



**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 January 23, 2015.

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**
(Non-Hearing Items)

Item 1: Island Hotel Staff Approval No. SA2014-021 (PA2014-148)
690 Newport Center Drive

Action: Approved

Council District 5

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*)
Sgt. Chuck Freeman, NBPD (*Massage Therapy - ABC License*)



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION: Staff Approval No. SA2014-021 (PA2014-148)

APPLICANT: The Irvine Company

LOCATION: 690 Newport Center Drive
Island Hotel Staff Approval

LEGAL DESCRIPTION Parcel 3 of Lot Line Adjustment No. 2011-001, in the City of Newport Beach, County of Orange, State of California, Recorded January 31, 2012, as Instrument No. 20120000574252 of Official Records, in said office of the County Recorder.

On **January 23, 2015**, the Community Development Director approved Staff Approval No. SA2014-021. This approval is based on the findings and subject to the following conditions

PROJECT SUMMARY

A determination of substantial conformance with Use Permit No. UP3631 to allow a Type 21 (Off-Sale General) alcoholic beverage control license within a small convenience market at the first floor level of the Island Hotel. The convenience market would be open between the hours of 6:00 a.m. and 10:00 p.m., daily.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** PC-56 (Newport Center North, Block 600)
- **General Plan:** MU-H3 (Mixed-Use Horizontal)

I. BACKGROUND

At its meeting of September 12, 1983, the City Council approved the certification of the Draft EIR, General Plan Amendment No. 82-2, acceptance of a traffic study, Resubdivision No. 752, and Site Development Review No. 32. The hotel was then approved for 319 guest rooms, meeting/conference rooms, banquet facilities, restaurants, and various recreation and service facilities.

On January 6, 1994, the Planning Commission approved a second amendment to Site Development Review No. 32, which permitted the construction of a 9,000-square-foot ballroom/banquet facility with ancillary uses. However, the additional floor area authorized under this amendment was never constructed.

On June 22, 1998, the City Council approved Conditional Use Permit No. UP3631 for a 142,500-square-foot addition to the existing hotel. Under this approval, up to 425 rooms were permitted for the hotel and its ancillary uses including a ballroom, meeting rooms, health club/spa, a wedding garden, and pool. At this time, the existing hotel included a 5,449-square-foot restaurant and a 200-square-foot pool bar.

Tenant improvements were approved in 2014, authorizing the conversion of a 575-square-foot portion of the lobby area into a small convenience market. The applicant now requests a Type 21 (Off- Sale General) Alcoholic Beverage Control (ABC) license to sell alcohol within a small portion of the convenience market.

II. PROJECT SUMMARY

The applicant requests a determination of substantial conformance with Use Permit No. UP3631 to allow a Type 21 (Off-Sale General Beer and Wine) alcoholic beverage control license within the convenience market at the first floor level of the Island Hotel.

The convenience market would be open between the hours of 6:00 a.m. and 10:00 p.m., daily. Within the convenience market area, alcohol sales are planned to occupy approximately 15 square feet of the 575-square-foot market area. No physical changes to the existing convenience market will be necessary to accommodate the addition of alcohol sales. The hotel recently removed the in-room mini-bars from the individual rooms. The market, including alcohol sales, is intended to provide convenience items primarily for hotel guests now that the mini-bars are no longer available.

Additional site parking will not be required as a result of the addition of off-sale alcohol sales to the previously authorized convenience market.

III. FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed alcohol service within the convenience market is in substantial conformance with the approved plans per Use Permit No. UP3631 for the following reasons:

Finding:

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

Facts in Support of Finding:

1. The small convenience market is accessory to the primary hotel use and is consistent with other ancillary uses permitted in the Block 600 Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District and in conjunction with Use Permit No. UP3631 for the hotel.
2. The floor plans will be consistent with existing building permits issued for the remodel and addition of the convenience market place to the first floor level.
3. Alcohol sales will occupy approximately 15 square feet of the convenience market area, which is a small portion of the overall convenience market within the hotel lobby.

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 convenience market is consistent with other ancillary uses permitted under Use Permit No. UP3631, which does not specifically prohibit off-sale alcohol sales.
2. The addition of off-sale alcohol sales will not change the adopted Mitigated Negative Declaration under the California Environmental Quality Act for the project since the request involves the addition of alcohol sales within an existing building, where no physical changes will occur to 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. Condition of Approval No. 1 of Use Permit No. UP3631 provides that, "The development shall be in substantial conformance with the approved site plan, floor plans, and elevation, except as noted below." No physical changes to the floor plan are proposed for the addition of alcohol sales beyond those previously authorized under tenant improvements for the new convenience market. These

changes have been determined to be in substantial conformance with the original use permit approval.

2. The addition of a convenience market and off-sale alcohol sales was not specifically contemplated as an ancillary use under Use Permit No. UP3631. The proposed use is ancillary to the primary operation of the facility as a hotel.
3. The Department of Alcoholic Beverage Control will require a determination of public convenience and necessity.

Finding:

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

Facts in Support of Finding:

1. The convenience market within the first floor level of the hotel was previously authorized through a ministerial building permit. The use is ancillary to the primary operation of the facility as a hotel. Small convenience markets offering alcohol for sale are common in resort hotels.
2. The convenience market will operate from 6:00 a.m. to 10:00 p.m., daily. The 10:00 p.m. closing hour will help ensure that alcohol sales are available to hotel guests and not for lounge patrons after the lounge closes.
3. Additional site parking will not be required as a result of the addition of off-sale alcohol sales to the previously authorized convenience market.

IV. DETERMINATION

This staff approval has been reviewed and the determination has been made that the proposed changes to the existing food use and proposed commercial development are in substantial conformance with the original approval actions.

V. CONDITIONS OF APPROVAL

1. Alcohol sales shall be limited between the hours of 6:00 a.m. and 10:00 p.m.
2. Alcohol sales shall be limited to the 15-square-foot shelf space within the convenience market, as shown on the approved plans.
3. To the fullest extent permitted by the law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which

may arise from or in any manner relate (directly or indirectly) to City's approval of the Island Hotel Staff Approval including, but not limited to, Staff Approval, No. SA2014-021 (PA2014-148). 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 the City's costs, attorneys' fees, and damages which the City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

The conditions of approval authorized by Use Permit No. UP3631 shall continue in full force and effect as approved by the Planning Commission.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development, 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. 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:



Makana Nova
Assistant Planner

GR/mkn

Attachments: CD 1 Vicinity Map
CD 2 Project Plans

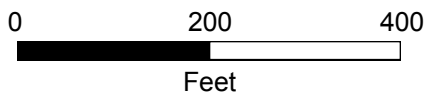
Attachment No. CD 1

Vicinity Map



Subject Property

Newport
Beach
GIS

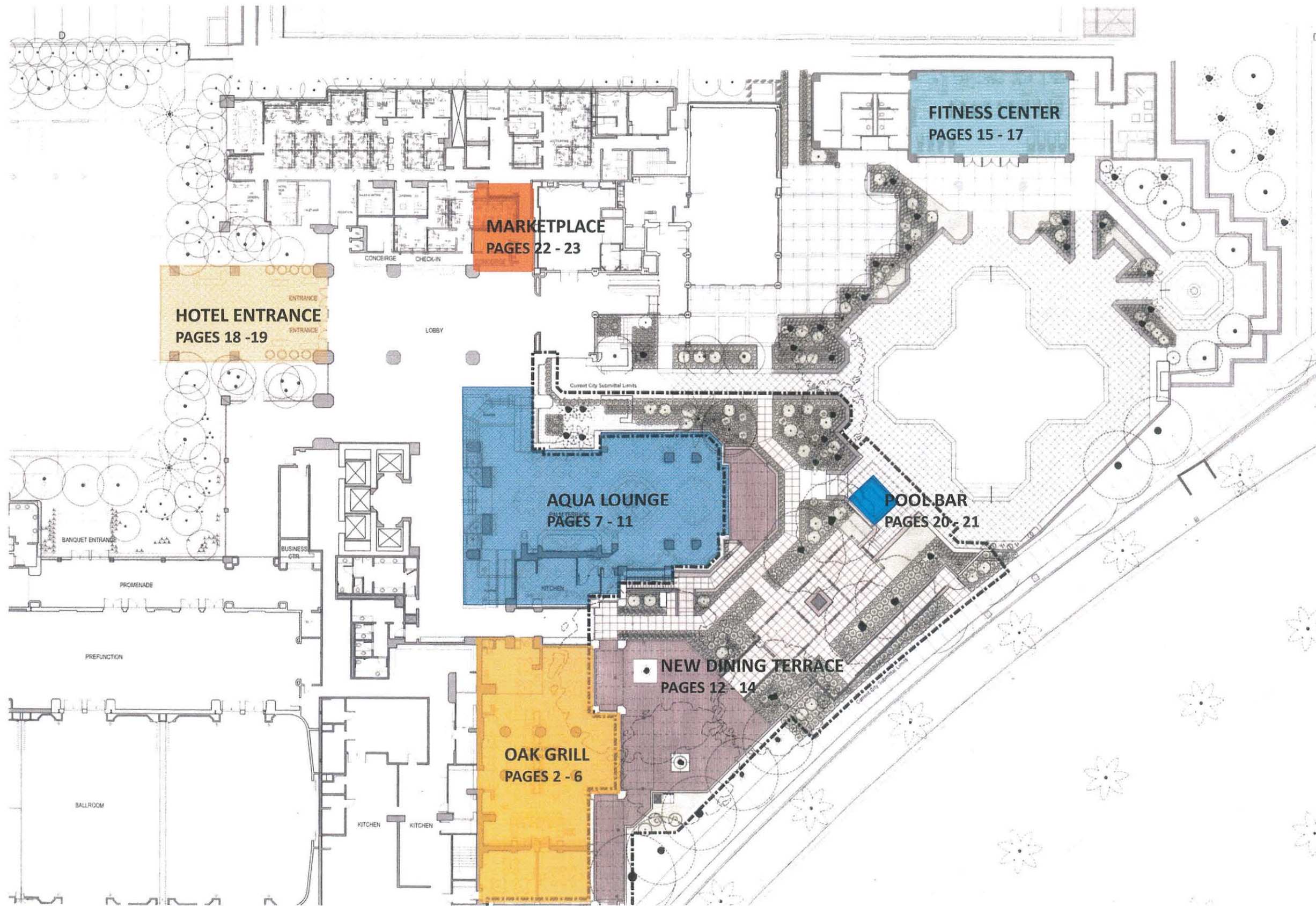


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Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. CD 2

Project Plans



Island Hotel

Oak Grill / Aqua Lounge

Newport Beach, California



Description

Reference Plan

Sheet Title

Reference Plan

Job No. 1309510

Date November 27, 2013



Architecture
Planning
Interior Design
Landscape Architecture
Graphics

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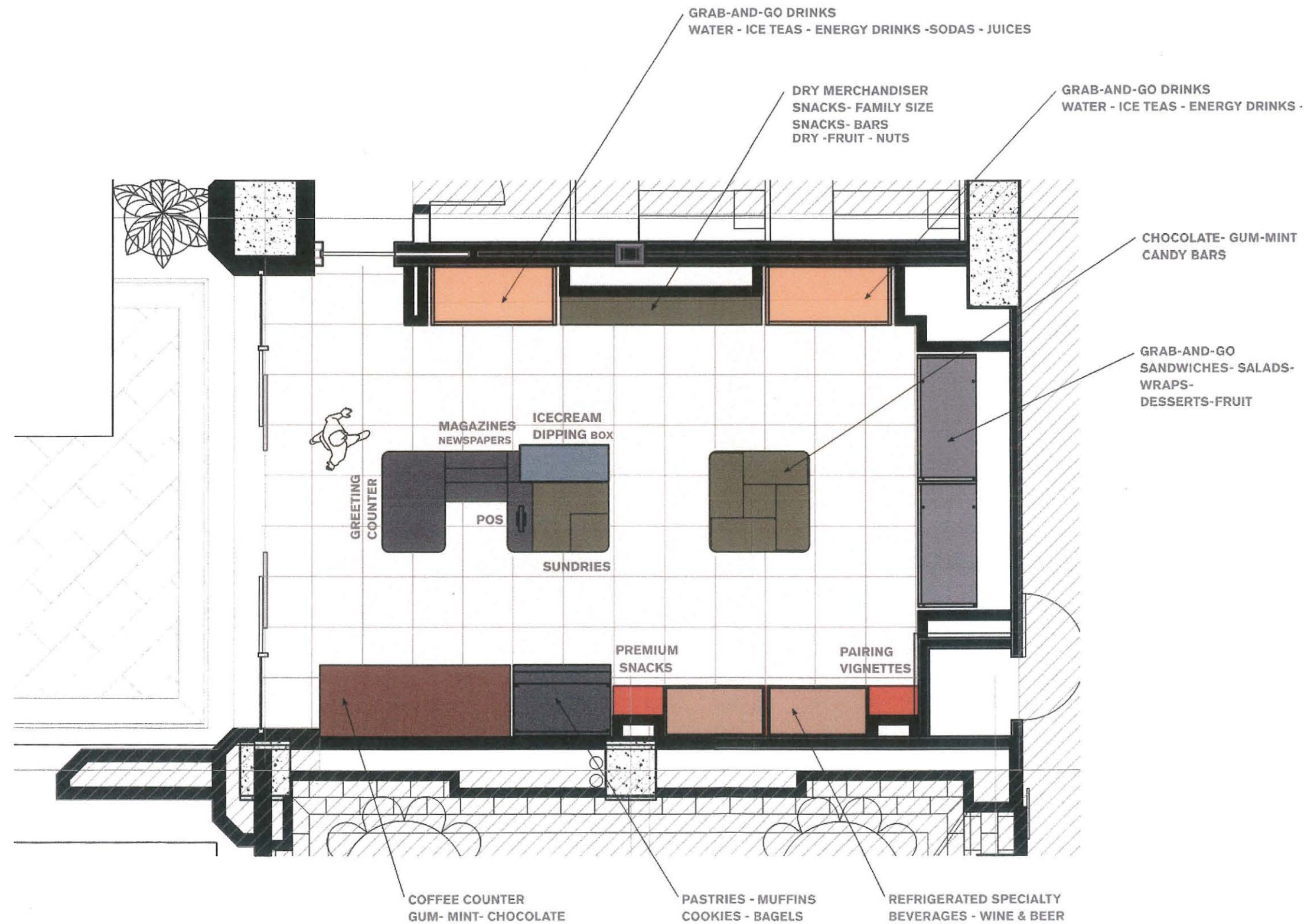
Island Hotel Oak Grill / Aqua Lounge

Newport Beach, California

IRVINE COMPANY
Since 1864

Description

1. Reduce reception desk length and relocate a portion of the back-of house office.
2. Install new automatic sliding glass doors from lobby to new Marketplace.
3. Construct new self-service Marketplace



Reference Plan



Sheet Title

Proposed New Marketplace Floor Plan

Job No. 1309510

Date November 27, 2013

LPA
Architecture
Planning
Interior Design
Landscape Architecture
Graphics
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