



**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 October 24, 2014

ACTION TAKEN BY THE CHIEF OF POLICE
(Non-Hearing Item)

Item 1: The Dory Deli Operator License No. OL2014-006 (PA2014-089)
2108 ¾ West Ocean Front

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.

Det. Randy Parker & Det. John Thulin, NBPD (*ABC License*)
Det. Brad Miller, NBPD (*Massage Therapy - ABC License*)



OPERATOR LICENSE APPROVAL LETTER

POLICE DEPARTMENT
870 SANTA BARBARA DRIVE
NEWPORT BEACH, CA 92660
(949) 644-3681 FAX (949) 644-3794
www.nbpd.org

VIA EMAIL

October 24, 2014

The Dory Deli
Attn: Mario Marovic
2108 W. Ocean Front, ¾
Newport Beach, CA 92663
mario@loungegroup.com

Application No.	Operator License No. OL2014-006 (PA2014-089)
Owner/Applicant	Mario Marovic
Location/Business Name	The Dory Deli Operator License
Site Address	2108 West Ocean Front, ¾
LEGAL DESCRIPTION	Tract 512, Block 21, Lots 1 and 2 and a Portion of Abandoned Right-of-Way

On **October 24, 2014**, the Chief of Police approved the following: A request for the issuance of an Operator License pursuant to Chapter 5.25 of the Municipal Code for an existing food service, eating and drinking establishment with late hours, a Type 41 (On-Sale Beer and Wine Eating Place) ABC alcohol license, and outdoor patio area. The Operator License is required due to proposed modifications to the building that will result in an increase in the maximum occupant capacity.

BACKGROUND

On August 17, 1972, Use Permit No. UP1606 was approved by the Planning Commission to change a health food retail store to a take-out service, eating and drinking establishment. The approval included seating and a take-out window. No operational conditions of approval were placed on the project.

On September 15, 1997, Outdoor Dining Permit No. OD0037 was approved by the Planning Department to allow a small outdoor dining area to the rear of the building. Said outdoor dining patio area was limited to 176 square feet in size by Condition of Approval Number 2. Additionally, operation of the outdoor dining area was limited to the hours between 8:00 a.m. and 10:00 p.m., daily by Condition of Approval Number 4. Lastly,

Condition of Approval Number 21 made the Outdoor Dining Permit non-transferable and further stipulates the approval does not extend to future owners and that a new application must be approved by the Planning Division.

In early 2014, the previous tenant of approximately 40 years (Perry's Pizza) vacated the location and tenant improvement plans were submitted to the Building Division for a new tenant. On May 2, 2014, the Planning Division reviewed and approved a request to determine the proposed changes to the establishment were substantially conforming to the entitlements for the tenant space. The proposed changes included the following:

- An 8-square-foot net increase of seating area and increase of two seats.
- Updated exterior elevations, including a substantial alteration of the front façade to create a 180-square-foot outdoor patio dining area consisting of 20 seats.
- New entry point to the renovated establishment through the front outdoor patio dining area.
- Removal of the existing 157-square-foot outdoor patio dining area to the rear of the building rendering Outdoor Dining Permit No. OD0037 null and void.
- Expansion of the establishment into the abutting beauty salon tenant space.
- Various renovations and improvements resulting in an increase in occupant load from 80 to 95 persons.

Pursuant to Chapter 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance) of the Newport Beach Municipal Code (NBMC), an operator license shall be required upon the issuance of a building permit for modifications comprising an increase in the occupant capacity of an establishment.

REQUIRED FINDINGS

The Chief of Police has made the following findings as required by NBMC 5.25.050(B):

Finding:

1. *The business or enterprise is located in a zone permitting the proposed use under Title 20 of the NBMC, and is subject to such use permits as may be required.*

Facts in Support of Finding:

1. A food service, eating and drinking establishment with alcohol sales and late hours (after 11:00 p.m.) is a permitted use in the Mixed-Use Water Related (MU-W2) Zoning District through the approval of a conditional use permit.
2. Use Permit No. UP1606 was approved by the Planning Commission on August 17, 1972, to permit a take-out service, eating and drinking establishment with seating.

3. Staff Approval No. SA2014-008 was approved by the Planning Division on May 2, 2014, to determine proposed changes to the floor plan and operation were in substantial conformance with Use Permit No. UP1606.

Finding:

2. *In the case of a business or enterprise offering "Entertainment," as defined, the premises meets all of the criteria in Chapter 5.28.040.B.2-7.*

Facts in Support of Finding:

1. The food service, eating and drinking establishment does not currently offer or propose to offer live entertainment.

Finding:

3. *The proposed site plan and improvements are consistent with the use and the plan of operations.*

Facts in Support of Finding:

1. A food service, eating and drinking establishment has been operated in this location since 1972. The conditions of approval for the Operator License will ensure the continued compatibility of the use with other land uses in the vicinity.
2. The hours of operation are limited to between 6:00 a.m. and 2:00 a.m., daily.
3. Live entertainment and dancing are not allowed on the premises.

Finding:

4. *The plan of operations as proposed, with attached conditions in place, is adequate in light of the neighborhood in which the operation is located and supports the public health, safety, and welfare of the community.*

Facts in Support of Finding:

1. The business will be required to comply with the hours of operation as specified in the conditions of approval for the Operator License.
2. The Operator License has been conditioned to ensure the location is maintained and operated as an eating and drinking establishment and not a bar, tavern, or nightclub.
3. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks,

curbs, gutters, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.

CONDITIONS OF APPROVAL

In this particular case, no conditions of approval exist relative to the operation of the food service, eating and drinking establishment. The Chief of Police has attached additional conditions and requirements to the license as necessary in order to make the foregoing findings.

1. The food service, eating and drinking establishment shall be limited to operate between the hours of 6:00 a.m. and 2:00 a.m., daily.
2. The outdoor patio area shall not be permitted to operate beyond the hour of 1:00 a.m., daily.
3. The Alcoholic Beverage Control (ABC) License Type shall be a Type 41 (On-Sale Beer and Wine Eating Place).
4. The service and sale of packaged alcoholic beverages (i.e., bottled or canned) on the outdoor patio dining area shall be prohibited.
5. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code, unless the Planning Commission first approves a conditional use permit and the Chief of Police approves an amended Operator License.
6. Food service from the regular menu shall be available to patrons up to thirty (30) minutes before the scheduled closing time.
7. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
8. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when served in conjunction with food ordered from the full service menu. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
9. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
10. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic

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

11. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved Special Event Permit issued by the City of Newport Beach.
12. There shall be no live entertainment allowed on the premises.
13. There shall be no dancing allowed on the premises.
14. Strict adherence to the maximum occupancy limits shall be required.
15. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
16. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
17. The operator of the food service use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
18. Storage outside of the building shall be prohibited, with the exception of the required trash container enclosure.
19. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
20. The operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the alcoholic beverage outlet and adjacent properties, if directly related to the patrons of the subject alcoholic beverage outlet.
21. The business shall comply with Title 20 (Zoning Code) and any other applicable provisions of the Newport Beach Municipal Code.
22. This Operator License may be modified or revoked by the Chief of Police should they determine that the proposed uses or conditions under which it is being

operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

23. Operator License No. OL2014-006 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 (NBMC), unless an extension is otherwise granted.
24. Should the property be sold or otherwise come under different ownership, a new Operator License shall be required.
25. 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 Dory Deli including, but not limited to, the Operator License No. OL2014-006 (PA2014-089). 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.
26. A copy of this Operator License shall be kept on the premises at all times and shall be made available to any member of the Police Department upon request.

OPERATOR LICENSE NONTRANSFERABLE

No operator license issued pursuant to this chapter shall be sold, transferred, or assigned by any license holder, or by operation of law, to any other person, group, partnership, corporation or any other entity, and any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such license, and such license shall be, thereafter, null and void. A license held by an individual in a corporation or partnership is subject to the same rules of transferability as contained above. License shall be valid only for the exact location specified in the license.

PUBLIC NOTICE

Notice of this application was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including

the applicant and posted on the subject property at least 21 days prior to the decision date, consistent with the provisions of the Municipal Code.

APPEAL PERIOD

The determination of the Chief of Police to deny or to place conditions upon the approval of an operator license shall be appealable by the applicant or any interested party. Such appeal shall be made in writing to the City Manager, within fifteen (15) days of the postmark date of the Chief of Police's notice of decision. For additional information on filing an appeal, contact the Planning Department at (949) 644-3200.

REVOCATION, SUSPENSION OR MODIFICATION OF LICENSE FOR CAUSE

The Chief of Police may commence a process to revoke, suspend or modify an operator license issued under the provisions of this chapter should there be reasonable suspicion of any of the following:

- A. The licensee has ceased to meet the requirements for issuance of license;
- B. The applicant gave materially false, fraudulent or misleading information within the application;
- C. Impacts emanating from the establishment for which the license was issued has substantially interfered with the peace and quiet of the neighborhood;
- D. The licensed business or activity has operated in violation of any of the requirements of this chapter, the license as issued, or any condition thereof. The Chief of Police shall notify the operator of the commencement of such revocation, suspension or modification process and shall conduct an investigation to determine if, and to what degree, one or more of the foregoing has occurred. Upon completion of the investigation, the Chief of Police may add, delete or modify the license conditions. The Chief of Police shall notify the applicant regarding the determination of the operator license, on the outcome of the investigation, and the action taken. The applicant or any interested party may appeal a determination or an added or modified condition of approval to City Manager in the manner set forth in Section 5.25.050(C) and (D).

By: 
Jay R. Johnson
CHIEF OF POLICE

Attachments:

- PD 1 Planning Commission Minutes approving Use Permit No. UP1606
- PD 2 Substantial Conformance Staff Approval No. SA2014-008 (PA2014-060)
- PD 3 Project Description
- PD 4 Project Plans

USE PERMIT APPLICATION
CITY OF NEWPORT BEACH

No. 1606

Fee \$150.00

Department of Community Development
Zoning and Ordinance Administration Division
3300 Newport Boulevard
Phone (714) 673-2110

Applicant CRAIG W. JONES Phone 675-0732

Mailing Address 103 McFadden Pl. #4 Newport

Property Owner Phil RAPP Phone 673-7340

Mailing Address 3910 River, Newport

Address of Property Involved 2108 3/4 W. Oceanfront

Purpose of Application (describe fully) to obtain a
use permit for an existing pass thru
window for "to-go" food. The plans
and construction has health department
approval.

Zone C-1 Present Use Mexican restaurant

Legal Description of Property Involved (if too long, attach sheet)

LOT 25, BLK 21, NEWPORT BCH TRACT

(MAP
D-7)

Craig W Jones 6/8/72
Signature of Applicant or Agent Date

Craig W Jones 6/8/72
Signature of Owner Date

XX

DO NOT COMPLETE APPLICATION BELOW THIS LINE

Date Filed 6-8-72 Fee Pd. 150.00 Receipt No. 52210

Hearing Date 7-6-72 Publication Date 6/32/72 + 7/30/72

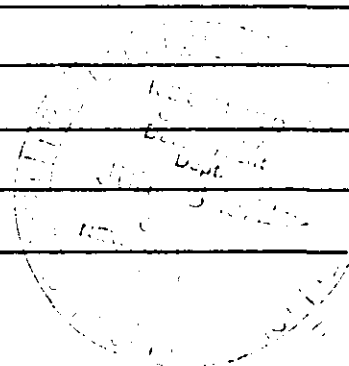
Posting Date _____ Mail Date _____

P. C. Action approved 8/17/72

Date _____ Appeal _____

C. C. Hearing _____ C.C. Action _____

_____ Date _____



COMMISSIONERS

CITY OF NEWPORT BEACH

MINUTES

ROLL CALL

August 17, 1972

INDEX

Present
AbsentAGE
BECKLEY
GLASS
HAZEWINKEL
HEATHER
MARTIN
ROSENERX X X X X X
XEX-OFFICIO MEMBERSR. V. Hogan, Community Development Director
David R. Baade, Assistant City Attorney
Benjamin B. Nolan, City EngineerSTAFF MEMBERSJames D. Hewicker, Asst. Community Development Director
William R. Laycock Senior Planner
Shirley Morgan

* * * * *

Motion
Second
Ayes
Abstain
AbsentX
X
X X X
X
X

Minutes of the meeting of July 20, 1972 were approved with the correction that Commissioner Glass was late and therefore did not participate in the approval of the July 6, 1972 minutes or in the actions taken on Items #1 and #2.

* * * * *

Item #1

Request to permit a "take-out" restaurant.

Location:

Lot 1, Block 21, Newport Beach Tract, located at 2108 3/4 West Ocean Front on the northeasterly side of Ocean Front between McFadden Place and 20th Street, on Balboa Peninsula.

USE
PERMIT
1606APPROVED
CONDI-
TIONALLYZone:

C-1

Applicant:

Craig W. Jones, Newport Beach

Owner:

Phil Rapp, Newport Beach

Public hearing was continued from August 3, 1972, pending a report from the City Attorney relative to parking requirements for the restaurant.

Assistant Community Development Director Hewicker read a letter dated July 5, 1972 from Dennis L. Thomas in rebuttal to approval of the requested use permit. He also reviewed the application and the City Attorney's report with the Planning Commission.

COMMISSIONERS

CITY OF NEWPORT BEACH

MINUTES

ROLL CALL

August 17, 1972

INDEX

Motion
Second
Ayes
Abstain
Absent

ROSENER
MARTIN
HEATHER
HAZEWINKEL
GLASS
BECKLEY
AGE

There being none desiring to appear and be heard,
the public hearing was declared closed.

Parking requirements and the parking ordinance was
discussed by the Planning Commission.

Following discussion, Use Permit Application No.
1606 was approved subject to the following condition:

1. That three off-street parking spaces be provided
for employees or that three commercial business
parking permits be purchased for use in the
Municipal Lot.

Item #1

Request to amend portions of Districting Map #11
from a C-1 District to an R-2 District.

AMEND-
MENT
332

Location:

A portion of Block 3, Newport Bay
Tract, located on the north side of
Balboa Boulevard between Coronado
Street and Cypress Street on Balboa
Peninsula.

CONT. TO
SEPT.

Initiated by: The City of Newport Beach

Public hearing was opened and Assistant Community
Development Director Hewicker reviewed the request
with the Planning Commission.

Walter Lewis, owner of three duplexes in the
affected area appeared in opposition to the change
of zone to R-2.

Mrs. Walter Lewis also appeared in opposition to
the R-2 zoning.

Planning Commission discussed the effects other
zoning would have on the property. Following the
discussion, Planning Commission continued this
matter to September 7, 1972, for the purpose of
re-advertising Amendment No. 332 to change a portion
of Districting Map No. 11 from a C-1 District to
either an R-3 or an R-2 District.

Motion
Second
Ayes
Noes
Abstain
Absent

ROSENER
MARTIN
HEATHER
HAZEWINKEL
GLASS
BECKLEY
AGE



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 No.	Staff Approval No. SA2014-008 (PA2014-060)
Applicant	TK Burgers
Site Address	2108 West Ocean Front, Unit 3/4 TK Burgers Substantial Conformance
Legal Description	Tract 512, Block 21, Lots 1 and 2 and a Portion of Abandoned Right-of-Way

On **May 2, 2014**, the Community Development Director approved Staff Approval No. SA2014-008 to allow the renovation of an existing food service, eating and drinking establishment and finding said renovation in substantial conformance with Use Permit No. UP1606. This approval is based on the following findings and subject to the following conditions.

PROJECT SUMMARY

A staff approval for a determination of substantial conformance with Use Permit No. UP1606 to allow the renovation of an existing food service, eating and drinking establishment (Perry's Pizza). The proposed renovation will eliminate an abutting tenant space that is approximately 260 square feet in area and occupied by a beauty salon to create new accessible restrooms. Overall, this expansion will increase the area of the outdoor dining area by 12 square feet and decrease the interior net public area of the establishment by 4 square feet. Therefore, the size of the combined indoor and outdoor seating areas will increase by a negligible amount of 8 square feet. The establishment will be limited to 788 square feet of interior net public area with 71 seats and 197 square feet of outdoor dining patio area with 21 seats. All operating characteristics will remain consistent with the previous use.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** MU-W2 (Mixed-Use Water Related)
- **General Plan:** MU-W2 (Mixed-Use Water Related)

BACKGROUND

On August 17, 1972, Use Permit No. UP1606 was approved by the Planning Commission to change a health food retail store to a take-out restaurant. No operational conditions of approval were placed on the project.

On September 15, 1997, Outdoor Dining Permit No. OD0037 was approved by the Planning Department to allow a small outdoor dining area to the rear of the building. Said outdoor dining patio area was limited to 176 square feet in size by Condition of Approval Number 2. Additionally, operation of the outdoor dining area was limited to the hours between 8:00 a.m. and 10:00 p.m., daily by Condition of Approval Number 4. Lastly, Condition of Approval Number 21 made the Outdoor Dining Permit non-transferable and further stipulates the approval does not extend to future owners and that a new application must be approved by the Planning Division.

The current floor plan is comprised of 788 square feet of net public area with a small 11-square-foot outdoor dining area in front of the building and a 157-square-foot outdoor dining patio area to the rear of the building. The front outdoor dining area contains 3 seats, the interior net public area contains 69 seats, and the rear outdoor patio dining area contains 8 seats for a total of 80 seats. The establishment has a Type 41 (On-Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) License and does not have a limit placed on the hours of operation.

PROPOSED CHANGES

The applicant requests a staff approval for a determination of substantial conformance to allow the renovation of an existing food service, eating and drinking establishment (Perry's Pizza). The proposed renovation will result in an 8-square-foot net increase of seating area. The exterior elevations of the establishment would be updated, including a substantial alteration of the front façade to create a 180-square-foot outdoor patio dining area. This "veranda" will consist of 20 seats and will serve as an updated entry point to the renovated establishment. The existing 157-square-foot outdoor patio dining area to the rear of the building will be removed as part of the renovation rendering Outdoor Dining Permit No. OD0037 null and void.

Table 1 – A comparative summary of the existing and proposed operations.

	Existing (Perry's Pizza)	Proposed (TK Burgers)
<i>Interior Seats, NPA</i>	69 seats, 788 square feet	62 seats, 784 square feet
<i>Outdoor Seats, NPA</i>	11 seats, 168 square feet	20 seats, 180 square feet
<i>Total Seats, NPA</i>	80 seats, 956 square feet	82 seats, 964 square feet
<i>Parking Requirement</i>	22 spaces ¹	20 spaces
<i>On-Site Parking Provided</i>	None	No change
<i>Hours of Operation</i>	No restrictions	No change
<i>ABC License</i>	Type 41	No change

¹ Including the parking required for the Personal Services, General use in the abutting tenant space.

The renovated establishment will include 784 square feet of interior net public area and 180 square feet of outdoor dining patio area. Pursuant to Zoning Code Section 20.40.040 (Off-Street Parking Spaces Required), an area equal to 25 percent of the interior net public area can be excluded from the parking requirement as "net public area" for the establishment. Given the proposed interior net public area of 784 square feet, a maximum outdoor patio dining area of 197 square feet may be excluded from the parking requirement. The proposed interior net public area is less than the existing interior net public area (788 square feet) and the proposed outdoor patio dining area (180 square feet) is less than 25 percent of the interior net public area; therefore, there is no increase in the amount of parking required. Furthermore, the applicant is expanding the food service, eating and drinking establishment into the abutting beauty salon tenant space which is approximately 260 square feet in area. A beauty salon is considered a Personal Services, General use by the Zoning Code and requires 1 parking space for each 250 square feet of gross floor area. Given the expansion and resulting removal of an existing use, the applicant is displacing the requirement for two additional parking spaces incurred by the beauty salon use.

Although there are no conditions of approval relative to its operation, the establishment will adhere to the existing operational characteristics. Additionally, the operator will be required to obtain an Operator License since the maximum occupancy as defined by the Uniform Building Code will increase as a result of the tenant improvement.

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:

- A-1. Eating and drinking establishments are a permitted use in the MU-W2 (Mixed-Use Water Related) Zoning District, subject to approval of a use permit. The existing establishment received approval of Use Permit No. UP1606 and Outdoor Dining Permit No. OD0037 on August 17, 1972 and September 15, 1997, respectively. The proposed changes are consistent with the existing operational characteristics and floor plan approved by Use Permit No. UP1606.
- A-2. The proposed renovation and resulting decrease in interior net public area coupled with the removal of an existing Personal Services, General use will lower

the parking requirement for the building overall and will maintain an eating and drinking establishment use that is substantially conforming to the existing use.

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:

- B-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 were not subject to a negative declaration or Environment Impact Report.
- B-2. The proposed project involves the renovation of the existing establishment and qualifies for a categorical exemption from CEQA under Class 2, Replacement or Reconstruction. The Class 2 exemption includes the replacement or reconstruction of a commercial structure with a new structure of substantially having the same size, purpose, and capacity.

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:

- C-1. Use Permit No. UP1606 was not subject to specific operational conditions of approval.
- C-2. The new location of the outdoor dining area on the beachside of the building and its design such that it is covered and enclosed on three sides will help to attenuate sound. Furthermore, as conditioned the operator is required to obtain an operator license which will help to ensure noise levels are controlled.

Finding:

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

Facts in Support of Finding:

- D-1. The remodel of the establishment to improve the service areas and reconfigure the interior and exterior seating areas is minor in nature and does not represent a substantial change in the operational characteristics of the existing eating and drinking establishment.

- D-2. The use of the space will remain an eating and drinking establishment, as reviewed and approved by Use Permit No. UP1606.

DETERMINATION

This staff approval has been reviewed and the determination has been made that the proposed changes to the existing eating and drinking establishment are in substantial conformance with the original approval actions.

CONDITIONS OF APPROVAL

1. The development authorized by this staff approval shall be in substantial conformance with the approved project plans.
2. 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.
3. Prior to issuance of the building permits, the operator shall submit an application for an operator license. The Operator License shall be approved and issued prior to final inspection and issuance of the Certificate of Occupancy for the tenant improvement permits.
4. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the TK Burgers Substantial Conformance including, but not limited to, the Staff Approval No. SA2014-008 (PA2014-060). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

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On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Benjamin M. Zdeba
Assistant Planner

GR/bmz

Attachments: CD 1 Vicinity Map
 CD 2 Use Permit No. UP1606
 CD 3 Outdoor Dining Permit No. OD0037
 CD 4 Revised Project Floor Plan

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval No. SA2014-008
PA2014-060

2108 West Ocean Front, Unit 3/4

Attachment No. CD 2

Use Permit No. UP1606

USE PERMIT APPLICATION
CITY OF NEWPORT BEACHNo. 1606

Fee \$150.00

Department of Community Development
Zoning and Ordinance Administration Division
3300 Newport Boulevard
Phone (714) 673-2110Applicant CRAIG W. JONES Phone 675-0732Mailing Address 103 McFadden Pl. #4 NewportProperty Owner Phil RAPP Phone 673-7340Mailing Address 3910 River, NewportAddress of Property Involved 2108 3/4 W. OceanfrontPurpose of Application (describe fully) to obtain a
use permit for an existing pass thru
window for "to-go" food. The plans
and construction has health department
approval.Zone C-1 Present Use Mexican restaurant

Legal Description of Property Involved (if too long, attach sheet)

LOT 25, BLK 21, NEWPORT BCH TRACT(MAP
D-7)Signature of Applicant or Agent Craig W Jones Date 6/8/72Signature of Owner Craig W Jones Date 6/8/72

XX

DO NOT COMPLETE APPLICATION BELOW THIS LINE

Date Filed 6-8-72 Fee Pd. 150.00 Receipt No. 52210Hearing Date 7-6-72 Publication Date 6/32/72 + 7/30/72

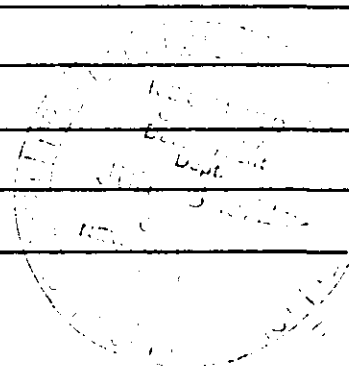
Posting Date _____ Mail Date _____

P. C. Action approved 8/17/72

Date _____ Appeal _____

C. C. Hearing _____ C.C. Action _____

Date _____



COMMISSIONERS

CITY OF NEWPORT BEACH

MINUTES

ROLL CALL

August 17, 1972

INDEX

Present
AbsentAGE
BECKLEY
GLASS
HAZEWINKEL
HEATHER
MARTIN
ROSENERX X X X X X
XEX-OFFICIO MEMBERSR. V. Hogan, Community Development Director
David R. Baade, Assistant City Attorney
Benjamin B. Nolan, City EngineerSTAFF MEMBERSJames D. Hewicker, Asst. Community Development Director
William R. Laycock Senior Planner
Shirley Morgan

* * * * *

Motion
Second
Ayes
Abstain
AbsentX
X
X X X
X
X

Minutes of the meeting of July 20, 1972 were approved with the correction that Commissioner Glass was late and therefore did not participate in the approval of the July 6, 1972 minutes or in the actions taken on Items #1 and #2.

* * * * *

Item #1

Request to permit a "take-out" restaurant.

Location:

Lot 1, Block 21, Newport Beach Tract, located at 2108 3/4 West Ocean Front on the northeasterly side of Ocean Front between McFadden Place and 20th Street, on Balboa Peninsula.

USE
PERMIT
1606APPROVED
CONDI-
TIONALLYZone:

C-1

Applicant:

Craig W. Jones, Newport Beach

Owner:

Phil Rapp, Newport Beach

Public hearing was continued from August 3, 1972, pending a report from the City Attorney relative to parking requirements for the restaurant.

Assistant Community Development Director Hewicker read a letter dated July 5, 1972 from Dennis L. Thomas in rebuttal to approval of the requested use permit. He also reviewed the application and the City Attorney's report with the Planning Commission.

COMMISSIONERS

CITY OF NEWPORT BEACH

MINUTES

ROLL CALL

August 17, 1972

INDEX

Motion
Second
Ayes
Abstain
Absent

ROSENER
MARTIN
HEATHER
HAZEWINKEL
GLASS
BECKLEY
AGE

There being none desiring to appear and be heard, the public hearing was declared closed.

Parking requirements and the parking ordinance was discussed by the Planning Commission.

Following discussion, Use Permit Application No. 1606 was approved subject to the following condition:

1. That three off-street parking spaces be provided for employees or that three commercial business parking permits be purchased for use in the Municipal Lot.

Item #1

Request to amend portions of Districting Map #11 from a C-1 District to an R-2 District.

AMEND-
MENT
332

Location:

A portion of Block 3, Newport Bay Tract, located on the north side of Balboa Boulevard between Coronado Street and Cypress Street on Balboa Peninsula.

CONT. TO
SEPT.

Initiated by: The City of Newport Beach

Public hearing was opened and Assistant Community Development Director Hewicker reviewed the request with the Planning Commission.

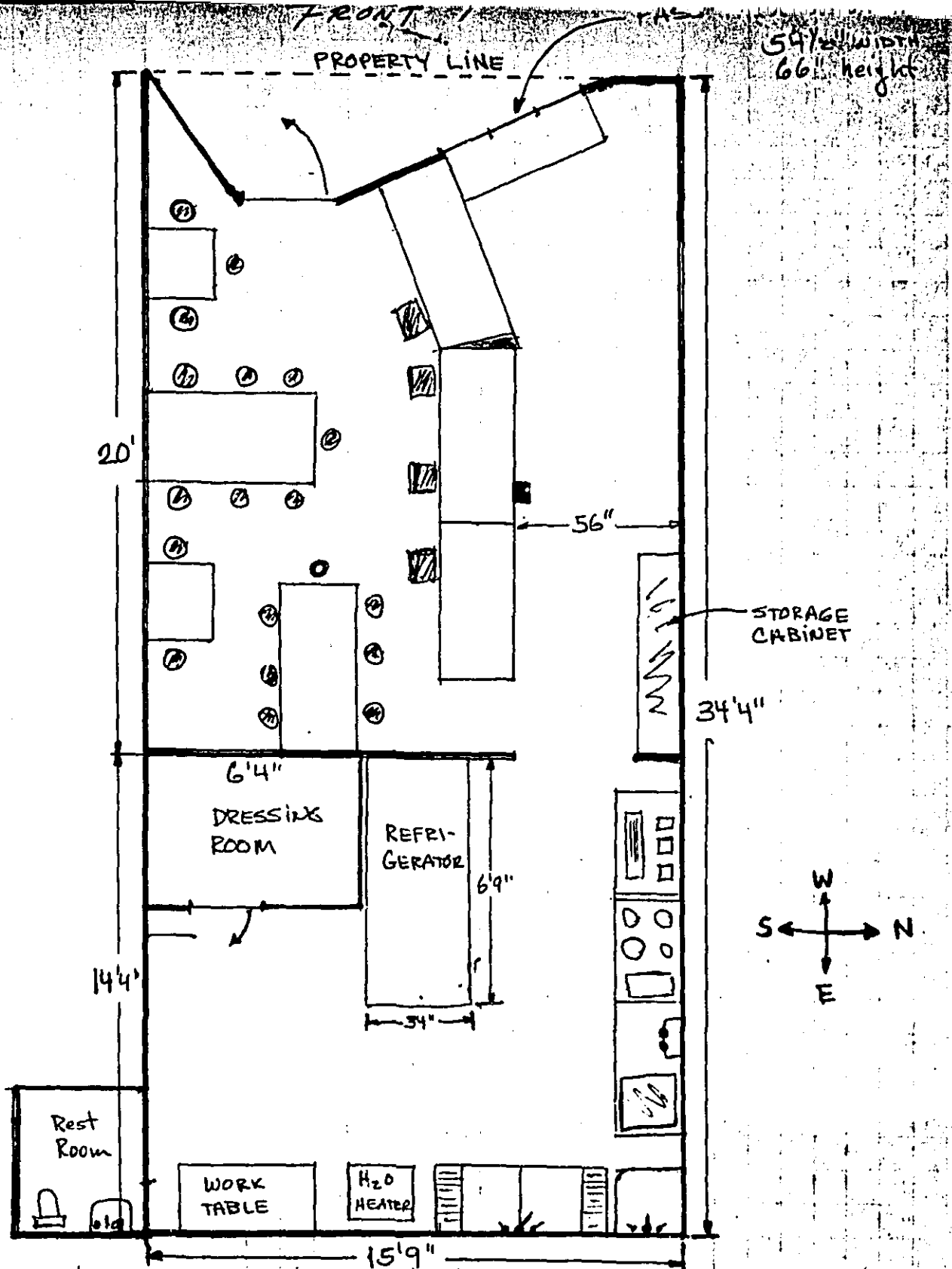
Walter Lewis, owner of three duplexes in the affected area appeared in opposition to the change of zone to R-2.

Mrs. Walter Lewis also appeared in opposition to the R-2 zoning.

Planning Commission discussed the effects other zoning would have on the property. Following the discussion, Planning Commission continued this matter to September 7, 1972, for the purpose of re-advertising Amendment No. 332 to change a portion of Districting Map No. 11 from a C-1 District to either an R-3 or an R-2 District.

Motion
Second
Ayes
Noes
Abstain
Absent

ROSENER
MARTIN
HEATHER
HAZEWINKEL
GLASS
BECKLEY
AGE



SCALE: 1/4" = 1'

TACO CONSPIRACY
2108 3/4 W. Oceanfront
OWNER: CRAIG W. JONES
675-0732

Attachment No. CD 3

Outdoor Dining Permit No. OD0037

OUTDOOR DINING PERMIT
APPLICATION
CITY OF NEWPORT BEACH
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915
(714) 644-3200

No. 37
Application Rec'd by [Signature]
Fee: \$ 200⁰⁰

Applicant (Print) JESS BINGAMAN Phone (714) 673-1366
Address of Property Involved 2108 3/4 W. OCEANFRONT
Mailing Address SAME (760)
Property Owner EILEEN RAPP Phone (619) 767-5127
Mailing Address P.O. BOX 1266 BORREGO SPRINGS, CA
Purpose of Application (describe fully) PROPOSE ADDING (3) (5 FOOT DIA. PLASTIC
TABLES (12) PLASTIC CHAIRS AND (3) 9 FT MARKET UMBRELLAS
Present Use _____ Proposed Use _____ Zone _____

Proposed:

- a. Total Existing Net Public Area (square footage): _____ Indoor Public Areas: 1200
Outdoor Public Area: 270
- b. Net Public Area (square footage) of the proposed outdoor dining area: 270

Indicate Previous Modifications, Use Permits, Specialty Food Service Permits, etc. NONE

Legal Description of Property Involved (if too long, attach separate sheet)

PIZZA RESTAURANT

OWNER'S AFFIDAVIT

(I) (We) Eileen L. Rapp depose and say that (I am) (we are) the owner(s) of the property(ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s) Eileen L. Rapp

NOTE: An agent may sign for the owner if written authorization from the record owner is filed with the application.

DO NOT COMPLETE APPLICATION BELOW THIS LINE

Date Filed 8/15/97 Fee Pd. \$ 200.⁰⁰ Receipt No. R 273271
Hearing Date 9/15/97
Planning Director Action 9/19/97
Date _____ Appeal _____
P.C. Hearing _____ P.C. Action _____
Date _____ Appeal _____
C.C. Hearing _____ C.C. Action _____



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:	Outdoor Dining Permit No. 37
Application Complete:	August 27, 1997
Date of Notice:	September 5, 1997
Date Approved:	September 19, 1997
Staff Person:	Javier S. Garcia, 644-3206
Appeal Period:	14 days (closes October 3, 1997)

Application No: Accessory Outdoor Dining Permit No. 37

Applicant: Perry's Pizza (Jess Bingaman, applicant)

Owner: Eileen Rapp, Borrego Springs

Address of Property Involved: 2108 3/4 West Ocean Front

Legal Description: Lots 1 and 2, Block 21, Newport Beach Tract

Establishment of an accessory outdoor dining use in conjunction with an adjacent take-out restaurant, on property located in the SP-6 (Cannery Village/McFadden Square Specific Plan Area) District.

The Planning Department on September 19, 1997, approved the application subject to the following conditions:

CONDITIONS:

1. That development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. That the accessory outdoor dining shall be used in conjunction with the related adjacent food establishment and shall be reduced to a maximum of 176 sq.ft. (gross area, maximum 25% of the indoor net public area of 748 sq.ft.) as modified, unless an amendment to this application is obtained in accordance with the provision of the Municipal Code.
3. That the seating adjacent to the food use facility shall be limited to the area as delineated on the approved site plan only.
4. That the hours of operation of the outdoor dining area are limited to between 8:00 a.m. and 10:00 p.m., daily (the patio is to be closed and not utilized between 10:00 p.m. and 8:00

- a.m.). Any increase in the hours of operation shall be subject to the approval of an amendment to this application and may require approval of a use permit.
5. That alcoholic beverage service (for sale or consumption) shall be prohibited in the outdoor dining area unless an amendment to this permit is first approved by the Planning Director. That adequate signage shall be approved by the Police Department and conspicuously displayed in the interior of the facility prohibiting the consumption of alcohol outside of the building.
 6. That no outside paging or sound amplification system shall be utilized in conjunction with this outdoor dining area.
 7. That the proprietor shall actively control any noise generated by the patrons of the facility.
 8. That should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department shall require the removal of all or a portion of the outdoor dining area seating in the areas which contribute to the noise problems or complaints.
 9. That trash receptacles for patrons shall be conveniently located outside of the related food service facility to serve the accessory outdoor dining area.
 10. That the operator of the food service use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
 11. That the area outside of the food establishment, including the public sidewalks, shall be maintained in a clean and orderly manner and the applicant may be required to provide periodic steam cleaning of the public sidewalks as required by the Public Works Department.
 12. That this approval shall not become effective until a valid Sidewalk Cafe License Encroachment Permit for the construction or placement of the outside dining in the public right-of-way, issued by the Public Works Department, is first approved and all conditions of approval and requirements have been satisfied (prior to implementation of Outdoor Dining Permit No. 37). Interpretation of conditions of approval of that encroachment permit shall be made by the Public Works Department and/or the City Council to determine compliance.
 13. That an as-built floor plan showing the final configuration of the outdoor dining area (seating plan) shall be submitted (the use of pavement marking to delineate the area shall be specifically defined and labeled) and approved by the Planning Department in conjunction with the building permit for the interior alterations of the tenant space.
 14. That for sunshade purposes, coverings shall be limited to the use of umbrellas 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 with vertical supports within the public right-of-way shall be prohibited. Awnings projecting from the building face shall be erected in accordance with the Sidewalk Cafe Development Standards of Council Policy L-21, unless otherwise approved by the Public Works Department and/or the City Council.

15. That no furniture, tables or chairs shall extend more than 10 feet from the face of the building into the public right-of-way.
16. That a minimum 10 foot clear pedestrian pathway shall be provided between any vertical obstructions (i.e., light standards, parking meters, walls, furniture or chairs), unless otherwise approved by the Public Works Department.
17. That all the outdoor dining tables, chairs and barriers shall be removed from the public right-of-way when the facility stops serving for the day or upon the closing of the facility, unless otherwise approved by the Public Works Department in conjunction with an Encroachment Agreement.
18. That no temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the food establishment, unless specifically permitted. Temporary signs shall be prohibited in the public right-of-way, unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
19. That signs within the public right-of-way shall be subject to approval of the Public Works Department and may be subject to an amendment to the encroachment agreement.
20. That all City-approved plans and permits for the outdoor dining area shall be kept on the premises for inspection by authorized City staff (Police Department, Fire Department, Planning Department, etc.), at all times that the establishment is open for business.
21. That this approval of Accessory Outdoor Dining Permit No. 37 is non-transferable by the permittee or property owner; and 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, and that this approval does not extend to future owners and that a new application must be approved by the Planning Department.
22. 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 of approval, as set forth in Chapter 20.82 of the Municipal Code or other applicable conditions and regulations governing the food establishment set by this approval. The Planning Director may also recommend to the Planning Commission or City Council

Page - 4
September 19, 1997

the revocation of 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.

23. That this approval shall expire unless exercised within 24 months from the end of the appeal period as specified in Section 20.91.050 of the Newport Beach Municipal Code.

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

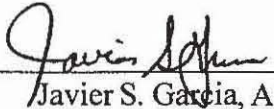
FINDINGS

1. That the Land Use Element of the General Plan and the Local Coastal Program designate the property for "Retail and Service Commercial" land use; and the proposed outdoor dining is accessory to an existing restaurant, a permitted use within that designation.
2. That the approval of Outdoor Dining Permit No. 37 will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the city for the following reasons:
 - The use is accessory to and an extension of the existing restaurant use, subject to all the findings conditions of approval of Use Permit No. 3007, 1606 and its amendments, and not an independent use.
 - The proposed outdoor dining area is compatible with the surrounding land uses and its limited hours should prevent noise from adversely impacting the nearby uses since the proposal does not include any noise generating activities (i.e., entertainment).
 - The proposed accessory outdoor dining will not be located so as to result in a reduction of existing parking spaces.
 - The restrictions on the use of solid roof structures as applied to this approval are consistent with the intent and purpose of the accessory outdoor dining ordinance to maintain open character dining.

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.

Page - 5
September 19, 1997

PATRICIA L. TEMPLE, Planning Director

By 
Javier S. Garcia, AICP
Senior Planner

Attachments: Vicinity Map
Excerpt of Planning Commission
Minutes dated December 9, 1982
Detail Seating Plan
Site Plan and Floor Plan

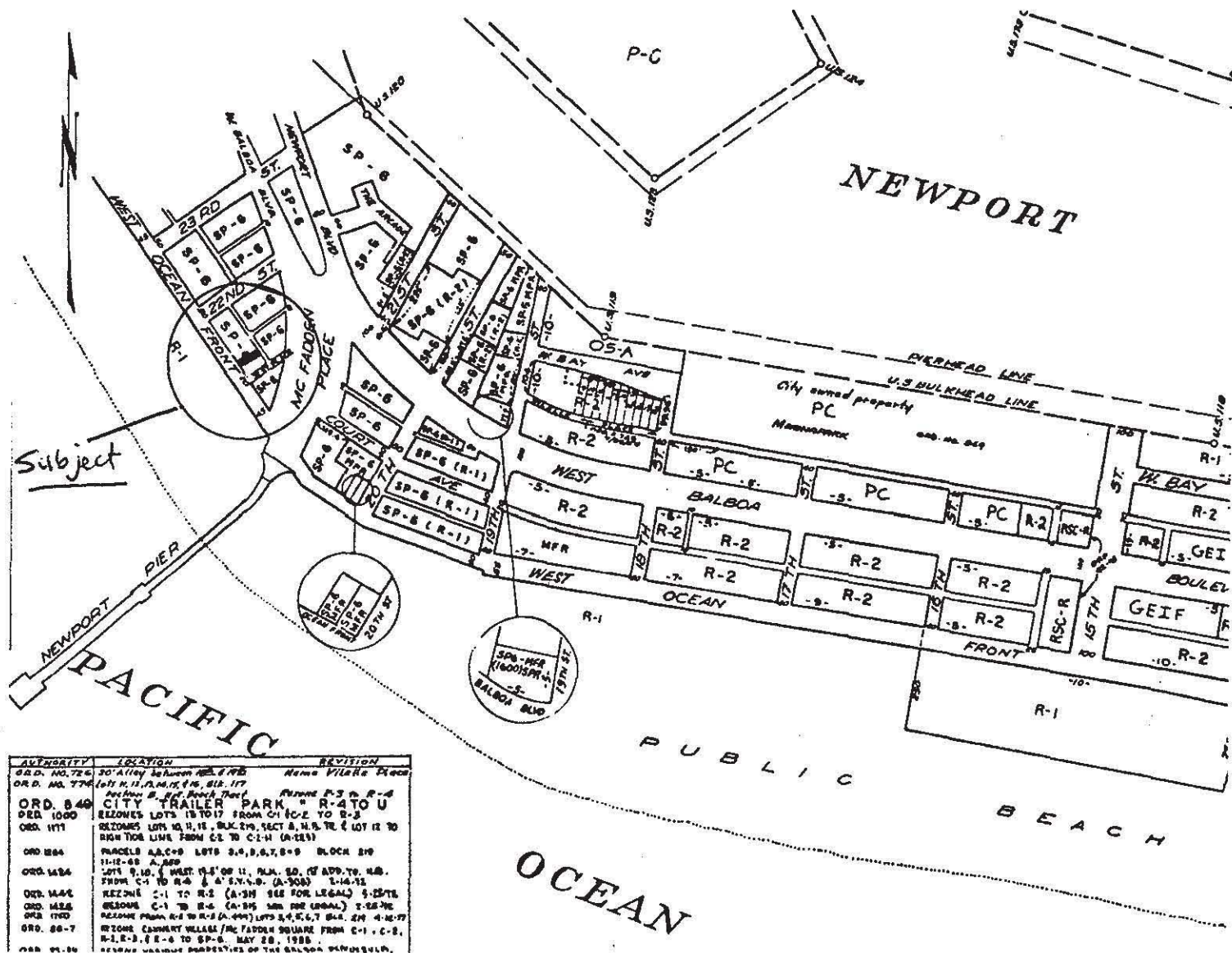
cc:
Perry's Pizza
(Jess Bingaman, applicant)
2108 3/4 West Ocean Front
Newport Beach, CA 92663

property owner:
Eileen Rapp
P.O. Box 1266
Borrego Springs, CA

Code Enforcement Division

F:\USERS\PLN\SHARED\I\OUT-DNG\ACTIONS\OD37.DOC

VICINITY MAP



Accessory Outdoor Dining Permit No. 37

COMMISSIONERS

December 7, 1987

VINCENT

City of Newport Beach

ROLL CALL

INDEX

Motion
All Ayes

X X X X X X

Motion was made for approval of Use Permit No. 3007, subject to the following findings and conditions, which MOTION CARRIED.

FINDINGS:

1. That the proposed use of video games in conjunction with the existing restaurant use is consistent with the Land Use Elements of the General Plan and the Adopted Local Coastal Plan and is compatible with the surrounding land uses.
2. The project will not have any significant environmental impact.
3. That the waiver of the development standards as they pertain to required offstreet parking spaces and the location of the subject structure within 100 feet of residences will have no greater adverse impact on adjacent properties or structures than strict compliance with said standards. The proposed operation of six video games as an incidental use to the restaurant will not increase the existing parking demand.
4. That the Police Department has no objections to the proposed operation.
5. The approval of Use Permit No. 3007 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.

CONDITIONS:

1. The development shall be in substantial conformance with the approved plot plan and floor plan.
2. That the number of machines be limited to a maximum of six machines. Any increase will require an amendment to this use permit.

COMMISSIONERS

December 9, 1982

MINUTES

City of Newport Beach

ROLL CALL

INDEX

3. That this approval shall be for a period for two years, and any extensions shall be subject to the approval of the Modifications Committee.
4. That permits for the proposed skill games shall be issued by the License Division.
5. That noise from the skill games center shall be confined to the interior of the facility.
6. That no outside music shall be permitted.
7. All electronic video game machines within the restaurant shall be visible to, and supervised by, an adult attendant. The attendant shall be present at all times that electronic video game machines are available for use, to insure that there is no conduct on or off the premises that is detrimental to the public health, safety, or welfare.
8. No person under the age of 18 years shall be permitted to operate an electronic video game before 3:00 p.m. Monday through Friday, and after 10:00 p.m. daily, unless accompanied by a parent or guardian. This restriction shall not apply during school holidays and school vacation periods recognized by schools within the City of Newport Beach. It shall be the responsibility of the applicant and the adult attendant to ensure that these restrictions are enforced.
9. Adequate waste receptacles shall be located in the vicinity of the video game machines.
10. The applicant shall provide bicycle racks with a minimum capacity of 3 bicycles in a location on the subject property that is not on public property, and does not impede pedestrian traffic.
11. The applicant shall advise the Planning Director of any change in the circumstances pursuant to which the business is conducted, including but not limited to a change in ownership that might have a material impact on the nature and/or intensity of the use permitted.

COMMISSIONERS

December 9, 1982

MINUTES

City of Newport Beach

ROLL CALL

INDEX

Atkinson
Bull
Coff
King
Kirk
Lindenberg
Mann
Winters

12. That the development standards related to offstreet parking spaces and proximity to residential uses are waived.

13. That the operation of the video games shall be limited to the same hours of operation for the restaurant.

Request to establish a commercial dry cleaning facility in an existing building located in the C-1 District.

LOCATION: Portions of Parcels No. 1 and 3 and all of Parcel No. 2, Record of Survey 35-25, located at 3120 West Balboa Boulevard, on the easterly corner of 32nd Street and West Balboa Boulevard in Central Newport.

ZONE: C-1

APPLICANT: Larry Hoffman, Orange

OWNER: William J. Cagney, Jr., Newport Beach

The public hearing opened in connection with this item and Mr. Larry Hoffman, the applicant, appeared before the Commission and requested approval of this item.

Mr. Don Atkinson, representing the owner, Mr. William Cagney, appeared before the Commission. Mr. Atkinson stated that they concur with the approval of this item.

Motion was made for approval of Use Permit No. 3008, subject to the following findings and conditions, which MOTION CARRIED:

FINDINGS:

1. That the proposed use is consistent with the Land Use Element of the General Plan, and the Adopted Local Coastal Program Land Use Plan, and is compatible with surrounding land uses.

Item #17

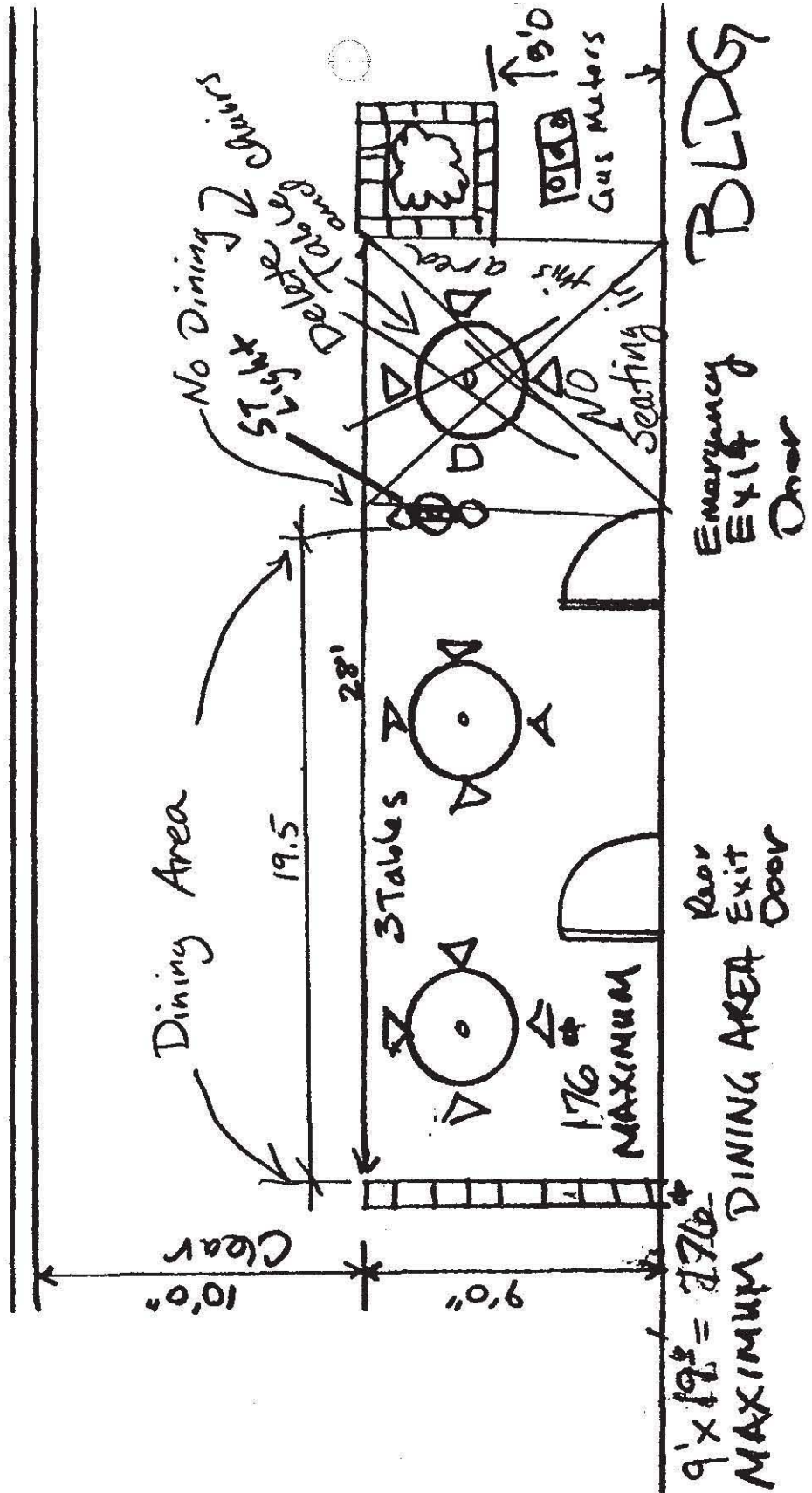
USE PERMIT
NO. 3008

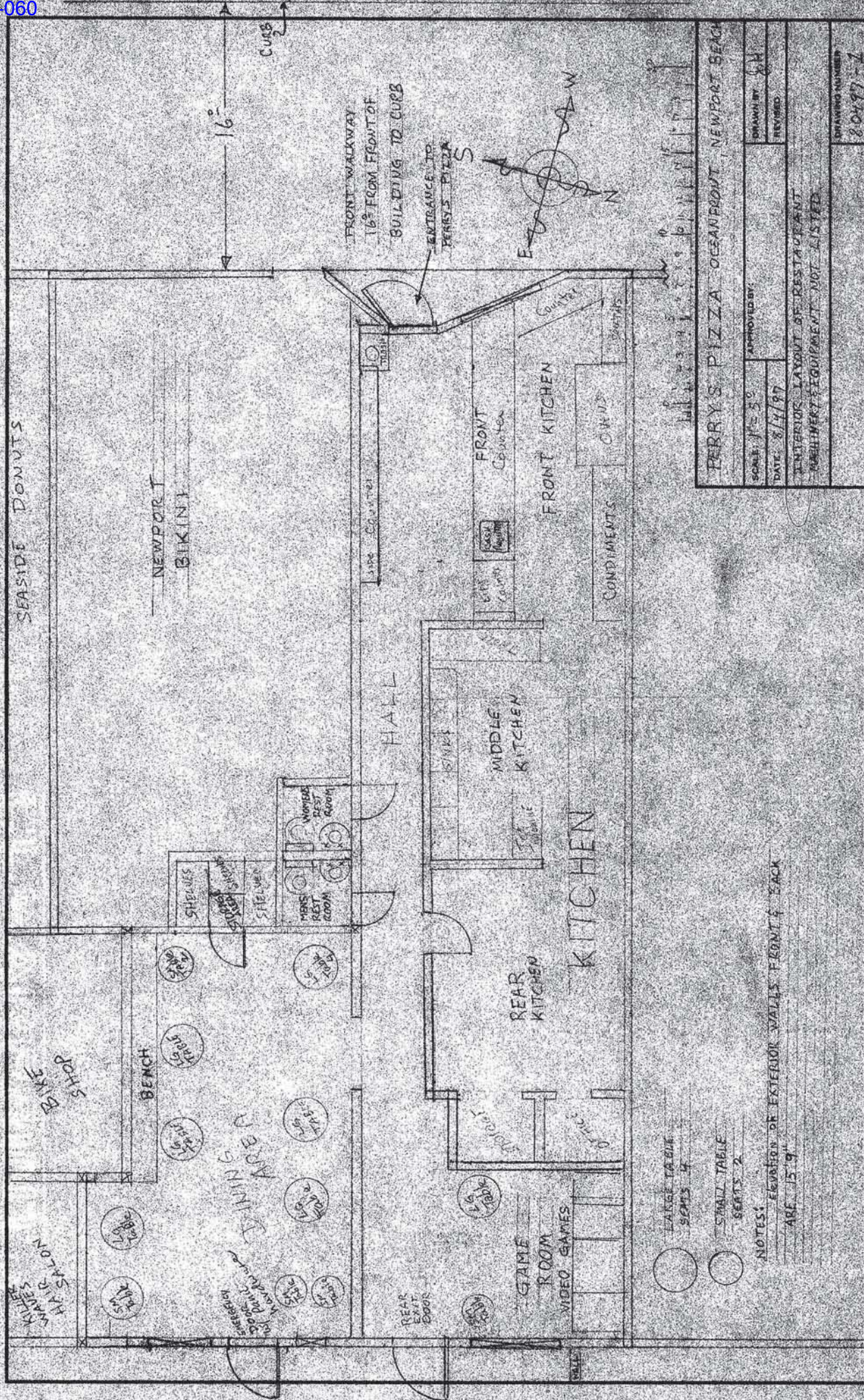
APPROVED
CONDI-
TIONALLY

Motion
All Ayes

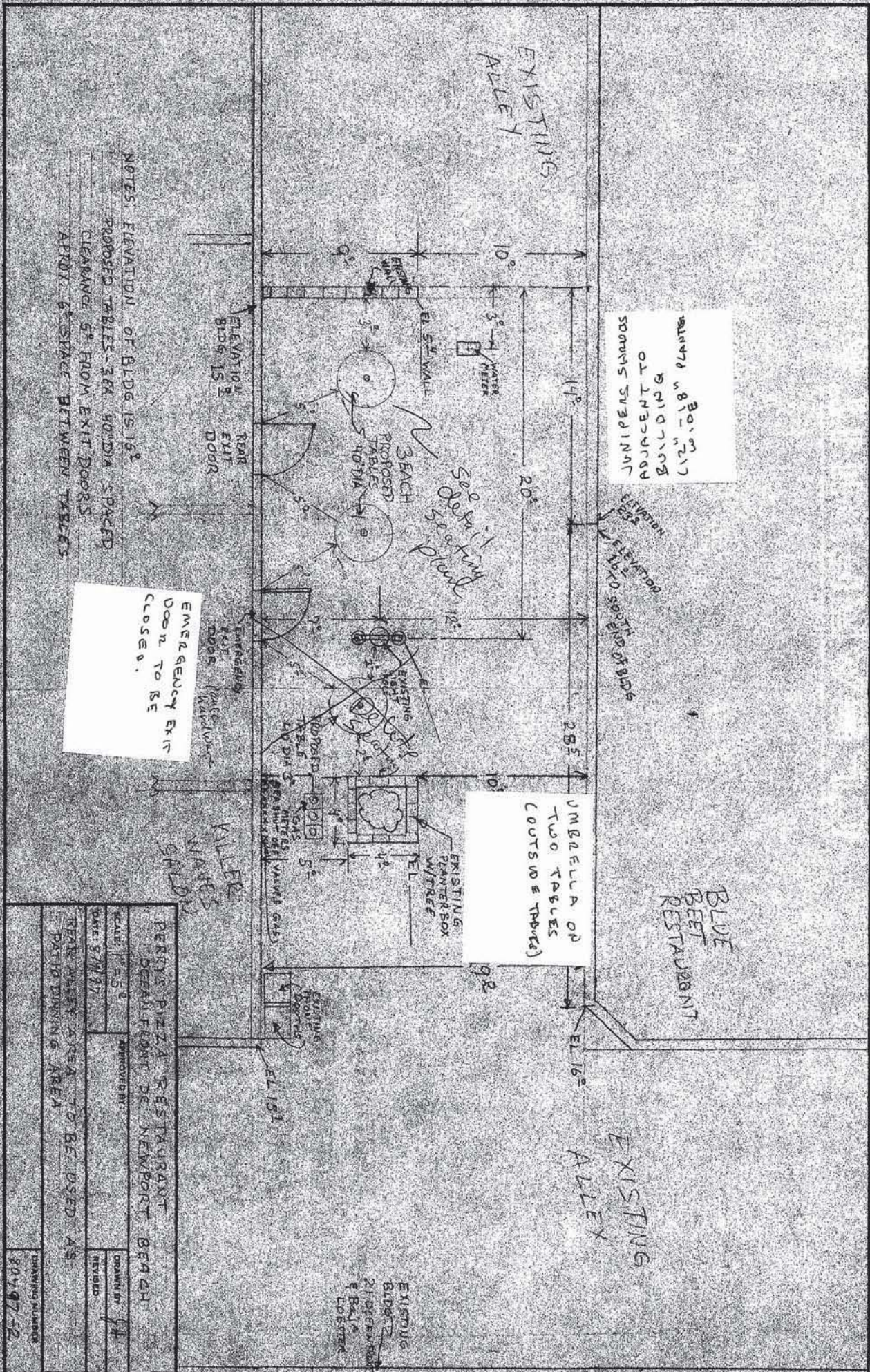
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Accessory Outdoor Dining Permit No. 37 DETAIL SEATING PLAN



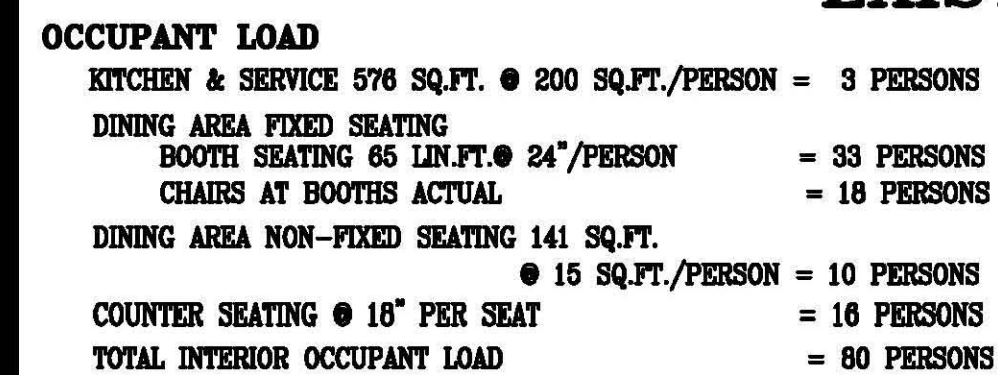


15.2.17 PRINTED ON A3 100% COPIES

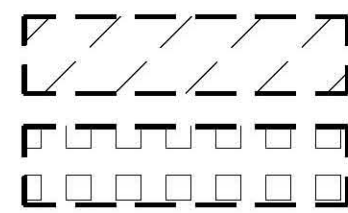


Attachment No. CD 4

Revised Project Floor Plan

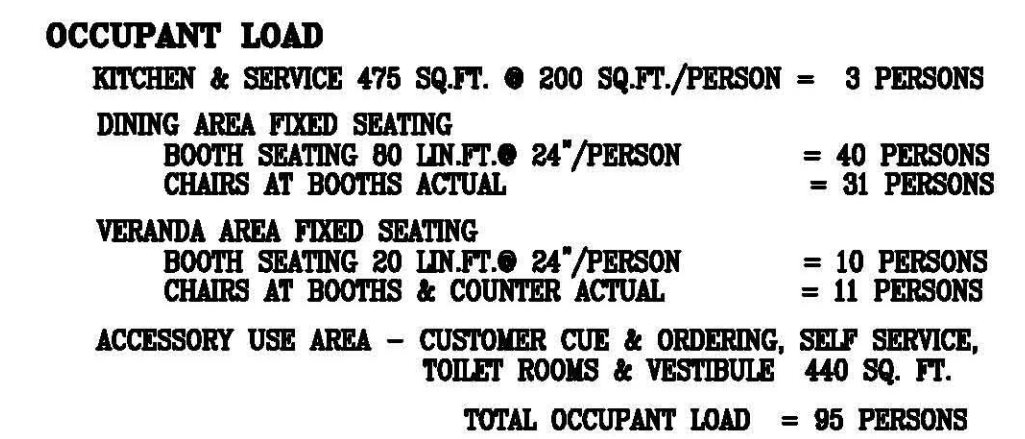


EXISTING FLOOR PLAN

$$1/4'' = 1' - 0''$$


EXISTING CUSTOMER AREA = 788 SQ. FT.

EXISTING OUTSIDE FRONT COUNTER AREA = 11 SQ. FT.



CUSTOMER AREA = 784 SQ. FT.

VERANDA/PATIO AREA = 180 SQ. FT.

EQUIPMENT LIST

ITEM #	DESCRIPTION	ITEM #	DESCRIPTION
1	AIR CURTAIN	26	FRYERS (2)
2	MOP SINK WITH MOP RACK & CHEMICAL SHELF	27	REFRIGERATED EQUIPMENT STAND
3	WATER HEATER	28	CHARBROILER
4	STORAGE SHELVING	29	
5	LOCKERS	30	EXHAUST HOOD
6	UTENSIL SINK	31	EXHAUST SYSTEM
7	HAND SINK W/ SINGLE SERVICE SOAP & TOWEL DISP.	32	MAKEUP AIR SYSTEM
8	PREP SINK	33	FIRE PROTECTION SYSTEM
9	WALK-IN COOLER	34	REFRIGERATED SANDWICH TABLE
10	COOLER SHELVING	35	TOASTER
11	BEER TAPS	36	FRONT COUNTER W/GATE
12	BACK BAR COOLER	37	CASH REGISTERS (2)
13		38	
14	SOFT SERVE MACHINE	39	
15	HAND SINK W/ SINGLE SERVICE SOAP & TOWEL DISP.	40	
16	WORK TOP FREEZER	41	SELF SERVE BEVERAGE COUNTER
17	SLICER	42	SODA DISPENSER
18		43	ICE MAKER
19		44	ICED TEA DISPENSER
20		45	
21	HOTPLATE	46	
22	GRIDDLE	47	SETTEE
23	REFRIGERATED EQUIPMENT STAND	48	TABLES
24	WORK TABLE	49	CHAIRS
25	FOOD WARMER	50	TRASH RECEPTACLE

PROPOSED TK BURGER FLOOR PLAN

$$1/4'' = 1' - 0''$$

RE: PA2014-089, The Dory Deli Operator License

The 2108 ¾ West Oceanfront location will be opening soon as "The Dory Deli".

The Dory Deli will be family owned and operated. The Deli is an East Coast themed delicatessen with some fresh and healthy West Coast influences serving beer, wine, craft coffee & soda's. We are scheduled to open in early November 2014. We pride ourselves on our full-service delicatessen where we prepare sandwiches and salads to order. The restaurant will be counter service (order at the counter) and the food will be delivered to your table. The Dory also provides gourmet coffee and espresso drinks. Our coffee is locally roasted in nearby Costa Mesa and will be of the highest quality in the city of Newport Beach. Our Slayer Espresso machine is hand made in Seattle Washington and will be the only one of its kind in the entire city of Newport Beach. We will be open from 6am – 2am daily (we may be subject to close early on certain days depending on customer demand). The Dory will be serving food during all hours of operation.

Soup

- Creamy Tomato Soup
- New England Clam Chowder
- Soup of the day

Salads

- House Salad
- Iceberg Lettuce, Shredded Provolone, Diced Tomatoes, Shredded Carrots, Sliced Olives, House-Made Croutons, Choice of Dressing
- Caprese Salad
- Buffalo Mozzarella, Tomato, Lemongrass Pesto, Balsamic Dressing, Fresh Basil, Crostini Optional
- Italian Chopped Salad
- Italian Cold Cuts, Shredded Provolone, Iceberg Lettuce, Pepperoncini, Chickpeas, Diced Tomatoes, Creamy Herb Vinaigrette, House-Made Croutons
- Cobb Salad
- Turkey, Bacon, Avocado, Iceberg Lettuce, Diced Tomatoes, Pickled Egg. Choice of Creamy Blue Cheese Dressing or Balsamic Dressing

Sandwiches

All sandwiches come with fresh House-Made Potato Chips.

(Substitute a side salad or coleslaw for only \$1 more!)

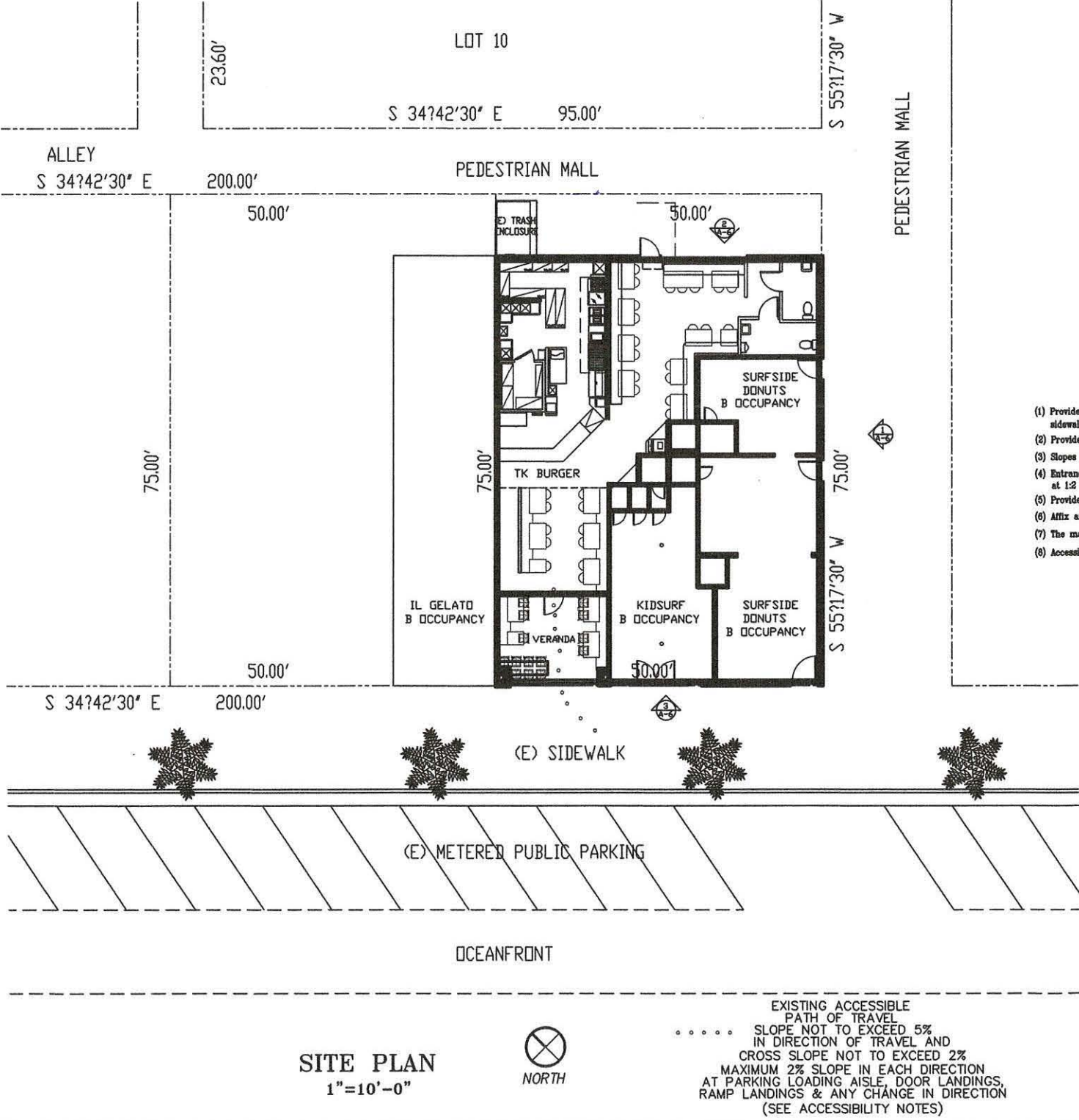
- BBQ Brisket
- Slow-Smoked Brisket, BBQ Sauce, Coleslaw on Ciabatta
- Grilled Cheese
- Cheddar, Provolone on Rustic Bread
- Roast Beef Sandwich
- House-Roasted Beef, Provolone, C4 Horsey Sauce, Iceberg Lettuce, Onion, Tomato on Rustic Bread

- **Veggie Sub**
 - Cucumber, Green Bell Pepper, Iceberg Lettuce, Tomato, Onion, Olive Tapenade, Balsamic Dressing on a French Baguette
- **Meatball Sub**
 - Hand-Rolled Meatballs, Marinara, Provolone, Grated Romano on a French Baguette
- **Tuna Wrap**
 - White Albacore Tuna, Mayonnaise, Iceberg Lettuce, Tomato on a Flour Tortilla
- **French Dip**
 - House-Roasted Beef, Provolone, Beef Jus on a French Baguette
- **Turkey Sandwich**
 - Turkey Breast, Mixed Greens, Tomato, Provolone, Malt Vinegar Mayonnaise on Rustic Bread
- **B.E.L.T.**
 - Bacon, Fried Egg, Lettuce, Tomato, Aioli on Squaw Bread
- **Caprese Sandwich**
 - Buffalo Mozzarella, Tomato, Fresh Basil, Lemongrass Pesto, Balsamic Dressing on a French Baguette
- **Italian Sub**
 - Italian Salami, Capocollo, Mortadella, Lettuce, Tomato, Emmentaler Cheese, Red Wine Vinaigrette on a French Baguette
- **Porchetta**
 - Certified Humane Crispy-Skinned Cured Pork Belly Wrapped Around Cured Pork Loin, Broccolini, Aioli on Ciabatta
- **Muffuletta**
 - Salami, Capicola, Mortadella, Olive Salad, Emmentaler Cheese, Aioli on Ciabatta
- **Breakfast Burrito**
 - Eggs, Potatoes, Cheddar, Chipotle Aioli. Add Pastrami or Bacon
- **North Beach**
 - Prosciutto, Buffalo Mozzarella, Basil, Tomato, Roasted Red Peppers, Olive Oil on Ciabatta

- **Pastrami**
 - Served with Deli Mustard on Marbled Rye
- **Reuben**
 - Pastrami, Sauerkraut, Emmentaler Cheese, Russian Dressing on Marbled Rye

Cold Sides

- **Dill Pickles**
 - House-Made
- **Potato Salad**
 - Aioli, Mustard, Salt
- **Coleslaw**
 - Classic Creamy Style
- **Curried Broccoli Salad**
 - Toasted Cashews, Bacon, White Raisins, Curry Mayo
- **Pickled Pesto Pasta Salad**
 - Lemongrass Pesto, Corn, Pasta, Diced Pickles, Green Bell Pepper
- **Farmers' Market Vegan Salad Special**
 - Check the Deli Case to see what we have freshly prepared today!



FIRE DEPARTMENT NOTES

- (1) Provide an approved fire suppression system for the kitchen hood. Plans for the fire suppression system shall be submitted to the Newport Beach Fire Prevention Bureau prior to installation.
- (2) Provide minimum 2-A10-B-C fire extinguishers. Locations to be determined by Fire Department Inspector.
- (3) The storage, use or dispensing of hazardous materials, as defined by the Fire Code, shall comply with CFC Chapter 27.

PLANNING DEPARTMENT NOTES

- (1) Zoning: MU-W2 (Mixed-Use Water Related)
- (2) Proposed Hours of operation: 7am-2am, 365 days (Existing)
- (3) Alcoholic Beverage License Type: 41-On-Sale Beer and Wine-Eating Place (Existing)
- (4) Number of Employees per shift: 4 persons
- (5) All signage subject to separate review and permitting.

ACCESSIBILITY NOTES

- (1) Provide a complying path of travel a minimum of 48" wide from the public sidewalk and accessible parking spaces to the entrance of the building.
- (2) Provide the required number of accessible parking spaces per detail.
- (3) Slopes exceeding 5% in the direction of travel shall comply with ramp standards.
- (4) Entrance thresholds shall not exceed 1/2" in height and shall be beveled at 1:2 max. over 1/4" high.
- (5) Provide a kickplate 10" from the bottom of the entrance door.
- (6) Affix an international accessibility symbol on all accessible entrances.
- (7) The maximum effort to open an exterior or interior door shall be 5.0 lbs.
- (8) Accessible seating must be permanently labeled.

PROJECT INFORMATION

BUILDING DATA
BUILDING TYPE V-B, NON-SPRINKLERED
OCCUPANCY GROUP A-2
SHELL EXISTING 1515 SQ. FT.

OCCUPANT LOAD
KITCHEN & SERVICE 475 SQ.FT. @ 200 SQ.FT./PERSON = 3 PERSONS
DINING AREA FIXED SEATING
BOOTH SEATING 80 LIN.FT. @ 24"/PERSON = 40 PERSONS
CHAIRS AT BOOTHS ACTUAL = 31 PERSONS
VERANDA AREA FIXED SEATING
BOOTH SEATING 20 LIN.FT. @ 24"/PERSON = 10 PERSONS
CHAIRS AT BOOTHS & COUNTER ACTUAL = 11 PERSONS
ACCESSORY USE AREA - CUSTOMER CUE & ORDERING, SELF SERVICE, TOILET ROOMS & VESTIBULE 440 SQ. FT.
TOTAL OCCUPANT LOAD = 95 PERSONS

SCOPE OF WORK
TENANT IMPROVEMENTS ONLY FOR NEW RESTAURANT
REMOVE EXISTING STOREFRONT TO CREATE VERANDA DINING
PROVIDE NEW TEMPERED GLASS STOREFRONT
NEW INTERIOR PARTITIONS AND FINISHES
NEW PLUMBING & ELECTRICAL
FURNISH AND INSTALL NEW RESTAURANT EQUIPMENT
NEW T-BAR CEILING
NEW LIGHTING
NEW HVAC SYSTEM
PROVIDE MECHANICAL VENTILATION TO ALL AREAS AS REQUIRED BY CODE
REPLACEMENT OF EXTERIOR CANOPY NOT A PART OF THIS PLAN CHECK, WILL REQUIRE A SEPARATE BUILDING PERMIT

NOTES
THIS PROJECT SHALL CONFORM TO THE 2010 CALIFORNIA BUILDING CODE (CBC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA FIRE CODE (CFC), CALIFORNIA ELECTRICAL CODE (CEC), STATE TITLE 24 REGULATIONS AND 2006 CALIFORNIA ENERGY CODE AND CITY ORDINANCES
FLAMMABLE OR HAZARDOUS MATERIALS SHALL NOT BE STORED IN EXCESS OF QUANTITIES LISTED IN CBC TABLES 307.1(1)&(2).
ALL SIGNS REQUIRE SEPARATE PERMITS AND APPROVALS
ALL FINISHES SHALL COMPLY WITH CBC TABLE 903.5.
ALL DOORS SHALL BE 3'6" WITH PUSH/PULL OR LEVER TYPE HARDWARE CENTERED AT +30"-44"
ALL EXITS TO BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
PROVIDE A DURABLE SIGN OVER MAIN ENTRANCE DOOR IN 1" HIGH LETTERS ON A CONTRASTING BACKGROUND STATING "THIS DOOR TO REMAIN UNLOCKED WHEN THE BUILDING IS OCCUPIED"
"EXIT" SIGNS SHALL BE IN BLOCK LETTERS, A MINIMUM OF SIX INCHES HIGH WITH A STROKE OF NOT LESS THAN 3/4 INCH. LUMINANCE ON FACE OF SIGN SHALL BE 50 LUX.

DESIGN BY
RESTAURANT PLANNING SERVICES
(714) 258-3901
Fax (714) 258-7812
email: rps1942@msn.com
1942 E. Edinger
Santa Ana, CA 92705
Ca. Lic. 692043
Class B, C-20
Expires 7/31/14
ROBERT PARR
CONSTRUCTION TO COMPLY WITH 2010 CBC, CPC, CMC, CEC

SHEET INDEX

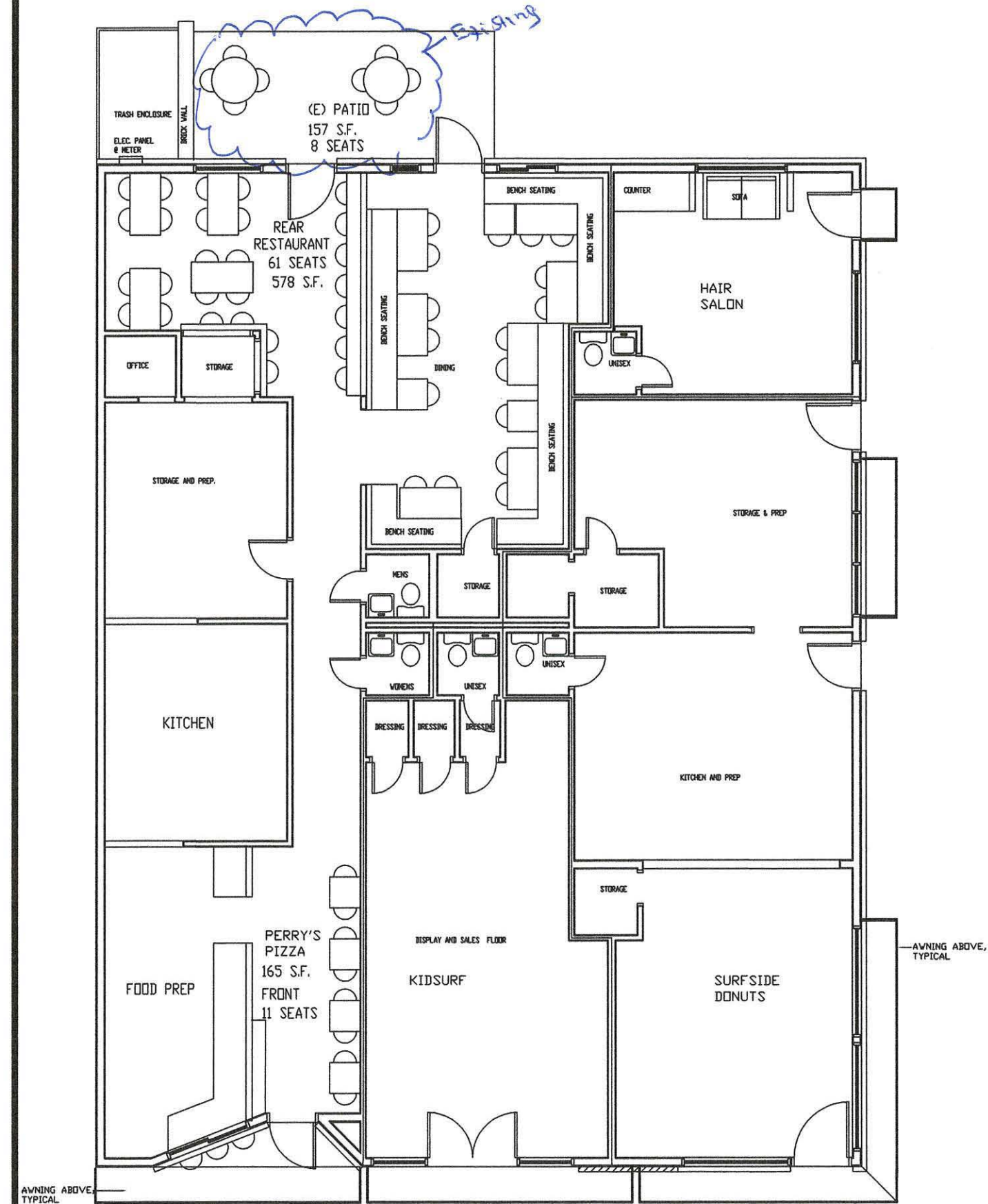
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A-2	FLOOR PLAN RESTROOM ACCESSIBILITY NOTES ACCESSIBLE SIGNAGE DETAILS DOOR SCHEDULE & NOTES	M-1.1 THRU M-1.4	CAPTIVE AIRE SPECIFICATIONS CAPTIVE AIRE DETAILS
A-3	WALL LOCATION PLAN	M-2	HVAC PLAN HVAC NOTES HVAC EQUIPMENT SCHEDULE
A-4	REFLECTED CEILING PLAN	M-3	HVAC DETAILS
A-5	EXTERIOR ELEVATIONS	M-4	MECHANICAL TITLE 24 NOTES
A-6	ROOF MOUNTED EQUIPMENT PLAN LINE OF SITE ELEVATIONS	P-1	PLUMBING PLAN PLUMBING NOTES CONNECTION SCHEDULE
S-1	ROOF FRAMING PLAN FOUNDATION PLAN	P-2	PLUMBING ISOMETRICS
S-2	STRUCTURAL NOTES STRUCTURAL DETAILS SHEAR WALL SCHEDULE	P-3	PLUMBING DETAILS
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K-1	EQUIPMENT FLOOR PLAN EQUIPMENT LIST ROOM FINISH SCHEDULE GENERAL NOTES EXISTING & NEW FLOOR PLAN COMPARISON	E-3	ELECTRICAL TITLE 24 NOTES
K-2	EQUIPMENT SCHEDULE		
K-3	EQUIPMENT PLUMBING REQUIREMENTS EQUIPMENT ELECTRICAL REQUIREMENTS		

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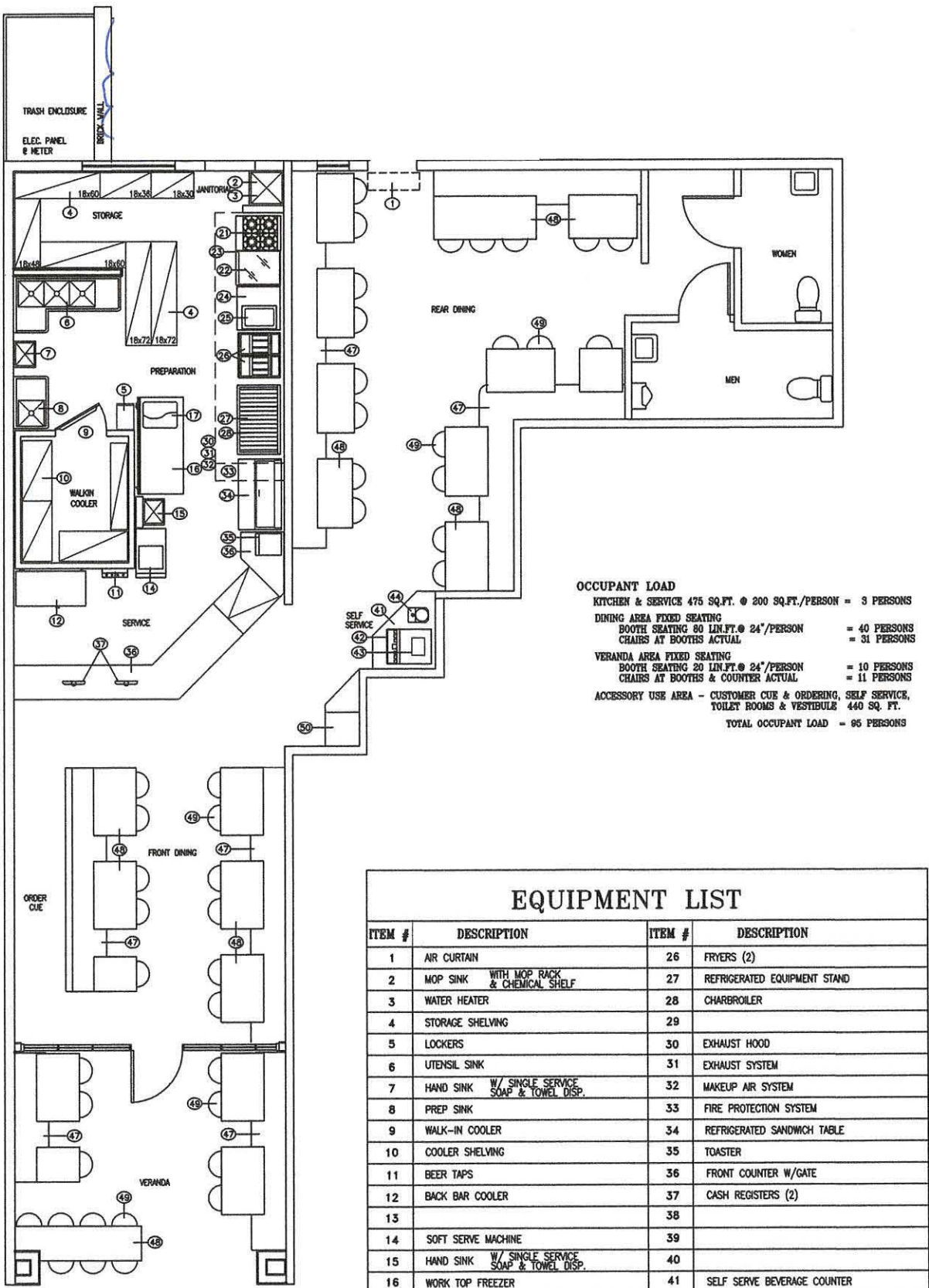
(FORMERLY PERRY'S PIZZA)

THE DORY DELI
2108-3/4 W. OCEANFRONT
NEWPORT BEACH, CA. 92663

DRAWN
BOB PARR
DATE
12/16/13
REVISION DATE
3/18/14
SHEET



EXISTING SEAT COUNT
REAR DINING = 61 SEATS
FRONT DINING = 11 SEATS
REAR PATIO = 8 SEATS
TOTAL = 80 SEATS



PROPOSED
FLOOR PLAN
1/4"=1'-0"

(FORMERLY PERRY'S PIZZA)

THE DORY DELI
2108-3/4 W. OCEANFRONT
NEWPORT BEACH, CA. 92663

DRAWN
BOB PARR

DATE
4/7/14

REVISION DATE

SHEET

The Dory Deli
Veranda Railing

2408 West Oceanfront
Newport Beach, CA 92663

REVISIONS

All designs, ideas, arrangements and plans indicated by these drawings and specifications are the property and copyright of the Architect and shall neither be used on any other work nor be used by any other person for any use whatsoever without written permission. Written dimensions shall take precedence over scaled dimensions and shall be verified at the job site. Any dimensional discrepancy shall be brought to the attention of the Architect prior to commencement of work.

PROJECT NO.
2013-09
DRAWN BY
SH
CHECKED BY
SH
ISSUE DATE
8/13/14

SHEET TITLE
VERANDA RAILING DESING

A1-R

