated to the Pacific Electric railway line.
- This use was never realized and by default remained with the excess width.
- Parcels were subsequently created on the flat somewhat elevated north side of what became Pacific Drive.
- After Bayside Drive was later dedicated, the remaining steeply sloped area



Use Permit No. UP3646

SITE/PROJECT CHARACTERISTICS

Site Area	6.7 acres 286,625 sq. ft.
FLOOR AREA	
Restaurant	2,675 sq. ft.
Retail space	10,487 sq. ft.
Market	31,955 sq. ft.
Office & Bank	16,590 sq. ft.
Proposed Sav-on	9,759 sq. ft.
TOTAL PROJECT FLOOR AREA	71,466 sq. ft.
Code Required Parking:	
Restaurant- 1 sp./50 sq. ft. n.p.a.	29 spaces
Retail/office/market-1 sp./250 sq. ft. g.f.a.	237 spaces
Sav-on Drugs-1 sp./250 sq. ft. g.f.a.	39 spaces
Total Required Parking	305 spaces
Total Parking Provided	306 spaces
PROJECT HOURS	
Open 24 hours	

ANALYSIS

The proposed project involves converting an existing commercial structure to a retail store and pharmacy with the retail sale of alcohol. While retail sales establishments are permitted by right in the RSC District, the proposed off-sale of beer, wine and distilled spirits defines the use as an off-sale alcoholic beverage outlet and is subject to the Alcoholic Beverage Outlet (ABO) Ordinance (Chapter 20.89 of the Zoning Code). In addition, the applicant is requesting a modification of the off-street parking requirements of Chapter 20.66 of the Zoning Code.

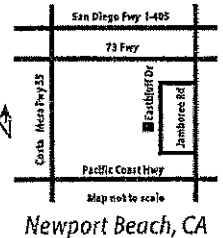
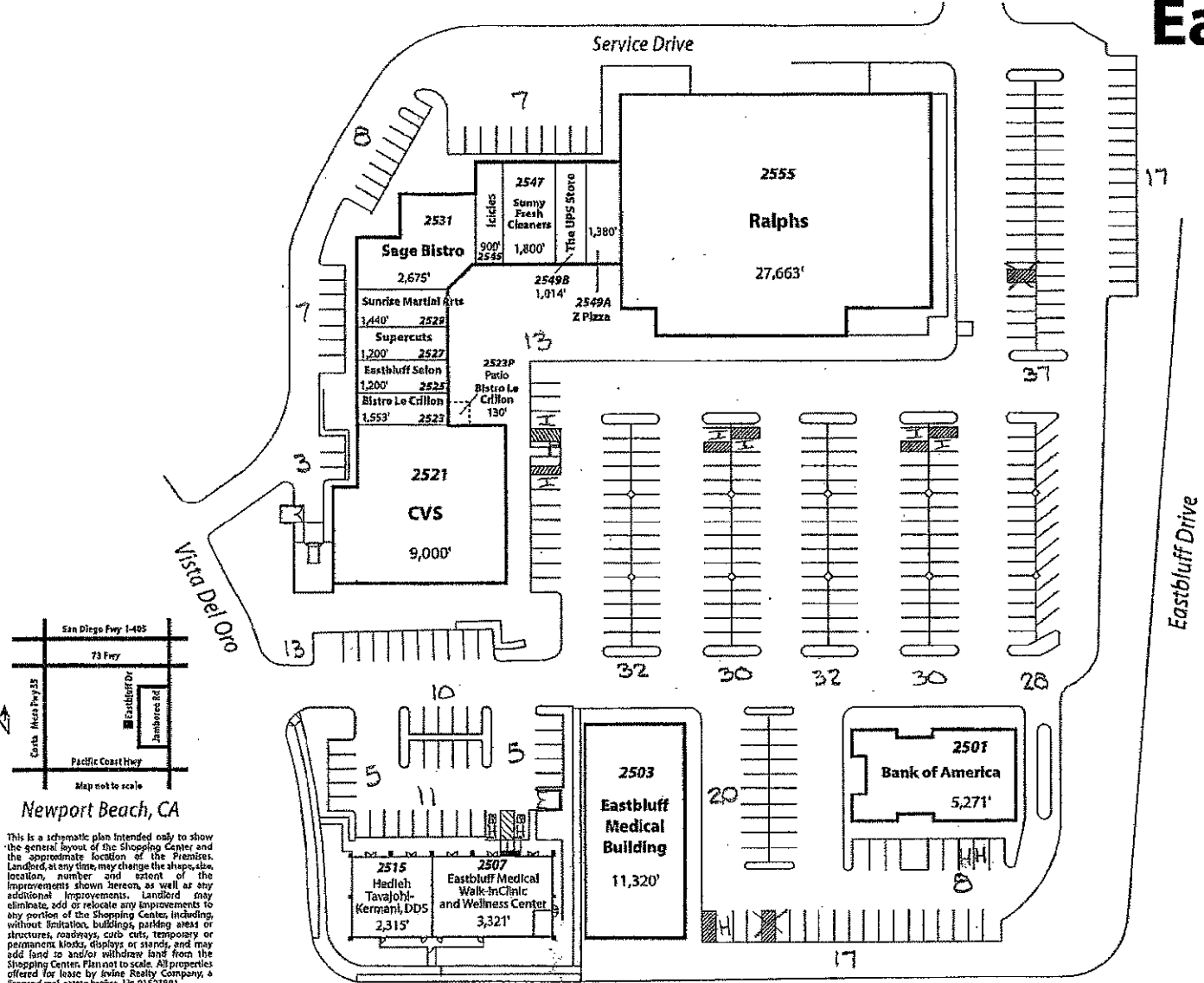
Alcoholic Beverage Service

The proposed use is applying for a Type 21 license from the California Department of Alcoholic Beverage Control. A Type 21 (Off-Sale General) license is for the sale of beer, wine and distilled spirits for consumption off the premises.

The ABO Ordinance requires that the Planning Commission consider the following factors when approving a use permit:

Sav-On Drugs (UP 3646)
January 21, 1999
Page 7

Eastbluff Village



This is a schematic plan intended only to show the general layout of the Shopping Center and the approximate location of the Premises. Landlord, at any time, may change the shape, size, location, number and extent of the improvements shown hereon, as well as any additional improvements. Landlord may eliminate, add or relocate any improvements to any portion of the Shopping Center, including, without limitation, buildings, parking areas or structures, roadways, curb cuts, temporary or permanent kiosks, displays or stands, and may add land to and/or withdraw land from the Shopping Center. Plan not to scale. All properties offered for lease by Irvine Realty Company, a licensed real estate broker, LIC 01521891

Vista Del Sol IRVINE COMPANY | RETAIL PROPERTIES
Since 1864

SOURCE: IRVINE COMPANY SITE PLAN 4-12-11

PA2013-069 for SA2013-004
2531 Eastbluff Drive
Irvine Company – Mr. John Murphy

Exhibit 5

Attachment No. CD 3

Excerpt of Planning Commission Minutes
and Staff Report, dated April 13, 1989,
Use Permit No. 1640 Amended

DEBAY
D. SANO
EDWARDS
MERRILL
PERSON
POMEROY
WINBURN

April 13, 1989

CITY OF NEWPORT BEACH

ROLL CALL	INDEX
	<p>screened as required by the approval of Use Permit No. 1128 (Amended).</p> <p>3. That the establishment, maintenance, and operation of the use, property, and building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.</p> <p><u>Conditions:</u></p> <ol style="list-style-type: none"> 1. That development shall be in substantial conformance with the approved plot plan, floor plans, and elevations, except as noted below. 2. That all applicable conditions of Use Permit No. 1128 (Amended) shall be fulfilled. 3. That the height of the parapet walls shall be as required by the Uniform Building Code, but no higher than 32± feet above existing grade. The proposed stairwells shall be no higher than the approved height of the parapet walls. <hr/> <p><u>Use Permit No. 1640 (Amended) (Public Hearing)</u></p> <p>Request to amend a previously approved use permit which permitted the establishment of a restaurant with on-sale beer and wine on property located in the C-N-H District. The proposed amendment includes a request to permit an as-built patio dining area in conjunction with the existing restaurant.</p> <p>LOCATION: Parcel 3 of Parcel Map 49-22 (Resubdivision No. 339) located at 2531 Eastbluff Drive, at the northwesterly corner of Eastbluff Drive and Vista del Sol in the Eastbluff Shopping Center.</p> <p>ZONE: C-N-H</p>
	<p>Item No. 2</p> <p><u>UP1640A</u></p> <p><u>Approved</u></p>

DEBAY
DI SANO
EDWARDS
MERRILL
PERSON
POMEROY
WINBURN

April 13, 1989

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

APPLICANT: Showley-Wrightson, Newport Beach

OWNER: The Irvine Company, Newport Beach

The public hearing was opened in connection with this item, and Ms. Sharon Wrightson, applicant, appeared before the Planning Commission, and she concurred with the findings and conditions in Exhibit "A". Ms. Wrightson stated that the tables and chairs in the common area that were referred to in the letter from The Irvine Company dated June 8, 1982, to the Planning Commission, were never installed as proposed; however, she said that they were subsequently purchased by the Merchants' Association. Ms. Wrightson said that after the same tables and chairs were destroyed by the public, The Irvine Company purchased supplementary anchored tables and chairs at the request of the Merchants' Association.

Ms. Wrightson commented that the applicants were not aware it would be a violation to their use permit if they supplemented the total allowable number of tables and chairs to their indoor seating by adding outdoor tables and chairs.

In response to questions posed by Commissioner Merrill, Ms. Wrightson explained that the Merchants' Association employs a maintenance service to clean the common area of the shopping center; however, she said that the applicants' employees maintain their outdoor tables and chairs daily.

In response to questions posed by Commissioner Winburn, Ms. Wrightson replied that the tables and chairs that are adjacent to their restaurant were purchased by the applicants, and the chairs that are stacked adjacent to Hughes Market were purchased by the pizza restaurant.

Mr. Joe Sanchez, Corona del Mar, stated his support of the restaurant, and he commented that the applicants' outdoor tables and chairs are not obtrusive to the aesthetics of the shopping center.

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. 1640 (Amended) subject to the findings and conditions in Exhibit "A". MOTION CARRIED.

Motion
All Ayes

*

WINBURN
POMEROY
PERSON
MERRILL
EDWARDS
DI SANO
DEBAY

April 13, 1989

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

Findings:

1. That the proposed restaurant use is consistent with the Land Use Element of the General Plan, and is compatible with surrounding land uses.
2. Adequate off-street parking and related vehicular circulation are being provided in conjunction with the proposed development.
3. 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.
4. That the waiver of the restaurant development standards as they relate to traffic circulation, walls, parking lot illumination and landscaping will be of no further detriment to adjacent properties inasmuch as the proposed restaurant is located in an existing developed site.
5. That the proposed development is a relocation of previously approved "net public area" and does not increase the number of parking spaces.
6. The approval of Use Permit No. 1640 (Amended) will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Conditions:

1. That the proposed restaurant shall be in substantial conformance with the approved plot plan, and floor plan, except as noted below.
2. That all applicable conditions of approval of Use Permit No. 1640 shall remain in effect.
3. That a minimum of 1 parking space for each 40 square feet of "net public area" shall be provided for the restaurant operation.

DEBAY
D. SANO
EDWARDS
MERRILL
PERSON
POMEROY
WINBURN

April 13, 1989

CITY OF NEWPORT BEACH

ROLL CALL	INDEX
	<p>4. The "net public area" of the restaurant shall not exceed 880 square feet.</p> <p>5. That all employees of the restaurant shall be required to park on site and all delivery vehicles shall also be parked on site.</p> <p>6. That the restaurant development standards as they pertain to traffic circulation, walls, parking lot illumination, and landscaping are hereby waived.</p> <p>7. That service of alcoholic beverages in the patio dining area shall be licensed by the State Alcoholic Beverage Control.</p> <p>8. 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.</p> <p>9. 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.</p> <p style="text-align: center;">* * *</p>

On December 14, 1988, a letter was sent to the owner of the Showley-Wrightson Restaurant regarding failure to take corrective action as previously requested on November 5, 1987. On February 28, 1989, a second letter was sent to the owner of the subject restaurant facility, reiterating the violation expressed in the letter of December 14, 1988. On March 6, 1989, an application for an amendment to Use Permit No. 1640 was accepted for submittal by the Planning Department.

Analysis

The applicant is requesting an amendment to the previously approved Use Permit No. 1640 to permit the retention of an as-built patio dining area adjacent to the existing restaurant. The patio dining area consists of 10 tables and 20 chairs, the interior dining area consists of 12 tables and 28 chairs for a total of 22 tables and 48 chairs for the subject restaurant (the number of tables and chairs depicted on the proposed floor plan is not consistent with the actual number observed by field inspection). The remodel of the restaurant in October 1981 reduced the "net public area" from the previously approved 1,000± square feet to 395± square feet which was a reduction of 60% of the "net public area" (at that time parking requirements were based on occupancy and not on "net public area"). The proposed exterior dining area is approximately 450 square feet of "net public area", which combined with the existing interior dining area, results in a total of 845± square feet of "net public area". Inasmuch as this amount of "net public area" is less than the originally approved 1,000 square feet of "net public area", staff is of the opinion that the outdoor dining area does not intensify the use of the existing facility.

Off-Street Parking Requirement

Section 20.30.035 B of the Municipal Code requires one parking space for each 40 square feet of "net public area" of a restaurant facility unless modified or waived by the Planning Commission in accordance with Section 20.72.130 of the Municipal Code. Based on a "net public area" of 845 square feet, a total of twenty-two (22) parking spaces would be required ($845 \pm \text{ square feet} \div 40 = 21.1$ or 22 spaces). In accordance with Section 20.30.035 of the Municipal Code, the restaurant parking requirement may also vary between one parking space for each 50 sq.ft. of "net public area" ($845 \pm \text{ sq.ft.} \div 50 = 16.9$ or 17 parking spaces) to one parking space for each 30 sq.ft. of "net public area" ($845 \pm \text{ sq.ft.} \div 30 = 28.1$ or 29 parking spaces), depending on the operational characteristics of the restaurant. Staff is of the opinion that parking based on one parking space for each 40 sq.ft. of "net public area" is appropriate in this case. The original approval of Use Permit 1640 on November 16, 1972 required 22 parking spaces and was based on a requirement of one space/three seats (the occupancy was 67 persons divided by three required 22 parking spaces).

There are currently two hundred sixty-seven (267) on-site parking spaces plus six (6) parking spaces credited to the drive-through window for the bank; this results in a total of two hundred seventy-three (273) on-site parking spaces (these numbers were observed by staff upon site inspection of the Eastbluff Shopping Center on April 3, 1989 and are not accurately depicted on the submitted site plan). This is an excess of three (3) parking spaces which is required for all existing uses on the site ($61,596 \text{ sq. ft.} \div 250 \text{ sq. ft.} = 246.4$ or 247 spaces; 247 commercial spaces + 1 space for take-out restaurant + 22 spaces for

TO:

Planning Commission - 4

the subject restaurant = 270 parking spaces). It is staff's opinion that, in this case, the exclusive use of the outdoor dining area adjacent to the subject restaurant would not result in an increase in the parking requirement inasmuch as the number of parking spaces required based on "net public area" is the same as that required originally based on the "number of seats".

Restaurant Development Standards

Chapter 20.72 of the Newport Beach Municipal Code was amended in 1975 by the City in order to give the Planning Commission the opportunity to review any proposed restaurant through the use permit procedure. Development standards were established for restaurants in 1985 so as to insure that such facilities would be aesthetically compatible with adjoining properties and streets. Said development standards are set forth in Chapter 20.72 of the Municipal Code and include specific requirements for building setbacks, parking, traffic circulation, walls surrounding the restaurant site, landscaping, parking lot illumination, signing, underground utilities and storage.

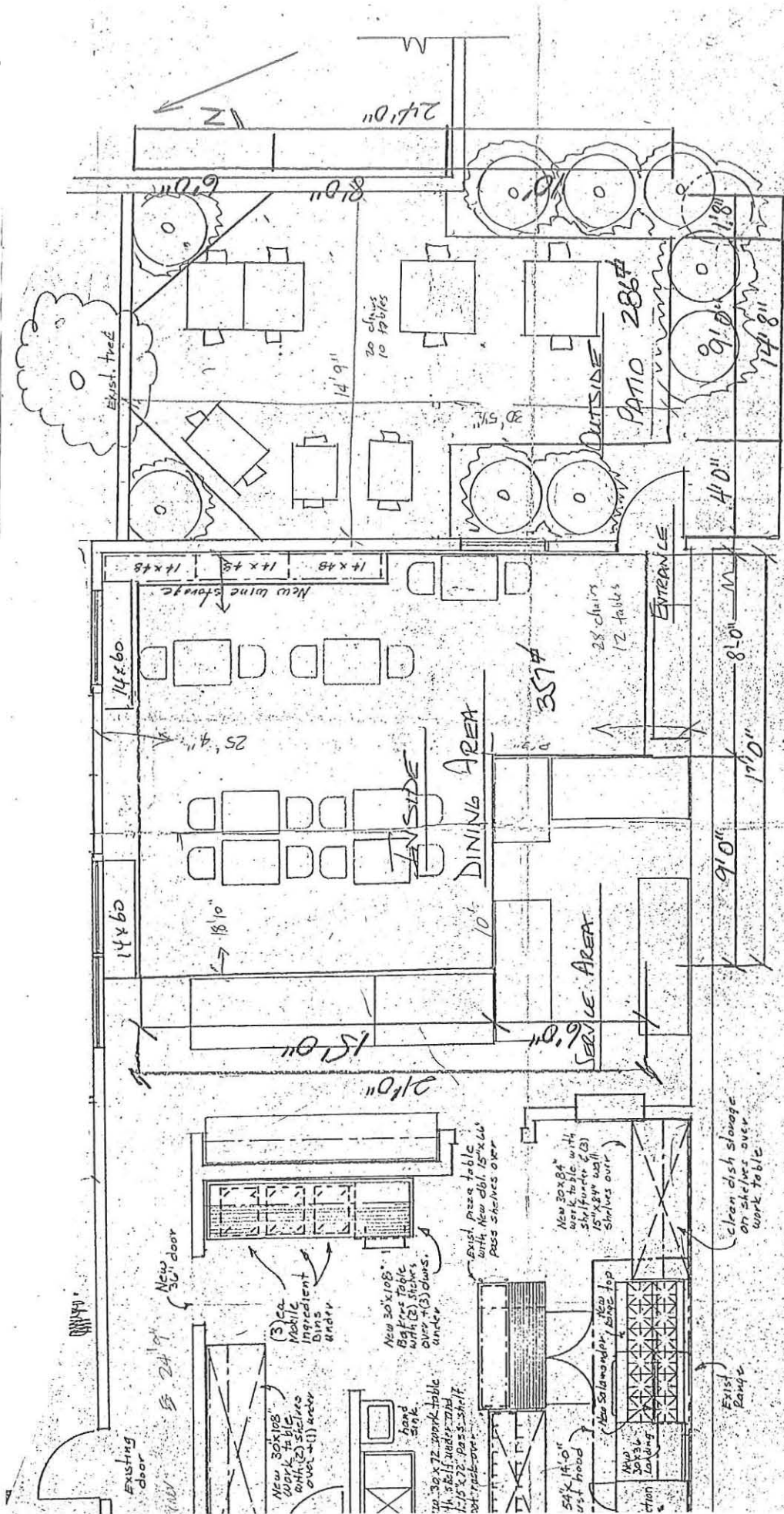
Section 20.72.130 of the Municipal Code states that the Planning Commission shall have the right to waive or modify any of the above mentioned development standards for restaurants if such modification or waiver will achieve substantially the same results and will in no way be detrimental to adjacent properties or improvements than will the strict compliance with said conditions. It is staff's suggestion that the development standards relative to traffic circulation, walls, parking lot illumination, and landscaping be waived due to the existing developed nature of the site.

Specific Findings

Section 20.80.060 of the Newport Beach Municipal Code provides that in order to grant any use permit, the Planning Commission shall find that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City. Should the Planning Commission wish to approve Use Permit No. 1640 (Amended), the findings and conditions of approval set forth in the attached Exhibit "A" are suggested. Staff cannot reasonably conceive of findings for denial, inasmuch as adequate parking is provided for the proposed development, and the project is compatible with surrounding land uses. However, it is possible that additional issues may arise at or prior to the public hearing on this matter which will provide justification for denial.

PLANNING DEPARTMENT
JAMES D. HEWICKER, Director

By Javier S. Garcia
JAVIER S. GARCIA WRL
Senior Planner



FLOOR PLAN 2531 EASTBLVD DC

Scale 1/4" = 1'-0" TYPICAL
 UPD TO PERMIT # 1640

22 Tables and 48 chairs are provided on site for dining purposes, and waiting.

ENNIS and McJUNKIN
 FOOD FACILITIES DESIGNER, SPECIFIER & CONSULTANT

SHOWLEY-WRIGHTSON

Attachment No. CD 4

Excerpt of Planning Commission Minutes and
Staff Report, dated April 22, 1993,
Use Permit No. 1640 Amended

DI SANO
EDWARDS
GIFFORD
GLOVER
MERRILL
POMEROY
RIDGEWAY

CITY OF NEWPORT BEACH

April 22, 1993

ROLL CALL

INDEX

* * *

Use Permit No. 1640 (Amended) (Public Hearing)

Item No. 4

Request to amend a previously approved use permit that permitted the establishment of a restaurant with on-sale alcoholic beverages and patio dining, on property located in the RSC-H District. The proposed amendment includes a request to expand the "net public area" of the restaurant by adding to the existing building, the installation of a new outdoor patio dining area, and the addition of live entertainment consisting of musicians and singers inside the facility.

UP1640A

Approved

LOCATION: Parcel 3 of Parcel Map 49-22 (Resubdivision No. 339) located at 2531 Eastbluff Drive, at the northwesterly corner of Eastbluff Drive and Vista del Sol in the Eastbluff Shopping Center.

ZONE: RSC-H

APPLICANT: Puccini Ristorante/The Carlson Company, Newport Beach

OWNER: The Irvine Company, Newport Beach

William Laycock, Current Planning Manager, suggested the following Condition No. 18, Exhibit "A", be added inasmuch as an Entertainment Permit is required from the Business License Division if entertainment is permitted. *That an Entertainment Permit for the proposed live entertainment shall be approved by the City in accordance with Section 5.28.040 of the Municipal Code prior to its implementation.*

The public hearing was opened in connection with this item, and Mr. Dan Burgner appeared before the Planning Commission on behalf of the applicant. He explained that Puccini Ristorante is a family run restaurant and the chef/owner prepares the food in

RIDGEWAY
 POMEROY
 MERRILL
 GLOVER
 GIFFORD
 EDWARDS
 DI SANO

CITY OF NEWPORT BEACH

April 22, 1993

ROLL CALL

INDEX

front of the restaurant's patrons. In response to a question posed by Chairman Edwards, Mr. Burgner concurred with the findings and conditions in Exhibit "A", including added Condition No. 18. Mr. Burgner explained that the Santa Ana restaurant's entertainment currently consists of a piano that is played occasionally and it is possible that there would be singing waiters. In response to a question posed by Assistant City Attorney Robin Flory, Mr. Burgner replied that the restaurant is moving from Santa Ana to the subject site.

Mr. Jim Petrilli, 2501 Bamboo Street, appeared before the Planning Commission. Mr. Petrilli opposed the subject application based on his concerns that the establishment would not be consistent with the neighborhood, and that it would generate more noise and traffic in the area.

Commissioner DiSano pointed out that Condition No. 16, Exhibit "A", indicates that the Planning Commission has the ability to bring back the use permit to add or modify conditions of approval if it is determined that the operation of the use permit is detrimental to the community.

Mr. Laycock stated that information provided to staff indicates that the live entertainment consists of music highlighting the operas of 19th Century Europe, and will be produced by live musicians and recorded music.

In response to a question posed by Commissioner Glover, Mr. Petrilli explained that he had not recommended any future shopping center tenants to The Irvine Company. In response to a question posed by Chairman Edwards, Mr. Petrilli explained that he has never filed a complaint of any uses in the shopping center. In response to Mr. Hewicker, Mr. Petrilli replied that he had no objections with the Newport Beach Tennis Club.

Mr. Bernard Pegg, 2633 Bamboo Street, appeared before the Planning Commission to express his concerns regarding the hours

DI SANO
EDWARDS
GIFFORD
GLOVER
MERRILL
POMEROY
RIDGEWAY

CITY OF NEWPORT BEACH

April 22, 1993

ROLL CALL

INDEX

of operation, entertainment in the patio area, and serving alcoholic beverages in the patio.

Mr. Burgner reappeared before the Planning Commission to address the previously stated concerns. In response to questions posed by Chairman Edwards, Mr. Burgner replied that the applicant is requesting that the hours of operation be from 11:00 a.m. to 1:30 a.m. daily, and the main purpose for the 1:30 a.m. closing is for Friday and Saturday nights.

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

Commissioner Glover addressed Condition No. 13, Exhibit "A", regarding the service of alcoholic beverages. Mr. Hewicker explained that the applicant is proposing to enclose the 14 foot by 14 foot patio area with a hedge or a fence to allow alcoholic service.

Commissioner Pomeroy responded to Mr. Petrilli's concerns regarding the neighborhood. He supported the service of alcoholic beverages on the patio based on the ambiance of an Italian restaurant.

Commissioner Ridgeway stated that if the ambient noise flows into the residential area then a complaint can be registered and the use permit can be further reviewed by the Commission to determine if the use is detrimental to the area.

Commissioner DiSano stated that Condition No. 16, Exhibit "A", allows the Commission to make or modify conditions of approval if it is determined that the operation of the use permit is detrimental to the community.

Motion was made to approve Use Permit No. 1640 (Amended) subject to the findings and conditions in Exhibit "A", adding Condition No. 18 as recommended and modify Condition No. 3 regarding the hours of operation from 10:30 a.m. until 12:00

Motion

*

RIDGWAY
 POMEROY
 MERRILL
 GLOYER
 GIFFORD
 EDWARDS
 DI SANO

CITY OF NEWPORT BEACH

April 22, 1993

ROLL CALL			INDEX
		<p>midnight Sunday through Thursday and from 10:30 a.m. until 1:30 a.m. Friday and Saturday.</p>	
Amended		<p>Following the Planning Commission's consideration of the hours of operation, Commissioner Glover requested that the motion be amended to state that the hours of operation shall be from 10:30 a.m. until 11:00 p.m. Sunday through Thursday, and from 10:30 a.m. until 1:30 a.m. Friday and Saturday. The maker of the motion agreed to amend the motion.</p>	
Ayes	* * * *	<p>Motion was voted on to approve Use Permit No. 1640 (Amended)</p>	
Absent	* *	<p>subject to the findings and conditions in Exhibit "A", amending Condition No. 3, to state that the hours of operation shall be limited between 10:30 a.m. and 11:00 p.m. Sunday through Thursday, and from 10:30 a.m. until 1:30 a.m. Friday and Saturday, and adding Condition No. 18.</p>	
		<p><u>Findings:</u></p>	
		<p>1. That the proposed restaurant use is consistent with the Land Use Element of the General Plan, and is compatible with surrounding land uses.</p>	
		<p>2. That the proposed live entertainment is in keeping with the existing restaurant operation and shall be confined to the interior of the restaurant.</p>	
		<p>3. Adequate off-street parking and related vehicular circulation are being provided in conjunction with the proposed development.</p>	
		<p>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.</p>	
		<p>5. That the waiver of the restaurant development standards as they relate to traffic circulation, walls, parking lot</p>	

DI SANO
EDWARDS
GIFFORD
GLOVER
MERRILL
POMEROY
RIDGEWAY

CITY OF NEWPORT BEACH

April 22, 1993

ROLL CALL

INDEX

illumination and landscaping will be of no further detriment to adjacent properties inasmuch as the proposed restaurant is located in an existing developed site.

- 6. The approval of Use Permit No. 1640 (Amended) will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Conditions:

- 1. That the proposed restaurant shall be in substantial conformance with the approved plot plan, and floor plan, except as noted below.
- 2. That all applicable conditions of approval of Use Permit No. 1640 and Use Permit No. 1640 (Amended) shall remain in effect.
- 3. That the hours of operation of the restaurant shall be limited between 10:30 a.m. and 11:00 p.m. Sunday through Thursday, and from 10:30 a.m. and 1:30 a.m. Friday and Saturday.
- 4. That a minimum of one parking space for each 50 square feet of "net public area" shall be provided for the restaurant operation.
- 5. The "net public area" of the restaurant shall not exceed 1,450 square feet.
- 6. That the live entertainment shall be limited so that the sound from the live entertainment shall be confined to the interior of the structure; and further that when the live entertainment is performed, all windows and doors within

RIDGWAY
 POMEROY
 MERRILL
 GLOVER
 GIFFORD
 EDWARDS
 DI SANO

CITY OF NEWPORT BEACH

April 22, 1993

ROLL CALL	INDEX
-----------	-------

the restaurant shall be closed except when entering and leaving by the main entrance of the restaurant.

7. That all employees of the restaurant shall be required to park on-site.
8. That the restaurant development standards as they pertain to traffic circulation, walls, parking lot illumination, and landscaping are hereby waived.
9. 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.
10. 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.
11. That kitchen exhaust fans shall be designed to control smoke and odor.
12. That all mechanical equipment and trash areas shall be screened from Vista del Oro Eastbluff Drive and adjoining properties.
13. That service of alcoholic beverages in the patio dining area shall be licensed by the State Alcoholic Beverage Control.
14. That no outdoor loudspeakers or paging system shall be permitted in conjunction with the subject restaurant.
15. That a Lot Line Adjustment (to adjust existing lot lines) be approved by the Modifications Committee and be recorded prior to the issuance of building permits for the expanded restaurant facility.

RIDGEWAY
POMEROY
MERRILL
GLOYER
GIFFORD
EDWARDS
DI SANO

CITY OF NEWPORT BEACH

April 22, 1993

ROLL CALL

INDEX

- 16. 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.
- 17. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section
- 18. That an Entertainment Permit for the proposed live entertainment shall be approved by the City in accordance with Section 5.28.040 of the Municipal Code prior to its implementation.

* * *

Use Permit No. 1709 (Amended) (Public Hearing)

Request to amend a previously approved use permit which permitted the establishment of a restaurant with on-sale alcoholic beverages, live entertainment and the use of an off-site parking area for a portion of the required off-street parking, on property located in the RSC-H District. The proposed amendment includes: a request to provide an outdoor deck and use it for dining purposes; convert a portion of the restaurant to a billiard use which includes 19 pool tables; convert the lower floor bar area to a coffee bar with seating; and establish hours of operation from 6:00 a.m. to 2:00 a.m. The proposal also includes the retention of the permitted live entertainment as previously approved by the Planning Commission.

LOCATION: Parcel 2 of Parcel Map 49-15 (Resubdivision No. 337) located at 900 Bayside Drive (i.e., restaurant site) and Parcel 4 of Parcel Map 11-7) Resubdivision No. 243) (i.e., offsite parking area in the Bayside Shopping

Item No.5

UP1709A

Withdrawn

TO: Planning Commission - 3

showed a total of 270 on-site parking spaces. Subsequent to the approval of Use Permit No. 3295, remodeling and restriping of the parking lot has occurred resulting in 273 parking spaces available at the Eastbluff Shopping Center.

The City became aware that the subject Showley-Wrightson Restaurant began utilizing a portion of the outdoor seating area for restaurant purposes. At its meeting of April 13, 1989, the Planning Commission approved Use Permit No. 1640 (Amended), a request to permit the as-built patio dining area consisting of approximately 450 square feet of "net public area", in conjunction with the subject restaurant. The total "net public area" approved was 845± sq.ft. based on the approved floor plan which was smaller than the original area of 1,000 sq.ft.. Parking was to be provided at a rate of one parking space for each 40 square feet of "net public area". The subject property provided 273 on-site parking spaces based on an actual count made by staff and 22 of those spaces were allocated to the subject restaurant facility (a surplus of 3 spaces above the 270 spaces required for all uses on site).

Analysis

The applicant is requesting an amendment to the previously approved Use Permit No. 1640 (Amended) so as to permit the expansion of the "net public area" of the existing restaurant by adding to the existing building, the installation of a new outdoor patio dining area, and the addition of live entertainment consisting of musicians and singers inside the facility. The patio dining area consists of 4 tables and 16 chairs, the interior dining area consists of 20 tables and 80 chairs for a total of 24 tables and 96 chairs for the subject restaurant (the previous approval provided a total of 22 tables and 48 chairs and most of the tables were for couples). The applicant has indicated that the number of employees may vary from 10 to 12 at any one time, not including the musicians. The hours of operation of the proposed facility are between the hours of 11:00 a.m. and 1:30 a.m.. The applicant has indicated that typically the restaurant will close at approximately 11:00 p.m. and may stay open later on Friday and Saturday nights. Staff has no objection to the proposed hours of operation, inasmuch as the Planning Commission has the option to review the application and modify or add conditions, should a problem arise in the future.

Off-Street Parking Requirement

Section 20.30.035 B of the Municipal Code requires one parking space for each 40 square feet of "net public area" of a restaurant facility unless modified or waived by the Planning Commission in accordance with Section 20.72.130 of the Municipal Code. Based on a proposed "net public area" of 1,406± square feet (the applicant's figures show 1,680 sq.ft.; however, this number includes the corridor to the restrooms which staff typically discounts) and on one space for each 40 sq.ft. of "net public area", a total of thirty-six (36) parking spaces would be required ($1,406 \pm \text{ square feet} \div 40 = 35.2$ or 36 spaces). In accordance with Section 20.30.035 of the Municipal Code, the restaurant parking requirement may also vary between one parking space for each 50 sq.ft. of "net public area" ($1,406 \pm \text{ sq.ft.} \div 50 = 28.1$ or 29 parking spaces) to one parking space for each 30 sq.ft. of "net public area" ($1,406 \pm \text{ sq.ft.} \div 30 = 46.8$ or 47 parking spaces), depending on the operational characteristics of the restaurant. The original approval of Use Permit 1640 on November

TO: Planning Commission - 4

16, 1972 required 22 parking spaces and was based on a requirement of one space/three seats (the occupancy was 67 persons divided by three required 22 parking spaces). The approval of Use Permit No. 1640 (Amended) was based on one parking space for each 40 sq.ft. of "net public area" ($865 \pm \text{ sq.ft.} \div 40 = 21.6$ or 22 spaces).

The applicant requests that the parking requirement be reduced to one space for each 50 sq.ft. of "net public area". This will result in a requirement of 29 spaces based on $1,406 \pm \text{ sq.ft.}$ of "net public area" as mentioned above. Staff is of the opinion that parking based on one parking space for each 50 sq.ft. of "net public area" may be appropriate in this case, given the pool of parking available for all the other uses on site.

Available Parking

There are currently two hundred sixty-seven (267) on-site parking spaces plus six (6) parking spaces credited to the drive-through window for the bank; this results in a total of two hundred seventy-three (273) on-site parking spaces (these numbers were observed by staff upon site inspection of the Eastbluff Shopping Center on April 13, 1993 and are not accurately depicted on the submitted site plan). This is a surplus of three (3) parking spaces above that which is required for all existing uses on the site ($61,596 \text{ sq. ft.} \div 250 \text{ sq. ft.} = 246.4$ or 247 spaces; 247 commercial spaces + 1 space for take-out restaurant + 22 spaces for the existing subject restaurant = 270 parking spaces). The proposed restriping of portions of the parking lot will provide an additional 2 spaces and the elimination of a landscape area will provide 8 new parking spaces for a total of 283 parking spaces. This provides for 35 parking spaces to be allocated to the proposed restaurant (283 spaces - 248 commercial spaces = 35 spaces). However, revisions to the existing parking lot's current handicap parking spaces will result in a reduction of 5 spaces, resulting in a remainder of 30 parking spaces to be allocated to the proposed restaurant.

The parking plan submitted by the applicant indicates 10 parking spaces in an area which is currently a service area and loading zone area. The striping in this area is in such a state of disrepair that it is nearly nonexistent. Staff is of the opinion that the number of parking spaces which can be counted in this area that will not interfere with the service area functions is only 6 spaces. However, an area adjacent to the truck well will accommodate an additional 4 parking spaces. This is consistent with the parking plan previously submitted with Use Permit No. 1640 (Amended) and is also consistent with the current utilization of the service and loading dock areas.

Outdoor Dining Area

The proposed exterior dining area contains approximately $196 \pm \text{ sq.ft.}$ of "net public area", which combined with the proposed interior dining area, results in a total of $1,406 \pm \text{ square feet}$ of "net public area". The proposed outdoor dining area will be for the exclusive use of patrons of the subject restaurant and is located in an area of the center which is partially covered by open beam construction patio type covers. There are currently tables and chairs located in portions of this area which are available for use by the general public. This area will not in itself affect the traffic and circulation of the shopping center.

TO: Planning Commission - 5

Live Entertainment

The applicant is also proposing to provide live entertainment in the form of musicians and possibly audience participation as described in the attached letter from the applicant. Staff has no objections to the proposed live entertainment, provided that the sound of the music is confined to the interior of the building at all times. Inasmuch as there is no dancing proposed with the live entertainment, such activity is not expected to increase the parking demand for the restaurant.

Restaurant Development Standards

Chapter 20.72 of the Newport Beach Municipal Code was amended in 1975 by the City in order to give the Planning Commission the opportunity to review any proposed restaurant through the use permit procedure. Development standards were established for restaurants in 1985 so as to insure that such facilities would be aesthetically compatible with adjoining properties and streets. Said development standards are set forth in Chapter 20.72 of the Municipal Code and include specific requirements for building setbacks, parking, traffic circulation, walls surrounding the restaurant site, landscaping, parking lot illumination, signing, underground utilities and storage.

Section 20.72.130 of the Municipal Code states that the Planning Commission shall have the right to waive or modify any of the above mentioned development standards for restaurants if such modification or waiver will achieve substantially the same results and will in no way be detrimental to adjacent properties or improvements than will the strict compliance with said conditions. It is staff's suggestion that the development standards relative to traffic circulation, walls, parking lot illumination, and landscaping be waived due to the existing developed nature of the site.

Lot Line Adjustment Requirement

The proposed expansion of the existing restaurant facility will result in the new construction extending across an existing property line established by Resubdivision No. 339 (Parcel Map No. 49-22). This situation is contrary to Municipal Code and Building Code requirements and can be remedied by way of a Lot Line Adjustment so as to relocate that portion of the property line so as to encompass the proposed expansion. The applicant has been made aware of this requirement and the appropriate condition of approval has been incorporated into the attached Exhibit "A".

Specific Findings

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

TO: Planning Commission - 6

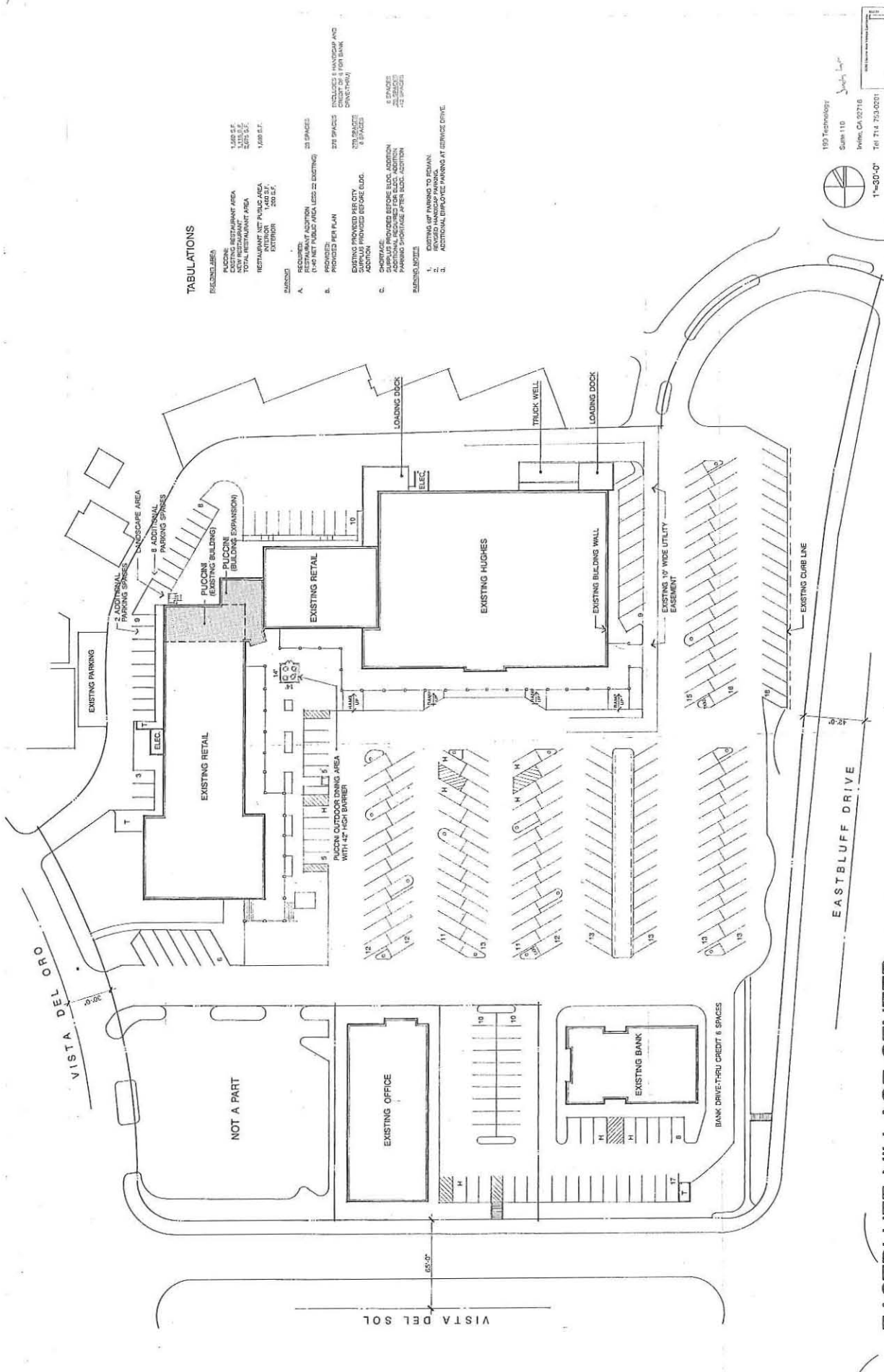
welfare of the City. Should the Planning Commission wish to approve Use Permit No. 1640 (Amended), the findings and conditions of approval set forth in the attached Exhibit "A" are suggested. However, should the Planning Commission wish to deny Use Permit No. 1640 (Amended), the findings set forth in the attached Exhibit "B" are suggested.

PLANNING DEPARTMENT
JAMES D. HEWICKER, Director

By 
JAVIER S. GARCIA
Senior Planner

Attachments: Exhibit "A"
Exhibit "B"
Vicinity Map
Excerpt of the Planning Commission Minutes
dated November 16, 1972 and April 13, 1989
Letter from Applicant to Planning Department
dated March 30, 1993 with attachments
Plot Plan and Floor Plan

F:\...\JAY-G\UP\REST\UP1640A2.SR



TABLATIONS

EXISTING AREAS

PUCCINI
 RESTAURANT AREA
 1,000 S.F.
 NEW RESTAURANT
 2,075 S.F.
 TOTAL RESTAURANT AREA
 3,075 S.F.

RESTAURANT NET PUBLIC AREA
 1,000 S.F.
 NEW RESTAURANT
 2,075 S.F.

EXISTING AREAS

EXISTING RETAIL
 11,400 S.F.
 11-40 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING HUGHES
 22,000 S.F.
 22-00 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING OUTDOOR DINING AREA
 1,000 S.F.
 1-00 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING PARKING
 1,000 S.F.
 1-00 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING 10' WIDE UTILITY EASEMENT
 1,000 S.F.
 1-00 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING CURB LINE
 1,000 S.F.
 1-00 NET PUBLIC AREA LESS 22 EXISTING SPACES

NEW AREAS

RESTAURANT ADDITION
 2,075 S.F.
 2-08 NET PUBLIC AREA LESS 22 EXISTING SPACES

PROVIDED PER PLAN
 2,075 S.F.
 2-08 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING PROVIDED PER CITY
 2,075 S.F.
 2-08 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING PROVIDED BEFORE ELOC.
 2,075 S.F.
 2-08 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING PROVIDED BEFORE ELOC. ADDITION
 2,075 S.F.
 2-08 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING PROVIDED BEFORE ELOC. ADDITION
 2,075 S.F.
 2-08 NET PUBLIC AREA LESS 22 EXISTING SPACES

PARKING SPACES

EXISTING NET PARKING FOR BANK
 1,000 S.F.
 1-00 NET PUBLIC AREA LESS 22 EXISTING SPACES

EXISTING NET PARKING FOR HUGHES
 2,075 S.F.
 2-08 NET PUBLIC AREA LESS 22 EXISTING SPACES

ADDITIONAL EMPLOYEE PARKING AT SERVICE DRIVE
 1,000 S.F.
 1-00 NET PUBLIC AREA LESS 22 EXISTING SPACES

193 TECHNOLOGY
 Suite 110
 Irvine, CA 92718
 Tel 714 753-0001
 Fax 714 753-0021

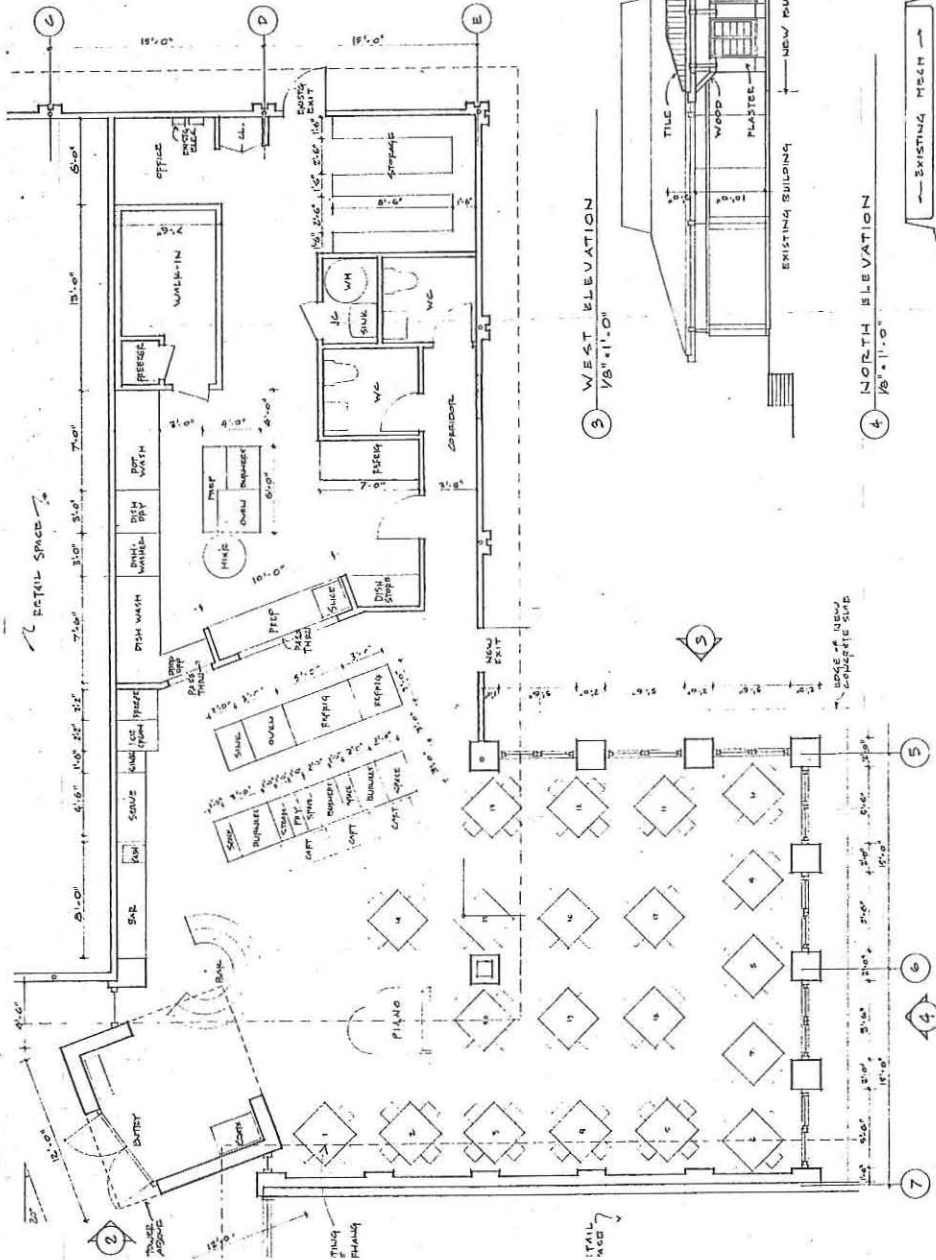
3110
 SCALE

UNIVERSITY
 ARCHITECTS

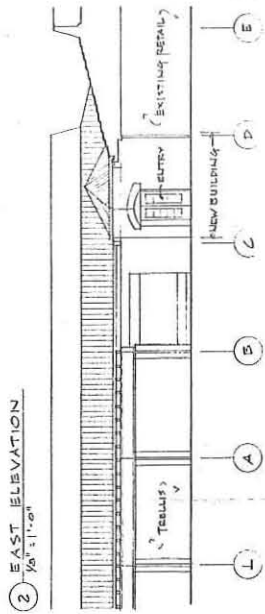
1"=30'-0"
SITE PLAN

EASTBLUFF VILLAGE CENTER - PUCCINI EXPANSION
 NEWPORT BEACH, CALIFORNIA

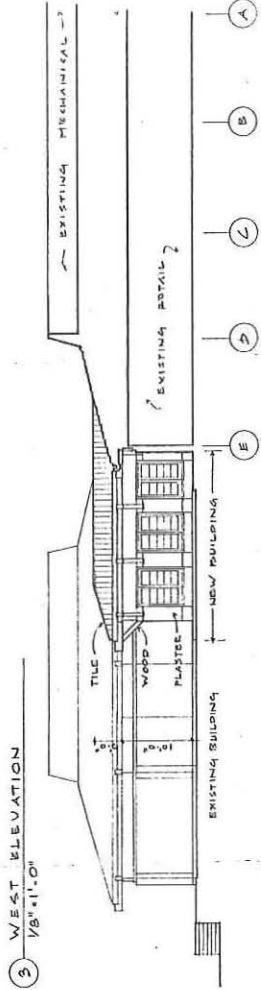
THE IRVINE COMPANY
 MARCH 26, 1993



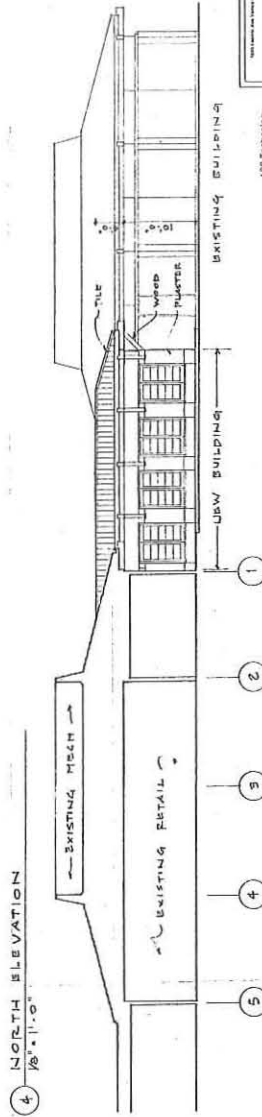
1 PLAN
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



3 WEST ELEVATION
1/8" = 1'-0"



4 NORTH ELEVATION
1/8" = 1'-0"



199 Technology
Suite 110
Irvine, CA 92718
Tel: 714 753-0021
Fax: 714 753-0021



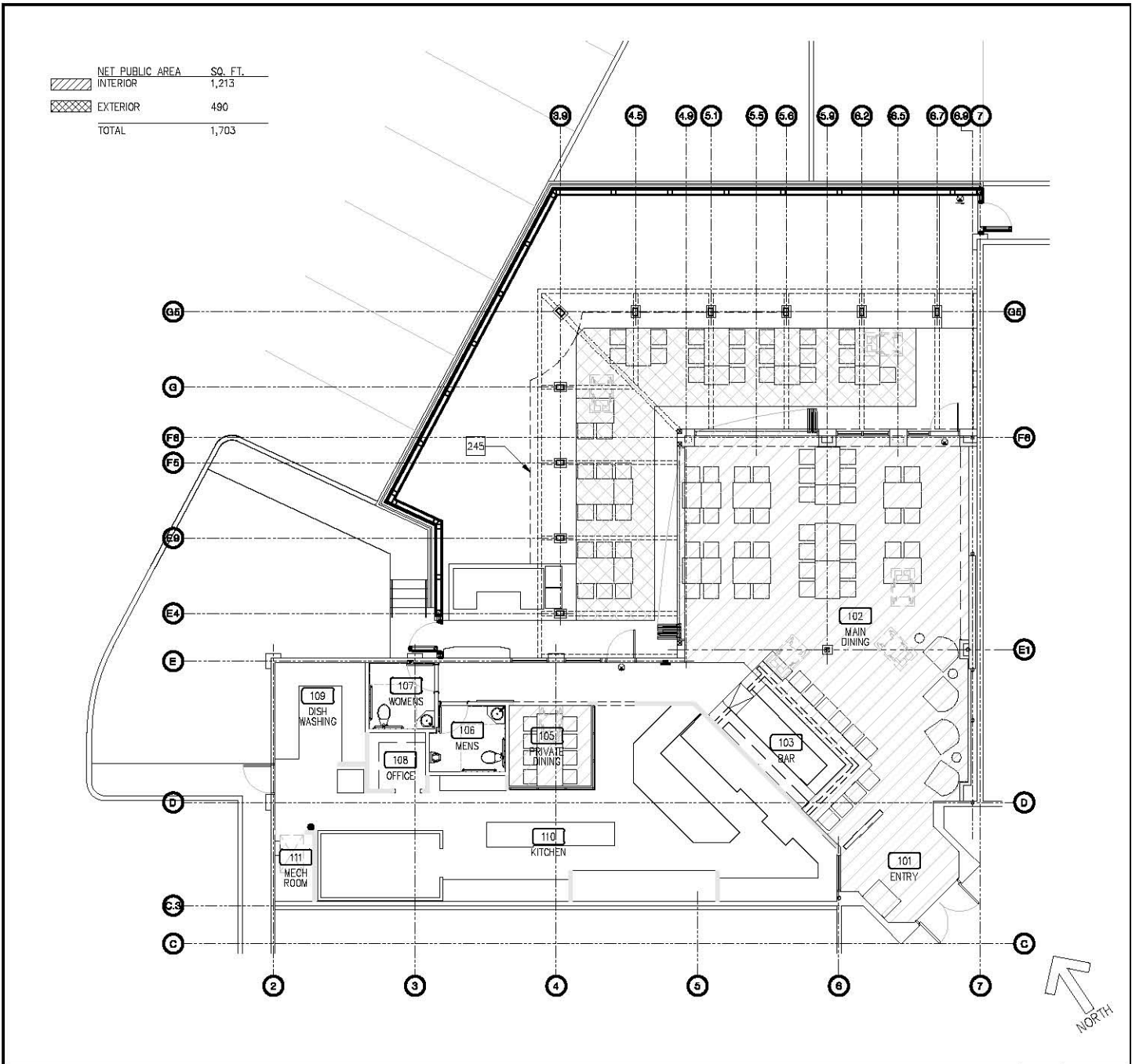
THE IRVINE COMPANY
MARCH 26, 1993

EASTBLUFF VILLAGE CENTER - PUCCINI EXPANSION

NEWPORT BEACH, CALIFORNIA

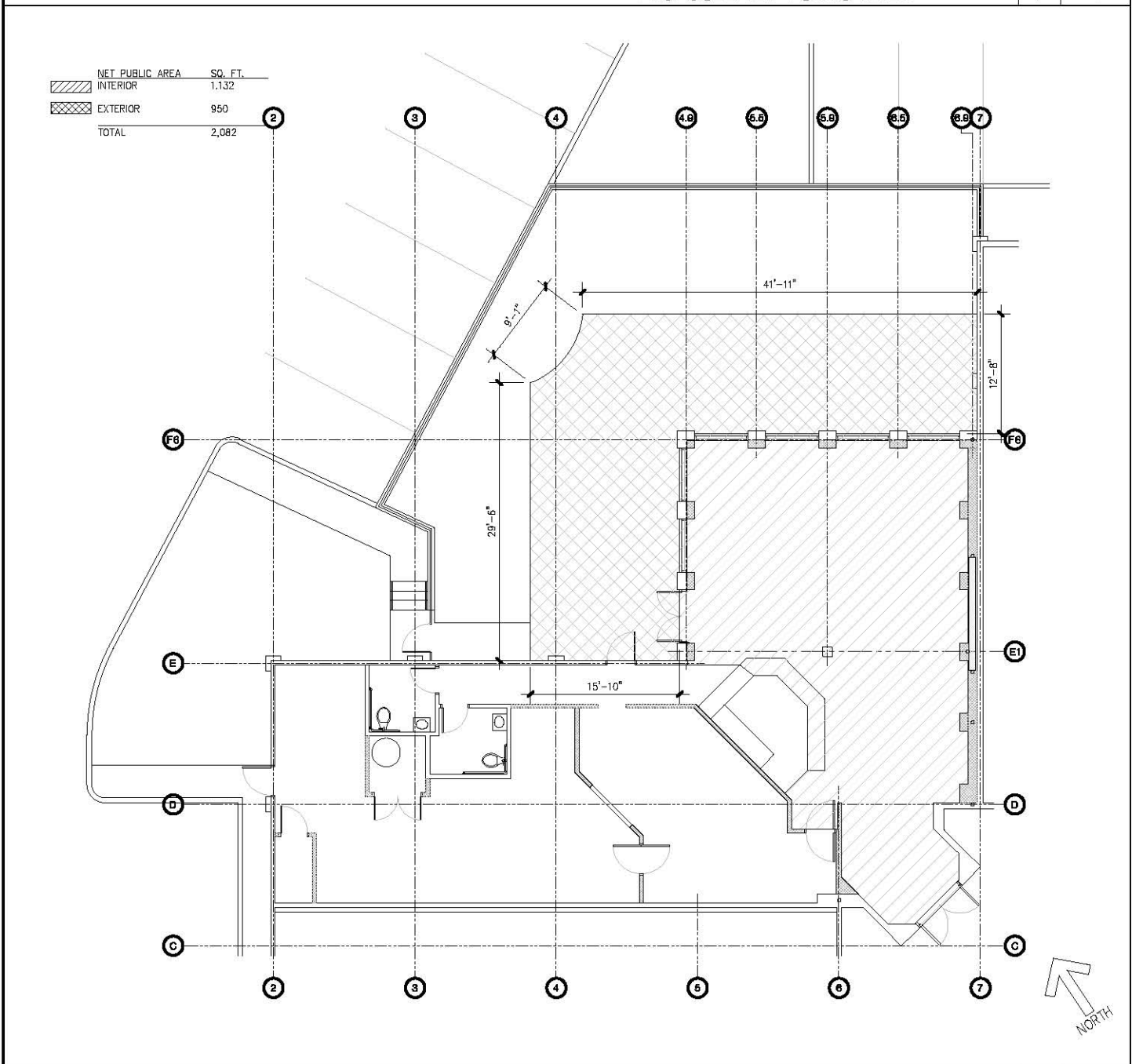
Attachment No. CD 5

Existing and Proposed Interior Net Public Area Plans
Excerpt of Planning Commission Minutes and Staff
Report, dated November 4, 1993,
Use Permit No. 1640 Amended



PROPOSED NET PUBLIC AREA

1/8" 4



PREVIOUS NET PUBLIC AREA

1/8" 3

DI SANO
EDWARDS
GIFFORD
GLOVER
MERRILL
POMEROY
RIDGEWAY

CITY OF NEWPORT BEACH

November 4, 1993

ROLL CALL

INDEX

to the rear of the required 15 foot front yard setback before converting to chain link fence. A similar masonry wall shall be constructed along the southerly side property line, provided that the masonry wall be extended an additional 100 feet before converting to chain link fence.

- 31. That no customer service, shuttle bus service, customer drop off or pick up of automobiles shall be allowed on the premises unless an amendment to the use permit is approved by the Planning Commission.
- 32. That a 4 foot high masonry wall shall replace the chain link fence in the employee parking area.

* * *

Use Permit No. 1640 (Amended) (Public Hearing)

Item No.2

Request to amend a previously approved use permit that permitted the establishment of a restaurant with outdoor dining, the service of alcoholic beverages, and live entertainment inside the facility, on property located in the RSC-H District. The proposed amendment includes a request to relocate the previously approved outdoor dining area to the northerly side of the restaurant, adjacent to the rear parking area of the Eastbluff Shopping Center.

UP1640A

Approved

LOCATION: Parcel 1, Lot Line Adjustment No. 93-2, located at 2531 Eastbluff Drive, at the northwesterly corner of Eastbluff Drive and Vista del Sol, in the Eastbluff Shopping Center.

ZONE: RSC-H

APPLICANT: Puccini Ristorante, Newport Beach

OWNER: The Irvine Company, Newport Beach

CITY OF NEWPORT BEACH

November 4, 1993

ROLL CALL

INDEX

The public hearing was opened in connection with this item, and Mr. Jerry King, J. A. King & Associates, appeared before the Planning Commission on behalf of the applicant. He stated that the applicant concurs with the findings and conditions in Exhibit "A" as proposed by staff. He referred to suggested Condition No. 12 in the staff report stating *That a 6 foot high solid fence or wall (wood, masonry, glass or other similar material) shall be constructed adjacent to the outdoor patio area to mitigate noise associated with said outdoor area from the adjoining residential uses.* Mr. King indicated that the condition would not be necessary inasmuch as the applicant has agreed to close the restaurant at 10:00 p.m. so as to conform with the uses in the surrounding area. He stated that based on the numerous nighttime activities in the area that the subject use would not have an adverse impact on the residents.

Mr. Bernard Pegg, 2633 Bamboo Street, appeared before the Planning Commission. Mr. Pegg referred to Condition No. 3, Exhibit "A", concerning the 10:00 p.m. closing, and he suggested that the condition be amended to state that there would be no activity in the outdoor dining area after 10:00 p.m. He referred to Condition No. 5, Exhibit "A", and he requested that the proposed 4 tables and 16 seats be restricted for outdoor dining only and that the patio not be used as a waiting area for the restaurant. Mr. Pegg stated that based on the noise transmitted from the surrounding area that a sound barrier could be as beneficial for the restaurant patrons as the residents.

Discussion ensued between Commissioner DiSano, Commissioner Edwards, Commissioner Pomeroy, Mr. King and staff regarding the interpretation of aforementioned Condition No. 3 that states *...outdoor dining..be limited between 10:30 a.m. and 10:00 p.m. daily. The outdoor dining area shall remain closed to any use at all times.* Robin Flory, Assistant City Attorney, stated that for enforcement purposes that *any other use at all other times* means that after 10:00 p.m. if patrons are still eating in the outdoor area, it would be a violation to the use permit.

DI SANO
EDWARDS
GIFFORD
GLOVER
MERRILL
POMEROY
RIDGEWAY

CITY OF NEWPORT BEACH

November 4, 1993

ROLL CALL

INDEX

Motion
Ayes
Absent

* * * * *
* * * * *

Mr. King stated that he made several attempts to contact the North Bluff Park Community Association; however, the Association never returned his telephone calls.

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

Motion was made to approve Use Permit No. 1640 (Amended) subject to the findings and conditions in Exhibit "A".

Commissioner DiSano supported the motion as stated.

Motion was voted on, MOTION CARRIED.

Findings:

1. That the outdoor dining use is consistent with the Land Use Element of the General Plan, and is compatible with surrounding land uses.
2. That the approved live entertainment will be confined to the interior of the restaurant.
3. Adequate off-street parking and related vehicular circulation are being provided in conjunction with the proposed development.
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 restaurant development standards as they relate to traffic circulation, walls, parking lot illumination and landscaping will be of no further detriment to adjacent properties inasmuch as the proposed restaurant is located in an existing developed site.

DI SANO
 EDWARDS
 GIFFORD
 GLOVER
 MERRILL
 POMEROY
 RIDGEWAY

CITY OF NEWPORT BEACH

November 4, 1993

ROLL CALL

INDEX

6. The approval of Use Permit No. 1640 (Amended) will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Conditions:

1. That the proposed restaurant shall be in substantial conformance with the approved plot plan, and floor plan, except as noted below.
2. That all applicable conditions of approval of Use Permit No. 1640 and Use Permit No. 1640 (Amended) shall remain in effect.
3. That the hours of operation of the outdoor dining area shall be limited between 10:30 a.m. and 10:00 p.m., daily. The outdoor dining area shall remain closed to any use at all other times.
4. That a minimum of one parking space for each 50 square feet of "net public area" (29 spaces) shall be provided for the restaurant operation (based on a maximum of 200 square feet devoted to actual outdoor dining and a maximum of 1,250 sq.ft. devoted to interior dining).
5. That the "net public area" of the restaurant shall not exceed 1,450 square feet (a maximum of 200 square feet shall be devoted to outdoor dining and a maximum of 1,250 sq.ft. shall be devoted to interior dining). The outdoor dining area shall be limited to a maximum of 4 tables and 16 seats.
6. That the development standards pertaining to traffic circulation, walls, parking lot illumination and landscaping are hereby waived.

DI SANO
 EDWARDS
 GIFFORD
 GLOVER
 MERRILL
 POMEROY
 RIDGEWAY

CITY OF NEWPORT BEACH

November 4, 1993

ROLL CALL

INDEX

- 7. That the live entertainment shall be limited to the interior of the restaurant facility and shall not be performed in the outdoor dining area at any time.
- 8. That service of alcoholic beverages in the outdoor dining area shall be licensed by the State Alcoholic Beverage Control.
- 9. That no outdoor sound system, loudspeakers or paging system shall be permitted in conjunction with the outdoor dining area or the restaurant facility.
- 10. 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.
- 11. 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.

* * *

CITY OF NEWPORT BEACH

TO: Planning Commission
FROM: Planning Department
SUBJECT: Use Permit No. 1640 (Amended)(Public Hearing)

Request to amend a previously approved use permit that permitted the establishment of a restaurant with outdoor dining, the service of alcoholic beverages, and live entertainment inside the facility, on property located in the RSC-H District. The proposed amendment includes a request to relocate the previously approved outdoor dining area to the northerly side of the restaurant, adjacent to the rear parking area of the Eastbluff Shopping Center.

LOCATION: Parcel 1, Lot Line Adjustment No. 93-2, located at 2531 Eastbluff Drive, at the northwesterly corner of Eastbluff Drive and Vista del Sol, in the Eastbluff Shopping Center.

ZONE: RSC-H

APPLICANT: Puccini Ristorante, Newport Beach

OWNER: The Irvine Company, Newport Beach

Application

This is a request to amend a previously approved use permit which permitted the establishment of a restaurant with outdoor dining, the service of alcoholic beverages, and live entertainment inside the facility, on property located in the RSC-H District. The proposed amendment includes a request to relocate the previously approved outdoor dining area to the northerly side of the restaurant, adjacent to the rear parking area of the Eastbluff Shopping Center. Use permit procedures are set forth in Chapter 20.80 of the Municipal Code.

Environmental Significance

This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality act under Class 1 (Existing Facilities).

TO: Planning Commission - 3

Commission waived thirty (30) of the thirty-seven required parking spaces. The tenant space is currently vacant. The approved parking plan showed a total of 270 on-site parking spaces. Subsequent to the approval of Use Permit No. 3295, remodeling and restriping of the parking lot has occurred resulting in 273 parking spaces available at the Eastbluff Shopping Center.

The City became aware that the subject Showley-Wrightson Restaurant began utilizing a portion of the outdoor seating area for restaurant purposes. At its meeting of April 13, 1989, the Planning Commission approved Use Permit No. 1640 (Amended), a request to permit the as-built patio dining area consisting of approximately 450 square feet of "net public area", in conjunction with the subject restaurant. The total "net public area" approved was 845± sq.ft. based on the approved floor plan which was smaller than the original area of 1,000 sq.ft.. Parking was to be provided at a rate of one parking space for each 40 square feet of "net public area". The subject property provided 273 on-site parking spaces based on an actual count made by staff and 22 of those spaces were allocated to the subject restaurant facility (a surplus of 3 spaces above the 270 spaces required for all uses on site).

At its meeting of April 22, 1993, the Planning Commission approved Use Permit No. 1640 (Amended), a request to amend the previously approved use permit that permitted the establishment of the subject restaurant with on-sale alcoholic beverages and patio dining. The amendment included a request to expand the "net public area" of the restaurant by adding to the existing building, the installation of a new outdoor patio dining area, and the addition of live entertainment consisting of musicians and singers inside the facility. The "net public area" approved in conjunction with this approval was 1,450 sq.ft. and required 29 parking spaces based on spaces for each 50 sq.ft. of "net Public Area". An excerpt of the minutes of that meeting is attached for the Commission's information.

Analysis

The applicant's current request an amendment to the previously approved Use Permit No. 1640 (Amended) so as to permit the relocation of the previously approved outdoor dining area from the front of the facility to the rear of the facility. The outdoor dining area will consist of 4 tables and 16 chairs, consistent with the previously approved outdoor dining area.

As previously approved, the number of employees may vary from 10 to 12 at any one time, not including the musicians. The hours of operation of the proposed facility, as approved by the Planning Commission on April 22, 1993, are between the hours of 10:30 a.m. and 11:00 p.m. Sunday through Thursday and between 10:30 a.m. and 1:30 a.m. Friday and Saturday.

Proposed Outdoor Dining

The major difference in the new outdoor area is the square footage requested. The outdoor area is increasing from 196 sq.ft. to 1,181 sq.ft., an increase of 985 sq.ft.. However, the applicant has indicated that the footprint of the actual table areas devoted to dining do not

TO: Planning Commission - 4

exceed 196 sq.ft. as approved by the Planning Commission on April 22, 1993. It should also be noted that actual number of seats will not increase and appropriate conditions of approval have been incorporated into the attached Exhibit "A".

Noise Wall

Staff is concerned that the proximity of residential uses to the proposed outdoor dining area may be adversely affected by the noise associated with the outdoor dining area use. For this reason, the hours of the outdoor dining area have been reduced as compared to the interior restaurant facility and is discussed later in the body of this report.

Staff has observed that the residential uses are located approximately 170 feet from the proposed patio dining area across a greenbelt area. The outdoor dining area is also elevated approximately 6 feet higher than the elevation of the neighboring residential ground floor patio elevations and is visible by a direct line of sight from said residential uses (see attached topographic plan). The line of sight from the first and second floors of the residential uses may be interrupted by landscaping but it will be uninterrupted by any solid structures which mitigate sound waves. Staff has also considered that the line of sight of the proposed outdoor dining area would also approximate the areas which would be directly impacted by noise associated with the outdoor use. Staff has related to the property management of the shopping center the concern with the noise from the outdoor use and has agreed that proposed and existing landscaping will not mitigate noise. However, the property management has indicated a reluctance to provide any sort of sound attenuating wall or fence unless a problem arises. They feel that a further limitation on the hours of the outdoor dining area may rectify any such problems.

Staff does not concur with the property management's rationale and should the Commission agree that the sound should be attenuated to some degree, the following condition of approval may be appropriate to alleviate potential noise problems:

12. That a 6 foot high solid fence or wall (wood, masonry, glass or other similar material) shall be constructed adjacent to the outdoor patio area to mitigate noise associated with said outdoor area from the adjoining residential uses.

Hours of Operation

Staff has no objection to the proposed hours of operation of the restaurant facility; however, noise associated with the operation of the outdoor dining area justifies an earlier closing hour of the outdoor dining area. Staff has therefore suggested and the applicant has agreed to limit the hours of the outdoor dining area to a 10:00 p.m. closing hour. Staff is satisfied with the proposed closing hour, inasmuch as the Planning Commission has the option to review the application and modify or add conditions, should a problem arise in the future.

Should the Commission wish to further limit the hours of operation in conjunction with the outdoor dining area, Condition of Approval No. 3 should be revised accordingly.

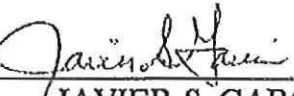
TO: Planning Commission - 6

Section 20.72.130 of the Municipal Code states that the Planning Commission shall have the right to waive or modify any of the above mentioned development standards for restaurants if such modification or waiver will achieve substantially the same results and will in no way be detrimental to adjacent properties or improvements than will the strict compliance with said conditions. It is staff's suggestion that the development standards relative to traffic circulation, walls, parking lot illumination, and landscaping be waived due to the existing developed nature of the site.

Specific Findings

Section 20.80.060 of the Newport Beach Municipal Code provides that in order to grant any use permit, the Planning Commission shall find that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City. Should the Planning Commission wish to approve Use Permit No. 1640 (Amended), the findings and conditions of approval set forth in the attached Exhibit "A" are suggested. However, should the Planning Commission wish to deny Use Permit No. 1640 (Amended), the findings set forth in the attached Exhibit "B" are suggested.

PLANNING DEPARTMENT
JAMES D. HEWICKER, Director

By 
JAVIER S. GARCIA
Senior Planner

Attachments: Exhibit "A"
Exhibit "B"
Vicinity Map
Excerpt of the Planning Commission Minutes
dated November 16, 1972, April 13, 1989 and
April 22, 1993
Letter from Applicant to Planning Department
Describing the Proposed Operation
Topographic Representation of Subject Property
Plot Plan, Floor Plan, Patio Section Detail and Exterior Floor Plan

Attachment No. CD 6

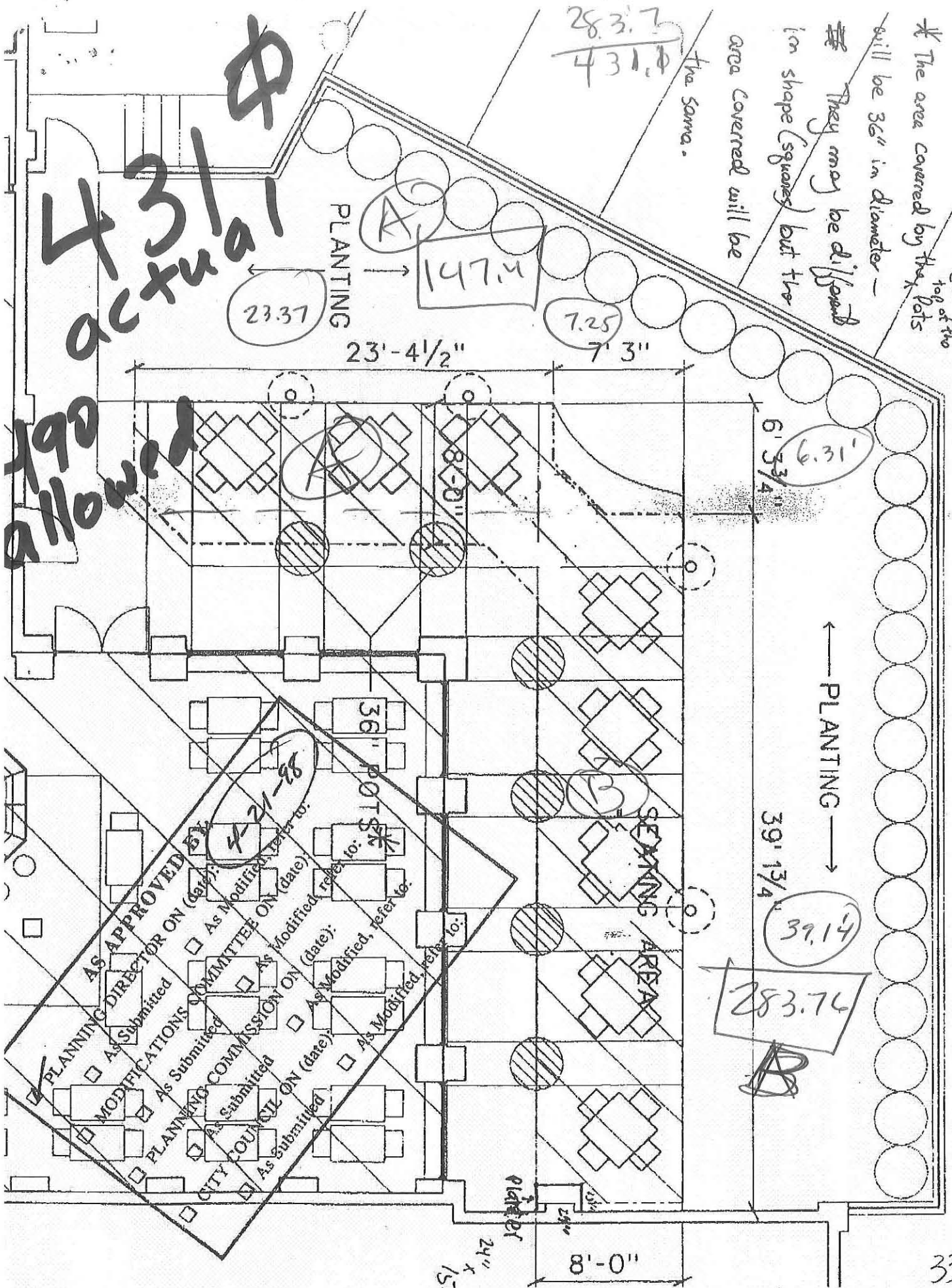
Existing and Proposed Outdoor Dining Area Plans
Approval Letter, dated April 22, 1998,
Outdoor Dining Permit No. 48

147.4
283.7
431.1

* The area covered by the pots
will be 36" in diameter -
They may be different
in shape (squares) but the
area covered will be
the same.
Covered to
top of the
pots

431.1
actual

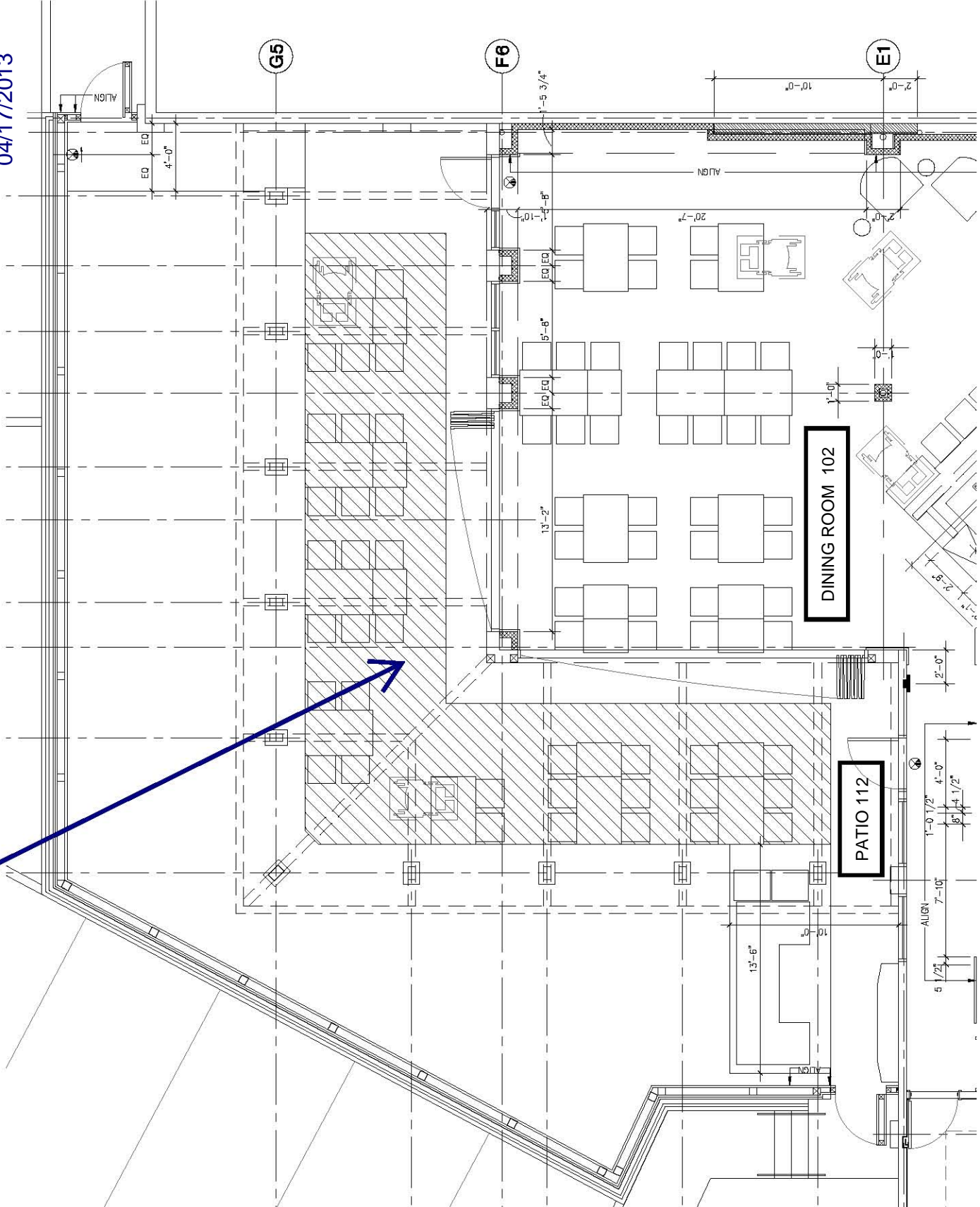
190
allowed



AS APPROVED BY:
 PLANNING DIRECTOR ON (date):
 As Submitted
 MODIFICATIONS COMMITTEE ON (date):
 As Submitted
 PLANNING COMMISSION ON (date):
 As Submitted
 CITY COUNCIL ON (date):
 As Submitted

4-21-88

OUTDOOR SEATING AREA: 490 S.F.





CITY OF NEWPORT BEACH
COMMUNITY AND ECONOMIC DEVELOPMENT

PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(714) 644-3200; FAX (714) 644-3250

Application:	Acc. Outdoor Dining Permit No. 48
Application Complete:	March 18, 1998
Date of Notice:	March 20, 1998
Date Approved:	April 21, 1998
Staff Person:	Javier S. Garcia, 644-3206
Appeal Period:	14 days (closes May 1, 1998)

Application No: Accessory Outdoor Dining Permit No. 48

Applicant: Sage Restaurant (Richard Mead, applicant)

Owner: The Irvine Company, Newport Beach

Address of Property Involved: 2531 Eastbluff Drive

Legal Description: Parcel No. 1 of Lot Line Adjustment No. 93-2

Application Request:

The applicant requests to expand an existing accessory outdoor dining use in conjunction with an existing full-service restaurant. The property is located in the RSC (Retail and Service Commercial) District.

Director's Action: **APPROVED on April 21, 1998**

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

FINDINGS

1. That the Land Use Element of the General Plan designates the property for "Retail and Service Commercial" land use. The proposed outdoor dining is accessory to an existing restaurant, a permitted use within that designation.
2. That this project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).

3. That the approval of this application will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the city for the following reasons:
 - The expansion is subject to all the findings conditions of approval of Use Permit No. 1640 and its amendments, which approved the original outdoor dining area, and not an independent use.
 - The proposal is an expansion of the existing outdoor dining area which has not been proven incompatible with the surrounding land uses.
 - The limited hours should prevent noise from adversely impacting the nearby residential uses since the proposal does not include any noise generating activities (i.e., entertainment) in the patio area.

4. That the proposal is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code for the following reasons:
 - The use is an expansion of the existing outdoor dining area which is accessory to and an extension of the existing restaurant use.
 - The proposed accessory outdoor dining expansion will not be located to result in a reduction of existing parking spaces.
 - The restrictions on the use of solid roof structures as applied to this approval are consistent with the intent and purpose of the accessory outdoor dining to provide outdoor dining opportunities.

CONDITIONS:

1. That development shall be in substantial conformance with the approved site plan and floor plan (detail seating plan), except as noted in the following conditions.

2. That the expansion of the accessory outdoor dining shall be limited to 290 sq.ft. (maximum gross area) as proposed (25 percent of the indoor net public area of 1,250 sq.ft.) and shall be used in conjunction with the related adjacent food establishment, unless a use permit is obtained from the Planning Commission. The total of the outdoor dining area shall not exceed 490 square feet (200 sq.ft. originally approved plus 290 sq.ft. expansion).

3. That the hours of operation of the outdoor dining area is limited to between 10:30 a.m. and 10:00 p.m., daily. Any increase in the hours of operation shall be subject to the approval of an amendment to this application and may require an amendment to Use Permit No. 1640 (Amended).

4. That alcoholic beverage service shall be prohibited in the outdoor dining areas, until the approval of the Police Department and the Alcoholic Beverage Control Board are first obtained for the increased area. Any substantial physical changes required (as determined by the Planning Department) to accommodate alcoholic beverage service shall be subject to the approval of an amendment to this Outdoor Dining Permit.

5. That the seating adjacent to the food use facility shall be limited to the area as delineated on the approved site plan only. That the approved outdoor dining area shall be located on a solid surface in accordance with the approved floor plan or seating plan.
6. That live entertainment shall be prohibited in the outdoor dining area.
7. That the operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. The use of outside loudspeakers, paging system or sound system shall be prohibited in the outdoor dining area. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. That is, the sound shall be limited to no more than depicted below for the specified time periods:

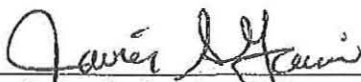
	Between the hours of 7:00 a.m. and 10:00 p.m.		Between the hours of 10:00 p.m. and 7:00 a.m.	
	<u>interior</u>	<u>exterior</u>	<u>interior</u>	<u>exterior</u>
Measured at the property line of commercially zoned property:	N/A	65 dBA	N/A	60 dBA
Measured at the property line of residentially zoned property:	N/A	60 dBA	N/A	50 dBA
Residential property:	45 dBA	55 dBA	40 dBA	50 dBA

8. That the applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the indoor live entertainment to insure compliance with these conditions, if required by the Planning Director.
9. That all doors and windows on the side of the building leading to the outdoor dining areas shall remain closed while any approved indoor live entertainment is being performed, except when persons enter and leave by the main entrance of the facility or out to the patio dining area.
10. That all applicable conditions of approval of Use Permit No. 1640 and its amendments shall remain in force (copies attached).
11. That the area outside of the food establishment, including the public sidewalks, shall be maintained in a clean and orderly manner and may be subject to providing periodic steam cleaning of the public sidewalks as required by the Public Works Department.
12. That trash receptacles for patrons shall be conveniently located outside of the related food service facility to serve the accessory outdoor dining area.
13. That the use of the rear door shall be limited to deliveries and employee use only, use by customers as an entry shall be prohibited.

14. That deliveries shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily.
15. That use of the rear door shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, except by employees exiting the facility after closing hours. The proprietor shall actively monitor the use of the rear door to the facility to control noise generated by employees exiting the facility.
16. That for sunshade purposes, coverings shall be limited to the use of umbrellas or retractable awnings with a minimum vertical clearance of 7 feet measured from the floor of the dining area to the lowest portion of the shade structure. That the use of solid, permanent roof coverings or patio covers shall be prohibited.
17. That should problems arise with regard to noise associated with the outdoor dining areas, which cannot be resolved in cooperation with the management of the facility, the Planning Department shall require the removal of all or a portion of the outdoor dining area seating in the areas which contribute to the noise problems or complaints.
18. That should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current owner or the leasing company.
19. That the Planning Department may add to or modify conditions of approval to this outdoor dining permit, or revoke this approval upon a finding of failure to comply with the conditions set forth in Chapter 20.82 of the Municipal Code or other applicable conditions and regulations governing the food establishment. The Planning Director or the Planning Commission may also revoke this permit upon a determination that the operation which is the subject of this approval causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

The decision of the Planning Department is final, however, the approval is subject to call up by the Planning Commission or the City Council for referral to the Planning Commission within 14 days of the date of the decision.

PATRICIA L. TEMPLE, Planning Director

By 
Javier S. Garcia, AICP
Senior Planner

Attachment No. CD 7

Excerpt of Planning Commission Minutes and Staff
Report, dated May 18, 2000,
Use Permit No. 1640 Amended

City of Newport Beach
Planning Commission Minutes
May 18, 2000

INDEX

Commissioner Tucker - no script or logo on clock
Commissioner Kranzley - no script or logo on clock
Commissioner Gifford - no script or logo or trade coloring on clock
Chairperson Selich - no script or logo on clock

Chairperson Selich noted with the four votes, the logo was out.

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

SUBJECT: Sage Restaurant (Richard Mead, applicant)
2531 Eastbluff Drive
• Use Permit No. 1640 Amended (III)

Item No. 3
UP 1640 A (III)

A request to upgrade the existing Alcoholic Beverage Outlet approval to allow for the sale of general alcoholic beverages for on-site consumption (Type 47 License).

Approved

Commissioner Kiser recused himself from deliberation on this matter as he represents one of the owners of the Sage Restaurant.

Senior Planner Campbell noted that several letters of support have been received and distributed for review. One letter from an attorney representing the restaurant asked that the Commission consider the restaurant staying open on New Year's Eve until 2:00 a.m. This is the only request for a change in the hours of operation.

Public comment was opened.

Michael Chow, 3991 MacArthur Boulevard, representing the Sage Restaurant stated that the applicant understands and agrees to the findings and conditions as proposed. The operational characteristics of the restaurant are not going to change. They are asking for an upgrade of license privileges. In terms of what happened this last year with New Year's Eve, we thought this would be an opportune time to ask for an exception of the hours for that one evening for the year. Rich Mead, chef and owner of the restaurant is here to answer any questions of the Commission. (he presented a handout to the Commission)

Commissioner Kranzley stated that in the staff report states that there is no live entertainment currently, you would like to maintain that ability to have live entertainment.

Mr. Chow answered that we would like to maintain that ability in the event

someone would like to have a private party it would be nice to have the option of live entertainment. In terms of regularly scheduled entertainment, that is not within the operation characteristics of the restaurant.

Commissioner Kranzley asked staff if the restaurant could go in for a Special Events Permit and have live entertainment for a specific private party? He stated that he was in favor of the additional alcohol use, but not if the live entertainment was going to stay in tact.

Assistant City Manager Sharon Wood answered that yes, the applicant could come to the City for a Special Events Permit.

Mr. Chow added that while the applicant can go to the city and request a special events permit on a case by case basis, if you remove the element from this application, ABC will review the conditions. If entertainment were prohibited, they would then in turn license the restaurant prohibiting entertainment. There is no mechanism where the applicant can go to both the City and the ABC and ask the ABC for permission to provide live entertainment. Once it is prohibited in the CUP conditions, it will be prohibited in the license conditions and the applicant would have no opportunity to have entertainment, even though there is a mechanism within the City.

Chairperson Selich explained that what is suggested is that the applicant may be able to have it on a special event permit basis. The applicant would be permitted, but he would have to get a permit each time. This would not be a prohibition.

Commissioner Tucker asked about the condition regarding a specific bar area designed for the service of alcoholic beverages without food service, is there not a bar area that just has seats.

Mr. Chow answered that from the patron side of the bar, it does look like a bar. Operationally, from the other side of the bar, it is fixed up with counter space on the backside where the server would be. It therefore, does not act in the same capacity as a purpose built bar. Patrons could sit there and have a drink, but it is not purpose built for that.

Commissioner Tucker asked if this bullet condition (page 9) was needed? He was answered that if the Commission is uncomfortable with that, because there are several other reasons why the findings could be made already listed, there would be no harm in eliminating it.

Commissioner Tucker then suggested that this be eliminated.

Barry Eaton, 727 Bellis Street, President of the East Bluff Homeowners Association asked if the live entertainment would be restricted to within the confines of the building, as opposed to the patio?

Chairperson Selich answered that would be correct.

Richard Cooling, 425 Vista Trucha asked for limits of decibel readings on the live entertainment so that it does not come into the neighborhood?

Chairperson Selich answered that will be taken care of during the deliberation.

Commissioner Kranzley stated that it would be helpful to have a map of the reporting districts included in staff reports where alcohol beverage service is being deliberated. I need to get a clarification of the answers regarding the noise limitations and decibels of the live entertainment.

Mr. Campbell answered that there is one condition that limits the entertainment to the interior of the restaurant. There is a standard condition, which specifies compliance with the Noise Ordinance.

Commissioner Gifford offered that the existing conditions be amended so that live entertainment is permitted subject to a Special Events Permit.

At Commission inquiry, staff answered that the live entertainment permits can be limited.

Motion was made by Commissioner Kranzley to approve Use Permit No. 1640 Amended (III) subject to the findings and conditions in Exhibit A allowing this restaurant to close at 2:00 a.m. on New Year's Eve and live entertainment is allowed with Special Event Permits, which shall be limited to ten per year.

Ayes: McDaniel, Ashley, Selich, Gifford, Kranzley and Tucker
Noes: None
Absent: None
Recused: Kiser

EXHIBIT "A"
FINDINGS AND CONDITIONS OF APPROVAL FOR
Use Permit No. 1640 Amended (III)

Use Permit No. 1640 Amended

Findings:

1. The Land Use Element of the General Plan designates the site for "Retail and Service Commercial" use. A restaurant use with alcoholic beverage sales and service is considered a permitted use within this designation and is consistent with the General Plan.

-
2. The project has been reviewed, and it has been determined that it is categorically exempt under Class 1 (Existing Facilities) requirements of the California Environmental Quality Act.
 3. The project meets the purpose and intent of the development standards of the Municipal Code for an upgrade to the existing alcohol license for an existing restaurant and the existing physical characteristics of the site are not proposed to be altered.
 4. The proposed project is consistent with the purpose and intent of Chapter 20.89 of the Zoning Code (Alcoholic Beverage Outlets) and will not, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City and is consistent with the legislative intent of Title 20 of this Code for the following reasons:
 - The convenience of the public can arguably be served by the sale of desired beverages in a restaurant setting.
 - The percentage of alcohol-related arrests in the police reporting district in which the project is proposed is only slightly higher (2.4%) than the percentage citywide.
 - There are residences, a school, and park and recreation facilities in the general vicinity of the project site, but none that directly abut the restaurant, nor are any residential units directly adjacent to, or in close proximity of the outdoor patio area. A service drive and/or public street separates the restaurant from the closest residence or recreational area. The main entry of the restaurant is oriented towards the common parking area for the center and away from the recreational areas to the west.
 - The restaurant use is compatible with the surrounding commercial uses, since restaurant uses are typically allowed in commercial districts.
 - No live entertainment is currently offered, but is conditioned accordingly based on a previous use permit approval.
 - Conditions of approval have been included which should prevent problems associated with the sale and service of alcoholic beverages and noise.
 - Adequate on-site parking is available for the existing and proposed uses.
 - The proposed use is a continuation of the existing restaurant use, which serves the residential and commercial uses and visiting tourists in the area.
 - The alcoholic beverage service is incidental to the primary use of

- the facility as a restaurant.
- ~~Because the restaurant does not have a bar area specifically designed for the service of alcoholic beverages without food service, the potential number of Police and Department of Alcoholic Beverage Control problems in the area should be minimized.~~
- 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.

Conditions:

1. The development shall be in substantial conformance with the approved site plan and floor plan, except as noted below.
 - All applicable conditions of approval of the previous UP 1640 and UP 1640 Amended shall remain in effect as follows:
 - a) A minimum of one parking space per each 50 square feet of net public area shall be provided.
 - b) The net public area shall not exceed 1,450 square feet for outdoor dining and 1,250 square feet for interior dining.
 - c) All employees shall be required to park on site.
 - d) ***Live entertainment shall be subject to the approval of a Special Events Permit and the issuance of permits shall be limited to 10 events per year.***
 - e) Live entertainment be confined to the interior of the restaurant and shall not be performed in the outdoor dining area. In the event live entertainment is performed, the sound shall be confined to the inside of the restaurant only and during any live entertainment, all windows and doors within the restaurant shall be closed at all times, except when entering or exiting the main entrance.
 - f) No outdoor loudspeakers or paging systems shall be permitted.
2. The approval is only for an upgrade to the existing alcohol license to a Type 47 License as defined by Title 20 of the Municipal Code, as the principal purpose for the sale of food and beverages.
3. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 license that permits general alcoholic beverages to be sold and consumed on-site. Any upgrade in the alcoholic beverage license shall be subject to the approval of an amendment to this application and may require the approval of the Planning Commission.
4. This approval shall not be construed as permission to allow the facility to operate as a bar or tavern use as defined by the Municipal Code,

-
- unless a use permit is first approved by the Planning Commission.
5. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current owner or leasing company.
 6. On-sale alcoholic beverage service shall be allowed in the interior of the restaurant and the outdoor dining area as currently permitted by the State Department of Alcoholic Beverage Control.
 7. Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the ABC.
 8. The alcoholic beverage outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the alcoholic beverage outlet and adjacent properties during business hours, if directly related to the patrons of the subject alcoholic beverage outlet.
 9. Alcoholic beverage sales from drive-up or walk-up service windows shall be prohibited.
 10. The hours of operation shall be limited between 10:30 a.m. to 10:00 p.m., seven days a week, **except the restaurant may be open and serve alcoholic beverages till 2:00 a.m. on New Year's Eve.**
 11. The exterior of the alcoholic beverage outlet shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
 12. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. To qualify to meet the requirements of this section a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy.
 13. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

Standard Requirements

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. The on-site parking, vehicular circulation and pedestrian circulation systems be subject to further review by the City Traffic Engineer.
3. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code.
4. The facility and related off-street parking shall conform to the requirements of the Uniform Building Code.
5. All improvements shall be constructed as required by Ordinance and the Public Works Department.
6. Public Improvement may be required of a developer per Section 20.91.040 of the Municipal Code.
7. The project shall comply with State Disabled Access requirements.
8. This Use Permit for an alcoholic beverage outlet granted in accordance with the terms of this chapter (Chapter 20.89 of the Newport Beach Municipal Code) shall expire within 12 months from the date of approval unless a license has been issued or transferred by the California State Department of Alcoholic Beverage Control prior to the expiration date.
9. The Planning Commission may add to or modify conditions of approval to this Use Permit or recommend to the City Council the revocation of this Use Permit upon a determination that the operation which is the subject of this Use Permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
10. 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.
11. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 7:00AM and 10:00PM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

SUBJECT:

13 Properties located on the bluff side of Pacific Drive, from 2205 Pacific Drive to the prolongation of the line west of Begonia Avenue at 2329 Pacific Drive

**Item No. 4
 A 899**

• Amendment to front yard setbacks on Pacific Drive

Amend Districting Map No. 16 to establish a front yard setback of 10 feet for the dwellings and 19 feet for the garages from the newly established property lines of properties located on the south side of Pacific Drive between Avocado Avenue and the west side of Begonia Avenue due to the vacation of a portion of the public right-of-way; amend Section 20.10.030 (Residential Districts: Property Development Regulations) and Section 20.10.040 (Special Development Regulations for Corona del Mar, West Newport, and the Balboa Peninsula) of the Zoning Code.

Commissioner Kiser recused himself from deliberation on this matter due to a conflict of interest.

Associate Planner Genia Garcia noted that letters had been received late this afternoon and were distributed tonight. The letters note the primary concern of view obstruction and retaining the openness of the streetscape.

Public comment was opened.

Bill Edwards, architect of Planet Design, 503 Fernleaf stated that he had been working with the City of Newport Beach facilitating the abandonment of the unused southerly portion of Pacific Drive right-of-way. He noted his support of this application stating the following:

- This 80-foot wide right-of-way was originally dedicated to the Pacific Electric railway line.
- This use was never realized and by default remained with the excess width.
- Parcels were subsequently created on the flat somewhat elevated north side of what became Pacific Drive.
- After Bayside Drive was later dedicated, the remaining steeply sloped area

EXHIBIT "A"
FINDINGS AND CONDITIONS OF APPROVAL FOR
Use Permit No. 1640 Amended (III)
Approved by Planning Commission May 18, 2000

Use Permit No. 1640 Amended

Findings:

1. The Land Use Element of the General Plan designates the site for "Retail and Service Commercial" use. A restaurant use with alcoholic beverage sales and service is considered a permitted use within this designation and is consistent with the General Plan.
2. The project has been reviewed, and it has been determined that it is categorically exempt under Class 1 (Existing Facilities) requirements of the California Environmental Quality Act.
3. The project meets the purpose and intent of the development standards of the Municipal Code for an upgrade to the existing alcohol license for an existing restaurant and the existing physical characteristics of the site are not proposed to be altered.
4. The proposed project is consistent with the purpose and intent of Chapter 20.89 of the Zoning Code (Alcoholic Beverage Outlets) and will not, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City and is consistent with the legislative intent of Title 20 of this Code for the following reasons:
 - The convenience of the public can arguably be served by the sale of desired beverages in a restaurant setting.
 - The percentage of alcohol-related arrests in the police reporting district in which the project is proposed is only slightly higher (2.4%) than the percentage citywide.
 - There are residences, a school, and park and recreation facilities in the general vicinity of the project site, but none that directly abut the restaurant, nor are any residential units directly adjacent to, or in close proximity of the outdoor patio area. A service drive and/or public street separates the restaurant from the closest residence or recreational area. The main entry of the restaurant is oriented towards the common parking area for the center and away from the recreational areas to the west.
 - The restaurant use is compatible with the surrounding commercial uses, since restaurant uses are typically allowed in commercial districts.
 - No live entertainment is currently offered, but is conditioned accordingly based on a previous use permit approval.
 - Conditions of approval have been included which should prevent problems associated with the sale and service of alcoholic beverages and noise.

- Adequate on-site parking is available for the existing and proposed uses.
- The proposed use is a continuation of the existing restaurant use, which serves the residential and commercial uses and visiting tourists in the area.
- The alcoholic beverage service is incidental to the primary use of the facility as a restaurant.
- 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.

Conditions:

1. The development shall be in substantial conformance with the approved site plan and floor plan, except as noted below.
 - All applicable conditions of approval of the previous UP 1640 and UP 1640 Amended shall remain in effect as follows:
 - a) A minimum of one parking space per each 50 square feet of net public area shall be provided.
 - b) The net public area shall not exceed 1,450 square feet for outdoor dining and 1,250 square feet for interior dining.
 - c) All employees shall be required to park on site.
 - d) Live entertainment shall be subject to the approval of a Special Events Permit and the issuance of permits shall be limited to 10 events per year.
 - e) Live entertainment be confined to the interior of the restaurant and shall not be performed in the outdoor dining area. In the event live entertainment is performed, the sound shall be confined to the inside of the restaurant only and during any live entertainment, all windows and doors within the restaurant shall be closed at all times, except when entering or exiting the main entrance.
 - f) No outdoor loudspeakers or paging systems shall be permitted.
2. The approval is only for an upgrade to the existing alcohol license to a Type 47 License as defined by Title 20 of the Municipal Code, as the principal purpose for the sale of food and beverages.
3. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 license that permits general alcoholic beverages to be sold and consumed on-site. Any upgrade in the alcoholic beverage license shall be subject to the approval of an amendment to this application and may require the approval of the Planning Commission.
4. This approval shall not be construed as permission to allow the facility to operate as a bar or tavern use as defined by the Municipal Code, unless a use permit is first approved by the Planning Commission.
5. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current owner or leasing company.

6. On-sale alcoholic beverage service shall be allowed in the interior of the restaurant and the outdoor dining area as currently permitted by the State Department of Alcoholic Beverage Control.
7. Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the ABC.
8. The alcoholic beverage outlet operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the alcoholic beverage outlet and adjacent properties during business hours, if directly related to the patrons of the subject alcoholic beverage outlet.
9. Alcoholic beverage sales from drive-up or walk-up service windows shall be prohibited.
10. The hours of operation shall be limited between 10:30 a.m. to 10:00 p.m., seven days a week, except the restaurant may be open and serve alcoholic beverages till 2:00 a.m. on New Year's Eve.
11. The exterior of the alcoholic beverage outlet shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
12. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. To qualify to meet the requirements of this section a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy.
13. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

Standard Requirements

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. The on-site parking, vehicular circulation and pedestrian circulation systems be subject to further review by the City Traffic Engineer.
3. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code.
4. The facility and related off-street parking shall conform to the requirements of the Uniform Building Code.
5. All improvements shall be constructed as required by Ordinance and the Public Works Department.

6. Public Improvement may be required of a developer per Section 20.91.040 of the Municipal Code.
7. The project shall comply with State Disabled Access requirements.
8. This Use Permit for an alcoholic beverage outlet granted in accordance with the terms of this chapter (Chapter 20.89 of the Newport Beach Municipal Code) shall expire within 12 months from the date of approval unless a license has been issued or transferred by the California State Department of Alcoholic Beverage Control prior to the expiration date.
9. The Planning Commission may add to or modify conditions of approval to this Use Permit or recommend to the City Council the revocation of this Use Permit upon a determination that the operation which is the subject of this Use Permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
10. 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.
11. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 7:00AM and 10:00PM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

* * *



CITY OF NEWPORT BEACH
COMMUNITY and ECONOMIC DEVELOPMENT
PLANNING DEPARTMENT
3300 NEWPORT BOULEVARD
NEWPORT BEACH, CA 92658
(949) 644-3200; FAX (949) 644-3250

Hearing Date:	May 18, 2000
Agenda Item No.:	3
Staff Person:	Bob Goldin (949) 644-3210
Appeal Period:	14 days

REPORT TO THE PLANNING COMMISSION

PROJECT: Sage Restaurant (Richard Mead, applicant)
2531 Eastbluff Drive

PURPOSE OF APPLICATION: A request to upgrade the existing Alcoholic Beverage Outlet approval to allow for the sale of general alcoholic beverages for on-site consumption (Type 47 License).

ACTION: Approve, modify or deny:

- *Use Permit No. 1640 Amended (III)*

LEGAL

DESCRIPTION: Parcel No. 1 of Lot Line Adjustment No. 93-2

GENERAL PLAN AND ZONE: Retail and Service Commercial

OWNER: The Irvine Company (property)
Mead's Restaurant Company, LLC (business)

Points and Authority

- Conformance with the General Plan and Zoning.
The Land Use Element of the General Plan designates the site for "Retail and Service Commercial" uses. The existing drinking establishment is a permitted use within this designation.
- Environmental Compliance (California Environmental Quality Act).
It has been determined that the project is categorically exempt under Class 1 (Existing Facilities).
- Use permit procedures and requirements are set forth in Chapters 20.91 of the Municipal Code.
- ABO Procedures and requirements set forth in Chapter 20.89 of the Municipal Code.

Background

The existing establishment is located at 2531 Eastbluff Drive within the Eastbluff Shopping Center. The restaurant facility is approximately 3,700 square feet in size that includes 1,130 square feet of existing indoor dining area and approximately 1,000 square feet of existing outdoor patio area, plus the kitchen, storage areas and bathrooms. The Planning Commission approved a use permit to establish a restaurant at this location in 1972. In 1989 and 1993, Pucinni's had received City approval for a use permit for the Type 41 license (on-site consumption of beer and wine) and for outdoor dining. In 1997, the Sage Restaurant took over the facility, including the Type 41 Alcohol License. Since the adoption of Alcohol Beverage Outlet ordinance by the City, any change to the existing alcohol license now requires a use permit in accordance with Section 20.89 of the Municipal Code.

Analysis

The applicant requests an upgrade to the facility's existing Type 41 license, on-site consumption of beer and wine, to a Type 47 license to permit the sale of general alcohol for on-site consumption. The applicant stated that with the upgrade, there would be no change to the existing dining area or any change to the operation presently conducted at the restaurant. While the previous use permit allowed live entertainment subject to specific limitations, this applicant currently does not have live entertainment, nor does he intend to. Should he ever sell his business or modify the operation in the future, the applicant requested the right to retain the live entertainment provisions on the property as currently conditioned. He indicated the upgrade of the alcohol license is for the convenience of his patrons and his request is attached as Exhibit "C."

Required Off-Street Parking

While the upgrade in the alcohol license may result in more customers utilizing this facility, the parking for the restaurant is based on net public area (NPA) square footage. According to the application, no increase in square footage of the facility is proposed, thus no change in the existing parking requirements. All uses within the Eastbluff Center utilize common parking areas that have 226 existing spaces. The Code Enforcement Division indicated they have not received any complaints regarding parking for the restaurant.

Hours of Operation

The existing hours of operation for Sage Restaurant are 10:30 a.m. to 10:00 p.m., seven days a week. To our knowledge, there have been no complaints regarding the existing operation. There are no changes in the hours of operation proposed by the applicant with the upgrade. The Police Department is not opposed to the current hours of operation or the type of operation.

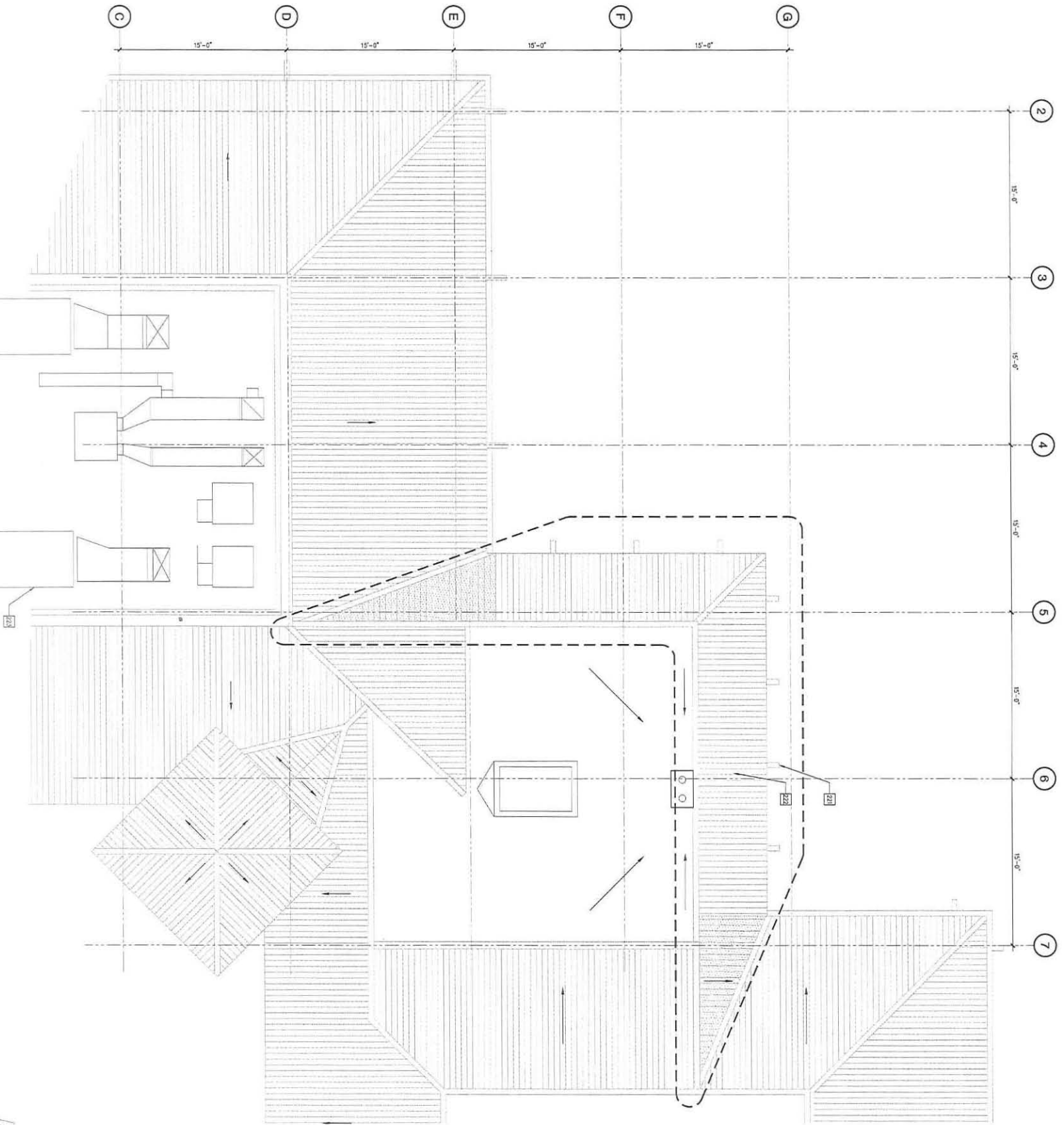
Alcoholic Beverage Ordinance

On June 8, 1998, the City Council adopted Chapter 20.89 of the Municipal Code, the Alcoholic Beverage Outlet (ABO) Ordinance. The purpose of the ordinance is to preserve a healthy environment for residents and businesses by establishing a set of consistent standards for the safe

Attachment No. CD 8

Project Plans:

- 120 EXISTING DEGREE FRAME AND JOISTS TO BE REMOVED PERICAL AT EXISTING POSITION.
- 121 EXISTING DEGREE FRAME TO BE REMOVED PERICAL AT EXISTING POSITION.
- 122 EXISTING DEGREE FRAME TO BE REMOVED PERICAL AT EXISTING POSITION.
- 123 EXISTING DEGREE FRAME TO BE REMOVED PERICAL AT EXISTING POSITION.
- 124 EXISTING DEGREE FRAME TO BE REMOVED PERICAL AT EXISTING POSITION.



LEGEND

EXISTING CALIFORNIA FRAME TO BE REMOVED. EXISTING FRAME UNDER THE ROOF TO BE REMOVED. TO BE REMOVED PERICAL AT EXISTING POSITION.

KEYNOTES

1. CONFORMANCE TO THE RULES OF PROFESSIONAL ENGINEERING AND ARCHITECTURE.
2. ALL STRUCTURAL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE.
4. THE LOCATION OF EXISTING DEGREE FRAME AND JOISTS SHALL BE REMOVED PERICAL AT EXISTING POSITION.
5. THE LOCATION OF EXISTING DEGREE FRAME AND JOISTS SHALL BE REMOVED PERICAL AT EXISTING POSITION.
6. THE LOCATION OF EXISTING DEGREE FRAME AND JOISTS SHALL BE REMOVED PERICAL AT EXISTING POSITION.
7. THE LOCATION OF EXISTING DEGREE FRAME AND JOISTS SHALL BE REMOVED PERICAL AT EXISTING POSITION.

EXISTING ROOF PLAN 1/4"=1'-0" 1

GENERAL NOTES

G|A|A
ARCHITECTS
8811 Research Drive,
Suite 200, CA 92618
Irvine, CA 92618
T: 949 474 1775
F: 949 553 9133

PROVEN*ANCE
2531 EASTBLUFF DRIVE
NEWPORT BEACH, CA 92660
TENANT IMPROVEMENT
DEVELOPED FOR:
CATHY GARLAND

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERICAL	02/27/11
2	SUBMITTAL CORRECTIONS	03/27/11
3	ISSUED FOR PERICAL	03/27/11
4	ISSUED FOR PERICAL	03/27/11
5	ISSUED FOR PERICAL	03/27/11
6	ISSUED FOR PERICAL	03/27/11
7	ISSUED FOR PERICAL	03/27/11
8	ISSUED FOR PERICAL	03/27/11
9	ISSUED FOR PERICAL	03/27/11
10	ISSUED FOR PERICAL	03/27/11

EXISTING ROOF PLAN

JOB NO. 1111
DATE 02/05/13
DRAWN GAA
CHECKED GAA
SCALE 1/4"=1'-0"
SHEET NO. A2.3

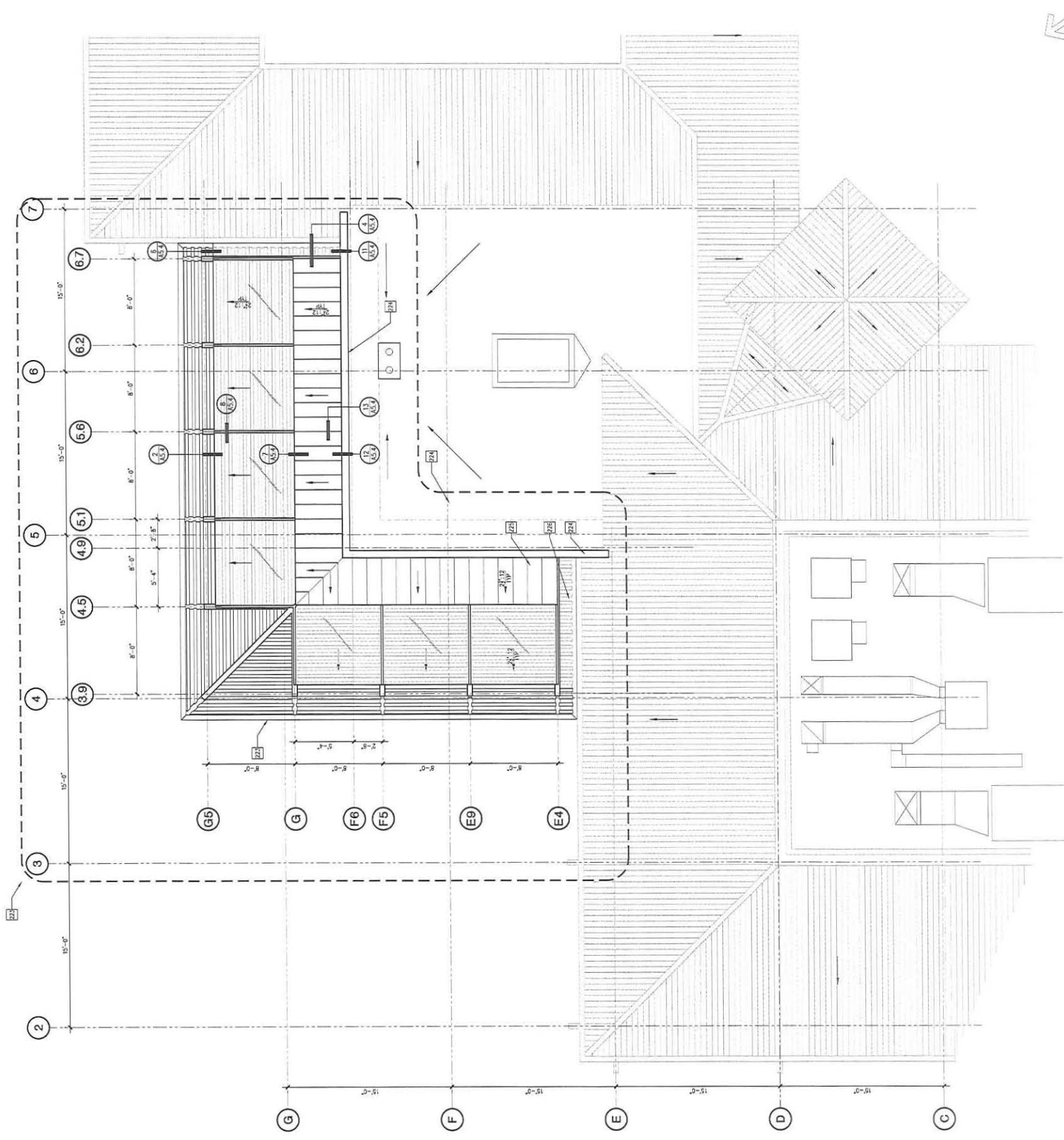
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	02/27/13
2	SUBMITTAL CONFERENCE SWS	02/27/13

**EXISTING AND PROPOSED
ROOF PLAN**

ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED. REFER TO THE GENERAL NOTES FOR A COMPLETE LIST OF DIMENSIONS. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

JOB NO.	87	SHEET NO.	A2.4
DATE	02/27/13	DATE	
DRAWN	GA	CHECKED	
FILE NUMBER	87-02-04		

- 01H EXISTING DECORATIVE BEAM AND JOISTES TO BE REMOVED. TYPICAL AT CALIFORNIA TRADING
- 02H NOT USED
- 03H NEW CANOPY SET SCHEDULES ON SHEET A41
- 04H NEW PANELS WILL SET SECTIONS ON SHEET A41
- 05H STANDING SEAM METAL ROOFING - SEE SPECIFICATIONS
- 06H GLASS ROOFING SYSTEM - SEE SPECIFICATIONS



LEGEND

EXISTING CALIFORNIA TRADING TO BE REMOVED. EXISTING FRAMING UNDER THIS ROOF TO REMAIN. E.C. TO USE EXISTING IN FROM CALIFORNIA TRADING TO PATINA AND REPAIR EXISTING ROOF.

KEYNOTES

1. CONTRACTOR TO TAKE STEPS TO PROTECT MOST OF DEVELOPMENT FROM DAMAGE AND EXCESS RAIN DURING CONSTRUCTION
2. ALL MECHANICAL, ELECTRICAL, PIPES, ETC. BY ALL TRADES AND ESCAPES SHALL CONFORM TO THE STRUENI OF FAC FOR SHEET
3. VERIFY ALL MECHANICAL, ELECTRICAL, PIPES, STEEL FRAMING, HANGING, AND OVER FACE OF FRAMING
4. THE LOCATION OF THE CORNER AND BEARING BEHIND MECHANICAL, ELECTRICAL, PIPES, ETC. BY ALL TRADES AND ESCAPES SHALL CONFORM TO THE STRUENI OF FAC FOR SHEET
5. VERIFY ALL ROOF PENETRATIONS SHALL BE ALLOWED. MATERIALS AND METHODS TO BE DETERMINED BY LICENSED ROOFING CONTRACTOR IN ORDER TO VERIFY MATERIALS.

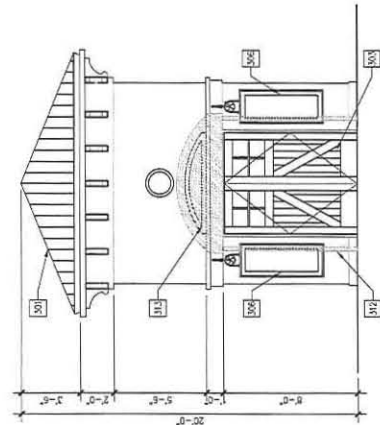
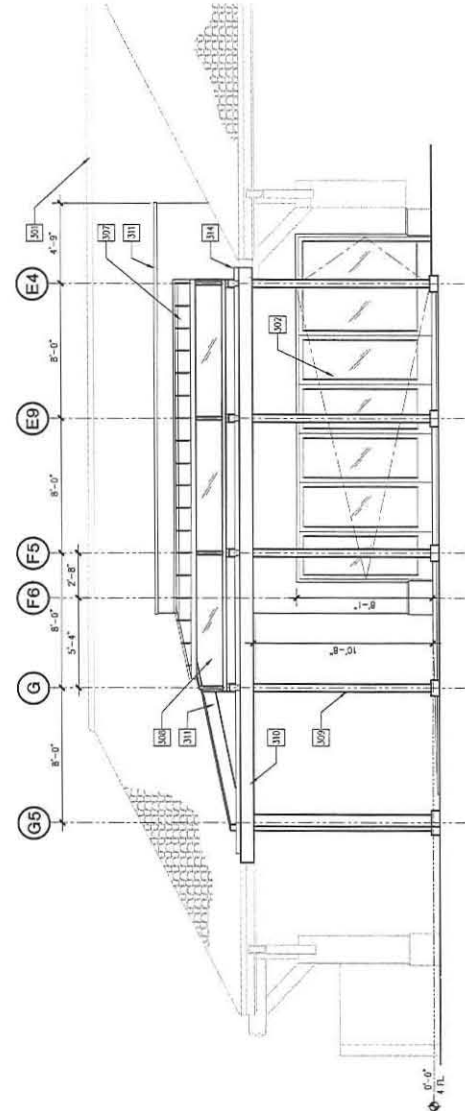
NO.	DESCRIPTION	DATE
1	ISSUED TO SUBMITTAL	07/27/13
2	SUBSTANTIAL CORRECTIVE NO.	01/24/13

ELEVATIONS

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED SHALL BE IN FEET AND INCHES. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

JOB NO.	REV.	SHEET NO.
DATE:	10/20/13	A3.1
DRAWN:	CALL	
FILE NAME:	PROVEN_A3.1	

- 101 EXISTING ROOF TO REMAIN
- 102 NEW WOOD FLOORING DOORS W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 103 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 104 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 105 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 106 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 107 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 108 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 109 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 110 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 111 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 112 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 113 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 114 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 115 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 116 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 117 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 118 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 119 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 120 NEW WOOD FLOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3



NORTHWEST ELEVATION 1/4"=1'-0"

FRONT ENTRY ELEVATION 1/4"=1'-0"

2

3

KEYNOTES

1. ALL GLASS IN THE FOLLOWING LOCATIONS SHALL BE SIXTY GLAZING AS REQUIRED BY THE SECTION NOTE.
2. IN LOCATIONS, EITHER SWINGING OR SLIDING.
3. ADJACENT TO A DOOR WHERE THE REARST EXPOSED EDGE OF THE GLAZING IS TO BE FINISHED WITH AN INTERIOR FINISH. THE BOTTOM EDGE OF THE GLAZING SHALL BE FINISHED WITH AN INTERIOR FINISH. THE BOTTOM EDGE OF THE GLAZING IS TO BE FINISHED WITH AN INTERIOR FINISH.
4. LOCATIONS THAT MEET ALL OF THE FOLLOWING CRITERIA:
 - BOTTOM EDGE LESS THAN 48 INCHES ABOVE THE FLOOR
 - TOP EDGE GREATER THAN 48 INCHES ABOVE THE FLOOR
 - PART OF DOOR OR WINDOW FRAME

NORTHEAST ELEVATION 1/4"=1'-0"

NORTHEAST ELEVATION 1/4"=1'-0"

1

GENERAL NOTES

NO.	DESCRIPTION	DATE
1	ISSUED TO 95% FINAL	02/27/13
2	SUBSTITUTION CORRECTIVE SHEET	03/22/13

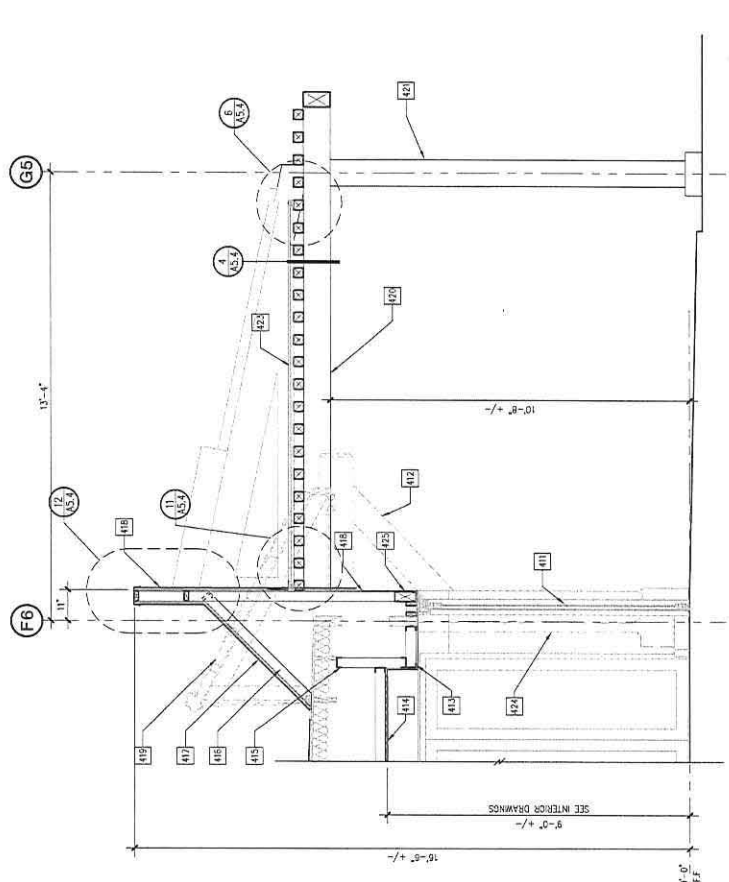
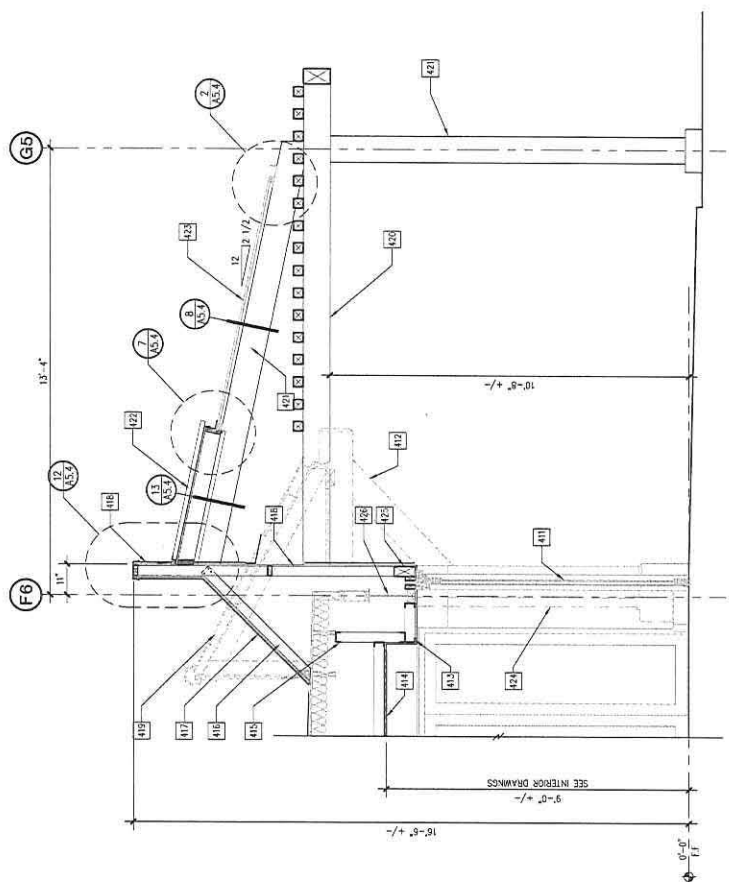
SECTIONS

ALL GLAZING AND WINDOW MATERIAL APPEARANCES/DETAILS SHALL BE APPROVED BY THE ARCHITECT AND SHALL BE SUBJECT TO THE ARCHITECT'S REVIEW AND APPROVAL. ANY PRODUCT OR MATERIAL MUST BE APPROVED BY THE ARCHITECT.

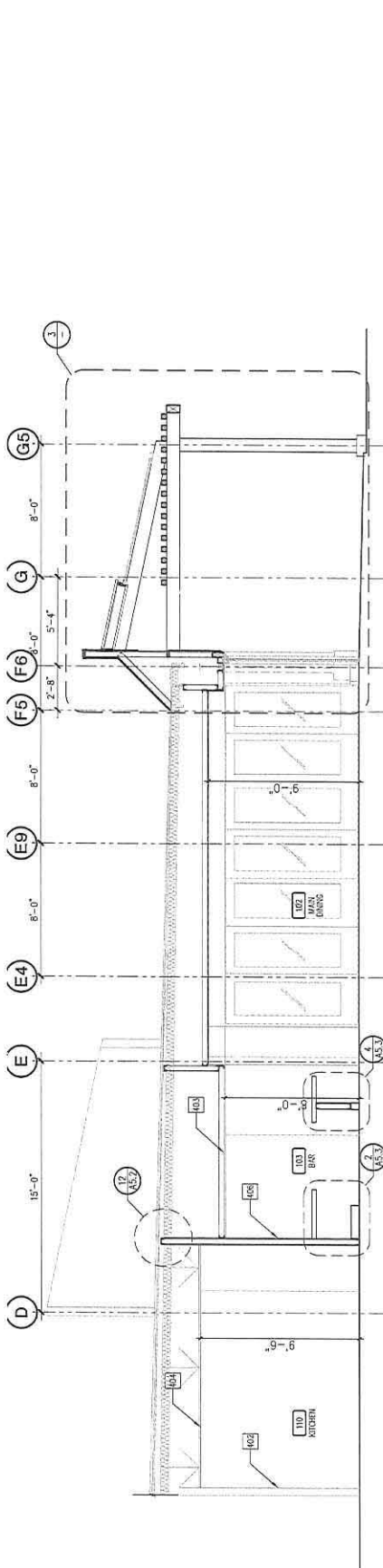
JOB NO.	REV	SHEET NO.
DATE	02/05/13	A4.1
DRAWN	CSA	
FILE NAME	PROVEN_A4.1	

- 101 NEW WOOD (CLEAR) DOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 102 EXISTING WALL TO REMAIN
- 103 NEW GYP DR CEILING - SEE SHEET A5.2
- 104 NEW T-BAR CEILING - SEE SHEET A5.2
- 105 PARTING BEAM TO REMAIN
- 106 NEW WALL - SEE PLAN FOR RAIL THRES

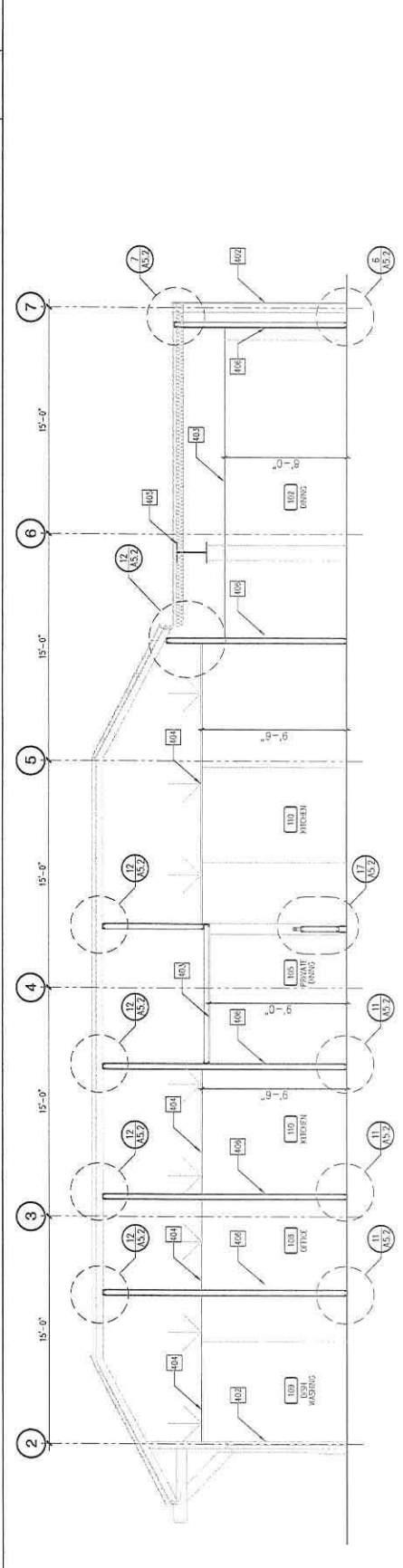
- 107 NEW WOOD (CLEAR) DOOR W/ CLEAR GLAZING - SEE SCHEDULE ON SHEET A1.3
- 108 EXISTING DECORATIVE BEAM AND KNOCK TO BE REMOVED
- 109 NEW GYP BEAM CEILING AND FRAMING - SEE INTERIOR DRAWINGS
- 110 NEW WOOD CEILING - SEE INTERIOR DRAWINGS
- 111 NEW CEILING FRAMING
- 112 NEW BRACK - SEE STRUCTURAL DRAWINGS
- 113 NEW ROOFING - SEE SPECIFICATION
- 114 NEW PARAPET FRAMING - SEE STRUCTURAL DRAWINGS
- 115 EXISTING WALKING ROOF TO BE REMOVED
- 116 NEW CANOPY WOOD COLUMN - SEE STRUCTURAL DRAWINGS
- 117 NEW STANDING SEAM ROOFING SYSTEM - SEE SPECIFICATIONS
- 118 NEW GLASS ROOFING SYSTEM - SEE SPECIFICATIONS
- 119 EXISTING WINDOW AND WALL TO BE REMOVED
- 120 NEW HEADER - SEE STRUCTURAL DRAWINGS
- 121 EXISTING WALK X BEAM TO REMAIN



CANOPY SECTION 1/2"=1'-0" 3 4



SECTION 1/2"=1'-0" 2

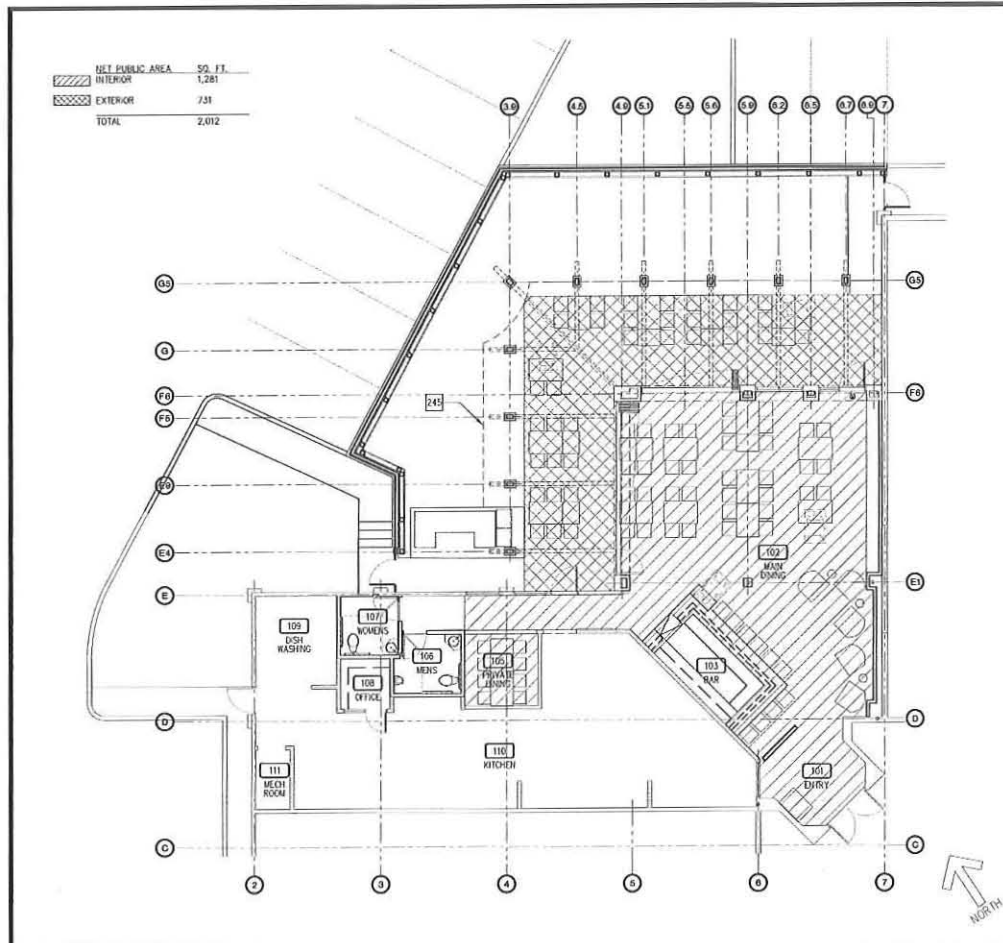


SECTION 1/4"=1'-0" 1

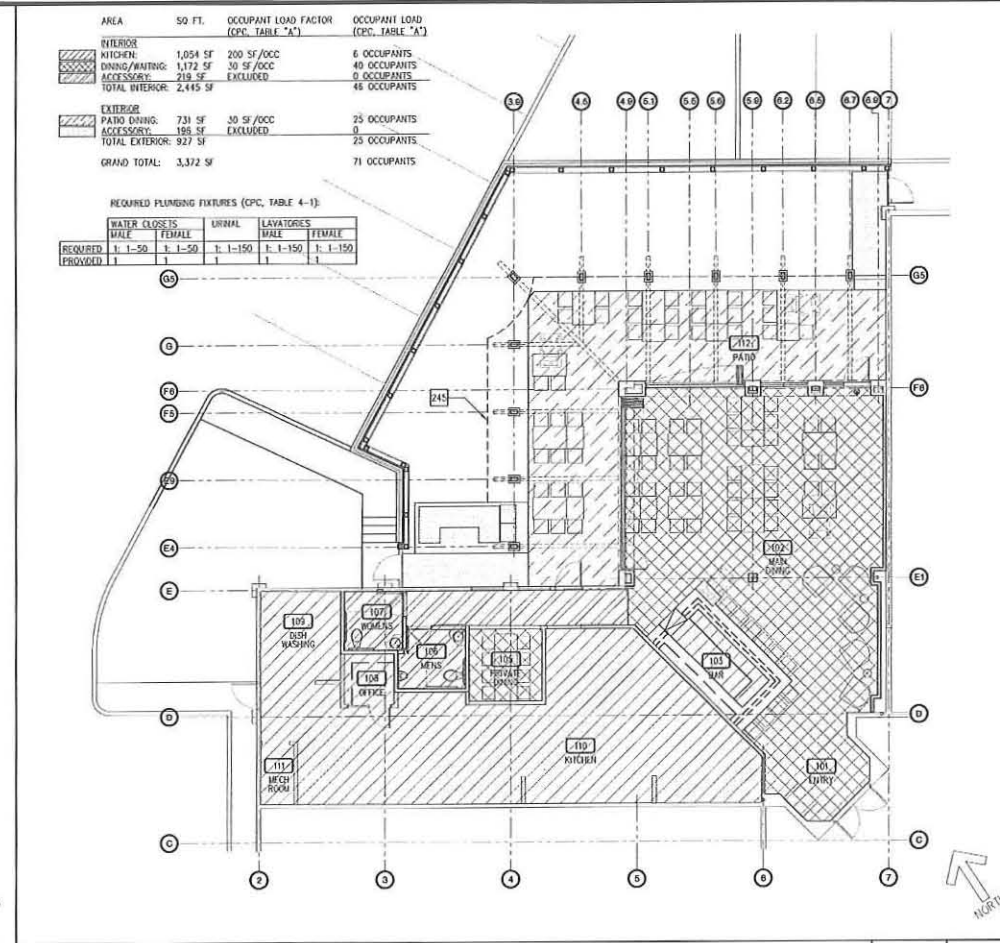
KEYNOTES

1. IN CONFORMANCE WITH THE SEISMIC DESIGN DATA, INTERIOR PARTITIONS SHALL BE INSTALLED ORALLY AGAINST DETAIL OR TO FURROWS SHIPS NOT EXCEEDING 1/4" APPLIED DIRECTLY AGAINST INSTEAD. THE MINIMUM WALL THICKNESS SHALL BE 8 FEET IN ANY DIRECTION.
2. IN THE INTERIOR SPACES BETWEEN EXISTING MATERIALS AND WALLS OR CEILING IS MORE THAN 1/4" PER SEC. SECTION SHALL BE OTHER CLASS "X" MATERIAL SHALL BE USED FOR FRESH MATERIAL OR FRESH MATERIAL AND REINFORCING FIBERGLASS AT 8 FEET IN EACH DIRECTION.
3. PER SEC. SECTION AREA, THE APPLICABLE PARTS AND PARTS SHALL BE TESTED BY AN AGENCY TO MEET THE TENSILE PROPORTION PERFORMANCE CRITERIA OF 10% TO 15% FOR EACH MATERIAL. SHALL BE APPROVED BY THE ARCHITECT.
4. CLASS "X" MATERIAL SHALL BE USED FOR FRESH MATERIAL OF THE WOOD JOINTS. THE JOINTS SHALL BE AS SHOWN IN THE SECTION DRAWING. THE JOINTS SHALL BE INSTALLED AS SHOWN IN THE SECTION DRAWING. THE JOINTS SHALL BE INSTALLED AS SHOWN IN THE SECTION DRAWING.
5. JOINTS SHALL BE INSTALLED IN THE WOOD JOINTS. CLASS "X" OR REINFORCING FIBERGLASS SHALL BE USED AT JOINTS.

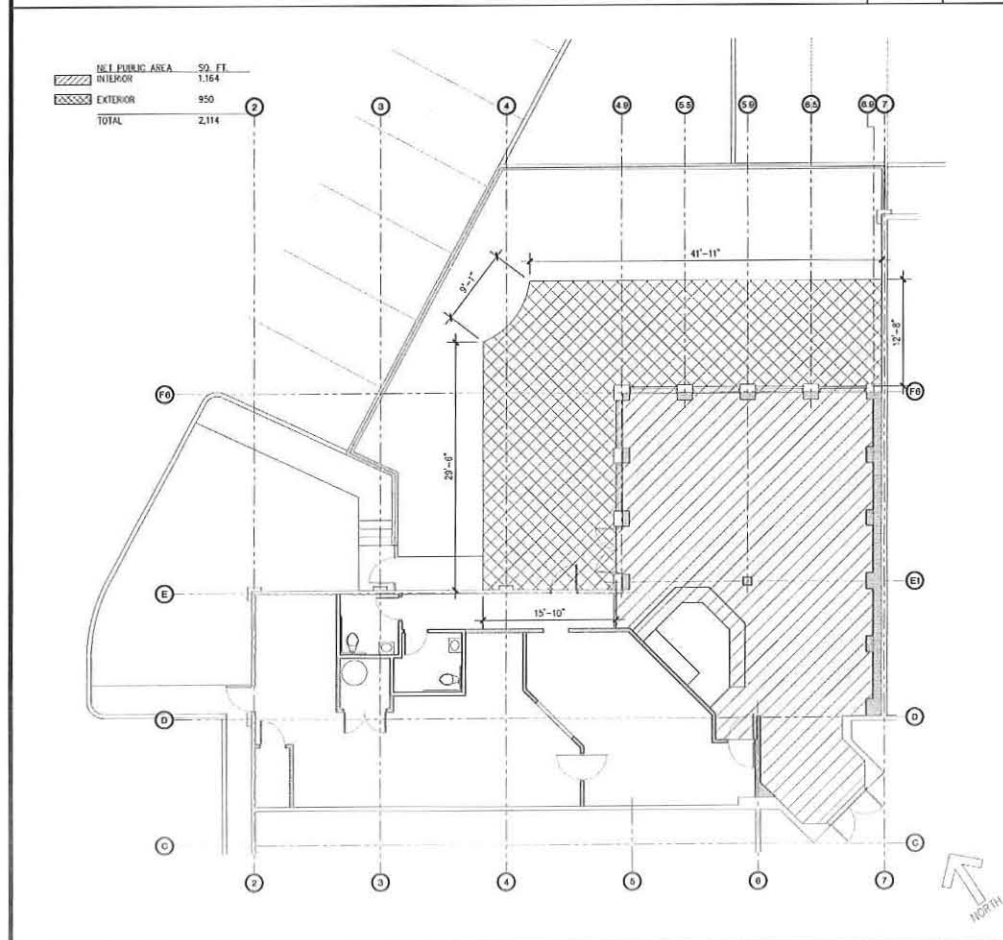
GENERAL NOTES



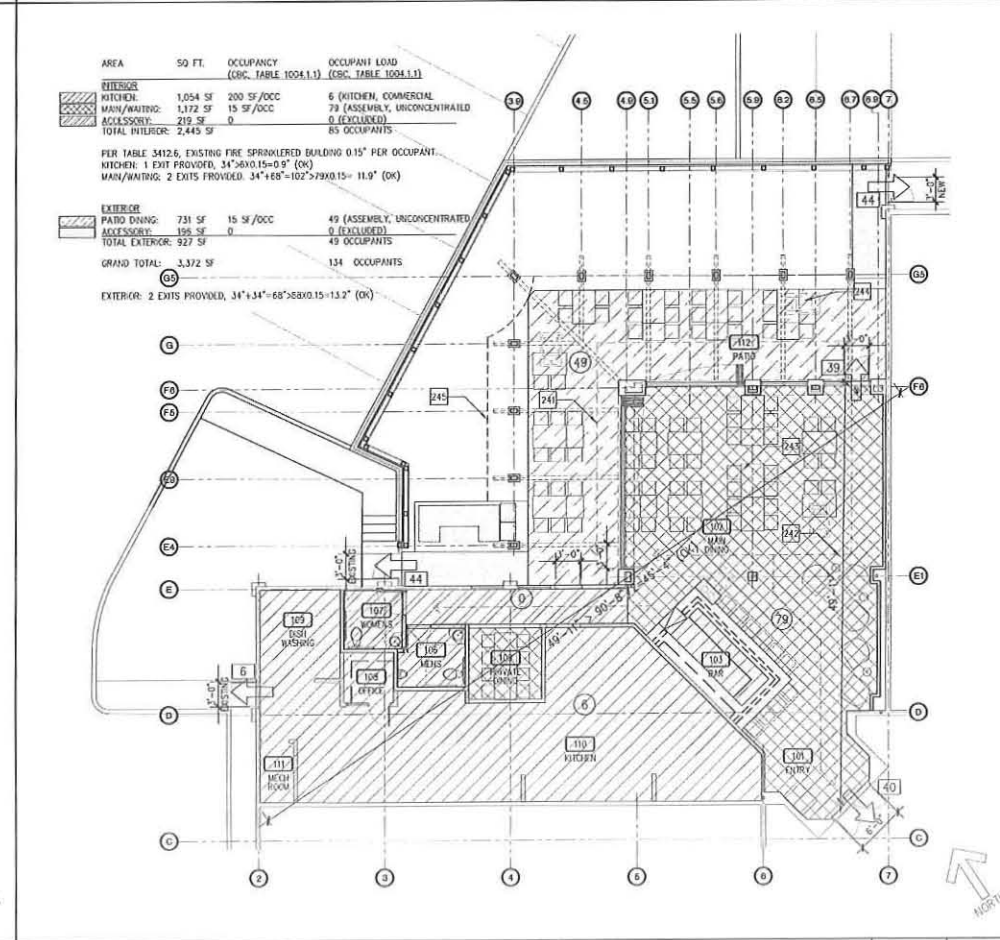
PROPOSED NET PUBLIC AREA 1/8"=1'-0" 3



PLUMBING FIXTURE CALCULATION 1/8"=1'-0" 1



EXISTING NET PUBLIC AREA 1/8"=1'-0" 2



OCCUPANT LOAD CALC 1/8"=1'-0" 1

- 241 CLEAR FLOOR SPACE, TYPICAL
- 242 CLEAR PATH OF TRAVEL - KEEP 36" WIDE PATH
- 243 CLEAR WALKWAY TABLES AND CHAIRS, TYPICAL
- 244 ADA-COMPLIANT TABLE - SEE EXTERIOR DRAWINGS
- 245 LINE OF EXISTING CONCRETE SLAB

KEYNOTES

FOR EVERY 30 SEATS PROVIDED, 1 SEAT SHALL BE WHEELCHAIR-ACCESSIBLE. THIS SEATING MUST COMPLY WITH CFC 1104.5.4.

GENERAL NOTES

NO.	DESCRIPTION	DATE
Δ	SUBSTANTIAL CONFORMANCE SUB	03/22/13

OCCUPANCY AND PLUMBING
CALCULATION
NET PUBLIC AREA

ALL DIMENSIONS AND AREAS SHOWN ARE APPROXIMATE AND NOT TO BE USED FOR CONSTRUCTION. THE OWNER AND ARCHITECT SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND AREAS. SEE EXTERIOR DRAWINGS FOR SEATING REQUIREMENTS.
© GAA ARCHITECTS ALL RIGHTS RESERVED

JOB NO.:	PROV	SHEET NO.:	A2.5
DATE:	02/05/11		
DRAWN:	GAA		
FILE NAME:	PROV01_A2.5		



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application: Staff Approval No. SA2013-007 (PA2013-100)
Applicant: Rod A. Jeheber
Location: 114 24th Street
Legal Description: Lot 13, Block 23, Newport Beach Tract

On **May 23, 2013**, the Community Development Director approved Staff Approval No. SA2013-007 to allow an interior clear width of 8-feet-11¾-inches for separate side-by-side single car garages given that the applicant has proposed the maximum interior width possible.

The applicant has proposed a three-story duplex on an interior 25-foot wide lot in the R-2 (Two-Unit Residential) Zoning District. The new two-unit development will provide two single-car garages, side by side, and a two-car carport with all vehicular access taken from the rear alley. Each garage space will allow an interior clear width of 8-feet-11¾-inches. The Zoning Code requires single-car spaces to maintain a clear interior dimension of 9-feet-3-inches on lots measuring 30-feet wide or less.

Section 20.40.090 (Parking Standards for Residential Uses) of the Newport Beach Municipal Code provides that the Community Development Director may approve a reduced garage space width for duplex units when two separate single car garages are proposed side by side and the applicant has proposed the maximum width possible.

In this case, the Community Development Director has determined that the required interior width of each garage space may be reduced for the following reasons:

- The proposed duplex proposes two separate single car garages side by side.
- The applicant has proposed the maximum garage width possible given a lot width of 25-feet.
- The development is subject to 3-foot setbacks on each side of the structure.
- Exterior and interior garage walls, in addition to the parking spaces must be accommodated within the buildable width (approximately 19-feet) of the lot.

- The proposed duplex will comply with all setback, height, and other applicable development standards for the zoning district.

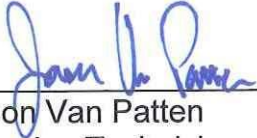
Conditions of Approval

1. The minimum interior width for each garage space, free of obstructions, shall be no less than 8-feet-11¾-inches and be constructed as shown on the plans submitted with this Staff Approval. Any change may require additional review and approval by the Community Development Director.
2. A copy of this staff approval shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
3. Staff Approval No. SA2013-007 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, or an extension is otherwise granted.
4. The Community Development Director may add to or modify conditions of approval to this staff approval, or revoke this staff approval upon determination that the reduction, which is the subject of this staff approval, causes injury, or is detrimental to the health, safety, peace, comfort, or general welfare of the community.
5. 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 114 24th Street Staff Approval including, but not limited to, the SA2013-007 (PA2013-100). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Jason Van Patten
Planning Technician

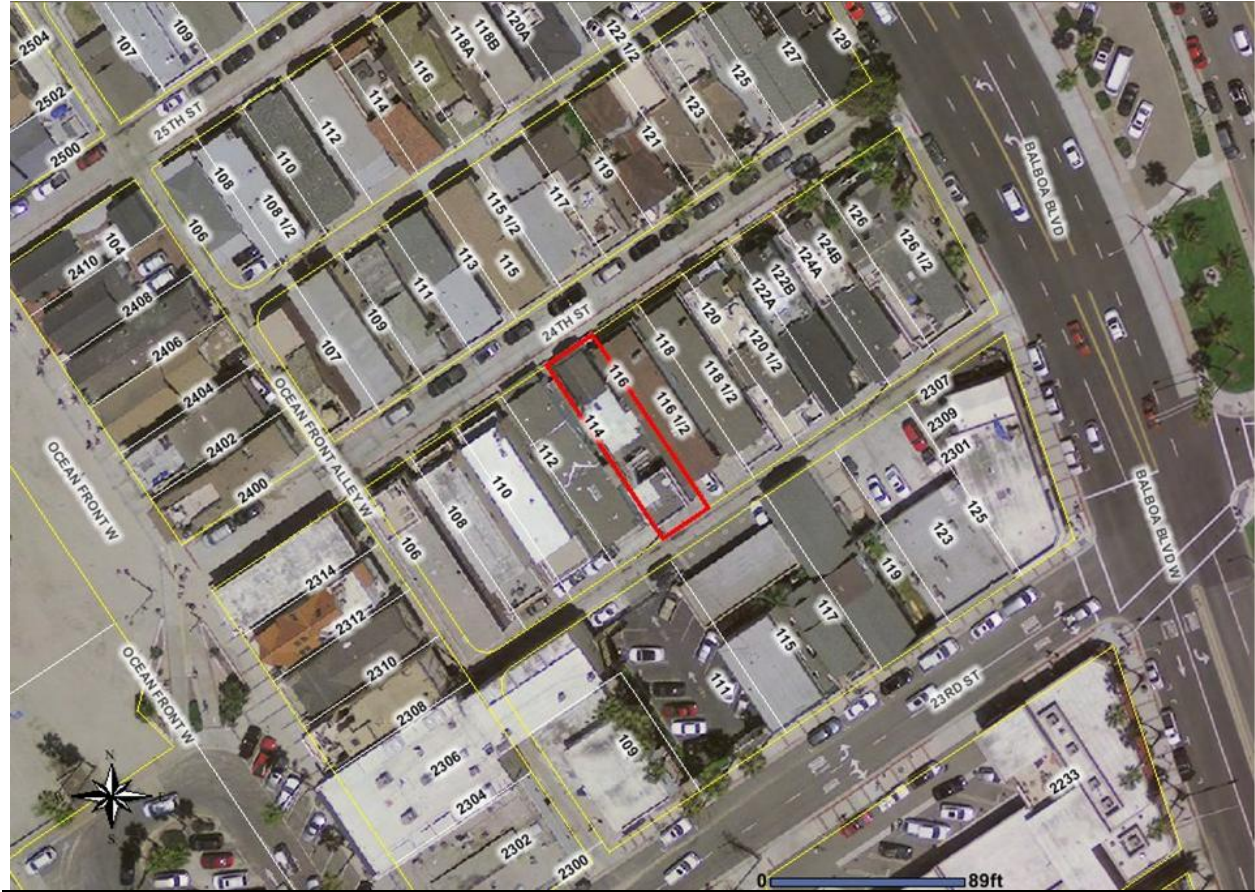
GR/jvp

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

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2013-007
PA2013-100

114 24th Street

Attachment No. CD 2

Applicant's Project Description

R.A. JEHEBER
RESIDENTIAL DESIGN, INC.

May 22, 2013

Jason Van Patten
Planning Technician
City of Newport Beach
Community Development Department

Re: 114 24th Street, Newport Beach, CA

Dear Jason,

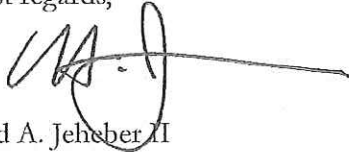
I am requesting a staff approval for a reduced width for our proposed duplex units with two separate side by side single car garages. My clients' property is 25'-0" wide with 3'-0" side yard setbacks. This leaves us with an overall maximum buildable width of 19'-0".

Section 20.40.090 requires a minimum interior dimension of 9'-3" wide by 19'-0" depth for a single car garage space on lots 30 feet or less. Two side by side single car garage spaces would then require a total of 18'-6". Adding three (3) 2 x 4 wood framed walls adds an additional 12" plus stucco finish adds an additional one inch on the two outside walls, we would need to have an overall building width of 19'-8" when we are only allowed 19'-0" overall.

The dwelling will be 3'-0" from the side yard setbacks on both sides from the property. I have provided the maximum width possible for this property and I am requesting a Staff Approval for a reduced width for the single car garage spaces.

Should you require more information, please contact me as soon as possible as I would love to submit my plans to the California Coastal Commission prior to leaving for a two week vacation on June 5th, 2013.

Best regards,



Rod A. Jeheber II

R.A. Jeheber
Residential Design, Inc.
410 32nd Street, Suite 202
Newport Beach, CA 92663
949.723.4393 office
949.322.3188 mobile



Attachment No. CD 3

Project Plans



FIRST FLOOR PLAN

Scale: 1/4" = 1'-0"
 UNIT 'A' - LIVING 756.530 sq. feet
 UNIT 'A' - GARAGE 223.081 sq. feet
 UNIT 'B' - GARAGE 162.010 sq. feet

DATE: 11/11/11

A1.0

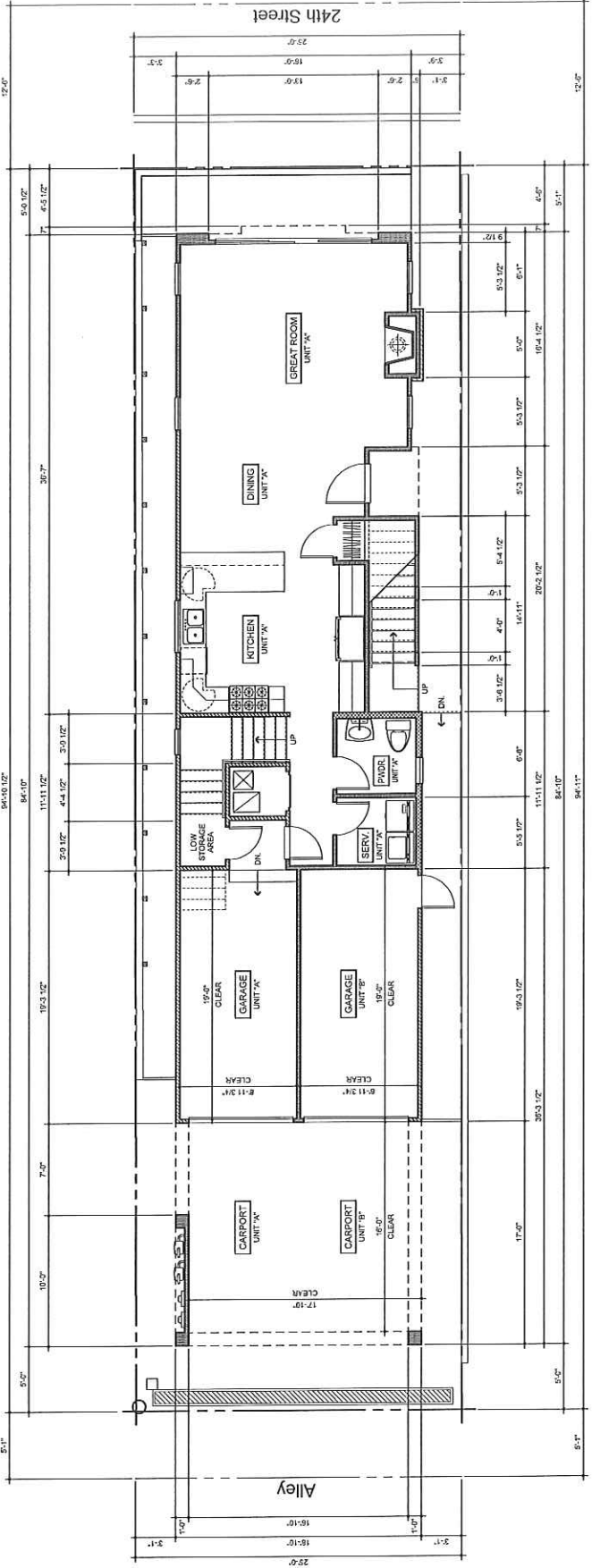
NO.	DATE	REVISIONS
1	11/10/11	11/10/11
2	11/11/11	11/11/11
3	11/11/11	11/11/11
4	11/11/11	11/11/11
5	11/11/11	11/11/11
6	11/11/11	11/11/11
7	11/11/11	11/11/11
8	11/11/11	11/11/11
9	11/11/11	11/11/11
10	11/11/11	11/11/11
11	11/11/11	11/11/11
12	11/11/11	11/11/11
13	11/11/11	11/11/11
14	11/11/11	11/11/11
15	11/11/11	11/11/11
16	11/11/11	11/11/11
17	11/11/11	11/11/11
18	11/11/11	11/11/11
19	11/11/11	11/11/11
20	11/11/11	11/11/11
21	11/11/11	11/11/11
22	11/11/11	11/11/11
23	11/11/11	11/11/11
24	11/11/11	11/11/11
25	11/11/11	11/11/11
26	11/11/11	11/11/11
27	11/11/11	11/11/11
28	11/11/11	11/11/11
29	11/11/11	11/11/11
30	11/11/11	11/11/11
31	11/11/11	11/11/11
32	11/11/11	11/11/11
33	11/11/11	11/11/11
34	11/11/11	11/11/11
35	11/11/11	11/11/11
36	11/11/11	11/11/11
37	11/11/11	11/11/11
38	11/11/11	11/11/11
39	11/11/11	11/11/11
40	11/11/11	11/11/11
41	11/11/11	11/11/11
42	11/11/11	11/11/11
43	11/11/11	11/11/11
44	11/11/11	11/11/11
45	11/11/11	11/11/11
46	11/11/11	11/11/11
47	11/11/11	11/11/11
48	11/11/11	11/11/11
49	11/11/11	11/11/11
50	11/11/11	11/11/11
51	11/11/11	11/11/11
52	11/11/11	11/11/11
53	11/11/11	11/11/11
54	11/11/11	11/11/11
55	11/11/11	11/11/11
56	11/11/11	11/11/11
57	11/11/11	11/11/11
58	11/11/11	11/11/11
59	11/11/11	11/11/11
60	11/11/11	11/11/11
61	11/11/11	11/11/11
62	11/11/11	11/11/11
63	11/11/11	11/11/11
64	11/11/11	11/11/11
65	11/11/11	11/11/11
66	11/11/11	11/11/11
67	11/11/11	11/11/11
68	11/11/11	11/11/11
69	11/11/11	11/11/11
70	11/11/11	11/11/11
71	11/11/11	11/11/11
72	11/11/11	11/11/11
73	11/11/11	11/11/11
74	11/11/11	11/11/11
75	11/11/11	11/11/11
76	11/11/11	11/11/11
77	11/11/11	11/11/11
78	11/11/11	11/11/11
79	11/11/11	11/11/11
80	11/11/11	11/11/11
81	11/11/11	11/11/11
82	11/11/11	11/11/11
83	11/11/11	11/11/11
84	11/11/11	11/11/11
85	11/11/11	11/11/11
86	11/11/11	11/11/11
87	11/11/11	11/11/11
88	11/11/11	11/11/11
89	11/11/11	11/11/11
90	11/11/11	11/11/11
91	11/11/11	11/11/11
92	11/11/11	11/11/11
93	11/11/11	11/11/11
94	11/11/11	11/11/11
95	11/11/11	11/11/11
96	11/11/11	11/11/11
97	11/11/11	11/11/11
98	11/11/11	11/11/11
99	11/11/11	11/11/11
100	11/11/11	11/11/11

CUSTOM DUPLEX PLANS FOR
ANTHONY A. NGUYEN
 PROJECT ADDRESS
 114 24th STREET
 NEWPORT BEACH, CALIFORNIA

SHEET TITLE
FIRST FLOOR PLAN - B

PROJECT NO. 114 24th STREET
 SHEET NO. 114 24th STREET - B
 DATE: 11/11/11
 DRAWN BY: ANTHONY NGUYEN
 CHECKED BY: ANTHONY NGUYEN
 APPROVED BY: ANTHONY NGUYEN

R. A. JEHEBER
 RESIDENTIAL DESIGN, INC.
 410 32nd Street, Suite 202
 Newport Beach, California 92663
 949.723.4393 (rajheber@gmail.com)



SYMBOL LEGEND

16	APPLIANCE / FEATURE NOTE
17	DOOR NUMBER
18	WINDOW LETTER
19	REVISION NUMBER
20	DETAIL REFERENCE
21	ELEVATION REFERENCE
22	SECTION REFERENCE

WALL LEGEND

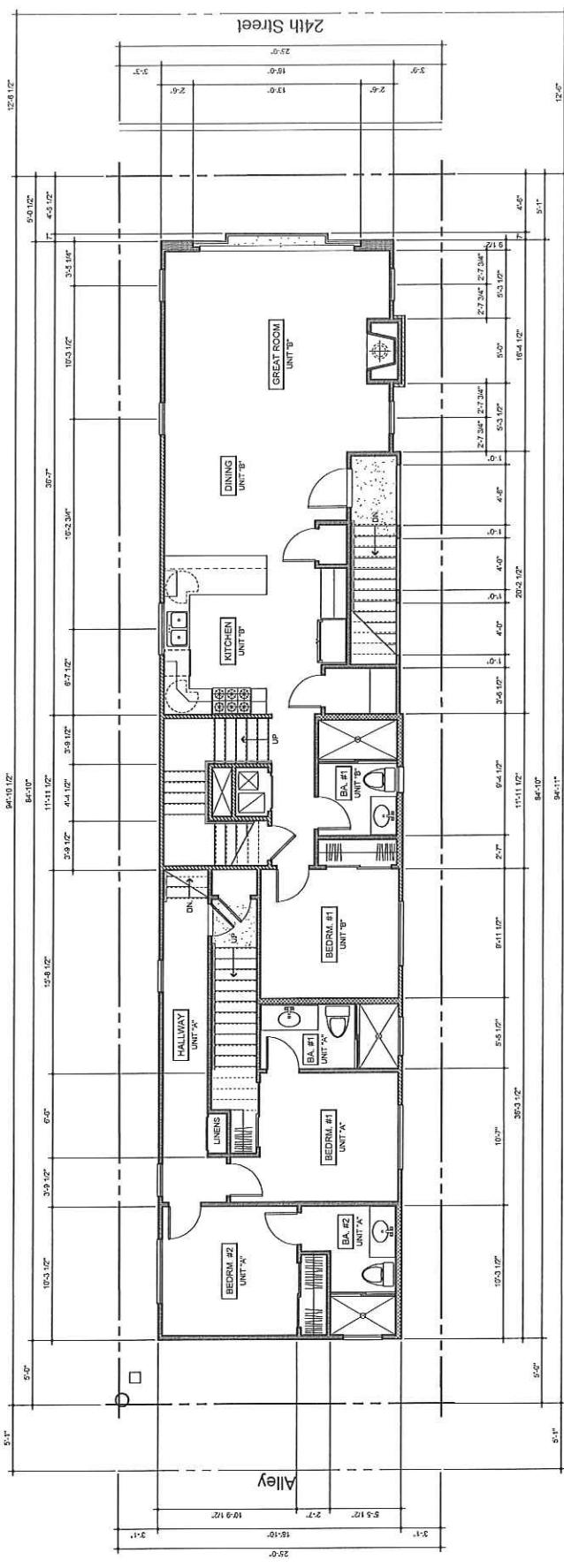
[Hatched Pattern]	2 x 4 WOOD STUDS AT 16" O.C.
[Hatched Pattern]	2 x 4 WOOD STUDS AT 16" O.C. w/ STONE VENEER
[Hatched Pattern]	2 x 6 WOOD STUDS AT 16" O.C. (PLUMBING WALL)
[Hatched Pattern]	3 x 4 WOOD STUDS AT 16" O.C.



SCALE: 1/4" = 1'-0"

SECOND FLOOR PLAN

UNIT A - LIVING: 271.50 SQ. FEET
 UNIT B - LIVING: 343.42 SQ. FEET
 UNIT B - BATHROOM: 111.07 SQ. FEET



WALL LEGEND

- 2x4 WOOD STUDS AT 16" O.C.
- 2x4 WOOD STUDS AT 16" O.C. w/ STONE VENEER
- 2x6 WOOD STUDS AT 16" O.C. (PLUMBING WALL)
- 3x4 WOOD STUDS AT 16" O.C.

SYMBOL LEGEND

- 1B APPLIANCE / FIXTURE NOTE
- 2 DOOR NUMBER
- 3 WINDOW LETTER
- 4 REVISION NUMBER
- 5.1 DETAIL REFERENCE
- 6.1 ELEVATION REFERENCE
- 7.1 SECTION REFERENCE

SHEET TITLE
SECOND FLOOR PLAN

CUSTOM DUPLEX PLANS FOR
ANTHONY A. NGUYEN
 114 24th STREET
 NEWPORT BEACH, CALIFORNIA

DATE	5/10/2013 10:11 AM
BY	ANTHONY A. NGUYEN
REVISION	

SCALE
A2.0

R. A. JEHBER
 RESIDENTIAL DESIGN, INC.
 410 32nd Street, Suite 202
 Newport Beach, California 92663
 949 723 4393 (rajehber@gmail.com)

THIS PLAN IS THE PROPERTY OF R. A. JEHBER RESIDENTIAL DESIGN, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF R. A. JEHBER RESIDENTIAL DESIGN, INC. THE USER OF THIS PLAN AGREES TO HOLD R. A. JEHBER RESIDENTIAL DESIGN, INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN AGREES TO INDEMNIFY AND HOLD R. A. JEHBER RESIDENTIAL DESIGN, INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN.



SCALE: 1/4" = 1'-0"

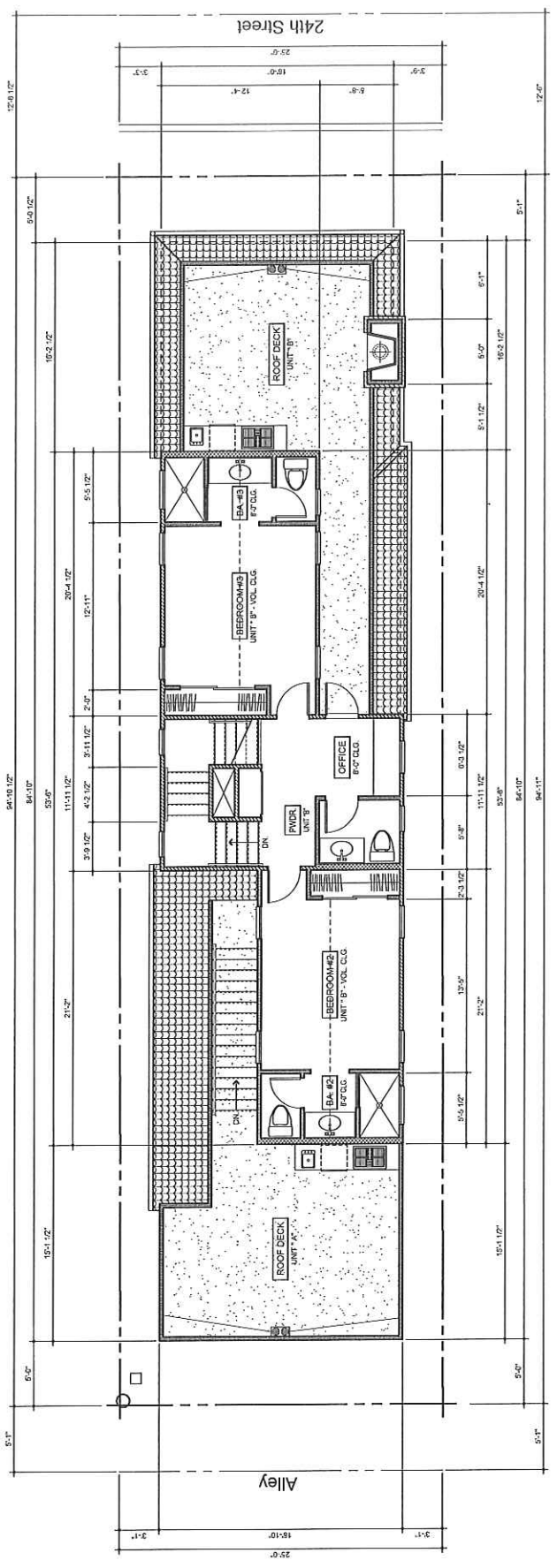
THIRD FLOOR PLAN

UNIT 'B' - LIVING: 541,544 sq. feet
 UNIT 'A' - DECK: 338,440 sq. feet
 UNIT 'B' - DECK: 255,778 sq. feet

SHEET TITLE
 THIRD FLOOR PLAN

CUSTOM DUPLEX PLANS FOR
 ANTHONY A. NGUYEN
 PROJECT ADDRESS:
 114 24th STREET
 NEWPORT BEACH, CALIFORNIA

DATE	11/02/13 10:11 AM
BY	2013/11/01
REVISIONS	



SYMBOL LEGEND

	2x4 WOOD STUDS AT 16" O.C.
	2x4 WOOD STUDS AT 16" O.C. w/ STONE VENEER
	2x6 WOOD STUDS AT 16" O.C. (PLUMBING WALL)
	3x4 WOOD STUDS AT 16" O.C.

	APPLIANCE / FIXTURE NOTE
	DOOR NUMBER
	WINDOW LETTER
	REVISION NUMBER
	DETAIL REFERENCE
	ELEVATION REFERENCE
	SECTION REFERENCE

R. A. JEHBER
 RESIDENTIAL DESIGN, INC.
 410 32nd Street, Suite 202
 Newport Beach, California 92663
 949 723-4393 (rajehber@gmail.com)

THIS DOCUMENT IS THE PROPERTY OF R. A. JEHBER RESIDENTIAL DESIGN, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF R. A. JEHBER RESIDENTIAL DESIGN, INC.

ROOF PLAN SYMBOLS

- 3/12 INDICATES SLOPE AND DIRECTION OF ROOF
- INDICATES ATTIC VENT - SEE DETAIL
- INDICATES LINE OF ROOF OVER HANG
- INDICATES LINE OF RAIN GUTTER
- INDICATES THE LOCATION OF DOWNSPOUTS
- INDICATES THE LOCATION OF DECK DRAINS

ATTIC VENTILATION

VENT AREA	REQUIRED VENTILATION (SQ. IN. REQUIRED)	LOW VENTILATION (SQ. IN. REQUIRED)
110 SQ. FT.	24 SQ. IN.	22 SQ. IN.
24 SQ. IN. EACH	130 SQ. IN. EACH	1 ROOF VENT
1 ROOF VENT	1 ROOF VENT	240 SQ. IN.

IMPREGNATED FELT OR OTHER WATER-RESISTANT BARRIER TO BE INSTALLED ON THE INSULATION WITH A MINIMUM OF 1/8" GAP BETWEEN THE BARRIER AND THE INSULATION. INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR. A MINIMUM OF 1/4" AIR SPACE SHALL BE PROVIDED BETWEEN THE INSULATION AND THE ROOF SHEATHING AND AT THE LOCATION OF THE VENT.

ROOF PLAN NOTES

1. INSULATION SHALL BE 2" MINIMUM R-VALUE. THE VENTILATING AREA SHALL NOT BE LESS THAN 1/100 OF THE AREA OF THE SPACE VENTILATED. THE TOTAL AREA TO BE VENTILATED SHALL BE AT LEAST 50% AND NOT MORE THAN 100% OF THE AREA OF THE SPACE TO BE VENTILATED. VENTS LOCATED IN THE UPPER PORTION OF THE SPACE TO BE VENTILATED AT LEAST 3 FEET ABOVE THE FINISHED FLOOR. VENTS SHALL BE INSTALLED WITH THE REQUIRED VENTILATION PROVIDED BY CLASS OR CLASS WITH AN ADVANCEMENT OF THE REQUIRED FREE CROSS-VENTILATION AREA MAY BE REDUCED TO 1/200 WHEN A CLASS 1 OR 2 VAPOR BARRIER IS INSTALLED ON THE INSULATION WITH A MINIMUM OF 1/8" GAP BETWEEN THE BARRIER AND THE INSULATION. INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR. A MINIMUM OF 1/4" AIR SPACE SHALL BE PROVIDED BETWEEN THE INSULATION AND THE ROOF SHEATHING AND AT THE LOCATION OF THE VENT.
2. FINISH FLOORING, GUTTERS AND DOWNSPOUTS - GUTTERS AND DOWNSPOUTS AT LOCATIONS SHOWN.
3. PROVIDE MINIMUM 2x6 GA. GALV. METAL FLASHING AT ALL VALLEYS AND ROOF TO WALL CONDITIONS.
4. THE ROOF SHALL BE FIRE STOPPED TO PRECLUDE ENTRY OF FLAME OR SMOKES UNDER THE ROOF COVERING.
5. ALL ATTIC VENTS TO HAVE MAX. 1/4" GALV. IRON METAL MESH SCREENS.
6. ROOF DECK DRAINS - SEE DETAIL #3 ON SHEET A5.1
7. ROOF DECK SHALL BE 2" MINIMUM THICKNESS 1/2" MINIMUM RADIUS BLACK DECK 200 FR FIRE RESISTANT POLYURETHANE WATERPROOF DECK COVERING. ICC EBR-2007.

R. A. J. HEHBER
RESIDENTIAL DESIGN, INC.
410 32nd Street, Suite 202
Newport Beach, California 92663
949.773.4393 (rafeheber@gmail.com)



THIS DOCUMENT IS THE PROPERTY OF R. A. J. HEHBER RESIDENTIAL DESIGN, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF R. A. J. HEHBER RESIDENTIAL DESIGN, INC. ANY UNAUTHORIZED USE OF THIS DOCUMENT IS PROHIBITED AND WILL BE AT THE USER'S SOLE RISK AND LIABILITY.

SHEET TITLE
ROOF PLAN

CUSTOM DUPLEX PLANS FOR
ANTHONY A. NGUYEN
PROJECT ADDRESS
114 24th STREET
NEWPORT BEACH, CALIFORNIA

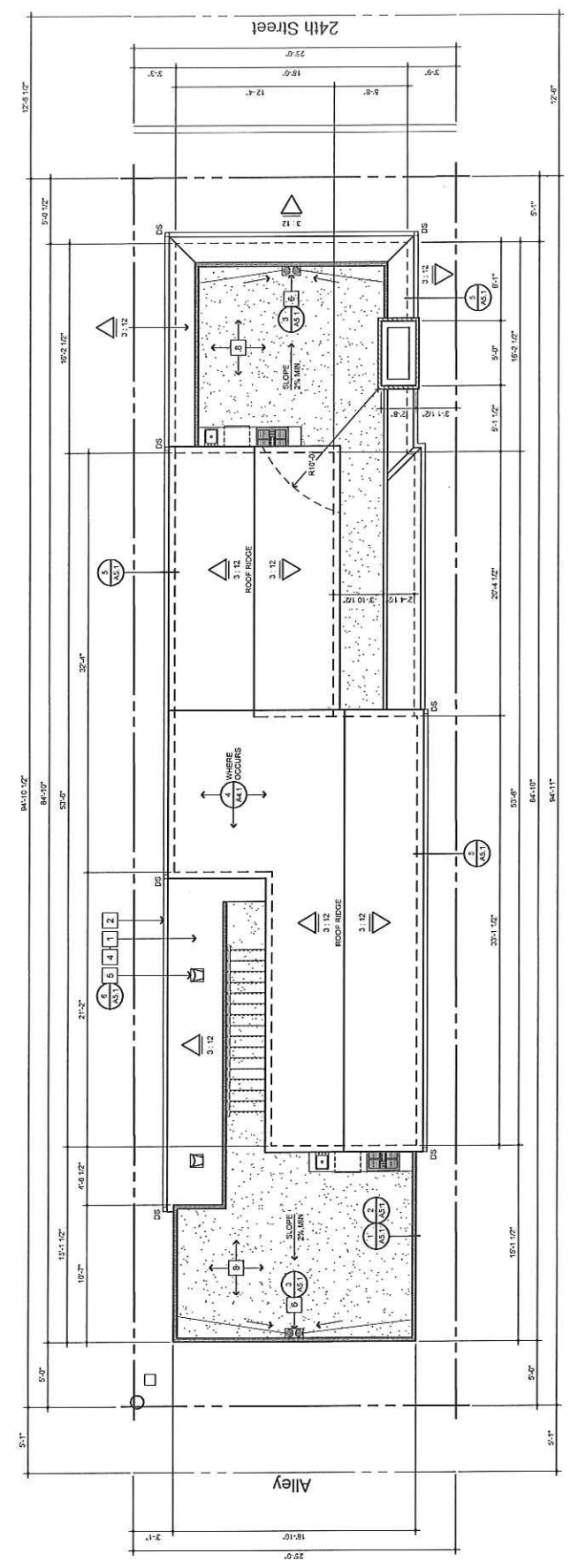
DATE	REVISIONS
5/10/2010 8:31 AM	2010-01

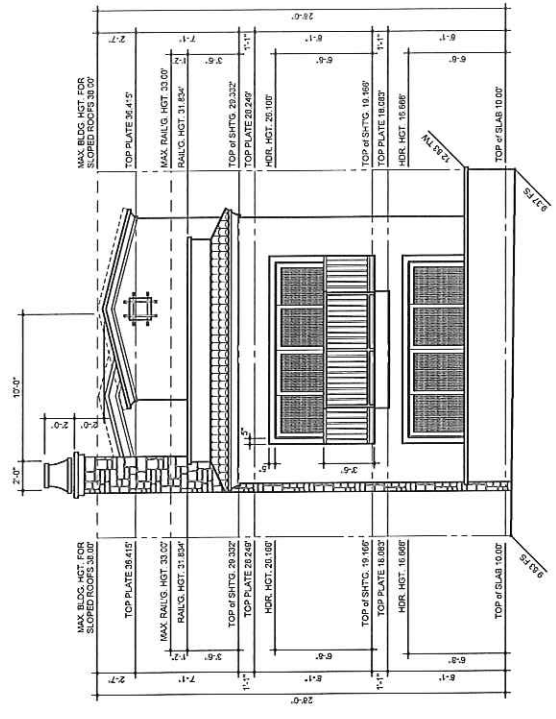
Scale: **A5.0**



ROOF PLAN

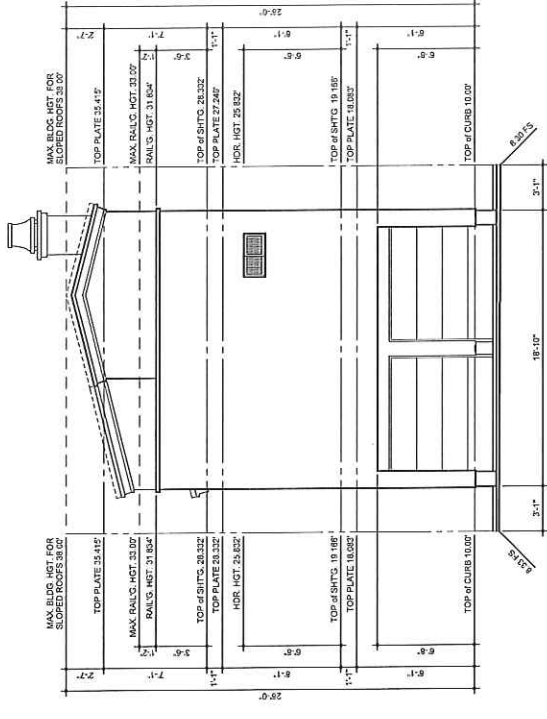
SCALE: 1/4" = 1'-0"





FRONT ELEVATION

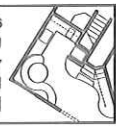
SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

R. A. JEHBER
RESIDENTIAL DESIGN, INC.
410 32nd Street, Suite 202
Newport Beach, California 92663
949.723.4393 (rajehber@gmail.com)



THIS DOCUMENT IS THE PROPERTY OF R. A. JEHBER RESIDENTIAL DESIGN, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF R. A. JEHBER RESIDENTIAL DESIGN, INC.

EXTERIOR ELEVATIONS
SHEET TITLE

CUSTOM DUPLEX PLANS FOR
ANTHONY A. NGUYEN
PROJECT ADDRESS:
114 24th STREET
NEWPORT BEACH, CALIFORNIA

DATE	5/1/2013 10:50 AM
BY	2013-01
REVISIONS	

Sheet
A6.0

