



**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 February 27, 2015

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

Item 1: The Ritz Operator License No. OL2014-207 (PA2014-094)  
2801 West Coast Highway

Action: Approved

Council District 3

**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.

Wendy Joe, Civilian Investigator, NBPD (*Massage Therapy – ABC License*)  
Det. Randy Parker & Det. Dave Mock, NBPD (*ABC License*)  
Sgt. Brad Miller, NBPD (*Massage Therapy - ABC License*)

o



## **OPERATOR LICENSE APPROVAL LETTER**

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

**VIA EMAIL**

February 26, 2015

Grill Concepts CD, Inc.  
Attn: Elliot Glusker  
6300 Canoga Avenue, 600  
Woodland Hills, CA 91367  
[elliott.glusker@GrillConcepts.com](mailto:elliott.glusker@GrillConcepts.com)

<b>Application No.</b>	<b>Operator's License No. OL2014-007 (PA2014-094)</b>
<b>Owner/Applicant</b>	<b>Grill Concepts CD, Inc.</b>
<b>Location/Business Name</b>	<b>The Ritz Operator License</b>
<b>Site Address</b>	<b>2801 West Coast Highway</b>
<b>LEGAL DESCRIPTION</b>	<b>A portion of Lot H of Tract 919</b>

On **February 26, 2015**, the Chief of Police approved the following: An operator license to allow Grill Concepts CD, Inc. to operate a food service restaurant, The Ritz, with late hours, a Type 47 (beer, wine, distilled spirits) Alcoholic Beverage Control (ABC) license, and an outdoor dining patio. The building is 22,400 gross square feet in area. The restaurant provides 3,190 square feet of interior net public (seating and customer) area, which accommodates 187 seats. The accompanying outdoor dining patio is 732 square feet in area with 44 seats. The restaurant is allowed to operate pursuant to Conditional Use Permit No. UP2051 (amended), Outdoor Dining Permit No. 68, and Staff Approval No. SA2014-015 (PA2014-112).

Pursuant to NBMC 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance), the operation as described requires the owner/operator to obtain an Operator License through the City because the recent building and tenant improvements to the establishment resulted in an increase in occupancy.

## **HOURS OF OPERATION**

### Interior of Restaurant

- 5:00 p.m. to 2:00 a.m., Monday through Friday
- 10:00 a.m. to 2:00 a.m., Saturday, Sunday, and recognized holidays

### Patio

- 5:00 p.m. to 10:00p.m., Monday through Thursday, including private parties and recognized holidays
- 5:00 p.m. to 12:00 midnight, Friday and Saturday, including private parties and recognized holidays
- 10:00 a.m. to 10:00 p.m., Sundays

## **REQUIRED FINDINGS**

The Chief of Police has made the following findings as required by NBMC 5.25.050 (Issuance of License-Criteria and Findings):

### 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. Conditional Use Permit No. UP2051 (amended) was approved by the Planning Commission on September 4, 1986, to allow a restaurant to operate at this location.
2. Outdoor Dining Permit No. OD68 was approved by the Planning Commission on November 9, 2000, to allow the outdoor dining patio at this location.
3. The proposed floor plan has been determined to be in substantial conformance with the plans approved by the Use Permit and Outdoor Dining Permit under Staff Approval No. SA2014-015 (PA2014-112), approved by the Community Development Director on December 3, 2014.
4. A food service restaurant with late hours, alcohol service, and an accessory outdoor dining patio is a permitted use in the Mixed-Use Water Related (MU-W1) zoning district through the approval of a conditional use permit.

### 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 (Issuance of Permit-Investigation, Standards for Approval of Permit).*

Facts in Support of Finding:

1. The establishment provides a piano with 13 seats at the interior of restaurant area. The piano is in substantial conformance with the existing floor plan and is considered a minor change in operational characteristics to the existing restaurant. This feature was authorized by the Community Development Director as shown on the floor plan for Staff Approval No. SA2014-015 (PA2014-112).
2. A non-electronic piano does not require a live entertainment permit under Section 5.28.090 (Live Entertainment Establishments, Exceptions) of the Municipal Code.
3. No live entertainment is permitted in the outdoor dining area.
4. No other live entertainment is proposed within the establishment.

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 restaurant has operated in this location since 1982. The building was constructed and designed to accommodate an eating and drinking establishment and its operation in the past has demonstrated the location's capability of operating as a compatible use with other land uses in the vicinity.
2. The proposed interior floor plan accommodates 187 interior seats. The interior net public area provides 3,190-square feet, consistent with the net public area approved under UP2051 (amended).
3. The outdoor dining patio accommodates 44 seats provides 732 square feet, which is smaller than the 768 square feet authorized under Outdoor Dining Permit No. OD68.

Finding:

5. *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. Restaurant personnel will be responsible for regulating the loitering, noise, elicit activity, and other objectionable conditions that may occur outside of the restaurant.



3. The business will be required to comply with the hours of operation as specified in the conditions of approval for the operator license.
4. The restaurant includes off-site parking located at 2700 West Coast Highway (50 spaces) and 2620 Avon Street (24 spaces).
5. A valet parking plan has been provided to Public Works to ensure adequate parking circulation and to prevent parking queuing from spilling over onto West Coast Highway.

### **CONDITIONS OF APPROVAL**

In no case shall the conditions be inconsistent with, or less restrictive than, those required by any applicable use permit. The following operational conditions are reiterated from Use Permit No. UP2051 (amended), Outdoor Dining Permit No. OD68, and Staff Approval No. SA2014-015 (PA2014-112) relative to hours of operation, food service, dancing, live entertainment, sound amplification for entertainment purposes, exterior lighting, traffic management devices, security facilities, and hiring or training qualifications for employees. The applicant shall comply with these conditions of approval.

#### **UP2051**

3. That valet parking service be provided at all times during the restaurant's hours of operation.
9. That the restaurant facility shall not be open for business prior to 5:00 p.m. on any day (modified under UP2051-Amended).
10. That all restaurant employees shall park their vehicles on the Mariner's Mile off-site parking lot.
13. That the on-site vehicular and pedestrian circulation systems be subject to further review by the Public Works Department.
40. Final design of the project shall provide for adequate security lighting in public areas of the project site.
42. The project shall be so designed to eliminate light and glare spillage on adjacent uses. Any parking lot lighting shall be subject to the approval of the Planning Department.
51. That the valet service shall not park vehicles anywhere but in marked spaces which are either wholly or partially on the subject property.

UP2051 (amended)

2. That an amended off-site parking agreement shall be approved by the City Council, guaranteeing that the following off-site parking shall be provided: 7 spaces partially on the property and 25 spaces entirely on the property located at 2751 West Coast Highway (the easterly 100 feet of the westerly 250 feet of Lot H, Tract 919) for daytime use or Saturdays, Sundays, and recognized holidays.
3. That the daytime operation (10:00 a.m. to 5:00 p.m.) of the restaurant shall be limited to Saturdays, Sundays, and recognized holidays.
4. That all previous applicable conditions of approval for Use Permit No. UP2051 shall be fulfilled.

OD68

2. The accessory outdoor dining for the restaurant located at 2801 West Coast Highway shall be used in conjunction with the related adjacent food establishment and shall be limited to 768 sq.ft. maximum of dining area.
3. The area outside of the food establishment shall be maintained in a clean and orderly manner.
4. No live entertainment is permitted in the outdoor dining area.
5. The outdoor dining area associated with the restaurant uses shall be limited to the area as delineated on the approved site plan only.
6. A minimum of fifty (50) parking spaces shall be maintained in the off-site lot located at 2700 West Coast Highway.
7. A minimum of twenty-four (24) parking spaces shall be maintained in the offsite lot located at 2620 Avon Street.
9. The owner or owners and the City shall execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on such lots for the duration of the proposed use or uses on the building site or sites. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the County Recorder.
11. The revised off-site parking plan and the parking plan for the off-site lots located at 2700 West Coast Highway and 2620 Avon Street, and the vehicular circulation and pedestrian circulation systems shall be subject to further review by the City Traffic

Engineer to approve the new parking configuration and compliance with the previously approved use permit if any alterations are made to the off-site lot.

16. Alcoholic beverage service shall be prohibited in the outdoor dining areas, unless the approval of the Police Department and the Alcoholic Beverage Control Board are first obtained. Any substantial physical changes required (as determined by the Planning Department [Planning Division]) to accommodate alcoholic beverage service shall be subject to the approval of an amendment to this use permit.
17. All applicable conditions of approval of Use Permit No. UP2051 and Use Permit No. UP2051 (amended) shall remain in force.
18. The hours of operation of the outdoor dining area for the restaurant is limited to between the hours of 5:00 p.m. to 10:00 p.m., Monday through Thursday, including private parties and recognized holidays; and 5:00 p.m. to midnight, Friday and Saturday; including private parties and recognized holidays; and 10:00 a.m. to 10:00 p.m. on Sundays, and that any increase in the hours of operation shall be subject to the approval of an amendment to this Use Permit No. UP2051 and Use Permit No. 2051 Amended.
19. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department (Planning Division) reserves the right to 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.
20. The patio shall be closed for the evening upon verification of non-compliance with any conditions of this Outdoor Dining Permit No. 68, and, if the patio is not closed, the matter shall be referred to the Planning Department (Planning Division) for action on the Use Permit and/or Outdoor Dining Permits.
21. The project shall be designed to eliminate light and glare onto adjacent properties or uses, including minimizing the number of light sources. The plans shall be prepared and signed by a licensed Electrical Engineer acceptable to the City. Prior to the issuance of any building permit the applicant shall provide to the Planning Department, in conjunction with the lighting system plan, lighting fixture product types and technical specifications, including photometric information, to determine the extent of light spillage or glare which can be anticipated. This information shall be made a part of the building set of plans for issuance of the building permit. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm the control of light and glare specified by this condition of approval.
36. 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 that provides, in part, that the sound shall be limited to no more than depicted

below for the specified time periods. In determining the project's compliance with the Community Noise Control Ordinance (Chapter 10.26 of the City of Newport Beach Municipal Code), each of the noise level standards specified in Section 10.26.025 and Section 10.26.030 shall be reduced by 5 dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulsive noise such as hammering or riveting.

	<u>Between the hours of 7:00 a.m. and 10:00 p.m.</u>	<u>Between the hours of 10:00 p.m. and 7:00 a.m.</u>
Measured at the property line of commercially zoned property:	65 dBA	60 dBA
Measured at the property line of Residentially zoned property:	60 dBA	50 dBA

27. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the live entertainment to insure compliance with these conditions if required by the Planning Director.
28. The approval is for the establishment of outdoor dining for an existing full service restaurant facility as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale and service of alcoholic beverages incidental to the food use during specified restaurant hours of operation.
29. The area of the outdoor dining shall be delineated with a minimum 6 foot high physical barriers designed, installed, and maintained around the patio area to insure compliance with the Community Noise Control Ordinance (Chapter 10.26 of the Newport Beach Municipal Code).
30. Dancing shall be prohibited as part of the regular operation, unless an amendment to this use permit, any previous use permits, and outdoor dining permits, and other required application is first approved in accordance with the provisions of the Municipal Code.
33. The Off-Site parking agreement shall be reviewed and approved by the Traffic Engineer prior to issuance of the occupancy permit or implementation of the outdoor dining.

SA2014-015 (PA2014-112)

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. 2051, its subsequent amendment, and Outdoor Dining Permit No. 68 remain applicable.

3. The outdoor dining area shall be limited to 768 square feet devoted to dining as depicted in the approved plans and the interior net public area shall be limited to a maximum of 3,190 square feet as depicted in the attached approved plans.
10. A minimum of seventy five (75) parking spaces shall be provided on-site (Seventy three (73) spaces as modified by memo to the project file).

### Public Works

1. The parking layout shall comply with the previously approved parking plan. If the previously approved compact stalls cannot be provided, the stalls shall be converted to standard size spaces. Future changes to the parking lot design shall be reviewed and approved by the City if the changes meet applicable standards and all applicable conditions of approval.

The Chief of Police has attached additional conditions and requirements to the license as necessary in order to make the foregoing findings. In no case shall the conditions be inconsistent with, or less restrictive than, those required by any applicable use permit.

1. Approval does not permit The Ritz to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.
2. Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.
3. The sale of alcoholic beverages for consumption off the premises is prohibited.
4. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
5. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed. There shall be no reduced price alcoholic beverage promotions.
6. 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.
7. 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.

8. There shall be no dancing allowed on the premises. The applicant may apply for a Special Event Permit granting an exception to this condition when an event, such as a wedding or other private function, might require such consideration.
9. Strict adherence to maximum occupancy limits is required.
10. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
11. 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.
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 alcohol beverages. The 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 retail market shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. 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.
13. Live entertainment shall be limited to one non-electric piano during business hours within the interior of the restaurant.
14. The business shall comply with Title 20 (Zoning Code) and any other applicable provisions of the Newport Beach Municipal Code.
15. 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.
16. Operator License No. OL2014-007 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code (NBMC), unless an extension is otherwise granted.
17. Should the property be sold or otherwise come under different ownership, a new Operator License shall be required.

18. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the 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 Ritz Operator License** including, but not limited to, **Operator License No. OL2014-007 (PA2014-094)**. 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, the 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 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.

#### **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 Vicinity Map
- PD 2 UP2051 and UP2051 A Conditions of Approval
- PD 3 OD68 Conditions of Approval
- PD 4 SA2014-015 (PA2014-112) Action Letter
- PD 5 Project Plans

**cc:**

GP's Landing, LLC  
2801 West Coast Highway, 270  
Newport Beach, CA 92663

Grill Concepts CD, Inc.  
Attn: Robert Spivak  
6300 Canoga Avenue, 600  
Woodland Hills, CA 91367

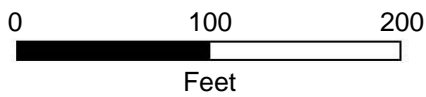


# **Attachment No. PD 1**

Vicinity Map



Newport  
Beach  
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging [www.eagleaerial.com](http://www.eagleaerial.com)

# **Attachment No. PD 2**

UP2051 and UP2051 (amended)

Allen  
Ballis  
Beek  
King  
Kurlander  
McLaughlin  
Winburn

City of Newport Beach

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Amendment  
Ayes  
Noes  
Absent

All Ayes

				X					
			X	X					
X	*	X	X	X	X	X			
X	*	X	X	X	X	X			

Commissioner Beek expressed his concern with the overall building size of the proposed project. He stated that .81 times the buildable is too large for the view corridor that is being provided. He stated that .68 times the buildable area would be more in conformance with the standards of the area.

Amendment to the motion was made that the third floor shall have a width of not more than 40 feet and a gross floor area of not more than 3,700 square feet, which AMENDMENT FAILED.

Commissioner Allen's motion for approval of Use Permit NO. 2051 and the Off-Site Parking Agreement was now voted on as follows, which MOTION CARRIED:

FINDINGS

1. That the proposed development is consistent with the General Plan and the Draft Local Coastal Plan and is compatible with surrounding land uses.
2. The proposed development will not have any significant environmental impact, providing that parking demands are met.
3. The Police Department has indicated that they do not contemplate any problems.
4. The off-site parking area is located so as to be useful to the proposed restaurant use.
5. Parking on such lot will not create undue traffic hazards in the surrounding area.
6. That the applicant has entered into appropriate leases for the off-site parking spaces, which are of sufficient duration for the proposed development.
7. The increased building height will result in increased public visual open space and views than would result from compliance with the basic height limit.

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8. The increased building height will result in a more desirable architectural treatment of the building and a stronger and more appealing visual character of the area within the general theme of a marine environment.
9. The increased building height will not result in undesirable or abrupt scale relationships being created between the structure and existing development or public spaces.
10. The increase in height in no case results in a floor area exceeding the floor area permitted by Section 20.62.030.
11. The proposed number of compact car spaces constitutes 17 percent of the office parking and 14 percent of the restaurant parking which is within limits generally accepted by the Planning Commission relative to previous similar applications.
12. The proposed encroachment of parking spaces within the required front setback area will not adversely effect the character of the project inasmuch as a significantly greater amount of landscaping will be provided along West Coast highway than required by Code.
13. The proposed use of compact car spaces and the encroachment of parking spaces into the required front setback area will not, under the circumstances of this 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 be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City and further that the proposed modifications are consistent with the legislative intent of Title 20 of this Code.
14. The approval of Use Permit No. 2051 will not, under the circumstances of this case be detrimental to the health, safety, peace,

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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.

- 15. That an Initial Study and Negative Declaration have been prepared in compliance with the California Environmental Quality Act, and that their contents have been considered in the decisions of this project.
- 16. That based on the information contained in the Negative Declaration, the project incorporates sufficient mitigation measures (Condition No. 1 through 51) and that those mitigation measures reduce potentially significant impacts to a level of insignificance.
- 17. That approval of the floor area in excess of .5 times the buildable area is warranted because of the permanent restrictions on building size and the agreement of the applicant to ensure that marine-oriented uses occupy the excess floor area, or will remain vacant if not so occupied.

CONDITIONS

- 1. That development shall be in substantial conformance with the approved plot plan and floor plan, except as noted below.
- 2. That an off-site parking agreement shall be approved by the City Council, guaranteeing that a minimum number of parking spaces shall be provided for the duration of the office and restaurant uses:

9 parking spaces entirely on the property and 7 parking spaces partially on the property, located at 2751 West Coast Highway (the easterly 100 feet of the westerly 250 feet of Lot H, Tract 919) for daytime use only.

25 parking spaces at the rear of 2700 West Coast Highway located on Parcel 2 of Parcel Map 73-23, for nighttime use only.



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3. That valet parking service be provided at all times during the restaurant's hours of operation.
4. That all mechanical equipment and trash areas shall be screened from West Coast Highway or adjoining properties.
5. That kitchen exhaust fans shall be designed to control odors and smoke in accordance with Rule 50 of the Air Pollution Control District.
6. That a washout area for the restaurant trash containers be provided in such a way as to allow direct drainage into the sewer system and not into the Bay or the storm drains.
7. 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.
8. That a minimum of one parking space/250 sq.ft. of net floor area shall be provided for the office use and a minimum of one parking space/40 sq.ft. of net public area shall be provided for the restaurant use.
9. That the restaurant facility shall not be open for business prior to 5:00 p.m. on any day.
10. That all restaurant employees shall park their vehicles on the Mariner's Mile off-site parking lot.
11. That all proposed signs shall be in conformance with the provision of Chapter 20.06 of the Newport Beach Municipal Code and shall be approved by the City Traffic Engineer if located adjacent to the vehicular ingress and egress.
12. That all improvements be constructed as required by Ordinance and the Public Works Department.

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13. That the on-site vehicular and pedestrian circulation systems be subject to further review by the Public Works Department.
14. That a 6 foot wide easement be dedicated to the City for unobstructed public access across the bayside of the parcel and that the walkway be improved with the design to be approved by the Public Works Department.
15. That a 6 foot wide easement be dedicated to the City for access to the bayside public walkway from West Coast Highway and that the location of the easement be approved by the Public Works Department.
16. That a condition survey of any existing concrete bulkhead that is to remain along the bayside of the property be made by a civil or structural engineer, and that the bulkhead be repaired in conformance with the recommendation of the condition survey and to the satisfaction of the Building Department and the Marine Department.
17. That the landscape plans for plantings adjacent to the public right-of-way be reviewed and approved by the Public Works Department.
18. The southbound leg of Riverside Avenue at the intersection of Riverside Avenue and West Coast Highway shall be restriped to provide the following facilities:
  - a. A right-turn-only lane to accommodate traffic turning westbound onto West Coast Highway;
  - b. A right-turn and through lane for westbound and southbound traffic;
  - c. A left-turn-only lane to accommodate traffic turning eastbound onto West Coast Highway; and,



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d. Additional painted symbols on southbound Riverside Avenue north of the intersection to adequately implement the mitigation at the intersection.

19. A dust control plan shall be prepared for the project, and be submitted and subject to the approval of the Building Department. Such a plan may be prepared and submitted in conjunction with the erosion control plan recommended in Section III, 5.0 Water Quality.

20. The demolition, grading and building permits to be issued for the proposed project shall include provisions for limiting such activities to hours considered acceptable for the project area.

21. The following disclosure statement of the City of Newport Beach's policy regarding the John Wayne Airport should be included in any Covenants, Conditions, and Restrictions which may be recorded against the property.

Disclosure Statement

The Lessee herein, his heirs, successors and assigns acknowledge that:

(a) The John Wayne Airport may not be able to provide adequate air service for business establishments which rely on such services;

(b) When an alternate air facility is available, a complete phase out of jet service may occur at the John Wayne Airport.

(c) The City of Newport Beach may continue to oppose additional commercial air service expansions at the John Wayne Airport;

(d) Lessee, his heirs, successors and assigns will not actively oppose any action taken by the City of Newport Beach to phase out or limit jet air service at the John Wayne Airport.

Allen	Baillis	Beek	King	Kurlander	McLaughlin	Winburn
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22. The existing gates which control the vehicular entrance/exit to the parking lot on the project site shall be removed to better facilitate access to and from the proposed parking lot.
23. Prior to demolition of existing facilities and construction of the new facilities, a complete plan for litter and debris control shall be approved by the Planning and Marine Departments to ensure that no debris is permitted to enter Newport Harbor.
24. The grading permit shall include a description of haul routes, access points to the site, and a watering and sweeping program designed to minimize impacts of haul operations.
25. The grading plan, if required, shall include a complete plan for temporary and permanent drainage facilities to minimize the potential water quality impacts from silt, debris and other water pollutants.
26. All on-site drainage shall be approved by the City Public Works Department.
27. An erosion and siltation control plan shall be prepared and submitted to the Building Department, and shall be approved by the City Grading Engineer.
28. The erosion and siltation control plan shall be forwarded to the California Regional Water Quality Control Board - Santa Ana Region ten days prior to any construction activities.
29. A landscape and irrigation plan for the project shall be prepared by a licensed landscape architect. The landscape plan shall integrate and phase the installation of landscaping with the proposed construction schedule. Prior to occupancy, a licensed landscape architect shall certify to the Planning Department that the landscaping has been installed in accordance with the approved plan.
30. The landscape plan shall be subject to the review of the Parks, Beaches and Recreation Department, and the approval of the Planning Department.

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- 31. The landscape plan shall include a maintenance program which controls the use of fertilizers and pesticides.
- 32. The landscape plan shall place heavy emphasis on the use of drought-resistant native vegetation, and be irrigated with a system designed to avoid surface runoff and overwatering.
- 33. Construction of the proposed bulkhead shall be placed outside the tidal area (i.e., above the mean high tide line).
- 34. Construction of all waterfront improvements shall be subject to issuance of a Harbor Permit and approval-in-concept by the City Council and subject to issuance of all other applicable discretionary permits from other agencies.
- 35. Prior to issuance of the building permit, the applicant shall consider and discuss with appropriate representatives of the City of Newport Beach possible participation in a compensation program for the loss of intertidal area, provided that the City and the various agencies involved in regulation of Newport Bay have established such a program.
- 36. Upon completion of construction, the project applicant shall provide for weekly vacuum sweeping of all paved parking areas and drives. A weekly cleanup program around the docks and public walks shall be conducted on a regular basis.
- 37. The project shall be designed to comply with Title 24, Paragraph G, Division T-20, Chapter 2, Subchapter 4 of the California Administrative Code (Insulation Standards).

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- 38. Final design of the project shall provide for the incorporation of water-saving devices for project lavatories and other water-using facilities.
- 39. Final design of the project shall provide for the sorting and collection of recyclable material from other solid waste. Prior to occupancy of the building, the program for sorting recyclable material shall be developed and approved by the Planning Department.
- 40. Final design of the project shall provide for adequate security lighting in public areas of the project site.
- 41. The required City review of the project landscape plan shall address the issue of retention of existing mature trees on-site to determine if such retention is desirable for the visual character of the project area.
- 42. The project shall be so designed to eliminate light and glare spillage on adjacent uses. Any parking lot lighting shall be subject to the approval of the Planning Department.
- 43. That all commercial area in excess of .5 times the buildable area of the site (i.e., 8,682± sq.ft.) shall be limited to marine-oriented uses as required by the Mariner's Mile Specific Area Plan in Section 20.62.070, D.
- 44. That if the particular percentage of marine-oriented uses are not maintained, due to a change in occupancy from marine-oriented to some other proposed uses, that the property not used by the marine-oriented uses is to remain vacant and unused until a suitable tenant which fits the marine-oriented criteria is found. That the applicant or permittee consents to maintain that space as unoccupied and understands that the vacancy may result in economic hardship.

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45. That the applicant or permittee by accepting the use permit approval, consents to the specific enforcement of all conditions imposed by the Commission and specifically the conditions relating to the required occupancy of a percentage of the structure by marine-oriented uses and that the applicant or permittee waives any rights to defend any legal action brought by the City to specifically enforce those conditions of occupancy.
46. That the owner of the property is required to notify the Planning Department of the City of Newport Beach upon any change in tenancy which would affect the marine-oriented uses and shall provide copies of all documents requested by the Planning Department or the City in conjunction with that change in tenancy.
47. That the applicant record a Covenant, the form and content of which is acceptable to the City Attorney, binding the applicant and its successors in interest in perpetuity, to a limitation of .81 times the buildable area on the subject property, in consideration of granting the use permit to exceed the height.
48. That the non-standard concrete sidewalk and curb along the West Coast Highway frontage be reconstructed and any unused drive aprons be removed and replaced with curb, gutter and sidewalk. That all public improvements be completed under an encroachment permit issued by the California Department of Transportation.
49. That the existing telephone lines along the West Coast Highway frontage be undergrounded.
50. That no commercial, marina operated, boat docking facilities shall be permitted bayward of the site unless the applicant shall obtain the required Harbor permits and provides the necessary upland support facilities, i.e., restroom facilities for the boat slip users and .75 parking spaces for each marina boat slip and .75 parking spaces for each 25 feet of available mooring space not classified as a slip.

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Motion  
All Ayes

X	*	X	X	X	X	X
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51. That the valet service shall not park vehicles anywhere but in marked spaces which are either wholly or partially on the subject property.

Motion was made to approve the Traffic Study in conjunction with Use Permit No. 2051, subject to the following findings and conditions, which MOTION CARRIED:

TRAFFIC STUDY

FINDINGS:

1. That a Traffic Study has been prepared which analyzes the impact of the proposed project on the peak hour traffic and circulation system in accordance with Chapter 15.40 of the Newport Beach Municipal Code and City Policy S-1.
2. That the Traffic Study indicates that the project-generated traffic will neither cause nor make worse an unsatisfactory level of traffic on any 'major', 'primary-modified', or 'primary' street.

CONDITION:

1. That prior to the occupancy of the proposed project the "Circulation System Improvement described in the Initial Study - "Martha's Vineyard - Restaurant/Office Complex" dated December 1981, on page 8 and figure 4 of Appendix E shall have been completed (unless subsequent project approvals require modification thereto). The improvements shall be subject to the approval of the City Traffic Engineer.

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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.

- 16. That this use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090 A of the Newport Beach Municipal Code.

Use Permit No. 2051 (Amended) (Public Hearing)

Request to amend a previously approved use permit which permitted the construction of a commercial office building with a nighttime only restaurant on property located within the "Recreation Marine Commercial" area of the Mariners Mile Specific Plan Area. Said approval included: an off-site parking agreement for a portion of the required off-street parking; the use of compact parking spaces; the service of on-sale alcoholic beverages and the use of valet parking in conjunction with the restaurant. The proposed amendment involves a request to allow the proposed restaurant to open for Sunday brunch and for private parties on Saturdays, whereas the existing use permit prohibits the opening of the restaurant before 5:00 p.m. daily. Said proposal also includes a request to amend the previously approved off-site parking agreement.

LOCATION: A portion of Lot H, Tract 919, located at 2801 West Coast Highway, westerly of Riverside Avenue, in the Mariner's Mile Specific Plan Area.

ZONE: SP-5

APPLICANT: Gordon S. Barienbrock, Newport Beach

OWNER: Same as applicant

James Hewicker, Planning Director, stated that staff submitted the subject staff report on the assumption that all of the remaining tenants in the building would be closed on Saturdays, Sundays and Holidays, producing an additional 7 parking spaces that would be in excess of the parking spaces required by the restaurant in the

Item No. 5

UP2051A

Approved

September 4, 1986

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event that the restaurant was completely occupied for Sunday brunch, Saturday lunch, or private parties. He commented that staff has been informed that several tenants on the two lots are open for business on the weekends. Mr. Hewicker said that if this is a concern to the Planning Commission, an additional condition should be added to the use permit which would require the landlord to notify all of the other tenants not to be open for business on Saturday, Sunday, or Holidays.

Commissioner Person stated that many marine-related uses are normally open on weekends. In response to a question posed by Commissioner Person, Mr. Hewicker replied that about 2,000 square feet of office uses would be permitted to be open on weekends and Holidays in accordance with the available parking spaces.

The public hearing was opened in connection with this item, and Mr. Gordon Barienbrock, 1124 East Balboa Boulevard, applicant, appeared before the Planning Commission. Mr. Barienbrock stated that the original request for a Sunday brunch was inadvertently omitted from the approved findings and conditions when Use Permit No. 2051 was approved by the Planning Commission on January 21, 1982. In reference to the required parking, Mr. Barienbrock stated that the businesses typically employ 15 employees Monday through Friday, and that there may be only 1 or 2 employees on the weekends. He said that the restaurant will not be working at full capacity during the Sunday brunch hours. Mr. Barienbrock commented that he cannot inform potential tenants they cannot work on Saturdays or Sundays. He said that there is not a parking problem on Saturdays or Sundays in the area, and that additional parking spaces will be provided. Mr. Barienbrock pointed out that there are currently 81 parking spaces and the restaurant requires 73 parking spaces.

In response to a question posed by Commissioner Winburn, Mr. Barienbrock replied that all of the boat slips bayward of the subject property are commercial slips for yacht sales.

In response to a question posed by Commissioner Person, Mr. Barienbrock replied that there are no retail stores on the premises.



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Mr. Hewicker referred to Condition No. 5, Exhibit "A", which states that the Planning Commission may bring back the use permit if the joint use of the restaurant on Saturdays, Sundays, or Holidays conflicts with the other tenants.

Mr. Lewis Jackson, 115 South Acacia, Solano Beach, appeared before the Planning Commission. Mr. Jackson pointed out that The Chart House Restaurant was located in Newport Beach for 22 years. He said that the major use of the restaurant is not during the day on Saturdays and Sundays, but on the weekend evenings.

In response to questions posed by Commissioner Kurlander, Mr. Jackson replied that private parties generally require less parking requirements because there are fewer automobiles.

Commissioner Winburn referred to the January 21, 1982, Planning Commission minutes, and pointed out that there is a condition that states that the restaurant shall not be open prior to 5:00 p.m. on any day.

The public hearing was closed at this time.

Commissioner Person stated that because the subject site has a cushion of 7 parking spaces and The Chart House Restaurant has been in Newport Beach for 22 years, motion was made to approve Use Permit No. 2051 (Amended) subject to the findings and conditions in Exhibit "A". Commissioner Person emphasized that in accordance with Condition No. 5, the Planning Commission may bring back the use permit at any time to review, modify or change conditions of approval, and he further stated that the condition was not in effect during the entire operation of The Chart House restaurant at their previous location.

Chairman Turner stated that he will support the motion, and agreed with Commissioner Person's aforementioned statements regarding Condition No. 5.

Motion voted on to approve Use Permit No. 2051 (Amended), subject to the findings and conditions in Exhibit "A". MOTION CARRIED.

Motion

x

All Ayes

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FINDINGS:

1. That the proposed restaurant operation is consistent with the General Plan and the Land Use Element of the Local Coastal Program and is compatible with surrounding land uses.
2. That the proposed development will not have any significant environmental impact, providing that parking demands are met.
3. That the Police Department has indicated that they do not contemplate any problems.
4. That the off-site parking area is located so as to be useful to the proposed restaurant use.
5. That parking on such lot will not create undue traffic hazards in the surrounding area.
6. That the applicant has entered into appropriate leases for the off-site parking spaces, which are of sufficient duration for the proposed development.
7. That the use of shared parking so as to satisfy the additional off-site parking requirement is acceptable inasmuch as the daytime operation of the restaurant shall be limited to Saturdays, Sundays and recognized holidays when a majority of the office uses are closed.
8. That the approval of Use Permit No. 2051 (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 subject development shall be in substantial conformance with the plot plan and floor plans approved by the Planning Commission on January 21, 1982.

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2. That an amended off-site parking agreement shall be approved by the City Council, guaranteeing that the following off-site parking shall be provided: 7 parking spaces partially on the property and 25 parking spaces entirely on the property located at 2751 West Coast Highway (the easterly 100 feet of the westerly 250 feet of Lot H, Tract 919) for daytime use or Saturdays, Sundays and recognized holidays.
3. That the daytime operation of the restaurant shall be limited to Saturdays, Sundays and recognized holidays.
4. That all previous applicable conditions of approval for Use Permit No. 2051 shall be fulfilled.
5. 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.
6. That this use permit shall expire unless exercised within twenty-four months from the date of approval as specified in Section 20.80.090 A of the Newport Beach Municipal Code.

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~~Use Permit No. 3222 (Continued Public Hearing)~~

Item No.6

Request to convert an existing automobile service station into an automobile repair facility in the C-1 District.

UP3222

Removed  
 From  
 Calendar

LOCATION: Lot 1, Block F, Tract No. 323, located at 2641 East Coast Highway, on the southeasterly corner of East Coast Highway and Goldenrod Avenue, in Corona del Mar.

ZONE: C-1

# **Attachment No. PD 3**

OD68 Conditions of Approval

**City of Newport Beach  
 Planning Commission Minutes  
 November 9, 2000**

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<p><b>SUBJECT:</b>                    <b>Koll Office Site B GPA and PC Amendment          MacArthur Boulevard/Jamboree Road</b></p> <p>Review of a General Plan Amendment and Planned Community Amendment to allow an additional 250,000 gross square feet of office use within Office Site B of the Koll Center Newport (KCN) Planned Community. The amendments will provide for the construction of a ten-story office tower.</p> <p>The applicant requested a continuance to December 7, 2000.</p> <p><b>Motion</b> was made by Commissioner Agajanian to continue this item to December 7, 2000</p> <p>Ayes:     McDaniel, Kiser, Agajanian, Selich, Gifford, Kranzley          Noes:     None          Absent:   Tucker</p> <p style="text-align: center;">* * *</p>	<p><b>Item No. 1          GPA 97-3 (B), Zoning          Amendment 905,          Traffic Study No. 119,          and EIR No. 158</b></p> <p><b>Continued to          12/07/00</b></p>
<p><b>SUBJECT:</b>                    <b>Billy's at the Beach and The Charthouse Restaurant          2751 West Coast Highway and 2801 West Coast Highway</b></p> <ul style="list-style-type: none"> <li>• <b>Use Permit No. 3674, Off-site Parking Agreement,          Accessory Outdoor Dining Permit Nos. 67 and 68</b></li> </ul> <p>Request to add accessory outdoor dining to two existing full service restaurants, a 768 sq. ft. outdoor dining area for the existing Chart House Restaurant and a 515 sq. ft. outdoor dining area with a 220 square foot service area, for the existing Billy's At The Beach restaurant. A use permit is required for Billy's At The Beach because the proposed area of the outdoor dining area will exceed the permitted 25% of the net public area of the interior of the restaurant. The proposal includes a request to approve an off-site parking agreement for one additional required parking space for the dining area and for the elimination of one on-site parking space and relocation to the off-site lot.</p> <p>Associate Planner Eugenia Garcia noted that in the staff report Condition 33 requiring the approval of the Coast Commission if this project were approved, is not necessary and is to be removed. This project is not subject to approval by the Coastal Commission. She then made a visual presentation noting the following:</p> <ul style="list-style-type: none"> <li>• Location of project in multi tenant building.</li> <li>• Chart House has a significant amount of office use.</li> <li>• Proposal is for outdoor dining for both establishments.</li> <li>• Billy's at the Beach is for 515 square feet approximate and the Chart House is for 168 square feet approximate.</li> <li>• Chart House meets requirement under the Outdoor Dining Ordinance</li> </ul>	<p><b>Item No. 2          Use Permit No. 3674          Off Site Parking          Agreement          Accessory Outdoor          Dining Permit Nos. 67          and 68</b></p> <p><b>Approved</b></p>



- as less than 25% of the indoor net public area of the restaurant.
- Billy's at the Beach exceeds that by 92 square feet for a total of 515 square feet.
- Use Permit is required for that area over 25% for Billy's.
- An Off-site parking agreement is in existence for an off site lot at 2700 West Coast Highway.
- An additional lot at 2620 Avon Street is also part of the proposed project.
- Slides then depicted:
  - entrance to Billy's
  - area between the two restaurants where there are currently seven parking spaces that will be reconfigured
  - bayside views of outdoor dining to be located for both facilities
  - front of Billy's on the bay with public access easement provided
  - access easement from Coast Highway to both establishments
  - additional public access to bay provided (not required)
  - off site parking behind Seven Seas Travel and Radio Shack where the project owner leases fifty parking spaces under a long-term lease
- Leased parking spaces are for nighttime use only.
- Off site parking lot at 2620 Avon Street (in close proximity) for additional parking spaces to be provided by applicant.

Continuing, Ms Garcia noted that the following findings must be made in approving this application:

- Proposed outdoor dining is accessory to restaurant uses.
- Proposed outdoor dining is not detrimental to health, safety, peace, comfort and general welfare of the community.
- Proposed outdoor dining will not result in the reduction of the existing parking spaces.
- Find that the lot is located so as to be useful in connection with the restaurants and the office uses.
- Parking on the off site lot will not create undue traffic hazards in the area.
- The lots are under the same ownership or the owners of the lots have a common ownership with entitlement for immediate possession and use.
- The offsite parking agreement shall be recorded with the Office of the County Recorder.
- Fee established by the City Council is paid for administrative costs.
- Pursuant to Bayfront Restaurant Regulations an acoustical study is required and is supplied by the applicant.
- Recommendations of the Acoustical Engineer have been incorporated into the conditions of approval.

At Commission inquiry, Ms. Garcia noted that the Acoustical Engineer did sound testing from across the Bay and took measurements. These have been incorporated as part of the report. The conditions also require no paging or

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amplified music. Speakers are permitted with pre-recorded music.

Chairperson Selich asked about the additional parking for Billy's on the Beach, the additional outdoor dining requires the three extra spaces, is that correct? Staff answered yes.

Commissioner Kranzley noted, and it was affirmed, that the only reason this project is before the Planning Commission is because they are asking for the additional square footage. Otherwise, it would be done through an Accessory Outdoor Dining Permit and would not require a Use Permit.

Public comment was opened.

Gordon Barienbrock, 3000 West Oceanfront noted he owns the land at 2801 and 2751 West Coast Highway. Additionally, he owns the land at 2620 Avon that is the additional parking lot being discussed. He noted parking is a concern with this project because we have increased by 92 square feet the outdoor area and we have eliminated three parking spaces. The net affect on parking is negative five spaces and is only a problem during the daytime use. During the day, we have only one restaurant operating, Billy's at the Beach. During the nighttime I am leasing 50 spaces across the street. Those fifty spaces give me a total of 135, that is 12 more than currently needed and 7 more spaces I will need if the proposal is approved. However, during the daytime, we are operating Billy's for lunch on a waiver of 34 parking spaces. The reason the waiver was granted was that during the daytime the crowds are much less than at night; some people during the daytime walk to lunch; parking lot is shared with an office building that is somewhat empty (about 25%) when the workers leave for lunch. A parking attendant during the day provides tandem parking and we can easily add 25 cars to the lot. We have been serving lunch for some time with no problem on the waiver. Now, we will have 5 spaces less. I would like to continue with the waiver and not tie up the property at 2620 Avon with parking agreements. However, I would stipulate that the property at 2620 Avon would only be used as a parking lot for these two buildings. I would agree to make that a condition of the Use Permit. If we put recorded agreements on it, that has lasting affects and for five parking spaces for two hours a day, I hate to tie up an entire lot and never be able to do anything with it. We would agree easily that we would not serve lunch at Billy's if for any reason, anything happens to that parking lot. I have no intention of selling or developing the parking lot, but I would like to keep it as unencumbered as possible. For the last eighteen years, I have been leasing 50 parking spaces across the street. Most of our parking is on site. We have more parking on site than any other restaurant along there with the exception of Windows on the Bay and Asia 101. We have 85 spaces on site, 25 additional cars that can be placed in there with tandem parking. We park some employee cars across the street, roughly 20 a day. We have 30 spaces left for use. In the event that you feel an off-site agreement is necessary, I would go along with it and I would devote the lot at 2620 Avon entirely to this project that could have 26 spaces



on it. I would then be completely independent of other property owners.

Commissioner Kranzley asked how important the outdoor speakers are?

Mr. Barienbrock answered that he would like to have some background music. The reasons for the outdoor seating are for smoking and a place for customers to wait for their tables. Billy's would like to do business outdoors during the lunchtime, as it is more desirable. People like to dine with background music. It is not our intention to have any entertainment. Both of the establishments are dinner houses and cater to an older crowd that is fairly conservative and reside in Newport Beach. At Commission inquiry, he noted that the net change in dining seating is 24 for Billy's and a little more for the Chart House. Billy's has a service bar available for customers only, not open to the public. The total increased parking is two parking spaces. We are losing three parking spaces because we are using the parking area, which nets five. This is not a problem in the evening because we have 12 spaces more than necessary but at lunch, we are currently operating under a waiver. We average about twelve cars at lunch and have at least twelve cars left from the office building. There is parking on the other side of Coast Highway and today there was not one car parked between Chili's and the Japanese hotel. That means 20-30 parking spaces were empty. Parking is not a major problem. We have been sharing the parking between the offices and the restaurant for years with no problems. We have parking attendant service from 8 in the morning until midnight with the ability to provide tandem parking if necessary.

Commissioner Kiser asked if the parking attendant is for the two restaurants combined.

Mr. Barienbrock answered that he has a parking service and it depends on the need. They have worked out what times to work. We would bring in two during the lunch hour if business calls for it. We have never used valets to park customer cars in the off site parking lots including evenings and weekends.

Commissioner Kiser then asked about the proposal for the lots. Are you proposing to terminate your lease on the 50 spaces and have your sole off site parking be on the lot that you own?

Mr. Barienbrock answered that is not part of this request. If you want an off site parking agreement to cover the five parking spaces, I would grant that with no problem if they could also be incorporated in those other fifty spaces. I don't want to tie up that parking lot for five parking spaces an hour and a half a day.

Commissioner Kranzley asked why this dining area was important enough to come to the Planning Commission and was answered that they had to come before the Planning Commission due to moving parking spaces. If it were just the 92 feet, we would not have done it. The space is that big and we could either use it as seating area or additional garden. The restaurants are trying to



get as much area as they can. Billy's is a very small restaurant. He is trying to make the most of it. We anticipate that the outdoor area will be used in fair weather. During the cold weather, people will move inside. We don't think both areas will be full at the same time.

Commissioner Kiser asked about Condition 6, the outdoor speakers ceasing at 10:00 p.m. Sunday through Thursday and either 11 p.m. or midnight Friday or Saturday.

Mr. Barienbrock answered he would have no problem shutting them off at 10:00 p.m. all nights. However, he would like to make the decision. He concluded that there will be no noise on Lido Isle, if anybody can hear any of the noise from the restaurants, we will change it so they can't. The background music will be low. The operator of the restaurant is here tonight and can answer any of your concerns regarding the operation and noise.

Public comment was opened.

Martin Weinberg, 100 Via Lido Nord, spoke in opposition to this application. He asked about the notification process for this item, noting that there would be a substantial showing of people who have an interest on the outcome of this application who live on Lido Isle. Whatever happens to Billy's in that area has an impact on people who live on Nord and Soud as well. It seems unnecessary to have outside speakers along with the doors continually opening for waitress purposes that will also create a lot of noise. Noise travels across the water, we had this same issue with Windows on the Bay and Joe's Crab Shack. If Billy's and the Chart House are granted this application, any waterfront restaurateur will ask for this as well. The noise will be a real problem to the people who live on the water.

Ms. Temple noted that when the City Council reviewed specifically notification requirements addressing the separation of the properties by water and/or roads it was amended to require that the City delete the distance of the channels and roadways when determining a 300-foot radius requirement. There is no simple requirement for everybody on Via Lido Nord or Via Lido Soud to be notified. It is anyone within a 300-foot radius, given the omission of the water. This map illustrates for the Commission, the radius that received notice. (presented copy of mailout map to Commission).

Chairperson Selich stated that we did follow the City Council procedure in terms of notification.

Commissioner Kranzley asked the speaker if it is his wish that no bayfront restaurant would have outdoor dining? He was answered yes, no outdoor dining.

Commissioner Kiser asked if there has been a restaurant in the approximate

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location of Billy's that had outdoor dining?

Mr. Weinberg answered Joe's Crab Shack. They put in triple windowpane and closed their windows. We do not hear any music from other restaurants on the waterfront. Our house is opposite of Billy's and just to the left.

Richard Wood, 117 Via Lido Soud noted that in this area, our property values are very strong. I am much more concerned about empty restaurants such as Windows on the Bay and the Cannery, places like that affecting our property values. Secondly, I am a newcomer to Lido, been there for four and one half years, I live around the corner. I want to respect anyone's desire to not have noise especially late at night affecting their homes and lives. In the time that I have lived there, the noise we have is from ambulances, boats and traffic. I don't hear a lot of noise coming from the restaurants. From what I have seen in this staff report, they are not proposing to have live music outdoors or a lot of things happening outdoors or late at night. I would like to see calm minds prevail here, and see that we protect our businesses in the neighborhood and in Newport Beach as well as protect our neighborhoods.

Bill Kreg, owner of Billy's at the Beach restaurant; 601 Lido Park Drive stated that he would be one of the people who would have a problem if the property devaluated due to restaurant noise that was so loud that no one would want to live in that area. I can assure you that we have no intention to have loud music, loud customers or anything else that would be disruptive to our diners. The main reason I want the patio open is because I think people should have a chance to dine on the bay, relax and enjoy the scenery. There are five restaurants in Lido Village, notable Mama Mia's, George's Camelot, Bayfront Café and Les Bistro that all have outdoor dining and they don't seem to be disturbing anybody. There will be no noise carrying across the water.

Alice Brewer, 222 Via Lido Nord noted that since the Windows patio has been closed, there is peace and tranquillity in my home. There was quite a bit of noise that disturbed us. My concern is having the speakers on the patio because that sound does carry.

Ms. Temple noted that the only outdoor area that has permission for live entertainment in an outdoor dining area is the Buzz.

Lynn Valesko, 310 Via Lido Nord noted that there is a lot of noise that emanated from the Balboa Bay Club. The noise is terrible during the summer when the boats cruise our bay. I don't believe that we need any more loudspeakers or music blasting across the bay and disturbing the residents in their homes.

Gordon Barienbrock noted that this project is not across the bay from Lido Isle. If you go out 90 degrees to our bulkhead, you have to turn 45 degrees to get to Lido isle. The Billy's building itself will block most of the noise that might be going



in that direction. It is a lot different from Windows on the Bay, which is directly across on a narrow part of the bay. It is very different than Joe's Crab Shack that is directly across. Joe's has the building behind it; the noise has no direction to go except across the water. Our noise is going to go in two different directions. It is not like we have a resonating wall behind us that is amplifying the noise. Additionally, the bay is much wider than it is in front of Joe's Crab Shack.

Public comment was closed.

Chairperson Selich noted his recollection that several years ago there was a committee formed to establish procedures for noise on the outdoor dining areas. There was a policy adopted on that, is that correct?

Ms. Wood answered that the City Council asked both the Economic Development Committee and the Environmental Quality Affairs Committee to look at perhaps developing some standard conditions of approval to address these issues. Each of those committees appointed a sub-committee and they worked jointly. We retained a noise engineer to review our Noise Ordinance and the specifics of the issues we were dealing with, had some recommendations from him that we really couldn't establish standard conditions of approval. Each case would be different because of its location, geographic and topographic conditions. It was recommended that what we needed to do was to have an Acoustical Study done for each one of these applications on the bayfront. The City Council did adopt those regulations and that is what we have asked the applicant to comply with in this case. We have the report from Mestre Greve and Associates.

Chairperson Selich stated that the applicant has complied and the staff went through the study in accordance with the City Council policy. The City Council did not ban outdoor dining on the bayfront?

Ms. Wood answered no; the City Council did not ban outdoor dining on the bayfront.

Commissioner Kranzley noted his support of the application with the following changes:

- No additional 92 square feet of outdoor dining; keep it within the 25% net public area limitation.
- Adding a condition requiring a reduction of 5 decibels for certain noises that are particularly troublesome: whines, screeches, hums and noise consistent primarily with speech and music.
- No outdoor speakers. However, they can come back in a year for this to be considered.
- A signed Parking Agreement on the Avon lot and then however we need to manage the parking spaces with the lease that he has.

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Senior Planner Patrick Alford noted that the condition is from the Newport Dunes application. It refers to Chapter 10.26 of the Municipal Code that establishes a number of noise thresholds for different types of land uses for different times during the day. Essentially if the noise source falls within one of these categories, then you would take those thresholds, reduce them by 5 decibels and that would be the standard that would apply.

Chairperson Selich asked if this was enforced at the time someone is out measuring the noise? Is it an enforcement item basically? He was answered yes.

Commissioner McDaniel noted that this is not big waterfront, this is dining between those buildings. The noise that is carrying already is cars screeching, slamming doors etc. in that area.

Ms. Garcia added that the outdoor dining is between the two buildings and set back from the Chart House. That is an inlet where boats are docked and that also buffers noise somewhat.

Commissioner Agajanian noted that Condition 22 states should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining. How is the Planning Department going to exercise that right?

Ms. Garcia answered that it would be by complaints by the public to our Code Enforcement Division. The Planning Director would make any decisions. It could also be brought back to the Planning Commission if the Director felt it was necessary. There is a condition included in the staff report that requires additional studies if this does become a problem.

Commissioner Gifford stated she wanted to be sure about the interaction of Condition 22 that states should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating and with respect to Condition 36 that is a standard condition that the Planning Commission can add to or modify the conditions of approval. The standard language states that upon determination that the operation which is the subject of this use permit or out door dining causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community. With respect to noise, would there have to have been a determination by the Planning Director before the Planning Commission could call it up?

Ms. Temple answered that wording would allow either the Planning Director or the Commission to make such a determination.

Commissioner Kiser stated he did not see valet parking requirements in the



conditions. Did I miss that?

Ms. Garcia answered that the valet parking was approved with a prior use permit and those conditions still stand as previously approved.

**Motion** was made by Commissioner Kranzley to approve Use Permit No. 3674, Off-site Parking Agreement, Accessory Outdoor Dining Permit Nos. 67 and 68 subject to findings and conditions in Exhibit A with the following changes: Condition 2 shall be 425 square feet not 515 square feet; Condition 4 shall read no outside paging system shall be permitted; Condition 6 is to be eliminated; Condition 27 insert the additional noise levels; and eliminate Condition 33.

Commissioner Gifford added that with respect to Condition 4 and the suggested change I am not sure that excludes outdoor speakers. If that is the intent. The wording of, and speaker can be inserted.

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

EXHIBIT "A"  
FINDINGS AND CONDITIONS OF APPROVAL FOR  
**Use Permit No. 3674**  
**Outdoor Dining Permit No. 67**  
**Outdoor Dining Permit No. 68**  
**Off-Site Parking Agreement**

Use Permit No. 3674 and Outdoor Dining Permit No. 67  
2751 West Coast Highway

Findings:

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designates the site for "Recreation and Marine Commercial" uses and the existing restaurant is a permitted use within this designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
3. The approval of Use Permit No. 3674, Accessory Outdoor Dining Permit No. 67, and Off-Site Parking Agreement, will not, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and

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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 would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, for the following reasons:

- The proposed outdoor dining is consistent with the Land Use Element of the General Plan, and is compatible with the surrounding land uses.
- The existing on-site and off-site parking, and circulation system, is adequate to accommodate the proposed exterior dining areas.
- That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.
- The proposed accessory outdoor dining expansion will not be located so as to result in a reduction of existing parking spaces because there is adequate replacement parking available in the off-site lot located at 2620 Avon Street.
- There is an additional secondary off-site lot under the same ownership, located at 2620 Avon Street that is available for parking both day and night.
- The addition of the outdoor dining to the subject property is subject to all the findings and conditions of approval of previous Use Permit No. 3328 and Use Permit No. 3328 Amended, and not an independent use.
- The limited hours of the outdoor dining areas should prevent noise from adversely impacting the residential uses across the bay.
- 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.
- The control of noise can be achieved by the limitation on the location of the live entertainment and compliance with the provisions of the Municipal Code, Community Noise Ordinance.
- The proposal will not add a new liquor license to an over-concentrated area, providing only for the operational change of an existing restaurant with an existing alcoholic beverage license.
- The off-site parking lot located at 2700 West Coast Highway is currently being used to meet the parking requirement of the restaurant facility and the proposed off-site lot at 2620 Avon Street, are located so as to be useful in conjunction with the existing restaurant uses.
- Parking on the off-site lot located at 2620 Avon Street will not create undue traffic hazards in the surrounding area.
- The off-site parking lot on Avon Street is owned by the same owner as the restaurant sites and will be maintained as an off-site parking lot for the duration of the restaurant use.
- A condition of approval is included, requiring the provision of 24 parking spaces in the lot located at 2620 Avon Street and an off-



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site parking agreement will be recorded in the County Recorder's Office.

- A fee for the administrative costs of processing the off-site parking agreement with County Recorder's Office will be paid.
- 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.
- Public improvements may be required of a developer per Section 20.91.040 of the Municipal Code.

Conditions:

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The accessory outdoor dining for the restaurant located at 2751 West Coast Highway shall be used in conjunction with the related adjacent food establishment and shall be limited to 425 sq. ft. maximum of dining area and 220 sq. ft. of service areas.
3. The area outside of the food establishment shall be maintained in a clean and orderly manner.
4. No outside paging or speaker system shall be permitted.
5. No live entertainment is permitted in the outdoor dining area.
6. The outdoor dining area associated with the restaurant uses shall be limited to the area as delineated on the approved site plan only.
7. A minimum of fifty (50) parking spaces shall be maintained in the off-site lot located at 2700 West Coast Highway.
8. A minimum of twenty-four (24) parking spaces shall be maintained in the off-site lot located at 2620 Avon Street.
9. In the event that either property located at 2751 West Coast Highway or 2801 West Coast Highway becomes under separate ownership, an easement or lot line adjustment to permit the outdoor dining for 2801 West Coast Highway to be located partially on 2751 West Coast Highway shall be approved, or that portion of the outdoor dining area that crosses the property line shall be removed.
10. The owner or owners and the City shall execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on such lots for the

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duration of the proposed use or uses on the building site or sites. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the County Recorder.

11. A fee as shall be paid for the administrative costs of processing the off-site parking agreement.
12. The revised on-site parking plan and the parking plan for the off-site lots located at 2700 West Coast Highway and 2620 Avon Street, and the vehicular circulation and pedestrian circulation systems shall be subject to further review by the City Traffic Engineer to approve the new parking configuration and compliance with the previously approved use permit if any alterations are made to the off-site lot.
13. All trash shall be stored within the building or within dumpsters stored in the trash enclosure, or otherwise screened from the view of neighboring properties except when placed for pick-up by refuse collection agencies. That the trash dumpsters shall be fully enclosed and the top shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.
14. The applicant shall maintain the trash dumpsters or receptacles so as to control odors, which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department.
15. Storage outside of the building shall be prohibited, with the exception of the required trash container enclosure and existing storage structures.
16. 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. The use of solid, permanent roof coverings or patio covers shall be prohibited.
17. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code.
18. Alcoholic beverage service shall be prohibited in the outdoor dining areas, unless the approval of the Police Department and the Alcoholic Beverage Control Board are first obtained. 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.
19. All applicable conditions of approval of Use Permit No. 3328 Amended shall remain in force (copy attached).



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20. The hours of operation of the outdoor dining area are limited to between the hours of 11:00 a.m. to 10:00 p.m., Sunday through Thursday, and 11:00 a.m. to midnight, Friday and Saturday; and that any increase in the hours of operation shall be subject to the approval of an amendment to this application.
  21. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to 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.
  22. The project shall be designed to eliminate light and glare onto adjacent properties or uses, including minimizing the number of light sources. The plans shall be prepared and signed by a licensed Electrical Engineer acceptable to the City. Prior to the issuance of any building permit the applicant shall provide to the Planning Department, in conjunction with the lighting system plan, lighting fixture product types and technical specifications, including photometric information, to determine the extent of light spillage or glare which can be anticipated. This information shall be made a part of the building set of plans for issuance of the building permit. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.
  23. The patio shall be closed for the evening upon verification of non-compliance with any conditions of this Use Permit or Outdoor Dining Permit and, if the patio is not closed, the matter shall be referred to the Planning Department for action on the Use Permit and/or Outdoor Dining Permit.
  24. Should problems arise with regard to tables, chairs or stools encroaching into the public right-of-way, private property pedestrian access or walkways, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating.
  25. 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.
  26. The live entertainment shall be confined to the interior of the restaurant and all doors and windows of the establishment shall remain closed during all performances, except when persons enter and leave by the main entrance of the facility or to the outdoor dining area. 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 that provides, in part, that the sound shall be limited to no more than depicted below for the specified time periods. In determining the project's compliance with the Community Noise Control Ordinance (Chapter 10.26 of the City of Newport Beach Municipal Code), each of the noise level standards specified in Section 10.26.025 and Section 10.26.030 shall be reduced by 5 dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulsive noise such as hammering or riveting.

	Between the hours of 7:00 a.m. and 10:00 p.m.	Between the hours of 10:00 p.m. and 7:00 a.m.
Measured at the property line of Commercially zoned property:	65 dBA	60 dBA
Measured at the property line of Residentially zoned property:	60 dBA	50 dBA

27. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the live entertainment to insure compliance with these conditions, if required by the Planning Director.
28. The approval is for the establishment of outdoor dining for an existing full service restaurant facilities as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale and service of alcoholic beverages incidental to the food use during the specified restaurant hours of operation.
29. The area of the outdoor dining shall be delineated with a minimum 6 foot high physical barriers designed, installed and maintained around the patio area to insure compliance with the Community Noise Control Ordinance (Chapter 10.26 of the Newport Beach Municipal Code).
30. Dancing shall be prohibited as a part of the regular operation, unless an amendment to this use permit, any previous use permits, and outdoor dining permits, and other required application is first approved in accordance with the provisions of the Municipal Code.
31. The project shall comply with State Disabled Access requirements.
32. All improvements shall be constructed as required by Newport Beach City Ordinance and the Public Works Department.
33. The Off-Site parking agreement shall be reviewed and approved by the Traffic Engineer prior to the issuance of the occupancy permit or implementation of the outdoor dining.



34. The Planning Commission may add to or modify conditions of approval to this Use Permit or Outdoor Dining Permits or recommend to the City Council the revocation of this Use Permit or Outdoor Dining Permits, upon a determination that the operation which is the subject of this Use Permit or Outdoor Dining Permits, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
35. This Use Permit and Outdoor Dining Permits shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code.

**Outdoor Dining Permit No. 68  
2801 West Coast Highway, and  
Off-Site Parking Agreement**

Findings

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designates the site for "Recreation and Marine Commercial" uses and the existing restaurant is a permitted use within this designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
3. The approval of Accessory Outdoor Dining Permit No. 68 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 would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, for the following reasons:
  - The proposed outdoor dining is consistent with the Land Use Element of the General Plan, and is compatible with the surrounding land uses.
  - The existing on-site and off-site parking, and circulation system, is adequate to accommodate the proposed exterior dining areas.
  - That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.
  - There is an additional secondary off-site lot under the same ownership located at 2620 Avon Street that is available for parking both day and night.
  - The addition of the outdoor dining to the subject property is subject to all the findings and conditions of approval of the respective Use Permit No. 2051 and Use Permit No. 2051

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- Amended, and not an independent use.
  - The limited hours of the outdoor dining areas should prevent noise from adversely impacting the residential uses across the bay.
  - The proposed accessory outdoor dining expansion will not be located so as to result in a reduction of existing parking spaces because there is adequate replacement parking available in the off-site lot located at 2620 Avon Street.
  - 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.
  - The control of noise can be achieved by the limitation on the hours of operation and compliance with the provisions of the Municipal Code, Community Noise Ordinance.
  - The proposal will not add a new liquor license to an over-concentrated area, providing only for the operational change of an existing restaurant with an existing alcoholic beverage license.
  - The off-site parking lot located at 2700 West Coast Highway is currently being used to meet the parking requirement of the restaurant facility and the proposed off-site lot at 2620 Avon Street, are located so as to be useful in conjunction with the existing restaurant uses.
  - Parking on the off-site lot located at 2620 Avon Street will not create undue traffic hazards in the surrounding area.
  - The off-site parking lot on Avon Street is owned by the same owner as the restaurant sites and will be maintained as an off-site parking lot for the duration of the restaurant use.
  - A condition of approval is included, requiring the provision of 24 parking spaces in the lot located at 2620 Avon Street and an off-site parking agreement will be recorded in the County Recorder's Office.
  - A fee for the administrative costs of processing the off-site parking agreement with County Recorder's Office will be paid.
  - 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.
  - Public improvements may be required of a developer per Section 20.91.040 of the Municipal Code.

Conditions:

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The accessory outdoor dining for the restaurant located at 2801 West Coast Highway shall be used in conjunction with the related adjacent food



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- establishment and shall be limited to 768 sq. ft. maximum of dining area.
3. The area outside of the food establishment shall be maintained in a clean and orderly manner.
  4. No live entertainment is permitted in the outdoor dining area.
  5. The outdoor dining area associated with the restaurant uses shall be limited to the area as delineated on the approved site plan only.
  6. A minimum of fifty (50) parking spaces shall be maintained in the off-site lot located at 2700 West Coast Highway.
  7. A minimum of twenty-four (24) parking spaces shall be maintained in the off-site lot located at 2620 Avon Street.
  8. In the event that the either property located at 2751 West Coast Highway or 2801 West Coast Highway becomes under separate ownership, an easement or lot line adjustment to permit the outdoor dining for 2801 West Coast Highway to be located partially on 2751 West Coast Highway be approved, or that portion of the outdoor dining area that crosses the property line shall be removed.
  9. The owner or owners and the City shall execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on such lots for the duration of the proposed use or uses on the building site or sites. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the County Recorder.
  10. A fee shall be paid for the administrative costs of processing the off-site parking agreement.
  11. The revised on-site parking plan and the parking plan for the off-site lots located at 2700 West Coast Highway and 2620 Avon Street, and the vehicular circulation and pedestrian circulation systems shall be subject to further review by the City Traffic Engineer to approve the new parking configuration and compliance with the previously approved use permit if any alterations are made to the off-site lot.
  12. All trash shall be stored within the building or within dumpsters stored in the trash enclosure, or otherwise screened from the view of neighboring properties except when placed for pick-up by refuse collection agencies. That the trash dumpsters shall be fully enclosed and the top shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.

13. The applicant shall maintain the trash dumpsters or receptacles so as to control odors, which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department.
14. Storage outside of the building shall be prohibited, with the exception of the required trash container enclosure and existing storage structures.
15. 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. The use of solid, permanent roof coverings or patio covers shall be prohibited.
16. Alcoholic beverage service shall be prohibited in the outdoor dining areas, unless the approval of the Police Department and the Alcoholic Beverage Control Board are first obtained. 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.
17. All applicable conditions of approval of Use Permit No. 2051 and Use Permit No. 2051 Amended shall remain in force (copy attached).
18. The hours of operation of the outdoor dining area for the restaurant is limited to between the hours of 5:00 p.m. to 10:00 p.m., Monday through Thursday, including private parties and recognized holidays; and 5:00 p.m. to midnight, Friday and Saturday; including private parties and recognized holidays; and 10:00 a.m. to 10:00 p.m. on Sundays, and that any increase in the hours of operation shall be subject to the approval of an amendment to Use Permit No. 2051 and Use Permit No. 2051 Amended.
19. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to 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.
20. The patio shall be closed for the evening upon verification of non-compliance with any conditions of this Outdoor Dining Permit No. 68, and, if the patio is not closed, the matter shall be referred to the Planning Department for action on the Use Permit and/or Outdoor Dining Permits.
21. The project shall be designed to eliminate light and glare onto adjacent properties or uses, including minimizing the number of light sources. The plans shall be prepared and signed by a licensed Electrical Engineer acceptable to the City. Prior to the issuance of any building permit the applicant shall provide to the Planning Department, in conjunction with the



lighting system plan, lighting fixture product types and technical specifications, including photometric information, to determine the extent of light spillage or glare which can be anticipated. This information shall be made a part of the building set of plans for issuance of the building permit. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.

- 22. Should problems arise with regard to tables, chairs or stools encroaching into the public right-of-way, private property pedestrian access or walkways, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating.
- 23. 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.
- 36. 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 that provides, in part, that the sound shall be limited to no more than depicted below for the specified time periods. In determining the project's compliance with the Community Noise Control Ordinance (Chapter 10.26 of the City of Newport Beach Municipal Code), each of the noise level standards specified in Section 10.26.025 and Section 10.26.030 shall be reduced by 5 dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulsive noise such as hammering or riveting.

	<u>Between the hours of 7:00 a.m. and 10:00 p.m.</u>	<u>Between the hours of 10:00 p.m. and 7:00 a.m.</u>
Measured at the property line of commercially zoned property:	65 dBA	60 dBA
Measured at the property line of residentially zoned property:	60 dBA	50 dBA

- 27. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the live entertainment to insure compliance with these conditions, if required by the Planning Director.
- 28. The approval is for the establishment of outdoor dining for an existing full service restaurant facilities as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale

and service of alcoholic beverages incidental to the food use during the specified restaurant hours of operation.

29. The area of the outdoor dining shall be delineated with a minimum 6 foot high physical barriers designed, installed and maintained around the patio area to insure compliance with the Community Noise Control Ordinance (Chapter 10.26 of the Newport Beach Municipal Code).
30. Dancing shall be prohibited as a part of the regular operation, unless an amendment to this use permit, any previous use permits, and outdoor dining permits, and other required application is first approved in accordance with the provisions of the Municipal Code.
31. The project shall comply with State Disabled Access requirements.
32. All improvements shall be constructed as required by Newport Beach Ordinance and the Public Works Department.
33. The Off-Site parking agreement shall be reviewed and approved by the Traffic Engineer prior to issuance of the occupancy permit or implementation of the outdoor dining.
33. The project requires the approval of the Coastal Commission prior to the issuance of building permits or implementation of the outdoor dining use.
34. The Planning Commission may add to or modify conditions of approval to this Outdoor Dining Permit or recommend to the City Council the revocation of this Outdoor Dining Permit No. 68, upon a determination that the operation which is the subject of this Outdoor Dining Permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
35. This Outdoor Dining Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code.

**SUBJECT:**                    **Revocation Hearing for Use Permit 3626 (Buzz)  
3450 Via Oporto  
Use Permit No. 3626  
(continued from October 5, 2000)**

**Item No. 3  
Use Permit No. 3678**

**Approved**

Consider whether to revoke Use Permit 3626 (Buzz) on grounds that the approval was based on erroneous or misleading information or misrepresentation and that there are violations of the terms or conditions of the



**City of Newport Beach  
 Planning Commission Minutes  
 November 9, 2000**

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<p><b>SUBJECT:</b>                    <b>Koll Office Site B GPA and PC Amendment          MacArthur Boulevard/Jamboree Road</b></p> <p>Review of a General Plan Amendment and Planned Community Amendment to allow an additional 250,000 gross square feet of office use within Office Site B of the Koll Center Newport (KCN) Planned Community. The amendments will provide for the construction of a ten-story office tower.</p> <p>The applicant requested a continuance to December 7, 2000.</p> <p><b>Motion</b> was made by Commissioner Agajanian to continue this item to December 7, 2000</p> <p>    Ayes:     McDaniel, Kiser, Agajanian, Selich, Gifford, Kranzley          Noes:     None          Absent:   Tucker</p> <p style="text-align: center;">* * *</p>	<p><b>Item No. 1          GPA 97-3 (B), Zoning          Amendment 905,          Traffic Study No. 119,          and EIR No. 158</b></p> <p><b>Continued to          12/07/00</b></p>
<p><b>SUBJECT:</b>                    <b>Billy's at the Beach and The Charthouse Restaurant          2751 West Coast Highway and 2801 West Coast Highway</b></p> <p>    • <b>Use Permit No. 3674, Off-site Parking Agreement,          Accessory Outdoor Dining Permit Nos. 67 and 68</b></p> <p>Request to add accessory outdoor dining to two existing full service restaurants, a 768 sq. ft. outdoor dining area for the existing Chart House Restaurant and a 515 sq. ft. outdoor dining area with a 220 square foot service area, for the existing Billy's At The Beach restaurant. A use permit is required for Billy's At The Beach because the proposed area of the outdoor dining area will exceed the permitted 25% of the net public area of the interior of the restaurant. The proposal includes a request to approve an off-site parking agreement for one additional required parking space for the dining area and for the elimination of one on-site parking space and relocation to the off-site lot.</p> <p>Associate Planner Eugenia Garcia noted that in the staff report Condition 33 requiring the approval of the Coast Commission if this project were approved, is not necessary and is to be removed. This project is not subject to approval by the Coastal Commission. She then made a visual presentation noting the following:</p> <ul style="list-style-type: none"> <li>• Location of project in multi tenant building.</li> <li>• Chart House has a significant amount of office use.</li> <li>• Proposal is for outdoor dining for both establishments.</li> <li>• Billy's at the Beach is for 515 square feet approximate and the Chart House is for 168 square feet approximate.</li> <li>• Chart House meets requirement under the Outdoor Dining Ordinance</li> </ul>	<p><b>Item No. 2          Use Permit No. 3674          Off Site Parking          Agreement          Accessory Outdoor          Dining Permit Nos. 67          and 68</b></p> <p><b>Approved</b></p>

- as less than 25% of the indoor net public area of the restaurant.
- Billy's at the Beach exceeds that by 92 square feet for a total of 515 square feet.
- Use Permit is required for that area over 25% for Billy's.
- An Off-site parking agreement is in existence for an off site lot at 2700 West Coast Highway.
- An additional lot at 2620 Avon Street is also part of the proposed project.
- Slides then depicted:
  - entrance to Billy's
  - area between the two restaurants where there are currently seven parking spaces that will be reconfigured
  - bayside views of outdoor dining to be located for both facilities
  - front of Billy's on the bay with public access easement provided
  - access easement from Coast Highway to both establishments
  - additional public access to bay provided (not required)
  - off site parking behind Seven Seas Travel and Radio Shack where the project owner leases fifty parking spaces under a long-term lease
- Leased parking spaces are for nighttime use only.
- Off site parking lot at 2620 Avon Street (in close proximity) for additional parking spaces to be provided by applicant.

Continuing, Ms Garcia noted that the following findings must be made in approving this application:

- Proposed outdoor dining is accessory to restaurant uses.
- Proposed outdoor dining is not detrimental to health, safety, peace, comfort and general welfare of the community.
- Proposed outdoor dining will not result in the reduction of the existing parking spaces.
- Find that the lot is located so as to be useful in connection with the restaurants and the office uses.
- Parking on the off site lot will not create undue traffic hazards in the area.
- The lots are under the same ownership or the owners of the lots have a common ownership with entitlement for immediate possession and use.
- The offsite parking agreement shall be recorded with the Office of the County Recorder.
- Fee established by the City Council is paid for administrative costs.
- Pursuant to Bayfront Restaurant Regulations an acoustical study is required and is supplied by the applicant.
- Recommendations of the Acoustical Engineer have been incorporated into the conditions of approval.

At Commission inquiry, Ms. Garcia noted that the Acoustical Engineer did sound testing from across the Bay and took measurements. These have been incorporated as part of the report. The conditions also require no paging or



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amplified music. Speakers are permitted with pre-recorded music.

Chairperson Selich asked about the additional parking for Billy's on the Beach, the additional outdoor dining requires the three extra spaces, is that correct? Staff answered yes.

Commissioner Kranzley noted, and it was affirmed, that the only reason this project is before the Planning Commission is because they are asking for the additional square footage. Otherwise, it would be done through an Accessory Outdoor Dining Permit and would not require a Use Permit.

Public comment was opened.

Gordon Barienbrock, 3000 West Oceanfront noted he owns the land at 2801 and 2751 West Coast Highway. Additionally, he owns the land at 2620 Avon that is the additional parking lot being discussed. He noted parking is a concern with this project because we have increased by 92 square feet the outdoor area and we have eliminated three parking spaces. The net affect on parking is negative five spaces and is only a problem during the daytime use. During the day, we have only one restaurant operating, Billy's at the Beach. During the nighttime I am leasing 50 spaces across the street. Those fifty spaces give me a total of 135, that is 12 more than currently needed and 7 more spaces I will need if the proposal is approved. However, during the daytime, we are operating Billy's for lunch on a waiver of 34 parking spaces. The reason the waiver was granted was that during the daytime the crowds are much less than at night; some people during the daytime walk to lunch; parking lot is shared with an office building that is somewhat empty (about 25%) when the workers leave for lunch. A parking attendant during the day provides tandem parking and we can easily add 25 cars to the lot. We have been serving lunch for some time with no problem on the waiver. Now, we will have 5 spaces less. I would like to continue with the waiver and not tie up the property at 2620 Avon with parking agreements. However, I would stipulate that the property at 2620 Avon would only be used as a parking lot for these two buildings. I would agree to make that a condition of the Use Permit. If we put recorded agreements on it, that has lasting affects and for five parking spaces for two hours a day, I hate to tie up an entire lot and never be able to do anything with it. We would agree easily that we would not serve lunch at Billy's if for any reason, anything happens to that parking lot. I have no intention of selling or developing the parking lot, but I would like to keep it as unencumbered as possible. For the last eighteen years, I have been leasing 50 parking spaces across the street. Most of our parking is on site. We have more parking on site than any other restaurant along there with the exception of Windows on the Bay and Asia 101. We have 85 spaces on site, 25 additional cars that can be placed in there with tandem parking. We park some employee cars across the street, roughly 20 a day. We have 30 spaces left for use. In the event that you feel an off-site agreement is necessary, I would go along with it and I would devote the lot at 2620 Avon entirely to this project that could have 26 spaces

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on it. I would then be completely independent of other property owners.

Commissioner Kranzley asked how important the outdoor speakers are?

Mr. Barienbrock answered that he would like to have some background music. The reasons for the outdoor seating are for smoking and a place for customers to wait for their tables. Billy's would like to do business outdoors during the lunchtime, as it is more desirable. People like to dine with background music. It is not our intention to have any entertainment. Both of the establishments are dinner houses and cater to an older crowd that is fairly conservative and reside in Newport Beach. At Commission inquiry, he noted that the net change in dining seating is 24 for Billy's and a little more for the Chart House. Billy's has a service bar available for customers only, not open to the public. The total increased parking is two parking spaces. We are losing three parking spaces because we are using the parking area, which nets five. This is not a problem in the evening because we have 12 spaces more than necessary but at lunch, we are currently operating under a waiver. We average about twelve cars at lunch and have at least twelve cars left from the office building. There is parking on the other side of Coast Highway and today there was not one car parked between Chili's and the Japanese hotel. That means 20-30 parking spaces were empty. Parking is not a major problem. We have been sharing the parking between the offices and the restaurant for years with no problems. We have parking attendant service from 8 in the morning until midnight with the ability to provide tandem parking if necessary.

Commissioner Kiser asked if the parking attendant is for the two restaurants combined.

Mr. Barienbrock answered that he has a parking service and it depends on the need. They have worked out what times to work. We would bring in two during the lunch hour if business calls for it. We have never used valets to park customer cars in the off site parking lots including evenings and weekends.

Commissioner Kiser then asked about the proposal for the lots. Are you proposing to terminate your lease on the 50 spaces and have your sole off site parking be on the lot that you own?

Mr. Barienbrock answered that is not part of this request. If you want an off site parking agreement to cover the five parking spaces, I would grant that with no problem if they could also be incorporated in those other fifty spaces. I don't want to tie up that parking lot for five parking spaces an hour and a half a day.

Commissioner Kranzley asked why this dining area was important enough to come to the Planning Commission and was answered that they had to come before the Planning Commission due to moving parking spaces. If it were just the 92 feet, we would not have done it. The space is that big and we could either use it as seating area or additional garden. The restaurants are trying to



get as much area as they can. Billy's is a very small restaurant. He is trying to make the most of it. We anticipate that the outdoor area will be used in fair weather. During the cold weather, people will move inside. We don't think both areas will be full at the same time.

Commissioner Kiser asked about Condition 6, the outdoor speakers ceasing at 10:00 p.m. Sunday through Thursday and either 11 p.m. or midnight Friday or Saturday.

Mr. Barienbrock answered he would have no problem shutting them off at 10:00 p.m. all nights. However, he would like to make the decision. He concluded that there will be no noise on Lido Isle, if anybody can hear any of the noise from the restaurants, we will change it so they can't. The background music will be low. The operator of the restaurant is here tonight and can answer any of your concerns regarding the operation and noise.

Public comment was opened.

Martin Weinberg, 100 Via Lido Nord, spoke in opposition to this application. He asked about the notification process for this item, noting that there would be a substantial showing of people who have an interest on the outcome of this application who live on Lido Isle. Whatever happens to Billy's in that area has an impact on people who live on Nord and Soud as well. It seems unnecessary to have outside speakers along with the doors continually opening for waitress purposes that will also create a lot of noise. Noise travels across the water, we had this same issue with Windows on the Bay and Joe's Crab Shack. If Billy's and the Chart House are granted this application, any waterfront restaurateur will ask for this as well. The noise will be a real problem to the people who live on the water.

Ms. Temple noted that when the City Council reviewed specifically notification requirements addressing the separation of the properties by water and/or roads it was amended to require that the City delete the distance of the channels and roadways when determining a 300-foot radius requirement. There is no simple requirement for everybody on Via Lido Nord or Via Lido Soud to be notified. It is anyone within a 300-foot radius, given the omission of the water. This map illustrates for the Commission, the radius that received notice. (presented copy of mailout map to Commission).

Chairperson Selich stated that we did follow the City Council procedure in terms of notification.

Commissioner Kranzley asked the speaker if it is his wish that no bayfront restaurant would have outdoor dining? He was answered yes, no outdoor dining.

Commissioner Kiser asked if there has been a restaurant in the approximate

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location of Billy's that had outdoor dining?

Mr. Weinberg answered Joe's Crab Shack. They put in triple windowpane and closed their windows. We do not hear any music from other restaurants on the waterfront. Our house is opposite of Billy's and just to the left.

Richard Wood, 117 Via Lido Soud noted that in this area, our property values are very strong. I am much more concerned about empty restaurants such as Windows on the Bay and the Cannery, places like that affecting our property values. Secondly, I am a newcomer to Lido, been there for four and one half years, I live around the corner. I want to respect anyone's desire to not have noise especially late at night affecting their homes and lives. In the time that I have lived there, the noise we have is from ambulances, boats and traffic. I don't hear a lot of noise coming from the restaurants. From what I have seen in this staff report, they are not proposing to have live music outdoors or a lot of things happening outdoors or late at night. I would like to see calm minds prevail here, and see that we protect our businesses in the neighborhood and in Newport Beach as well as protect our neighborhoods.

Bill Kreg, owner of Billy's at the Beach restaurant; 601 Lido Park Drive stated that he would be one of the people who would have a problem if the property devaluated due to restaurant noise that was so loud that no one would want to live in that area. I can assure you that we have no intention to have loud music, loud customers or anything else that would be disruptive to our diners. The main reason I want the patio open is because I think people should have a chance to dine on the bay, relax and enjoy the scenery. There are five restaurants in Lido Village, notable Mama Mia's, George's Camelot, Bayfront Café and Les Bistro that all have outdoor dining and they don't seem to be disturbing anybody. There will be no noise carrying across the water.

Alice Brewer, 222 Via Lido Nord noted that since the Windows patio has been closed, there is peace and tranquillity in my home. There was quite a bit of noise that disturbed us. My concern is having the speakers on the patio because that sound does carry.

Ms. Temple noted that the only outdoor area that has permission for live entertainment in an outdoor dining area is the Buzz.

Lynn Valesko, 310 Via Lido Nord noted that there is a lot of noise that emanated from the Balboa Bay Club. The noise is terrible during the summer when the boats cruise our bay. I don't believe that we need any more loudspeakers or music blasting across the bay and disturbing the residents in their homes.

Gordon Barienbrock noted that this project is not across the bay from Lido Isle. If you go out 90 degrees to our bulkhead, you have to turn 45 degrees to get to Lido isle. The Billy's building itself will block most of the noise that might be going



in that direction. It is a lot different from Windows on the Bay, which is directly across on a narrow part of the bay. It is very different than Joe's Crab Shack that is directly across. Joe's has the building behind it; the noise has no direction to go except across the water. Our noise is going to go in two different directions. It is not like we have a resonating wall behind us that is amplifying the noise. Additionally, the bay is much wider than it is in front of Joe's Crab Shack.

Public comment was closed.

Chairperson Selich noted his recollection that several years ago there was a committee formed to establish procedures for noise on the outdoor dining areas. There was a policy adopted on that, is that correct?

Ms. Wood answered that the City Council asked both the Economic Development Committee and the Environmental Quality Affairs Committee to look at perhaps developing some standard conditions of approval to address these issues. Each of those committees appointed a sub-committee and they worked jointly. We retained a noise engineer to review our Noise Ordinance and the specifics of the issues we were dealing with, had some recommendations from him that we really couldn't establish standard conditions of approval. Each case would be different because of its location, geographic and topographic conditions. It was recommended that what we needed to do was to have an Acoustical Study done for each one of these applications on the bayfront. The City Council did adopt those regulations and that is what we have asked the applicant to comply with in this case. We have the report from Mestre Greve and Associates.

Chairperson Selich stated that the applicant has complied and the staff went through the study in accordance with the City Council policy. The City Council did not ban outdoor dining on the bayfront?

Ms. Wood answered no; the City Council did not ban outdoor dining on the bayfront.

Commissioner Kranzley noted his support of the application with the following changes:

- No additional 92 square feet of outdoor dining; keep it within the 25% net public area limitation.
- Adding a condition requiring a reduction of 5 decibels for certain noises that are particularly troublesome: whines, screeches, hums and noise consistent primarily with speech and music.
- No outdoor speakers. However, they can come back in a year for this to be considered.
- A signed Parking Agreement on the Avon lot and then however we need to manage the parking spaces with the lease that he has.



Senior Planner Patrick Alford noted that the condition is from the Newport Dunes application. It refers to Chapter 10.26 of the Municipal Code that establishes a number of noise thresholds for different types of land uses for different times during the day. Essentially if the noise source falls within one of these categories, then you would take those thresholds, reduce them by 5 decibels and that would be the standard that would apply.

Chairperson Selich asked if this was enforced at the time someone is out measuring the noise? Is it an enforcement item basically? He was answered yes.

Commissioner McDaniel noted that this is not big waterfront, this is dining between those buildings. The noise that is carrying already is cars screeching, slamming doors etc. in that area.

Ms. Garcia added that the outdoor dining is between the two buildings and set back from the Chart House. That is an inlet where boats are docked and that also buffers noise somewhat.

Commissioner Agajanian noted that Condition 22 states should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining. How is the Planning Department going to exercise that right?

Ms. Garcia answered that it would be by complaints by the public to our Code Enforcement Division. The Planning Director would make any decisions. It could also be brought back to the Planning Commission if the Director felt it was necessary. There is a condition included in the staff report that requires additional studies if this does become a problem.

Commissioner Gifford stated she wanted to be sure about the interaction of Condition 22 that states should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating and with respect to Condition 36 that is a standard condition that the Planning Commission can add to or modify the conditions of approval. The standard language states that upon determination that the operation which is the subject of this use permit or out door dining causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community. With respect to noise, would there have to have been a determination by the Planning Director before the Planning Commission could call it up?

Ms. Temple answered that wording would allow either the Planning Director or the Commission to make such a determination.

Commissioner Kiser stated he did not see valet parking requirements in the

conditions. Did I miss that?

Ms. Garcia answered that the valet parking was approved with a prior use permit and those conditions still stand as previously approved.

**Motion** was made by Commissioner Kranzley to approve Use Permit No. 3674, Off-site Parking Agreement, Accessory Outdoor Dining Permit Nos. 67 and 68 subject to findings and conditions in Exhibit A with the following changes: Condition 2 shall be 425 square feet not 515 square feet; Condition 4 shall read no outside paging system shall be permitted; Condition 6 is to be eliminated; Condition 27 insert the additional noise levels; and eliminate Condition 33.

Commissioner Gifford added that with respect to Condition 4 and the suggested change I am not sure that excludes outdoor speakers. If that is the intent. The wording of, and speaker can be inserted.

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

EXHIBIT "A"  
FINDINGS AND CONDITIONS OF APPROVAL FOR  
**Use Permit No. 3674**  
**Outdoor Dining Permit No. 67**  
**Outdoor Dining Permit No. 68**  
**Off-Site Parking Agreement**

Use Permit No. 3674 and Outdoor Dining Permit No. 67  
2751 West Coast Highway

Findings:

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designates the site for "Recreation and Marine Commercial" uses and the existing restaurant is a permitted use within this designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
3. The approval of Use Permit No. 3674, Accessory Outdoor Dining Permit No. 67, and Off-Site Parking Agreement, will not, under the circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and



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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 would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, for the following reasons:

- The proposed outdoor dining is consistent with the Land Use Element of the General Plan, and is compatible with the surrounding land uses.
- The existing on-site and off-site parking, and circulation system, is adequate to accommodate the proposed exterior dining areas.
- That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.
- The proposed accessory outdoor dining expansion will not be located so as to result in a reduction of existing parking spaces because there is adequate replacement parking available in the off-site lot located at 2620 Avon Street.
- There is an additional secondary off-site lot under the same ownership, located at 2620 Avon Street that is available for parking both day and night.
- The addition of the outdoor dining to the subject property is subject to all the findings and conditions of approval of previous Use Permit No. 3328 and Use Permit No. 3328 Amended, and not an independent use.
- The limited hours of the outdoor dining areas should prevent noise from adversely impacting the residential uses across the bay.
- 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.
- The control of noise can be achieved by the limitation on the location of the live entertainment and compliance with the provisions of the Municipal Code, Community Noise Ordinance.
- The proposal will not add a new liquor license to an over-concentrated area, providing only for the operational change of an existing restaurant with an existing alcoholic beverage license.
- The off-site parking lot located at 2700 West Coast Highway is currently being used to meet the parking requirement of the restaurant facility and the proposed off-site lot at 2620 Avon Street, are located so as to be useful in conjunction with the existing restaurant uses.
- Parking on the off-site lot located at 2620 Avon Street will not create undue traffic hazards in the surrounding area.
- The off-site parking lot on Avon Street is owned by the same owner as the restaurant sites and will be maintained as an off-site parking lot for the duration of the restaurant use.
- A condition of approval is included, requiring the provision of 24 parking spaces in the lot located at 2620 Avon Street and an off-

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site parking agreement will be recorded in the County Recorder's Office.

- A fee for the administrative costs of processing the off-site parking agreement with County Recorder's Office will be paid.
- 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.
- Public improvements may be required of a developer per Section 20.91.040 of the Municipal Code.

Conditions:

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The accessory outdoor dining for the restaurant located at 2751 West Coast Highway shall be used in conjunction with the related adjacent food establishment and shall be limited to 425 sq. ft. maximum of dining area and 220 sq. ft. of service areas.
3. The area outside of the food establishment shall be maintained in a clean and orderly manner.
4. No outside paging or speaker system shall be permitted.
5. No live entertainment is permitted in the outdoor dining area.
6. The outdoor dining area associated with the restaurant uses shall be limited to the area as delineated on the approved site plan only.
7. A minimum of fifty (50) parking spaces shall be maintained in the off-site lot located at 2700 West Coast Highway.
8. A minimum of twenty-four (24) parking spaces shall be maintained in the off-site lot located at 2620 Avon Street.
9. In the event that either property located at 2751 West Coast Highway or 2801 West Coast Highway becomes under separate ownership, an easement or lot line adjustment to permit the outdoor dining for 2801 West Coast Highway to be located partially on 2751 West Coast Highway shall be approved, or that portion of the outdoor dining area that crosses the property line shall be removed.
10. The owner or owners and the City shall execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on such lots for the



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duration of the proposed use or uses on the building site or sites. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the County Recorder.

11. A fee as shall be paid for the administrative costs of processing the off-site parking agreement.
12. The revised on-site parking plan and the parking plan for the off-site lots located at 2700 West Coast Highway and 2620 Avon Street, and the vehicular circulation and pedestrian circulation systems shall be subject to further review by the City Traffic Engineer to approve the new parking configuration and compliance with the previously approved use permit if any alterations are made to the off-site lot.
13. All trash shall be stored within the building or within dumpsters stored in the trash enclosure, or otherwise screened from the view of neighboring properties except when placed for pick-up by refuse collection agencies. That the trash dumpsters shall be fully enclosed and the top shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.
14. The applicant shall maintain the trash dumpsters or receptacles so as to control odors, which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department.
15. Storage outside of the building shall be prohibited, with the exception of the required trash container enclosure and existing storage structures.
16. 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. The use of solid, permanent roof coverings or patio covers shall be prohibited.
17. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code.
18. Alcoholic beverage service shall be prohibited in the outdoor dining areas, unless the approval of the Police Department and the Alcoholic Beverage Control Board are first obtained. 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.
19. All applicable conditions of approval of Use Permit No. 3328 Amended shall remain in force (copy attached).

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20. The hours of operation of the outdoor dining area are limited to between the hours of 11:00 a.m. to 10:00 p.m., Sunday through Thursday, and 11:00 a.m. to midnight, Friday and Saturday; and that any increase in the hours of operation shall be subject to the approval of an amendment to this application.
  21. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to 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.
  22. The project shall be designed to eliminate light and glare onto adjacent properties or uses, including minimizing the number of light sources. The plans shall be prepared and signed by a licensed Electrical Engineer acceptable to the City. Prior to the issuance of any building permit the applicant shall provide to the Planning Department, in conjunction with the lighting system plan, lighting fixture product types and technical specifications, including photometric information, to determine the extent of light spillage or glare which can be anticipated. This information shall be made a part of the building set of plans for issuance of the building permit. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.
  23. The patio shall be closed for the evening upon verification of non-compliance with any conditions of this Use Permit or Outdoor Dining Permit and, if the patio is not closed, the matter shall be referred to the Planning Department for action on the Use Permit and/or Outdoor Dining Permit.
  24. Should problems arise with regard to tables, chairs or stools encroaching into the public right-of-way, private property pedestrian access or walkways, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating.
  25. 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.
  26. The live entertainment shall be confined to the interior of the restaurant and all doors and windows of the establishment shall remain closed during all performances, except when persons enter and leave by the main entrance of the facility or to the outdoor dining area. 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 that provides, in part, that the sound shall be limited to no more than depicted below for the specified time periods. In determining the project's compliance with the Community Noise Control Ordinance (Chapter 10.26 of the City of Newport Beach Municipal Code), each of the noise level standards specified in Section 10.26.025 and Section 10.26.030 shall be reduced by 5 dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulsive noise such as hammering or riveting.

	<u>Between the hours of 7:00 a.m. and 10:00 p.m.</u>	<u>Between the hours of 10:00 p.m. and 7:00 a.m.</u>
Measured at the property line of Commercially zoned property:	65 dBA	60 dBA
Measured at the property line of Residentially zoned property:	60 dBA	50 dBA

27. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the live entertainment to insure compliance with these conditions, if required by the Planning Director.
28. The approval is for the establishment of outdoor dining for an existing full service restaurant facilities as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale and service of alcoholic beverages incidental to the food use during the specified restaurant hours of operation.
29. The area of the outdoor dining shall be delineated with a minimum 6 foot high physical barriers designed, installed and maintained around the patio area to insure compliance with the Community Noise Control Ordinance (Chapter 10.26 of the Newport Beach Municipal Code).
30. Dancing shall be prohibited as a part of the regular operation, unless an amendment to this use permit, any previous use permits, and outdoor dining permits, and other required application is first approved in accordance with the provisions of the Municipal Code.
31. The project shall comply with State Disabled Access requirements.
32. All improvements shall be constructed as required by Newport Beach City Ordinance and the Public Works Department.
33. The Off-Site parking agreement shall be reviewed and approved by the Traffic Engineer prior to the issuance of the occupancy permit or implementation of the outdoor dining.



34. The Planning Commission may add to or modify conditions of approval to this Use Permit or Outdoor Dining Permits or recommend to the City Council the revocation of this Use Permit or Outdoor Dining Permits, upon a determination that the operation which is the subject of this Use Permit or Outdoor Dining Permits, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
35. This Use Permit and Outdoor Dining Permits shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code.

**Outdoor Dining Permit No. 68**  
2801 West Coast Highway, and  
Off-Site Parking Agreement

Findings

1. The Land Use Element of the General Plan and the Local Coastal Program Land Use Plan designates the site for "Recreation and Marine Commercial" uses and the existing restaurant is a permitted use within this designation.
2. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities).
3. The approval of Accessory Outdoor Dining Permit No. 68 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 would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, for the following reasons:
  - The proposed outdoor dining is consistent with the Land Use Element of the General Plan, and is compatible with the surrounding land uses.
  - The existing on-site and off-site parking, and circulation system, is adequate to accommodate the proposed exterior dining areas.
  - That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.
  - There is an additional secondary off-site lot under the same ownership located at 2620 Avon Street that is available for parking both day and night.
  - The addition of the outdoor dining to the subject property is subject to all the findings and conditions of approval of the respective Use Permit No. 2051 and Use Permit No. 2051

- Amended, and not an independent use.
- The limited hours of the outdoor dining areas should prevent noise from adversely impacting the residential uses across the bay.
- The proposed accessory outdoor dining expansion will not be located so as to result in a reduction of existing parking spaces because there is adequate replacement parking available in the off-site lot located at 2620 Avon Street.
- 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.
- The control of noise can be achieved by the limitation on the hours of operation and compliance with the provisions of the Municipal Code, Community Noise Ordinance.
- The proposal will not add a new liquor license to an over-concentrated area, providing only for the operational change of an existing restaurant with an existing alcoholic beverage license.
- The off-site parking lot located at 2700 West Coast Highway is currently being used to meet the parking requirement of the restaurant facility and the proposed off-site lot at 2620 Avon Street, are located so as to be useful in conjunction with the existing restaurant uses.
- Parking on the off-site lot located at 2620 Avon Street will not create undue traffic hazards in the surrounding area.
- The off-site parking lot on Avon Street is owned by the same owner as the restaurant sites and will be maintained as an off-site parking lot for the duration of the restaurant use.
- A condition of approval is included, requiring the provision of 24 parking spaces in the lot located at 2620 Avon Street and an off-site parking agreement will be recorded in the County Recorder's Office.
- A fee for the administrative costs of processing the off-site parking agreement with County Recorder's Office will be paid.
- 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.
- Public improvements may be required of a developer per Section 20.91.040 of the Municipal Code.

Conditions:

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. The accessory outdoor dining for the restaurant located at 2801 West Coast Highway shall be used in conjunction with the related adjacent food



- 
- establishment and shall be limited to 768 sq. ft. maximum of dining area.
3. The area outside of the food establishment shall be maintained in a clean and orderly manner.
  4. No live entertainment is permitted in the outdoor dining area.
  5. The outdoor dining area associated with the restaurant uses shall be limited to the area as delineated on the approved site plan only.
  6. A minimum of fifty (50) parking spaces shall be maintained in the off-site lot located at 2700 West Coast Highway.
  7. A minimum of twenty-four (24) parking spaces shall be maintained in the off-site lot located at 2620 Avon Street.
  8. In the event that the either property located at 2751 West Coast Highway or 2801 West Coast Highway becomes under separate ownership, an easement or lot line adjustment to permit the outdoor dining for 2801 West Coast Highway to be located partially on 2751 West Coast Highway be approved, or that portion of the outdoor dining area that crosses the property line shall be removed.
  9. The owner or owners and the City shall execute a written instrument or instruments, approved as to form and content by the City Attorney, providing for the maintenance of the required off-street parking on such lots for the duration of the proposed use or uses on the building site or sites. Should a change in use or additional use be proposed, the off-street parking regulations applicable at the time shall apply. Such instruments shall be recorded in the office of the County Recorder.
  10. A fee shall be paid for the administrative costs of processing the off-site parking agreement.
  11. The revised on-site parking plan and the parking plan for the off-site lots located at 2700 West Coast Highway and 2620 Avon Street, and the vehicular circulation and pedestrian circulation systems shall be subject to further review by the City Traffic Engineer to approve the new parking configuration and compliance with the previously approved use permit if any alterations are made to the off-site lot.
  12. All trash shall be stored within the building or within dumpsters stored in the trash enclosure, or otherwise screened from the view of neighboring properties except when placed for pick-up by refuse collection agencies. That the trash dumpsters shall be fully enclosed and the top shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.



13. The applicant shall maintain the trash dumpsters or receptacles so as to control odors, which may include the provision of fully self-contained dumpsters or may include periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department.
14. Storage outside of the building shall be prohibited, with the exception of the required trash container enclosure and existing storage structures.
15. 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. The use of solid, permanent roof coverings or patio covers shall be prohibited.
16. Alcoholic beverage service shall be prohibited in the outdoor dining areas, unless the approval of the Police Department and the Alcoholic Beverage Control Board are first obtained. 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.
17. All applicable conditions of approval of Use Permit No. 2051 and Use Permit No. 2051 Amended shall remain in force (copy attached).
18. The hours of operation of the outdoor dining area for the restaurant is limited to between the hours of 5:00 p.m. to 10:00 p.m., Monday through Thursday, including private parties and recognized holidays; and 5:00 p.m. to midnight, Friday and Saturday; including private parties and recognized holidays; and 10:00 a.m. to 10:00 p.m. on Sundays, and that any increase in the hours of operation shall be subject to the approval of an amendment to Use Permit No. 2051 and Use Permit No. 2051 Amended.
19. Should problems arise with regard to noise associated with the outdoor dining areas, the Planning Department reserves the right to 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.
20. The patio shall be closed for the evening upon verification of non-compliance with any conditions of this Outdoor Dining Permit No. 68, and, if the patio is not closed, the matter shall be referred to the Planning Department for action on the Use Permit and/or Outdoor Dining Permits.
21. The project shall be designed to eliminate light and glare onto adjacent properties or uses, including minimizing the number of light sources. The plans shall be prepared and signed by a licensed Electrical Engineer acceptable to the City. Prior to the issuance of any building permit the applicant shall provide to the Planning Department, in conjunction with the

lighting system plan, lighting fixture product types and technical specifications, including photometric information, to determine the extent of light spillage or glare which can be anticipated. This information shall be made a part of the building set of plans for issuance of the building permit. Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code Enforcement Division to confirm control of light and glare specified by this condition of approval.

- 22. Should problems arise with regard to tables, chairs or stools encroaching into the public right-of-way, private property pedestrian access or walkways, the Planning Department reserves the right to require the removal of all or a portion of the outdoor dining area seating.
- 23. 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.
- 36. 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 that provides, in part, that the sound shall be limited to no more than depicted below for the specified time periods. In determining the project's compliance with the Community Noise Control Ordinance (Chapter 10.26 of the City of Newport Beach Municipal Code), each of the noise level standards specified in Section 10.26.025 and Section 10.26.030 shall be reduced by 5 dBA for a simple tone noise such as a whine, screech, or hum, noise consisting primarily of speech or music, or for recurring impulsive noise such as hammering or riveting.

	<u>Between the hours of 7:00 a.m. and 10:00 p.m.</u>	<u>Between the hours of 10:00 p.m. and 7:00 a.m.</u>
Measured at the property line of commercially zoned property:	65 dBA	60 dBA
Measured at the property line of residentially zoned property:	60 dBA	50 dBA

- 27. The applicant shall retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the live entertainment to insure compliance with these conditions, if required by the Planning Director.
- 28. The approval is for the establishment of outdoor dining for an existing full service restaurant facilities as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale



and service of alcoholic beverages incidental to the food use during the specified restaurant hours of operation.

29. The area of the outdoor dining shall be delineated with a minimum 6 foot high physical barriers designed, installed and maintained around the patio area to insure compliance with the Community Noise Control Ordinance (Chapter 10.26 of the Newport Beach Municipal Code).
30. Dancing shall be prohibited as a part of the regular operation, unless an amendment to this use permit, any previous use permits, and outdoor dining permits, and other required application is first approved in accordance with the provisions of the Municipal Code.
31. The project shall comply with State Disabled Access requirements.
32. All improvements shall be constructed as required by Newport Beach Ordinance and the Public Works Department.
33. The Off-Site parking agreement shall be reviewed and approved by the Traffic Engineer prior to issuance of the occupancy permit or implementation of the outdoor dining.
33. The project requires the approval of the Coastal Commission prior to the issuance of building permits or implementation of the outdoor dining use.
34. The Planning Commission may add to or modify conditions of approval to this Outdoor Dining Permit or recommend to the City Council the revocation of this Outdoor Dining Permit No. 68, upon a determination that the operation which is the subject of this Outdoor Dining Permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
35. This Outdoor Dining Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code.

**SUBJECT: Revocation Hearing for Use Permit 3626 (Buzz)  
3450 Via Oporto  
Use Permit No. 3626  
(continued from October 5, 2000)**

**Item No. 3  
Use Permit No. 3678**

**Approved**

Consider whether to revoke Use Permit 3626 (Buzz) on grounds that the approval was based on erroneous or misleading information or misrepresentation and that there are violations of the terms or conditions of the



# **Attachment No. PD 4**

SA2014-015 (PA2014-112)



## 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](http://www.newportbeachca.gov)

## **COMMUNITY DEVELOPMENT DIRECTOR** **ACTION LETTER**

**Application No.**           **Staff Approval No. SA2014-015 (PA2014-112)**

**Applicant**                   **GP's Landing, LLC**

**Site Address**               **2801 W. Coast Highway**  
**The Ritz Staff Approval**

**Legal Description**       **A portion of Lot H of Tract 919**

On **December 3, 2014**, the Community Development Director approved Staff Approval No. SA2014-015. This approval is based on the following findings and subject to the following conditions.

### **PROJECT SUMMARY**

The applicant requests a determination of substantial conformance with Use Permit No. UP2051 and Outdoor Dining Permit No. OD68 authorizing a building remodel to accommodate a new restaurant tenant, The Ritz.

A 340-square-foot portion of the first level restaurant and 823-square-foot portion of the third level office area will be removed and converted to outdoor area. This floor area will then be added back at the first floor level to accommodate back-of-house area for the new restaurant tenant. The removal of office floor area reduces the overall parking requirement, allowing eight parking spaces to be removed at the first floor level to accommodate the additional floor area at the first level.

Additionally, the existing outdoor dining patio will be relocated adjacent to the building.

The existing 22,400-square-foot structure exceeds the 0.5 floor area ratio (FAR) of 14,099 square feet as approved under Use Permit No. UP2051.

### **ZONING DISTRICT/GENERAL PLAN**

- **Zone:** MU-W1 (Mixed-Use Water Related)
- **General Plan:** MU-W1 (Mixed-Use Water Related)

## **I. BACKGROUND**

On March 8, 1982, the City Council approved Use Permit No. UP2051 to construct the office building and restaurant (Chart House) at 2801 West Coast Highway in Mariner's Mile, which exceeds the basic height limit of 26 feet and exceeds the maximum allowed 0.5 FAR of the site. A modification was approved to allow the use of compact car spaces for a portion of the required off-street parking and to allow proposed parking spaces to encroach into the required front setback area. Valet service for the restaurant use, approval of an off-site parking agreement, acceptance of an environmental document, and a traffic study were approved.

On September 4, 1986, the Planning Commission approved an amendment to Use Permit No. UP2051 allowing the Chart House restaurant to open for brunch and private parties on Saturdays, Sundays, and recognized holidays. An amendment to the previous off-site parking agreement was also approved.

On January 5, 1989, the Planning Commission approved Use Permit No. UP3328, which permitted the establishment of a restaurant facility at 2751 West Coast Highway (Billy's). This property and the subject property have a shared parking lot as the two properties are owned in common. The approval included the use of a full time valet parking service in conjunction with the restaurant, the approval of an off-site parking agreement, which allows a portion of the required nighttime parking to be located in an off-site location at 2700 West Coast Highway, and the approval of a traffic study. At its meeting of March 13, 1989, the City Council approved the off-site parking agreement for the restaurant.

On June 8, 1995, the Planning Commission approved an amendment to Use Permit No. UP3328 at 2751 West Coast Highway to change the opening hour of operation of the restaurant to 11:00 a.m. daily, for lunch, instead of 5:00 p.m. At the time of approval, there were 9 excess parking spaces and the midweek daytime lunch operation required 43 parking spaces. The approval included a waiver of 34 of the required daytime parking spaces.

On November 9, 2000, the Planning Commission approved Outdoor Dining Permit No. OD67 and OD68 to allow the addition of a 515-square-foot outdoor dining patio at 2751 West Coast Highway (Billy's) and a 768-square-foot outdoor dining patio at 2801 West Coast Highway (Charthouse). These approvals carried over the conditions of approval requiring 24 off-site parking spaces at 2620 Avon street and 50 off-site parking spaces at 2700 West Coast Highway.

## **PROPOSED CHANGES**

The applicant proposes to renovate the existing restaurant to include, reconfiguring the restaurant tenant space, exterior alterations to the building façade, and the addition of a retractable awning that will extend over a relocated outdoor dining patio (Attachment CD 5).



A total of 1,158 square feet of gross floor at the first and third floor areas will be converted to outdoor deck and mechanical areas. This same amount of floor area will then be added back at the first floor level for back-of-house space to accommodate the new restaurant in the former Chart House tenant space. The overall gross floor area of the building will not exceed 22,400 square feet, consistent with the gross floor area authorized under UP2051.

### *Exterior Façade Alterations*

The renovation includes exterior alteration to the south and east facing facades of the building to accommodate the new outdoor floor area at the first and third floor levels. The new openings at the third floor level have been maximized to create an outdoor area that is fully open on one side while maintaining the architectural and structural integrity of the existing building. The first floor façade has been pulled back on the waterside to create a more open walkway and useable floor area for the restaurant. These areas must remain open and may not be reconverted into gross floor area.

### *Restaurant Reconfiguration*

The proposal includes the addition of 1,158 square feet of back-of-house floor area for the restaurant. The net public area, although reconfigured, will comply with the limitations of the Use Permit and will not exceed 3,190 square feet as shown in the attached proposed floor plans, and as limited by the conditions of approval. Thus, the restaurant itself will operate in substantial conformance with all applicable conditions of approval authorized under Use Permit No. UP2051 and its subsequent amendments. The existing hours of operation are as follows under these approvals:

#### Interior of Restaurant

5:00 p.m. to 2:00 a.m., Monday through Friday

10:00 a.m. to 2:00 a.m., Saturday, Sunday, and recognized holidays

#### Patio

5:00 p.m. to 10:00p.m., Monday through Thursday, including private parties and recognized holidays

5:00 p.m. to 12:00 midnight, Friday and Saturday

10:00 a.m. to 10:00 p.m., Sundays

### *Outdoor Dining Patio*

The outdoor dining patio, although re-located, will not exceed 768 square feet as shown by the proposed floor plans and as limited by the conditions of approval under Outdoor Dining Permit No. OD68. The placement of appropriate barriers are required between outdoor dining areas and parking, pedestrian, and vehicular circulation areas, will serve to define the areas, and will not constitute a permanent all-weather enclosure. The location and design of the outdoor dining area at the side of the building satisfies this requirement and will comply with the 10-ft bulkhead setback specified by the Zoning Code. Condition of Approval No. 15 of OD68 limits sunshade protection to non-solid roof structures or patio

covers. A new retractable awning will added over the new outdoor dining patio but will not constitute a permanent structure in order to maintain views between the buildings. The new retractable awning will architecturally complement the existing building exterior.

*Parking*

The addition of back-of-house floor area at the first floor level results in the loss of eight parking spaces for a total of 75 on-site parking spaces. A total of 50 off-site parking spaces at 2700 West Coast Highway and 24 off-site parking spaces at 2620 Avon Street continue to be provided consistent with the existing conditions of approval for the restaurant tenant. Table 1 shows the total parking available during the day and evening hours.

**Table 1. Available Parking**

	Proposed	Proposed
	Day	Evening
On-Site	75	75
Off-Site 2700 West Coast Highway	0	50
Off-Site 2620 Avon Street	24	24
Waived	34	0
<b>TOTAL</b>	<b>133</b>	<b>149</b>

With the reduction in office floor area at the third level, the parking requirement for the building is reduced. The addition of back-of-house floor area to the restaurant does not contribute to the overall parking requirement as parking for the restaurant is based on the size of the net public area, which is not increasing. A total of 131 required spaces are required in the day and 144 spaces are required at night. Table 2 summarizes the required parking following the proposed building modifications including the previous parking waiver.

**Table 2. Required Parking**

	Day	Evening
Office The Ritz	54	0
Office Billy's	13	0
The Ritz	0	80
Billy's	9	43
The Ritz Patio	0	0
Billy's Patio	3	3
Waived (Billy's)	34	0
Marina	18	18
<b>TOTAL</b>	<b>131</b>	<b>144</b>

Thus, sufficient on-site parking will continue to be provided with a surplus of two parking spaces in the day and five parking spaces at night.

## **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. 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. Building modifications will not increase the existing gross floor area. The total gross floor area will not exceed, 22,400 square feet, as authorized under Use Permit No. UP2051. The use of the building will continue to reserve tenant floor area above the 0.5 FAR limit for marine-related uses, as required under UP2051.
2. The proposed exterior square footage and façade changes will create new decks at the first and third floor level as open space without compromising the existing architecture or structural integrity of the building.
3. The subject restaurant and outdoor dining patio were established and approved in conjunction with Use Permit No. UP2051, its amendments, and Outdoor Dining Permit No. 68. The proposed changes are consistent with the applicable conditions of approval of the Use Permit and the Outdoor Dining Permit.
4. The proposed restaurant changes include interior reconfiguration and the addition of a new retractable awning, with no increase in net public area or outdoor dining patio area for the restaurant.
5. The modified outdoor dining patio will conform with the required 10-foot bulkhead setback and will not inhibit proper egress from the building.
6. Sufficient parking will continue to be available to serve all uses on-site. With the reduction in office floor area at the third level, the parking requirement for the building is reduced. The addition of back-of-house floor area to the restaurant does not contribute to the overall parking requirement as parking for the restaurant is based on the size of the net public area, which is not increasing.

### **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 building and restaurant and qualifies for a categorical exemption from CEQA under Class 1 (Existing Facilities). The Class 1 exemption includes interior and exterior alterations and the project does not result in an increase in the gross floor area 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. 2051, its subsequent amendment, or Outdoor Dining Permit No. 68.
2. The remodeled building will maintain a 22,400-square-foot gross floor area limit, as authorized under Use Permit No. UP2051. Floor area over the 0.5 FAR limit (8,682 sq. ft.) will be reserved for marine-related uses in conformance with Condition No. 43 of UP2051.
3. Consistent with Use Permit No. UP2051 and its subsequent amendment, the modified restaurant net public area will not exceed 3,190 square feet of net public area.
4. Consistent with Condition No. 2 of Outdoor Dining Permit No. OD68, the relocated outdoor dining patio will not exceed 768 square feet in area.
5. The relocation of the outdoor dining patio involves the addition of a new retractable awning. As required by Condition No. 15 of Outdoor Dining Permit No. OD68, the new retractable awning will not include any solid, permanent patio or support structures in order to maintain public views through the site to the bay.
6. The existing 6-foot wide pedestrian easements as required by Condition Nos. 14 and 15 of UP2051 will be maintained and the relocated of the outdoor dining patio will not interfere with the easements.
7. Off-site parking will be maintained as required under Condition Nos. 6 and 7 of Outdoor Dining Permit No. OD68. A total of 50 off-site parking spaces will remain

available at 2700 West Coast Highway and 24 spaces will remain available at 2620 Avon Street. The building modification reduces the office net floor area at the third floor level and results in a lower parking requirement. Eight on-site parking spaces will be removed on-site but sufficient parking will continue to be available for the uses.

Finding:

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

Facts in Support of Finding:

1. The existing building will maintain the existing uses authorized under Use Permit No. UP2051 and its subsequent amendments. The existing building will maintain office and marine-related uses at the second and third floor levels. A minimum of 8,682 square feet of gross floor area will be maintained for marine-related uses and the bottom floor of the building will be utilized for restaurant use.
2. The first floor remains a full-service restaurant with live entertainment and alcoholic beverage service as authorized by UP2051 (amended), 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 and City Council.
3. The new restaurant will comply with the hours of operation as authorized under UP2051, its subsequent amendments, and OD 68.
4. The new restaurant must obtain an Operator License prior to the issuance of building permits as the modifications result in a change in the occupancy, 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.

**DETERMINATION**

The proposed changes to the restaurant, building interior, and exterior facades are in substantial conformance with the current applicable approvals and the Zoning Code.

**CONDITIONS OF APPROVAL**

All previous findings and conditions of approval of Use Permit No. 2051, its amendments, and Outdoor Dining Permit No. 68 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. 2051, its subsequent amendment, and Outdoor Dining Permit No. 68 remain applicable.
3. The outdoor dining area shall be limited to 768 square feet devoted to dining as depicted in the approved plans and the interior net public area shall be limited to a maximum of 3,190 square feet as depicted in the attached approved plans.
4. The relocated outdoor dining patio shall maintain the required 10-ft bulkhead setback.
5. A building permit and operator license 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.
6. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. A building permit is required to allow the change in use to an eating and drinking establishment. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.
7. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
8. The removal of the stairway to the second floor level where the proposed outdoor dining patio is located shall comply with building egress requirements to the satisfaction of the Building Official.
9. The retractable awning structure that extends over the outdoor dining area shall not be changed or modified to create a full-weather enclosure.
10. A minimum of seventy five (75) parking spaces shall be provided on-site.
11. 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 Ritz Staff Approval including, but not limited to, Staff Approval No. SA2014-015 (PA2014-112). 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.

### Fire

1. The proposed fire pit installation and location must comply with the manufacturer's specifications, California Fire Code, and the California Mechanical Code with regard to horizontal and vertical clearances.
2. A hood fire suppression system must be installed over the cooking areas as required by the California Fire Code 904.2.1.
3. Fire Sprinklers will be required and must be extended to any additions to the structure.
4. Dumpsters with an individual capacity of 200 gallons or more shall not be stored in buildings or placed within 5 feet of combustible walls openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials. Exception: Dumpsters in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.3 C.F.C. (Examples of combustible construction: plaster on wood, gypsum board on wood studs, plywood or other wood sheathing on wood metal studs). C.F.C. Section 304.3.4.
5. Interior finishes must meet California Building Code Section 803.

### Public Works

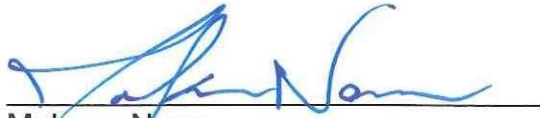
1. The parking layout shall comply with the previously approved parking plan. If the previously approved compact stalls cannot be provided, the stalls shall be converted to standard size spaces. Future changes to the parking lot design shall be reviewed and approved by the City if the changes meet applicable standards and all applicable conditions of approval.
2. The existing pedestrian easement shall be kept clear of obstructions.
3. Prior to the issuance of building permits, the valet plan shall be approved to the satisfaction of the Traffic Engineer.

**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.



On behalf of Kimberly Brandt, AICP, Community Development Director,

By:



Makana Nova  
Assistant Planner  
JWC/mkn

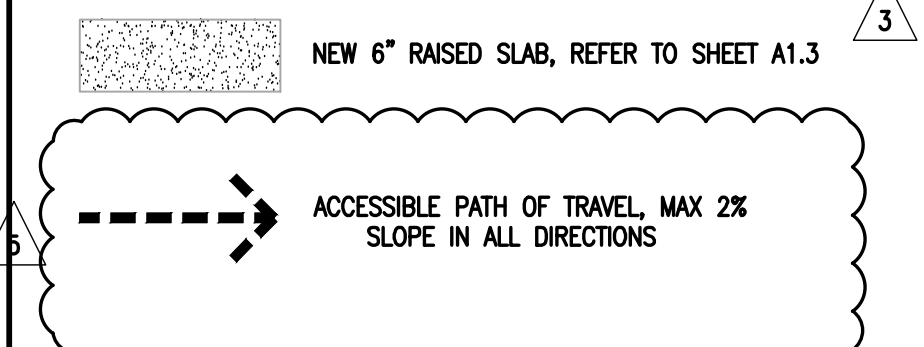
Attachments: CD 1 Vicinity Map  
CD 2 UP2051 and UP2051 A Conditions of Approval  
CD 3 OD68 Conditions of Approval  
CD 4 Site Photos  
CD 5 Project Plans

# **Attachment No. PD 5**

Project Plans



### LEDGEND



### PARKING CALCULATIONS

Parking Provided (Existing)		Required Parking (Existing)	
On-Site	Off-Site	Day	Night
On-Site	Off-Site	Office The Ritz	Office Billy's
2700 West Coast Highway	2700 West Coast Highway	13	0
2620 Aven Street	2620 Aven Street	0	80
Waived	Waived	0	41
34	24	13	121
TOTAL	TOTAL	141	141

Parking Provided (Proposed)		Proposed Parking Requirement	
On-Site	Off-Site	Day	Night
On-Site	Off-Site	Office The Ritz	Office Billy's
2700 West Coast Highway	2700 West Coast Highway	13	0
2620 Aven Street	2620 Aven Street	0	80
Waived	Waived	0	41
34	24	13	121
TOTAL	TOTAL	141	141

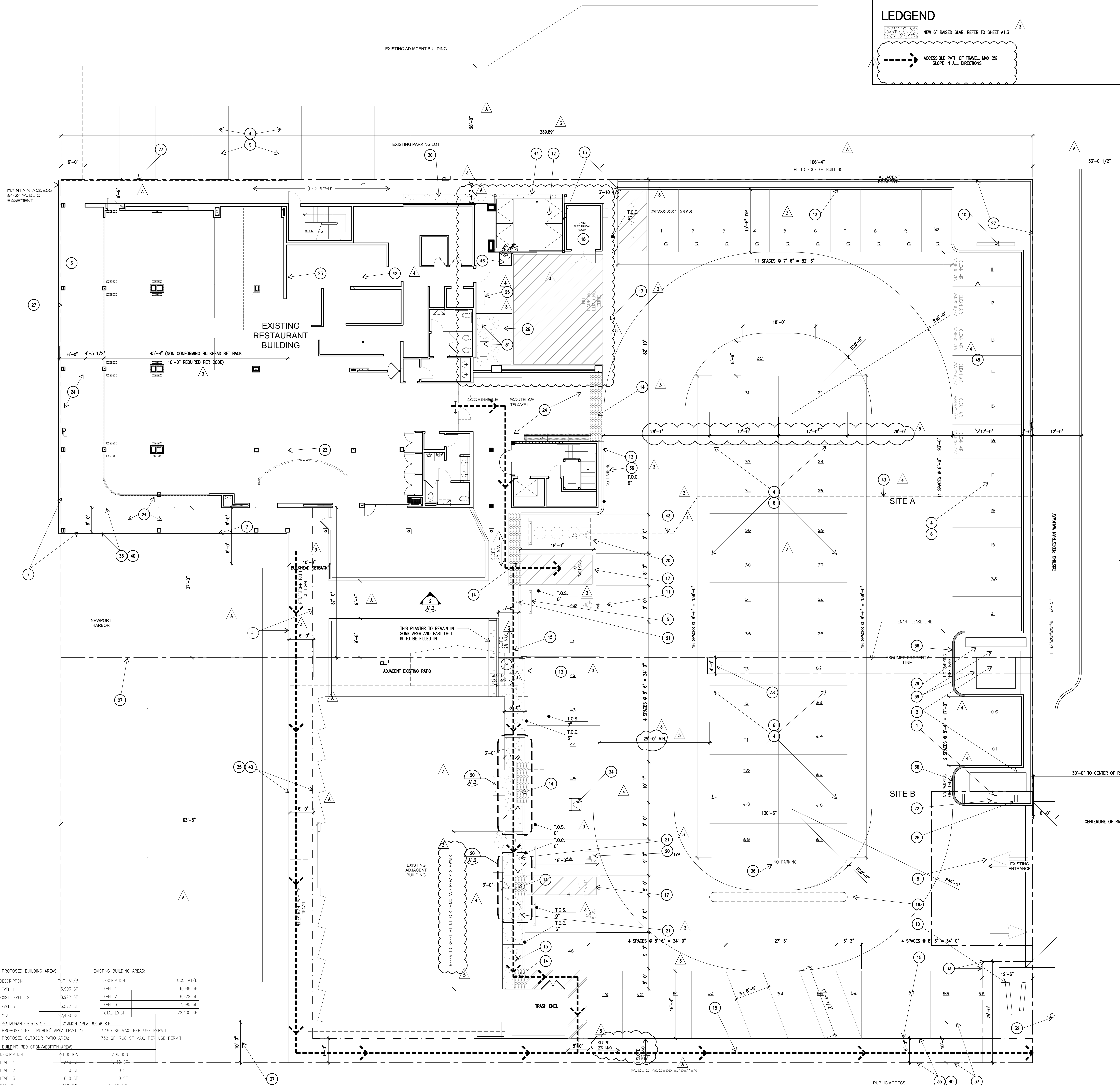
Location: 2801 W. Coast Highway - 2nd & 3rd Floor  
Net Office Area: 6350 + 8000 = 13,350 SF / 250 = 54 Stalls

ON-SITE PARKING LOT SHALL BE RE-STRIPPED WITH OPAQUE SEALCOAT WITH PAINTED PARKING STALL LINES AND GRAPHICS PER THE CITY AND STATE STANDARDS.

ON-SITE PARKING PROVIDED PER CITY OF NEWPORT BEACH STAFF APPROVAL #S2014-015(P2014-112) & OPERATOR LICENSE No. 032014-001 (P2014-094). THE LAYOUT IS CONSISTENT WITH THE APPROVED PARKING LAYOUT PER PLAN CHECK #1442-2001, A1.0, DELTA 2, DATED 12/10/2001, PREPARED BY ROBERT HUBBICK ARCHITECTS WITH REFINED QUANTITIES AS PROVIDED IN TABLES ABOVE.

### KEY NOTES

- EDISON AND UTILITY BOXES TO REMAIN
- SIGN TO REMAIN
- DOCK W/ MINIMUM 22 BOAT SLIPS. REFER TO SH1 A0.2
- PARKING LOT TO RECEIVE OPAQUE ASPHALT SEALCOAT & NEW STRIPING / SYMBOLS. THE EXISTING LAYOUT OF BOTH ADDRESSED BUILDINGS' PARKING FIELD & PERIMETERS INCLUDING DISABLED ACCESS PARKING STALLS, LOADING LANES AND ACCESS / SIGNED COMPONENTS
- 4" WIDE PAINTED PARKING STALL PER CITY STANDARDS
- GUARD RAIL
- ENTRY DRIVE
- MOODY PLANTER TO ENCLOSE AND TERMINATE WHERE REMOVED
- FDC FIRE DEPARTMENT CONNECTION VAN ACCESSIBLE STALL ("VAN" ON SIGN AND PAINTED @ OFFLOAD LANE) - SEE DETAIL 11/A1.1
- REMOVES TRASH ENCLOSURE. TENANT TO MAINTAIN RECYCLE PROGRAM WITHIN THE TENANT PREMISES
- EXISTING 4" HIGH CURB
- "ZERO" CURB FLUSH LANDING 3/4" MIN. PROVIDE TRUNCATED DOWNS WHERE SHOWN, SEE DETAIL 4/A1.2
- DISABLED ACCESS PATH OF TRAVEL TO THE PUBLIC WAY
- REMOVE RAISED CONC CURB
- 4" WIDE PAINTED BLUE STRIPES PATH OF TRAVEL NTE 2% SLOPE IN ANY DIRECTION WITHIN THE STRIPPED REGION - SEE DETAIL 11/A1.2
- ELECTRICAL ROOM
- CONCRETE CURB RAMP MAX SLOPE 1:12. PROVIDE 1:12 SLOPE TRANSITION FLARED SIDES OR 2" HIGH PROTECTION CURB SEE 15 / A1.2
- INTENTIONAL SYMBOL PAINTED BLUE
- DISABLED STALL SIGN. SEE A1.2
- DISABLED ACCESS NOTICE OF ACCESSIBLE ENTRY SIGN AT DRIVE WAY
- LINE OF (E) SEAWALL BELOW
- BREEZEWAY - 2% MAX SLOPE
- NEW 38" LONG (5) BIKE RAKE ANCHORED TO FLOOR
- MECHANICAL UNITS ON 6" HIGH HOUSEKEEPING SLAB
- PROPERTY LINE
- TRAFFIC LIGHT
- EXISTING ELECTRICAL TRANSFORMER
- (N) CONC HOUSING PAD / SIDEWALK IN-FILL, 6" THICK
- CONDENSING UNITS ON 4" HIGH HOUSEKEEPING SLAB REFER TO MECH. DRAWINGS FOR MORE INFO.
- TRAFFIC SIGNAL EASEMENT - RECORDED DECEMBER 12, 1973, LOT H OF TRACT 519800 23, PAGE 31.
- WATER LINE EASEMENT PER ALTA KEYNOTE 18 SHEET A1.0
- EXISTING VALET STATION
- EASEMENT FOR SHOULDER PUBLIC WALKWAY PER ALTA KEYNOTE 2, SH1 A1.0 PROVIDE "FIRE LANE NO PARKING" MARKINGS IN PARKING LOT. ACCESS AND POSTINGS MUST MEET NEWPORT BEACH FIRE DEPARTMENT GUIDELINE C.01 C.02. SEE DETAILS 1A2/A1.2
- EASEMENT FOR DRAINAGE PER ALTA KEYNOTE 13, SH1 1.0
- EASEMENT FOR POLE LINES & CONDUIT PER ALTA KEYNOTE 14, SH1 A1.0
- EASEMENT FOR LINES & CONDUIT PER ALTA KEYNOTE 15, A1.0
- EASEMENT FOR PUBLIC WALKWAY PER ALTA KEYNOTE 16, SHE A1.0
- EASEMENT FOR PEDESTRIAN ACCESS PER ALTA KEYNOTE 19, SH1 A1.0
- EXISTING 4" SEWER LINE
- EXISTING SEWER CLEAN OUT
- 9'-6" HIGH LOUVER SCREEN WALL. SEE ELEVATION
- PROVIDE 6 PARKING SPACES FOR LOW-EMITTING, FUEL-EFFICIENT AND CARPOOL/VAN POOL VEHICLES.
- WASHOUT AREA, SLOPE TO DRAIN 3'-0" x 3'-0" x 6'-0" MIN.



PROPOSED BUILDING AREAS:		EXISTING BUILDING AREAS:	
DESCRIPTION	OC. A1/B	DESCRIPTION	OC. A1/B
LEVEL 1	6,906 SF	LEVEL 1	6,086 SF
EXIST LEVEL 2	6,922 SF	LEVEL 2	6,922 SF
LEVEL 3	6,572 SF	LEVEL 3	7,390 SF
TOTAL	20,400 SF	TOTAL EXIST	22,400 SF

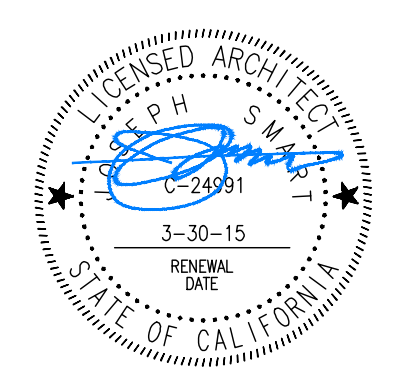
  

BUILDING REDUCTION/ADDITION AREAS:	
DESCRIPTION	ADDITION
LEVEL 1	1,158-SF
LEVEL 2	0 SF
LEVEL 3	818 SF
RESULT	1,158 S.F.

NOTE: THE RATIO OF NET PUBLIC AREA TO RESTAURANT AREA HAS NOT CHANGED FROM THE ORIGINAL USE RATIO.

FOR LEGAL DESCRIPTION REFER TO PUBLIC RECORDS FOR APN LISTED ABOVE.

Project:  
The Ritz Restaurant  
2801 West Coast Hwy  
Newport Beach, CA  
92663



NO.	DATE	ISSUE
1	6/30/14	PROJECT SUBMITTAL
2	09/22/14	PLAN CHECK RESPOND #1
3	12/01/14	PLAN CHECK RESPOND #2
4	12/22/14	PLAN CHECK RESPOND #3
5	02/02/15	PLAN CHECK RESPOND #4

PROJECT NO. 14015  
DATE February 03, 2015  
DRAWING TITLE

### SITE PLAN

DRAWING NO.

# A1.1

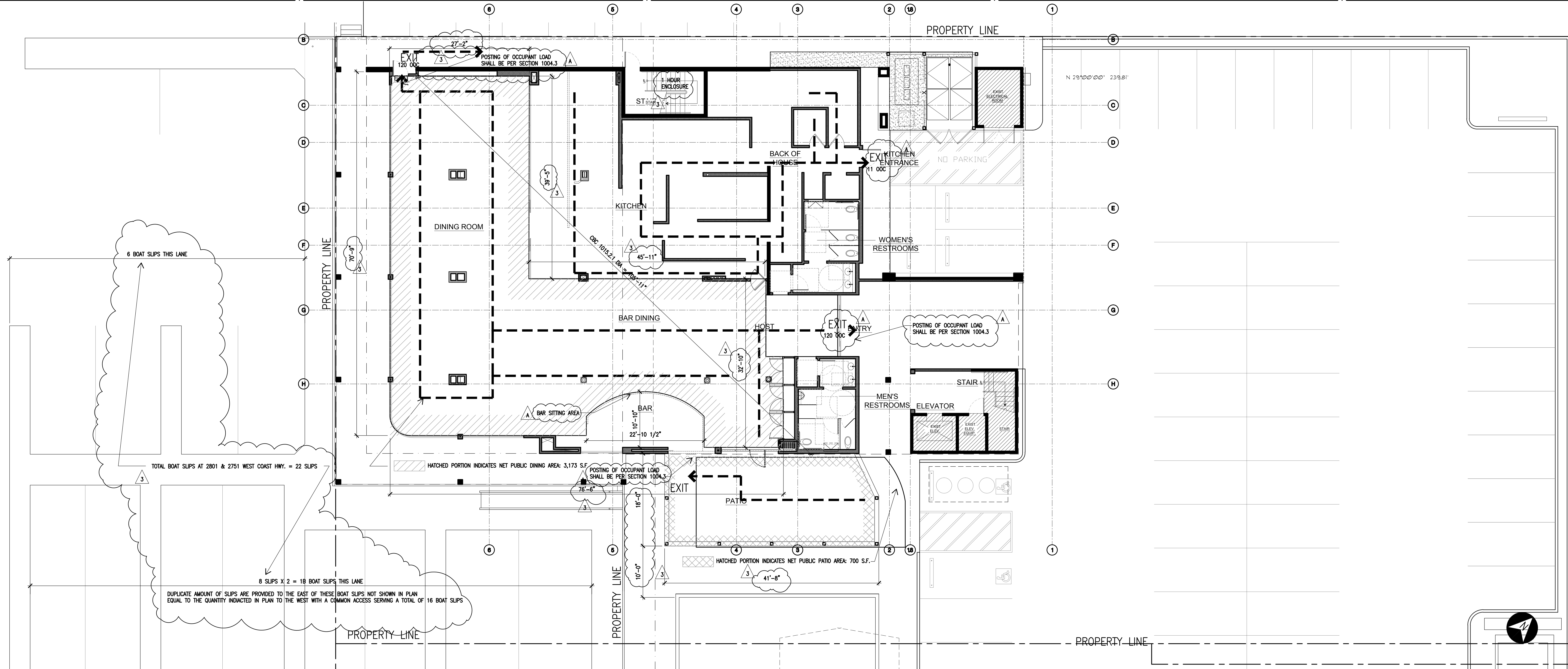






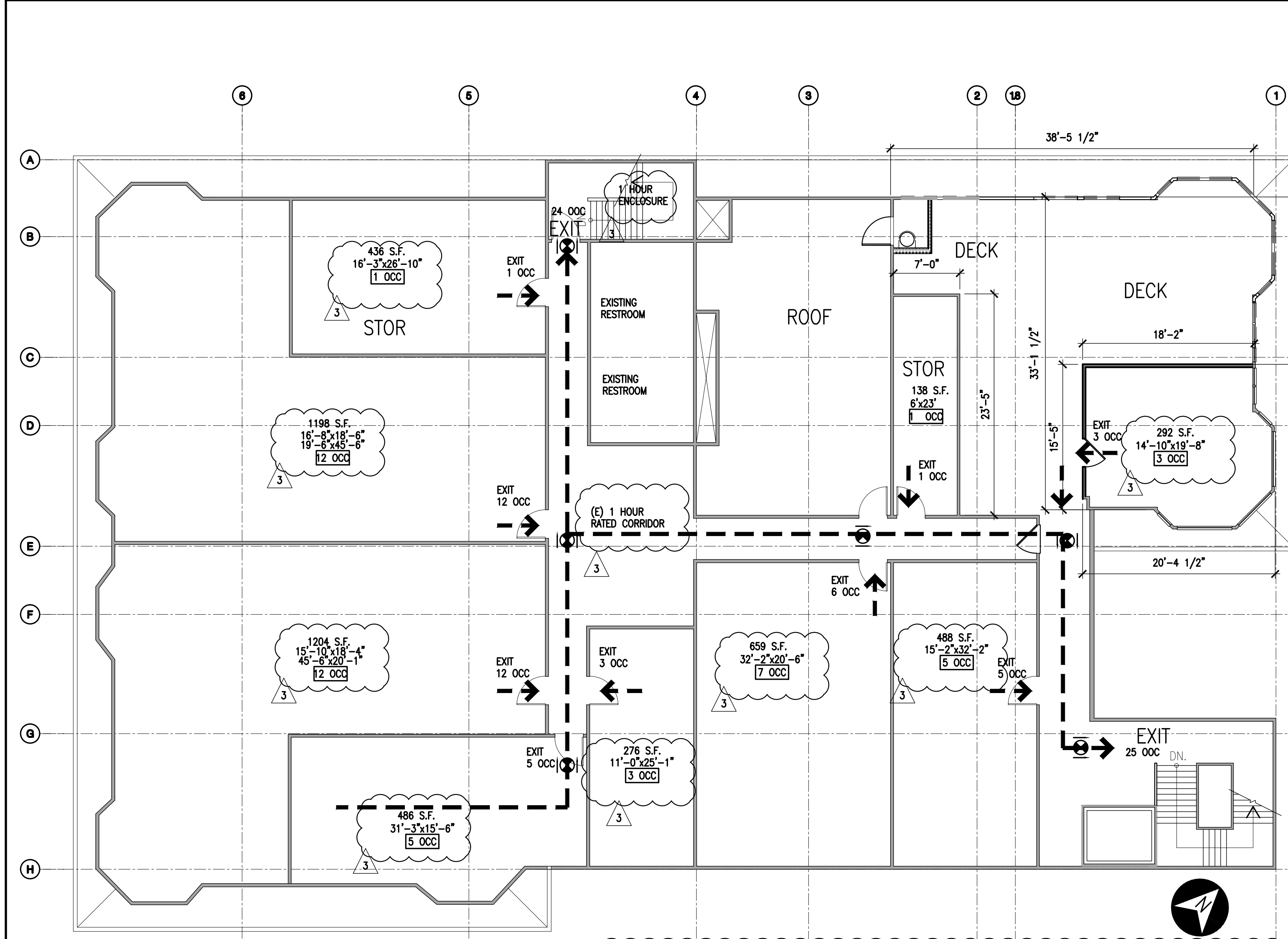






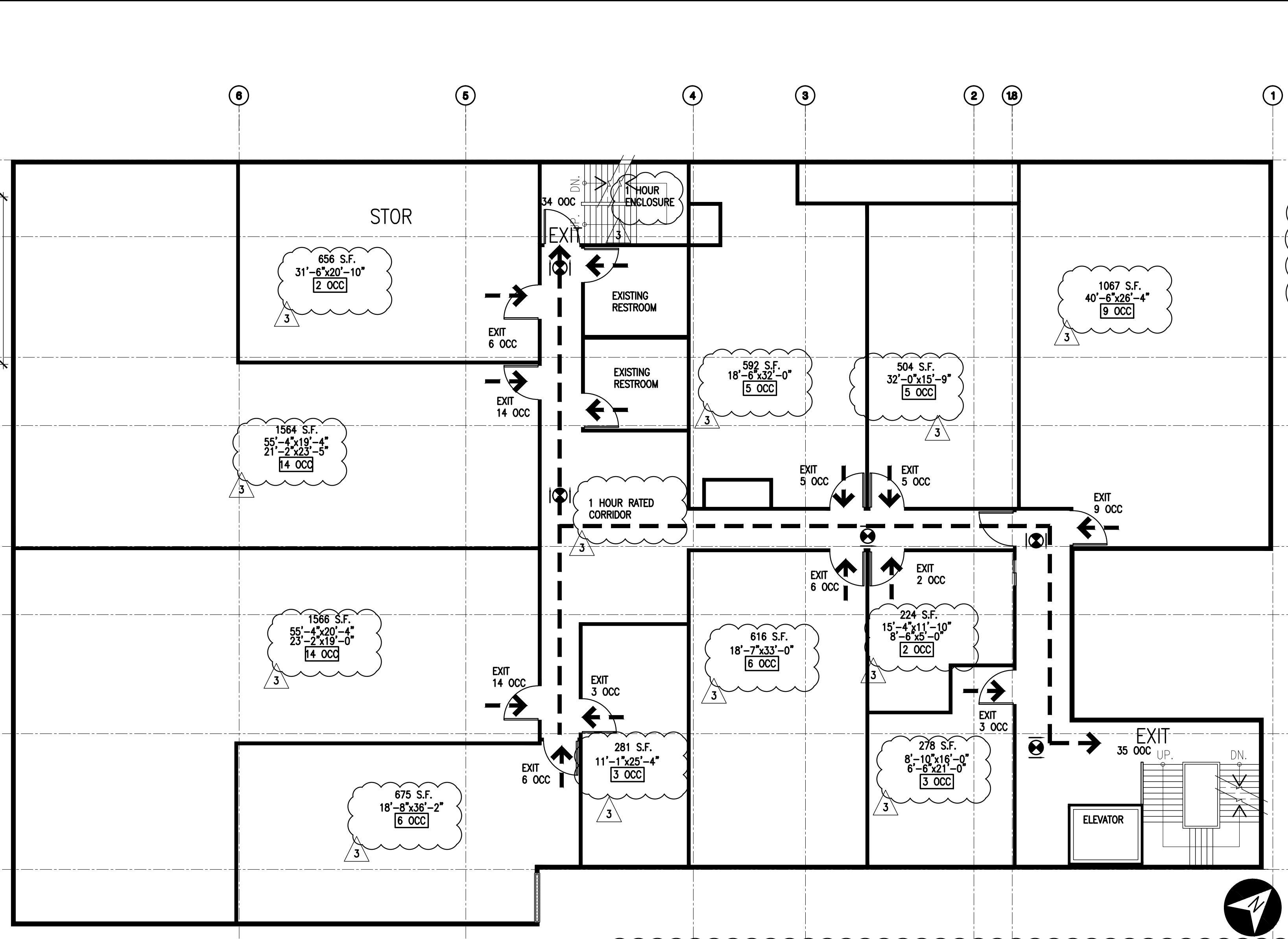
SCALE: 1/8"=1'-0"

SITE - 1ST FLOOR OCCUPANCY PLAN | 2



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

EXIT/ACCESS DIAGRAM THIRD FLOOR PLAN | 15



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

EXIT/ACCESS DIAGRAM SECOND FLOOR PLAN | 7

OCCUPANT LOAD - 1ST FLOOR

	EXISTING	AREA / SEATS	OCC FACTOR	TOTAL
LEVEL 1				
DINING		2,573 SF	15 OCC.	172 OCC.
BAR SEATING		31 LF	1.5	21 OCC.
ENTRY		167 SF	15 OCC.	11 OCC.
(MAX 25% OF PUBLIC AREA NTE 429 SF)				
BAR STANDING AREA		82 SF	5 S.F.	16 OCC.
KITCHEN		2,213 SF	200 OCC.	11 OCC.
OFFICE		51 SF	100 OCC.	1 OCC.
STORAGE		602 SF	300 OCC.	2 OCC.
TOTAL BUILDING OCCUPANTS				233 OCC.
OUTDOOR DINING		700 OCC	15 SF	47 OCC.

EXIT WIDTH REQUIRED

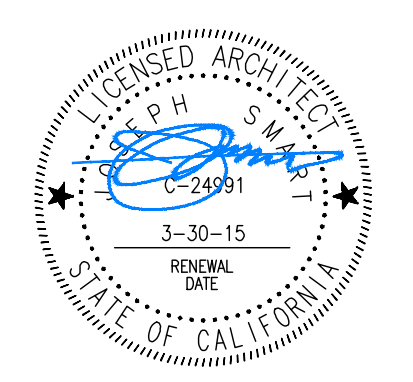
NUMBER OF OCCUPANTS	SHAR WIDTH OCC. X 0.2	DOOR WIDTH OCC. X 0.15	DOOR WIDTH PROVIDED
LEVEL 1	252	50.40"	37.80"
TOTAL LOAD 278 SHALL BE POSTED IN PUBLIC VIEW AT MAIN EXIT PER CBC 1004.3			288.00"

BAR SEATING CALCULATION: BAR LENGTH= 26'-11"/ 16" = 13 SEATS  
 ACCESSIBLE SEATING CALCULATION (PER CBC 1122B.1)  
 113 SEATS X 5% = 6 SEATS  
 48 SEATS X 5% = 3 SEAT  
 77 SEATS X 5% = 4 SEAT  
 TOTAL ACCESSIBLE SEATING PROVIDED: 13 SEATS PROVIDED

FIRE RATINGS REQUIRED

PRIMARY STRUCTURAL FRAME:	1 HOUR
BEARING WALLS (INT. & EXT.):	1 HOUR
NONBEARING WALLS AND PARTITIONS (INT.):	1 HOUR
NONBEARING WALLS AND PARTITIONS (EXT.):	1 HOUR
FLOOR CONSTRUCTION AND ASSOCIATED SECONDARY MEMBERS:	1 HOUR
ROOF CONSTRUCTION AND ASSOCIATED SECONDARY MEMBERS:	1 HOUR
SHAFT ENCLOSURE:	1 HOUR, SEE PARTITION TYPE FOR LISTING
CORRIDOR:	NOT RATED
EXIT SIGN POWER:	PROVIDE ALT. POWER SOURCE PER CBC 1011.1 & 1011.5.3.
KITCHEN TYPE 1 HOOD:	WALL SUPPORTED HOODS SHALL BE NON COMBUSTIBLE, FIRE WRAPPED DUCTWORK FULL LENGTH IN LEU OF RATED SHAFT PER DETAIL 4/M1.0. GREASE DUCT COMPLYING WITH ICC-ES ESR2213 AND DUCT COMPLYING WITH ICB0 A101 & ICB0 ESR907

Project:  
 The Ritz Restaurant  
 2801 West Coast Hwy  
 Newport Beach, CA  
 92663



NO.	DATE	ISSUE
1	6/20/14	PROJECT SUBMITTAL
2	09/23/14	PLAN CHECK RESPONSE #1
3	10/29/14	PLAN CHECK RESPONSE #2

CODE COMPLIANCE

PROJECT NO. 14015  
 DATE November 06, 2014  
 DRAWING TITLE

DRAWING NO.

A0.2



KEYNOTES

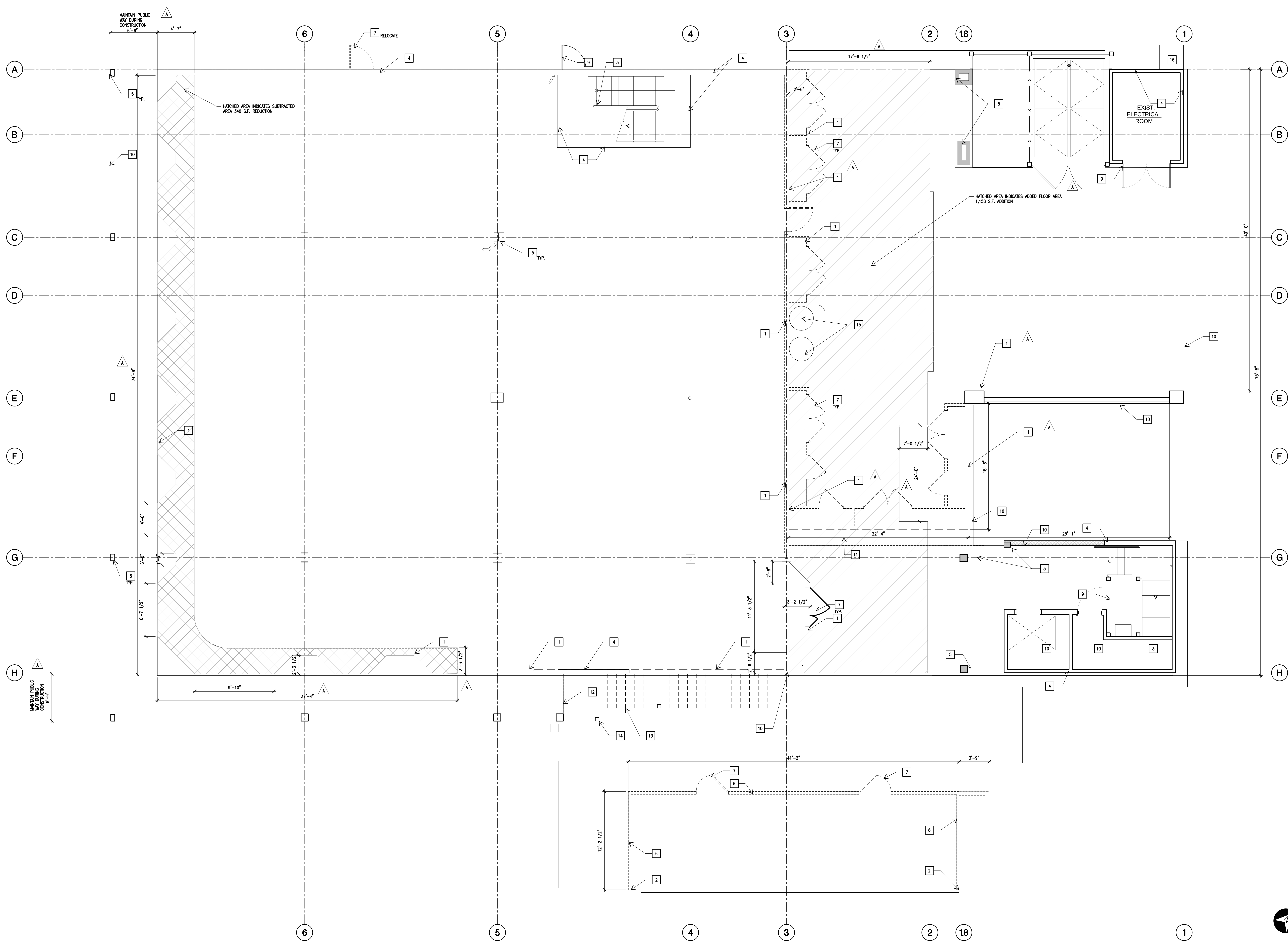
- 1 REMOVE EXISTING WALL, WINDOW SYSTEM AND BASED CONCRETE CURB.
- 2 REMOVE EXISTING LOW WALL, WITHOUT DAMAGING ADJACENT EXISTING WALL.
- 3 EXISTING STAIRS AND RAILINGS TO REMAIN.
- 4 EXISTING WALL TO REMAIN.
- 5 EXISTING COLUMN TO REMAIN.
- 6 REMOVE EXISTING LOW WALL AND GLASS WALL PATIO ENCLOSURE.
- 7 REMOVE EXISTING DOOR.
- 8 EXISTING DOOR TO REMAIN.
- 9 EXISTING ELEVATOR.
- 10 REMOVE SITTING AREA/PLANTER WITHOUT DAMAGING EXISTING WALL.
- 11 MAINTAIN PUBLIC WAY DURING CONSTRUCTION 6'-5"
- 12 SOFFIT LINE
- 13 REMOVE EXISTING STAIRS, AND RAILINGS.
- 14 REMOVE EXISTING POST, AND PATCH CONCRETE WALK WAY
- 15 REMOVE EXISTING WATER HEATER, AND CONCEALED PIPES
- 16 EXISTING A/C UNIT
- 17 REMOVE/FILL-IN EXISTING PLANTER

DEMO NOTES

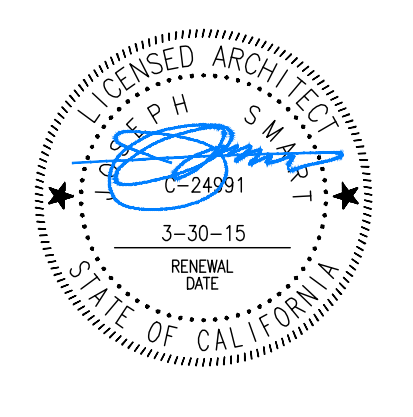
- 1. DEMOLITION PLAN SHOWS APPROXIMATE LAYOUT OF EXISTING SITE / BUILDING AND IS NOT INTENDED TO REPRESENT "AS-BUILT" CONDITIONS. GENERAL CONTRACTOR IS REQUIRED TO VISIT SITE AND OTHERWISE BECOME FAMILIAR WITH ACTUAL CONDITIONS WHEN BEGINS THE WORK.
- 2. PRIOR TO BID THE CONTRACTOR SHALL VISIT THE SITE AND OBTAIN VISUAL INFORMATION NECESSARY TO QUOTE COMPLETE DEMOLITION SCOPE OF WORK AS INDICATED BY THE CONTRACT DOCUMENTS AND BID INSTRUCTIONS ISSUED BY THE OWNER.
- 3. THE CONTRACTOR SHALL APPLY AND SECURE ALL NECESSARY PERMITS FOR DEMOLITION, UTILITY MODIFICATIONS AND MAINTAIN ALL LICENSE REQUIREMENTS. OBTAIN APPROVALS FOR ANY WORK PERFORMED WITHIN THE RIGHT OF WAY.
- 4. THE CONTRACTOR SHALL INCLUDE PROVISIONS FOR AND COMPLETE C & D RECYCLING PROGRAM AS MANDATED BY THE STATE INCLUDING DEMOLITION AND CONSTRUCTION MATERIAL MANAGEMENT PLAN FORM. COORDINATE ANY RESPONSIBLE DEPOSITS WITH THE OWNER.
- 5. CURBS, UTILITIES, WALLS, PARTITIONS, DOORS, FRAMES, AND OTHER ITEMS TO BE REMOVED ARE SHOWN DASHED. SPACES WITHIN WALLS AND PARTITIONS SHALL ALSO BE REMOVED. EDGES OF WALLS SHOWN TO REMAIN SHALL BE SHIP-CUT OR CLEANLY TOOTHED TO ACCEPT NEW CONSTRUCTION. REPAIR AND PATCH EXISTING WALLS SHOWN TO REMAIN WHERE INTERSECTING WALLS, DOORS, FRAMES, ETC. ARE SHOWN TO BE REMOVED AND WHERE CONSTRUCTION WILL NOW BE EXPOSED IN THE NEW CONSTRUCTION.
- 6. EXISTING CONSTRUCTION SHOWN TO REMAIN INCLUDING BUT NOT LIMITED TO CURBS, PAVING, UTILITIES, LANDSCAPING BE PROTECTED DURING DEMOLITION. DAMAGE TO EXISTING CONSTRUCTION SHOWN TO REMAIN SHALL BE RESTORED TO MATCH PRE-DAMAGED CONDITION UNLESS MODIFIED BY THE SCOPE OF WORK.
- 7. PROTECT FROM DAMAGE ALL EXISTING FINISH WORK TO REMAIN IN PLACE AND WHICH BECOMES EXPOSED DURING DEMOLITION OPERATIONS.
- 8. REMOVE OBSOLETE MISCELLANEOUS ITEMS ABOVE AND BELOW THE SURFACE INCLUDING FOUNDATIONS, PIPING, UTILITIES, CAP AND OR TERMINATE UTILITIES AND DRAINAGE SYSTEMS PER LOCAL CODE. CONTRACTOR SHALL ASSUME A FOOTING DEPTH OF 36" TO DERIVE QUOTATIONS.
- 9. REMOVE OBSOLETE PLUMBING, MECHANICAL, AND ELECTRICAL EQUIPMENT IN THEIR ENTIRETY THROUGHOUT BUILDING.
- 10. ALL REMOVALS SHALL BE COMPLETE TO UNDISTURBED EARTH, BACKFILL ALL DEPRESSIONS OR PROTECT IN PLACE WHERE PRACTICAL. PROVIDE NECESSARY FIXED SAFETY BARRICADES AND EROSION CONTROL RESULTING FROM THE SCOPE OF WORK.



17848 Sky Park Circle, Suite B  
Irvine, California 92614  
Ph: 949.757.3240  
www.sms-arch.com



Project:  
The Ritz Restaurant  
2801 West Coast Hwy  
Newport Beach, CA  
92663



NO.	DATE	ISSUE
1	5/20/14	PERMIT SUBMITTAL
2	09/22/14	PLAN CHECK RESPOND #1
3		
4		
5		
6		
7		
8		
9		
10		
11		

PROJECT NO. 14015  
DATE November 26, 2014  
DRAWING TITLE

**DEMO FIRST FLOOR PLAN**  
DRAWING NO.

D1.1

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

DEMO FIRST FLOOR PLAN | 4



**LEGEND**

	ROOM NAME	REFER TO ID DRAWINGS FOR ROOM FINISHES		NEW STUD WALL, SEE SHEET A8.1 FOR INT. WALL TYPES
	DOOR REFERENCE	REFER TO SHEET A10.1 FOR DOOR TYPES & FINISHES		EXISTING STUD WALL
	WINDOW REFERENCE	REFER TO SHEET A10.1 FOR WINDOW TYPES & FINISHES		REFER TO SHEET A0.3 AND A0.4 FOR SPECIFIC REQUIREMENTS
	PARTITION TYPE	REFER TO SHEET A8.1 FOR WALL TYPES		REFER TO SHEET A2.1.1 FOR SITTING PLAN (FOR REFERENCE ONLY)
	EXIT SIGN FIXTURE	WITH BATTERY BACK UP		
	DIMENSIONS ARE TO FINISHES			
	FLOOR MATERIAL TRANSITION, REFER TO FINISH FLOOR SCHEDULE			

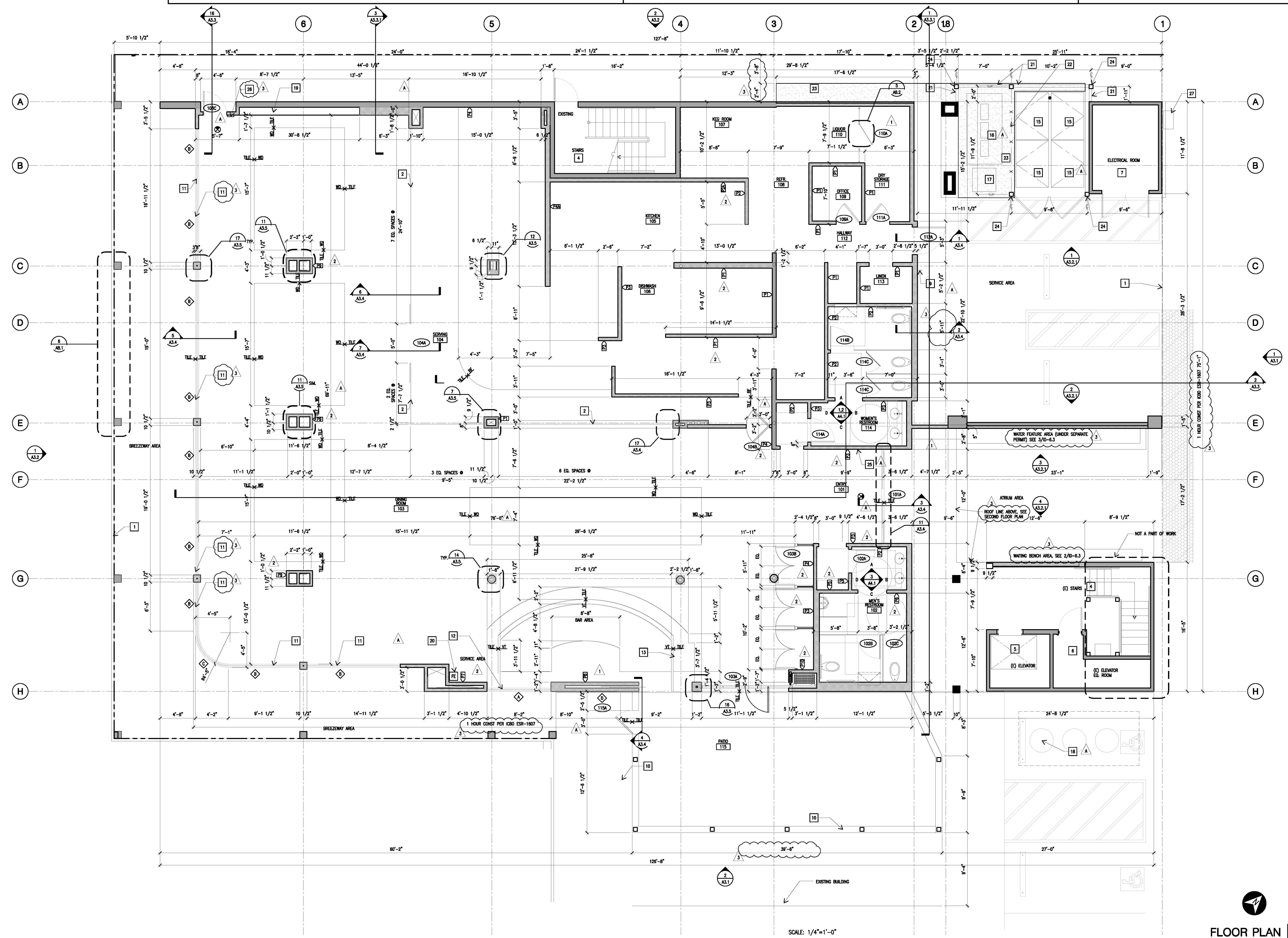
**FLOOR PLAN KEY NOTES**

1	EXISTING ROOF LINE OVERHANG	12	NEW GLAZING WINDOW	24	4X GAL. T.S. POST
2	FULL HEIGHT TEMP-GLASS	13	NEW BAR, REFER TO INTERIOR ELEVATIONS	25	OCCUPANT POSTING SIGN
3	ALL PAINTS AND STAINS SHALL BE EXTERIOR GRADE	14	MATCH EXISTING CUSTOM PLASTER TEXTURE FINISH	26	TACTILE EXIT SIGN
4	EXISTING STAIR WELL AND STAIRS (1 HOUR RATED)	15	TRASH AND RECYCLE ENCLOSURE, TENANT TO MAINTAIN RECYCLING PER CITY ORDINANCE	27	EXISTING GAS METER
5	EXISTING ELEVATOR	16	OUTDOOR REFRIGERATION COMPRESSOR RACK		
6	EXISTING ELEVATOR EQUIPMENT ROOM	17	WASHOUT AREA		
7	EXISTING ELECTRICAL ROOM	18	EXISTING GREASE INTERCEPTOR		
8	N/A	19	ART GLASS INSULATION, SEE INTERIOR ELEVATIONS		
9	HOSE BIB, REFER TO PLUMBING DRAWINGS	20	PORTABLE FIRE EXTINGUISHER - MINIMUM RATING 2A10BC		
10	NEW 30" HIGH PATIO WALL WITH GLASS WIND SCREEN, SEE ELEVATIONS 1.2.3/A1.2	21	6'-0" HIGH LOWER SCREEN WALL, SEE ELEVATION		
11	NEW FULL-HEIGHT-TEMPORARY GLAZING WINDOW	22	6'-0" HIGH FENCE WALL, SEE ELEVATION		
		23	NEW 6" RAISED SLAB, SEE A1.3		

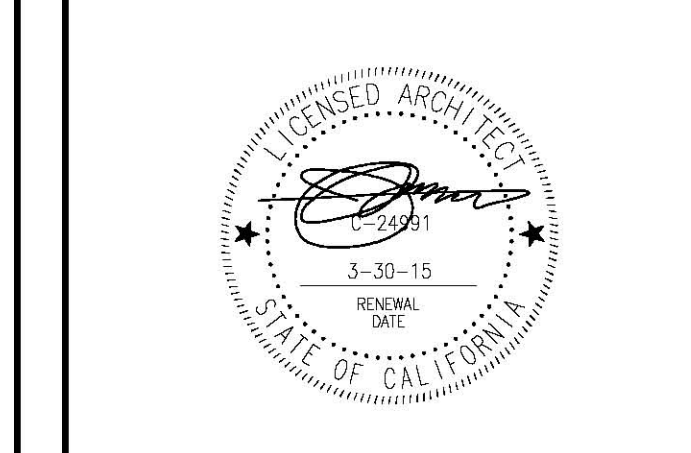
**FLOOR PLAN NOTES**

- ALL DIMENSIONS ARE TO FACE OF FINISHES UNLESS NOTED.
- ALL DOOR OPENINGS OFFSET FROM PERPENDICULAR WALL 4" UNLESS NOTED.
- THE CONTRACTOR SHALL REVIEW ALL DOCUMENTS AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AND SHALL CONFIRM THAT WORK IS BUILDABLE AS SHOWN. ANY CONFLICTS OR OMISSIONS, ETC., SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT FOR CLARIFICATION PRIOR TO PERFORMANCE OF ANY WORK IN QUESTION.
- "TYP." SHOULD MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT UNLESS OTHERWISE NOTED. DETAILS ARE USUALLY NOTED AND NOTED "TYP." ONLY ONCE WHEN THEY FIRST OCCUR.
- "S.M." SHALL MEAN COMPARABLE CHARACTERISTICS FOR THE CONDITION NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLANS AND ELEVATIONS.
- "ALIGN" MEANS ACCURATELY LOCATE FINISHED FACES IN SAME PLANE.
- REPAIR EXISTING WALL FINISHES.
- CONTRACTORS OPTION TO REPLACE WOOD STUD NON BEARING PARTITIONS WITH METAL STUDS.
- EXISTING EXTERIOR WALLS REFER TO DETAIL -/A8- FOR ALL PATCH WORK CONDITIONS.
- ALL WINDOWS OPEN TO OUTSIDE MUST HAVE PROTECTION SCREENING.
- ALCOHOL SERVICE IS PROHIBITED IN THE OUTDOOR DINING PATIO.

**SMS ARCHITECTS**  
 17848 Sky Park Circle, Suite  
 Irvine, California 92614  
 Ph 949.757.324  
 www.sms-arch.co



Project:  
 The Ritz Restaurant  
 2801 West Coast Hwy  
 Newport Beach, CA  
 92663



NO.	DATE	ISSUE
1	6/20/14	PERMIT SUBMITTAL
2	09/22/14	PLAN CHECK RESPOND #1
3	10-03-2014	ADDENDUM-1
4	10/28/14	PLAN CHECK RESPOND #2

PROJECT NO. 14015  
 DATE  
 DRAWING TITLE  
**FIRST FLOOR PLAN**

DRAWING NO.  
**A2.1**



**LEGEND**

	ROOM NAME	REFER TO ID DRAWINGS FOR ROOM FINISHES		NEW STUD WALL, SEE SHEET AB.1 FOR INT. WALL TYPES
	DOOR REFERENCE	REFER TO SHEET A10.1 FOR DOOR TYPES & FINISHES		EXISTING STUD WALL
	WINDOW REFERENCE	REFER TO SHEET A10.1 FOR WINDOW TYPES & FINISHES		REFER TO SHEET A0.3 AND A0.4 FOR SPECIFIC REQUIREMENTS
	PARTITION TYPE	REFER TO SHEET AB.1 FOR WALL TYPES		INDICATES NET PUBLIC AREA
	EXIT SIGN FIXTURE	WITH BATTERY BACK UP		INDICATES NON-OCCUPIED AREA
	DIMENSIONS ARE TO FINISHES			
	FLOOR MATERIAL TRANSITION, REFER TO FINISH FLOOR SCHEDULE			

**SEATING COUNT**

INTERIOR	TABLES	TYPE	SEATS
BAR DINING	9	N X N	18
BAR SEATING	1	N X N	12
DINING	30	N X N	60
INTERIOR TOTAL			90
PATIO	6	N X N	12
FINISH TOTAL			102
GRAND TOTAL			102

TOTAL ACCESSIBLE SEATING:  
 PATIO 3  
 BAR 1  
 DINING ROOM 7  
 TOTAL 11 SEATS  
 (231-12)/231x100 = 6% ACCESSIBLE SEATING PROVIDED

**FIXED SEATING TABULATION:**

TABLE A = 4 SEATS x 6 TOPS = 24 OCCUPANTS  
 TABLE B = 6 SEATS x 4 TOPS = 24 OCCUPANTS  
 TABLE C = 5 SEATS x 6 TOPS = 30 OCCUPANTS  
 TABLE D = 8 SEATS x 1 TOPS = 8 OCCUPANTS  
 TOTAL FIXED SEAT OCCUPANTS = 86 OCCUPANTS

**PUBLIC AREA TABULATION:**

GROSS PUBLIC AREA = 3,221.5 S.F.  
 NON-PUBLIC AREA = 348.86 S.F. + 345.16 S.F. = 694.02 S.F.  
 TOTAL PUBLIC AREA = 3,221.5 S.F. - 694.02 S.F. = 2,527.48 S.F.  
 TOTAL PUBLIC AREA: 3,188 S.F. (< 3,190 S.F.)

**FIXED TABLE TYPES**

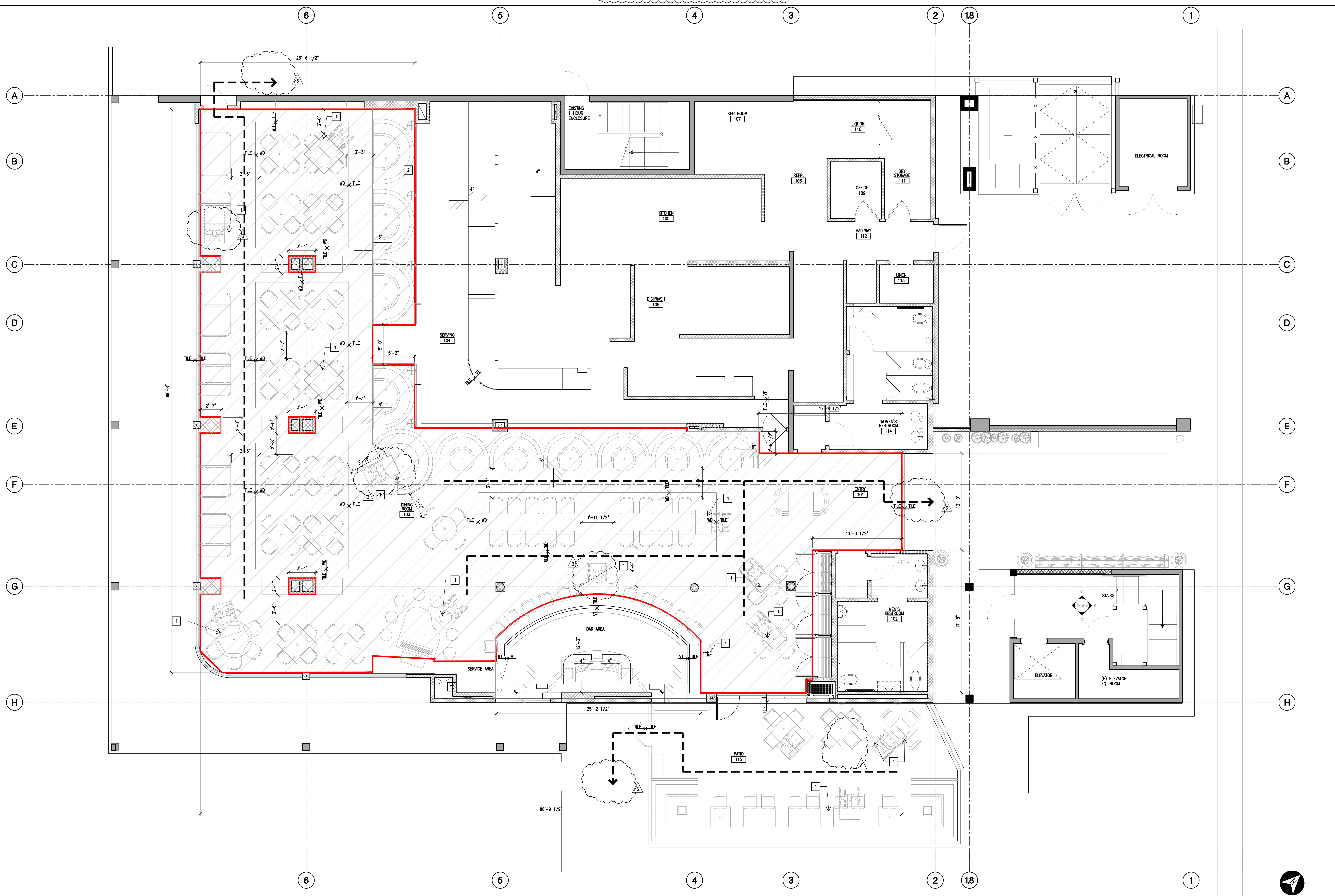
TABLE A 4 TOP  
 TABLE B 6 TOP  
 TABLE D 8 TOP  
 TABLE C 5 TOP

REFER TO ID-3.0 DRAWING FOR MORE INFORMATION.

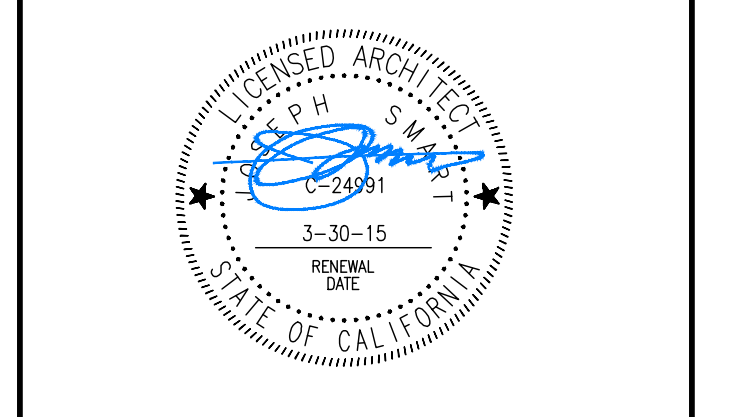
**KEY NOTES:**

1 TABLE ADA SIGN, 4X4 ADA SYMBOL SIGN WITH FLAT (NON-TACTILE) IMAGE, ROUNDED CORNERS, AND THINNER (1/4") GAUGE FLUSH TO THE TABLE SURFACE (RIGHT HAND SIDE OF SEATING AREA)

**SMS ARCHITECTS**  
 17848 Sky Park Circle, Suite B  
 Irvine, California 92614  
 P h 9 4 9 . 7 5 7 . 3 2 4 0  
 w w w . s m s - a r c h . c o m



**Project:**  
 The Ritz Restaurant  
 2801 West Coast Hwy  
 Newport Beach, CA  
 92663



NO.	DATE	ISSUE
1	5/20/14	PROJECT SUBMITTAL
2	09/22/14	PLAN CHECK RESPOND #1
3	10/29/14	PLAN CHECK RESPOND #2

PROJECT NO. 14015  
 DATE November 26, 2014  
 DRAWING TITLE

**SEATING PLAN**

DRAWING NO. **A2.11**

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

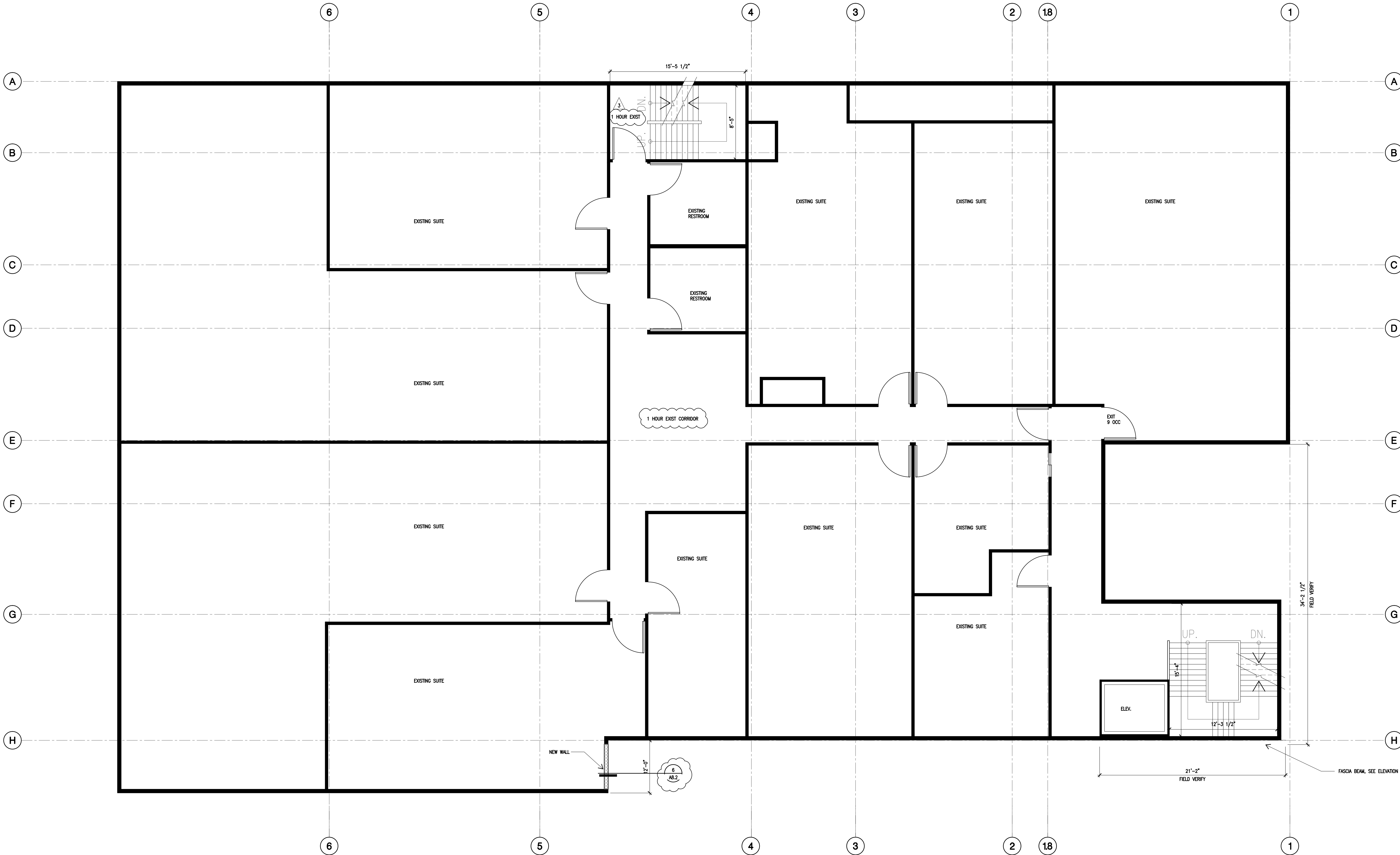
SEATING PLAN | 4

Printed Network Number: 01, 011, 231plan, by Johnson

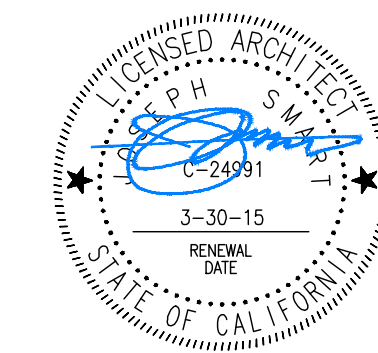


**LEGEND**

	ROOM NAME	REFER TO ID DRAWINGS FOR ROOM FINISHES		NEW STUD WALL, SEE SHEET A2.1 FOR INT. WALL TYPES
	FIRE RATING	REFER TO SHEET A10.1 FOR DOOR TYPES & FINISHES		EXISTING STUD WALL
	DOOR REFERENCE	REFER TO SHEET A10.1 FOR DOOR TYPES & FINISHES		
	WINDOW REFERENCE	REFER TO SHEET A10.1 FOR WINDOW TYPES & FINISHES		
	FIRE RATING PARTITION TYPE	REFER TO SHEET A9.1 FOR WALL TYPES		REFER TO SHEET A0.3 AND A0.4 FOR SPECIFIC REQUIREMENTS
	EXIT SIGN FIXTURE	WITH BATTERY BACK UP		
	DIMENSIONS ARE TO FINISHES			
	FLOOR MATERIAL TRANSITION, REFER TO FINISH FLOOR SCHEDULE			



**Project:**  
 The Ritz Restaurant  
 2801 West Coast Hwy  
 Newport Beach, CA  
 92663



NO.	DATE	ISSUE
1	5/20/14	PROJECT SUBMITTAL
2	09/22/14	PLAN CHECK RESPOND #1
3	10/29/14	PLAN CHECK RESPOND #2

PROJECT NO. 14015  
 DATE November 06, 2014  
 DRAWING TITLE

**SECOND FLOOR PLAN**

DRAWING NO. **A2.2**

Printed: Thursday, November 06, 2014 10:20am by pph04004



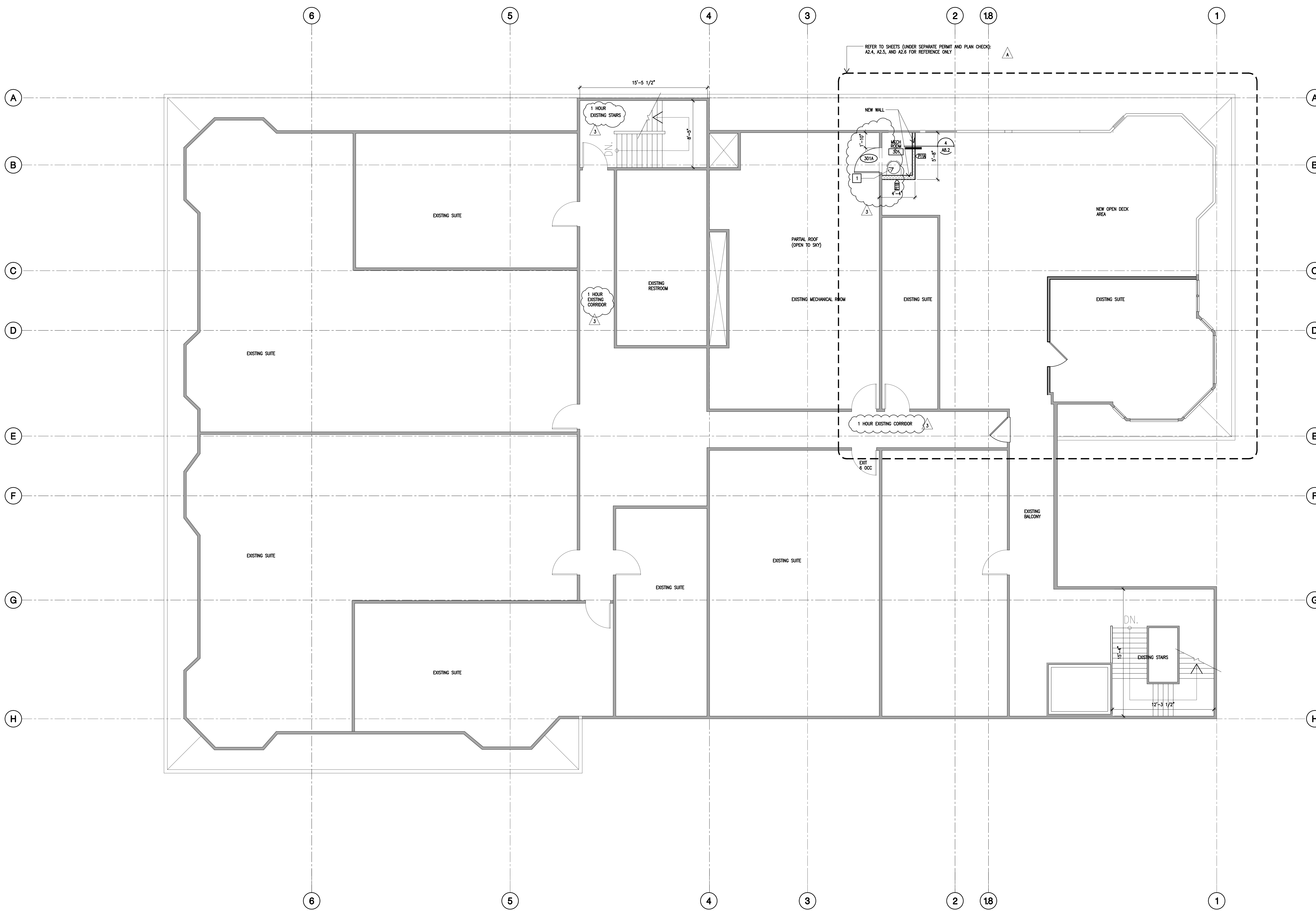
**LEGEND**

- ROOM-NAME: REFER TO ID DRAWINGS FOR ROOM FINISHES
- FIRE RATING: REFER TO SHEET A10.1 FOR DOOR TYPES & FINISHES
- FIRE RATING: REFER TO SHEET A10.1 FOR WINDOW TYPES & FINISHES
- FIRE RATING: REFER TO SHEET A8.1 FOR WALL TYPES
- EXIT SIGN FIXTURE: WITH BATTERY BACK UP
- DIMENSIONS ARE TO FINISHES
- NO TILE: FLOOR MATERIAL TRANSITION, REFER TO FINISH FLOOR SCHEDULE
- NEW STUD WALL: SEE SHEET A8.1 FOR INT. WALL TYPES
- EXISTING STUD WALL
- REFER TO SHEET A0.3 AND A0.4 FOR SPECIFIC REQUIREMENTS

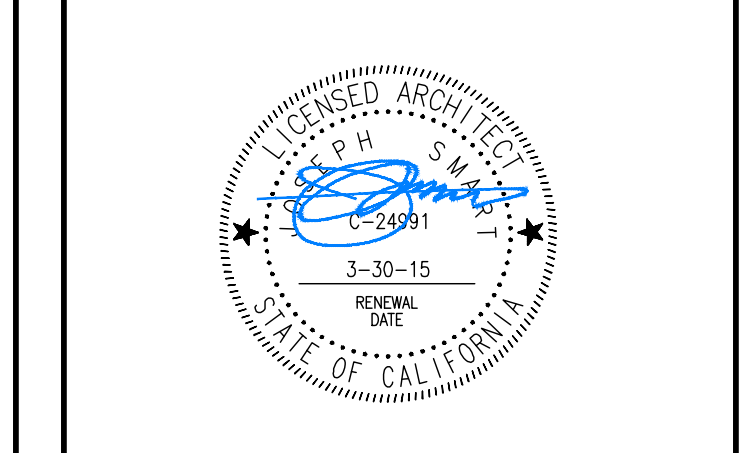
**KEY NOTES:**

- NEW WATER HEATER, REFER TO PLUMBING DRAWINGS. SEE DETAIL 2/A2.2

**SMS**  
 ARCHITECTS  
 17848 Sky Park Circle, Suite B  
 Irvine, California 92614  
 P h 9 4 9 . 7 5 7 . 3 2 4 0  
 w w w . s m s - a r c h . c o m



**Project:**  
 The Ritz Restaurant  
 2801 West Coast Hwy  
 Newport Beach, CA  
 92663



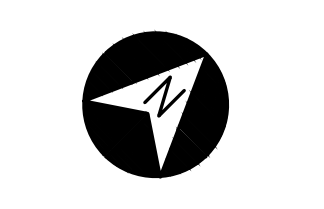
NO.	DATE	ISSUE
	5/20/14	PERMIT SUBMITTAL
△	09/22/14	PLAN CHECK RESPOND #1
△	10/29/14	PLAN CHECK RESPOND #2
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DRAWINGS AND WRITTEN MATERIAL, INCLUDING MECHANICAL CONDITIONS, DRAWINGS, AND UNREVISED WORK OF THE ARCHITECTS AND MAY NOT BE SUPERSEDED, USED OR REPRODUCED WITHOUT WRITTEN CONSENT OF THE ARCHITECTS.

PROJECT NO.	14015
DATE	November 06, 2014
DRAWING TITLE	

**THIRD FLOOR PLAN**

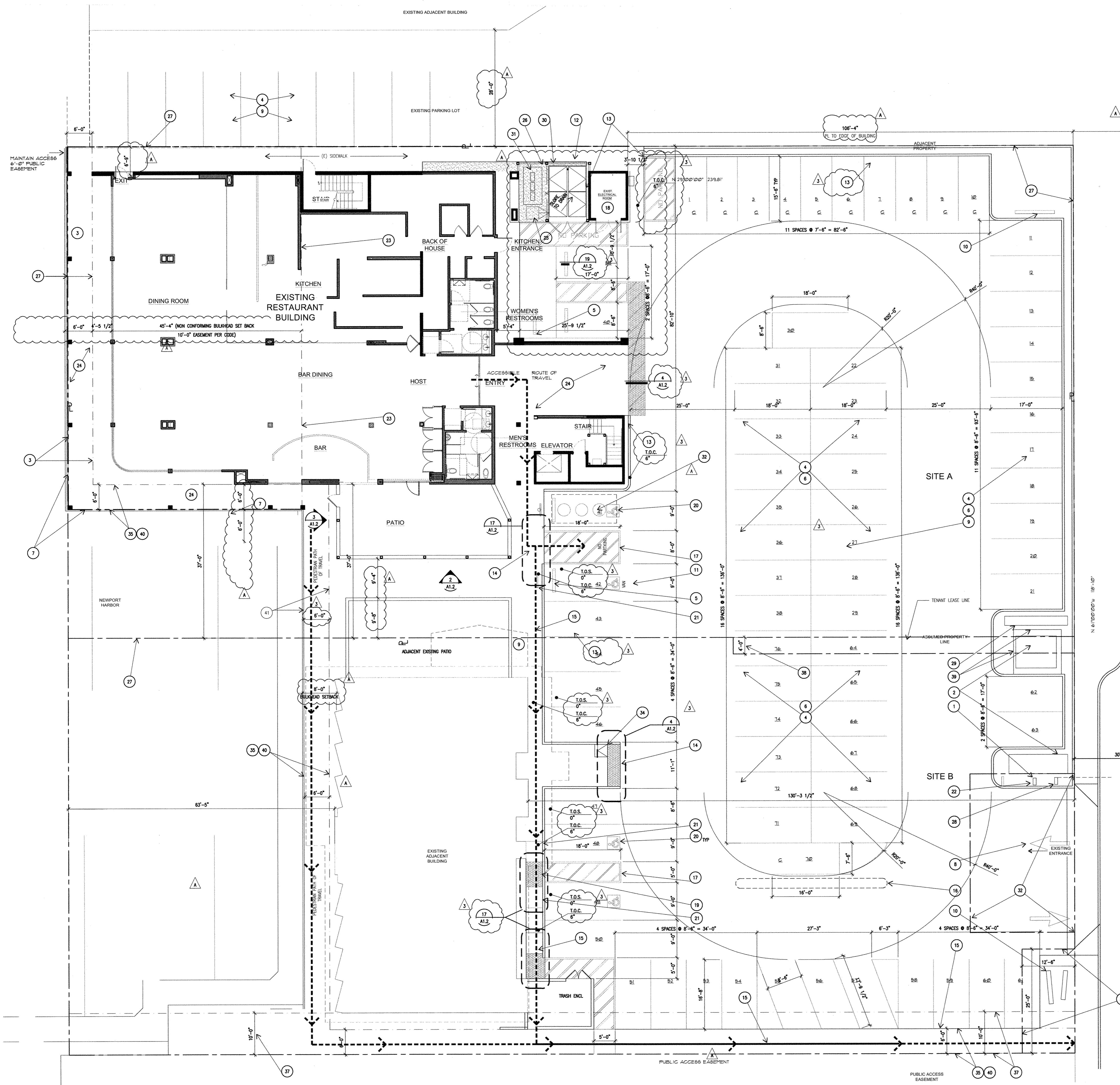
DRAWING NO.



**A2.3**

Printed Thursday, November 06, 2014 10:28am by pphd@sms





SITE PLAN

### PARKING CALCULATIONS

Parking Provided (Existing)	Existing		Proposed	Proposed
	Spaces	Spaces		
Office Use	28	28	28	28
Office Use 200 West Coast Highway	14	14	14	14
Office Use 2020 West Street	24	24	24	24
Residential	14	14	14	14
TOTAL	80	80	80	80

Proposed Parking Requirements	Proposed		Proposed	Proposed
	Spaces	Spaces		
Office Use	28	28	28	28
Office Use 200 West Coast Highway	14	14	14	14
Office Use 2020 West Street	24	24	24	24
Residential	14	14	14	14
TOTAL	80	80	80	80

ON-SITE PARKING LOT SHALL BE RE-STRIPPED WITH SINGLE SEALCOAT WITH PAINTED PARKING STALL LINES AND GRAPHICS PER THE CITY AND STATE STANDARDS.

ON-SITE PARKING PROVIDED PER CITY OF NEWPORT BEACH STAFF APPROVAL. SPACING 11 SPACES @ 7'-0" = 81'-0".

ON-SITE PARKING PROVIDED PER CITY OF NEWPORT BEACH STAFF APPROVAL. SPACING 11 SPACES @ 7'-0" = 81'-0".

- ### KEY NOTES
- (1) E) DESIGN AND UTILITY BOIES TO REMAIN
  - (2) E) SIGN TO REMAIN
  - (3) SIGN W/ MINIMUM 22" HIGH SLIPS. REFER TO SHEET A-2
  - (4) PARKING LOT TO BE RE-STRIPPED WITH SINGLE SEALCOAT & NEW STRIPING / SYMBOLS. THE EXISTING LAYOUT OF BOTH ADJACENT BUILDING'S PARKING LOTS & FRONTING INCLUDING DISABLED ACCESS PARKING STALLS, LANDING LINES AND ACCESS / SIGNED COMPONENTS
  - (5) WHEEL SLOPE
  - (6) 4" WIDE PAINTED PARKING STALL PER CITY STANDARDS
  - (7) GUARD RAIL
  - (8) ENTRY DRIVE
  - (9) VERIFY PLANS TO ENCLOSE AND TERMINATE WHERE REMOVED
  - (10) FIRE DEPARTMENT CONNECTION
  - (11) VAN ACCESSIBLE STALL (VAN ON SIDE AND PAINTED @ OFFLOAD LANE)
  - (12) W/ADAPTED SEATING AND STAIRS. REFER TO SHEET A-3
  - (13) ACCESSIBLE STAIRS
  - (14) 2"X4" CURB FLUSH LANDING. PROVIDE TRUNCATED DOMES WHERE SHOWN
  - (15) DISABLED ACCESS PATH OF TRAVEL TO THE PUBLIC WAY
  - (16) REMOVE BASED CONC CURB
  - (17) 4" WIDE PAINTED BLUE STRIPES PATH OF TRAVEL NTC 2% SLOPE IN CONC CURB RAMP MAX SLOPE 1:12. PROVIDE 1:12 SLOPE TRANSITION TO 1:20 SLOPE ON 2" HIGH PROJECTION CURB. SEE SHEET A-3
  - (18) ELECTRICAL ROOM
  - (19) ELECTRICAL ROOM
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  - (79) ELECTRICAL ROOM
  - (80) ELECTRICAL ROOM

### THIS PROJECT IS FIRE SPRINKLERED

LEGAL OWNER  
 GPS LANDING LLC  
 2801 WEST COAST HIGHWAY  
 NEWPORT BEACH, CA 92663  
 (949) 514-8920

DESIGN DATA  
 OCCUPANCY GROUP ..... 'B'  
 ZONING ..... MU-W1  
 A.P.N. 049-130-07  
 CONSTRUCTION TYPE ..... V-1 HOUR  
 FIRE-SPRINKLERED

### SQUARE FOOTAGE CALCULATIONS

EXISTING NET 3RD FLOOR OFFICE FOOTAGE ..... 7,390 S.F.  
 LESS EXISTING NET OFFICE FOOTAGE REMOVED ..... 818.42 S.F.  
 REMAINING NET 3RD FLOOR OFFICE FOOTAGE ..... 6,571.58 S.F.

### SCOPE OF WORK

TO REMOVE 818.42 SQUARE FEET OF NET 3RD FLOOR OFFICE AREA AND CONVERT THIS AREA TO A NEW 3RD FLOOR DECK AND NEW EXTERIOR MECHANICAL AREAS.

THE GOVERNING CODES AND STANDARDS FOR THIS PROJECT ARE THE 2019 CALIFORNIA BUILDING CODE; 2019 CBC, 2019 CRC; 2019 CPC; 2019 CEC; 2019 CMC; 2019 CALIFORNIA ENERGY EFFICIENCY STANDARDS CODE; (EES) CODES WITH LOCAL AMENDMENTS; 2019 CALIFORNIA BUILDING STANDARDS CODE; (CAL-GREEN)

### SHEET INDEX

- A-1 SITE PLAN and INFORMATION
- A-2 AS-BUILT 3RD FLOOR PLANS WITH PATH OF TRAVEL PLANS TO and FROM THE AREAS OF CONSTRUCTION IMPROVEMENTS
- A-3 EXISTING BATHROOM PLANS, ELEVATOR and STAIRWELL #1, NEW ADA DEVICES
- A-4 AS-BUILT 3RD FLOOR and ROOF DEMOLITION PLANS
- A-5 NEW PARTIAL 3RD FLOOR and ROOF PLANS
- A-6 NEW 3RD FLOOR ROOF FRAMING and FLOOR FRAMING PLANS
- A-7 NEW NORTH ELEVATION, PARTIAL WEST ELEVATION and SECTION 'A'
- D-1 STRUCTURAL GENERAL NOTES and DETAILS
- D-2 DETAILS
- E-1 NEW PARTIAL 3RD FLOOR LIGHTING and POWER PLAN
- ENV-1 ENVELOPE PLAN
- M-1 NEW PARTIAL 3RD FLOOR H.V.A.C. PLAN
- MCH-1 MECHANICAL FORMS

ESTIMATED CONSTRUCTION EXPENSE IS ..... \$40,000  
 ADA UPGRADES AT 20% OF \$40,000 REQUIRED MINIMUM = \$8,000  
 ADA UPGRADES PLANNED FOR AS FOLLOWS:

1. NEW ADA PARKING SPACE SIGNS IN FRONT OF EXISTING TWO SPACES.
2. NEW HANDRAIL IN EXISTING ELEVATOR TO REPLACE EXISTING HANDRAIL THAT IS TOO NOT IN CONFORMANCE WITH C.B.C. SEE SHEET A-3.
3. RAISE THE EXISTING ELEVATOR CONTROL PANEL INSIDE THE ELEVATOR TO MEET C.B.C. REQUIREMENTS. SEE SHEET A-3.
4. ADD ONE NEW ELEVATOR HALL LANTERN AT EACH LEVEL. SEE SHEET A-3.
5. REMOVE AND REPLACE ALL EXISTING STAIRWELL NUMBER ONE HANDRAILS TO MEET C.B.C. REQUIREMENTS. SEE SHEET A-3.

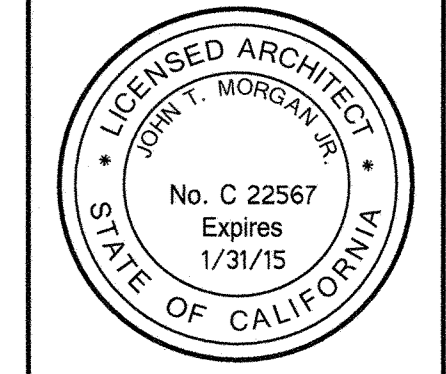


### REVISIONS

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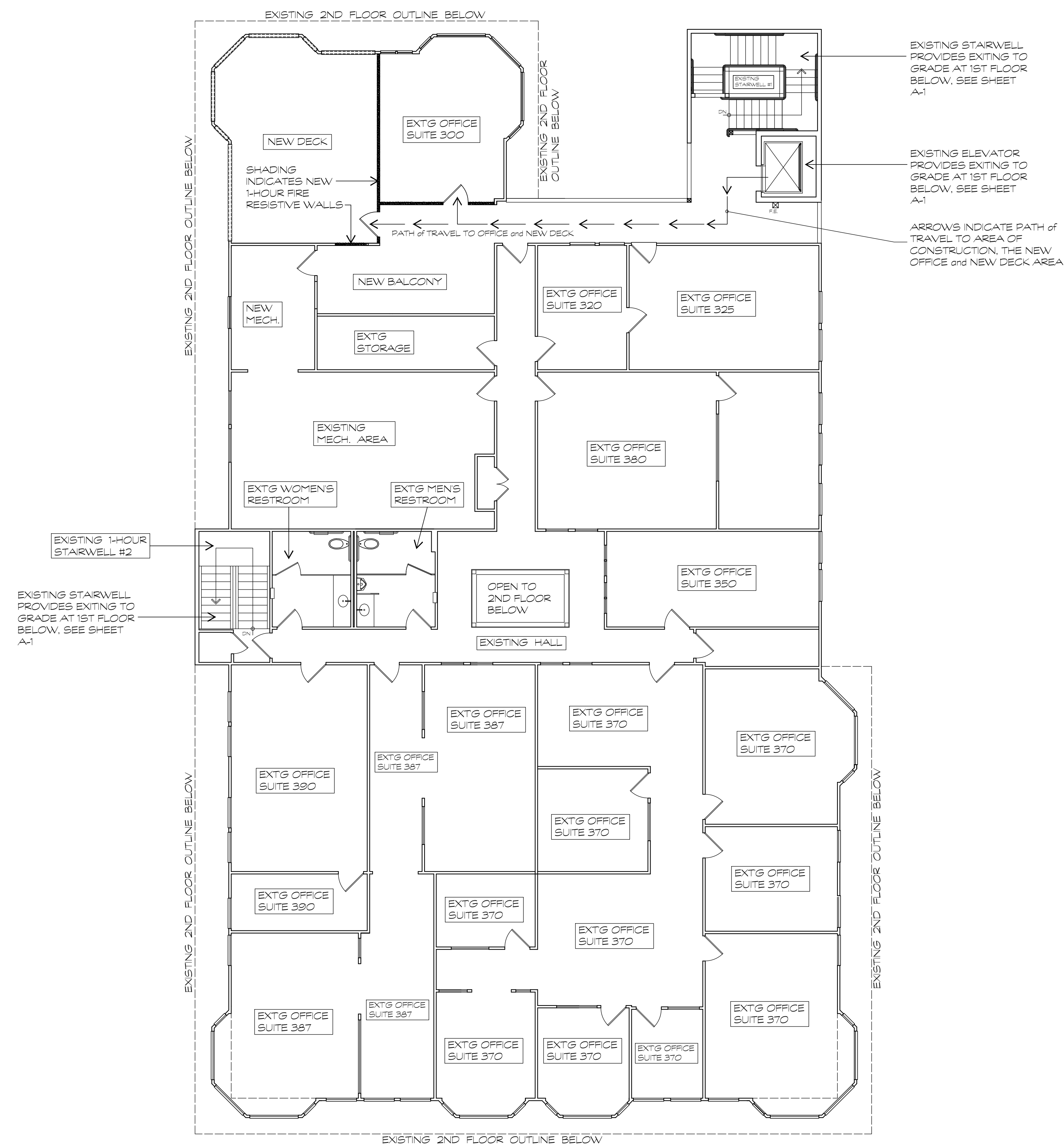
ARCHITECT  
 John T. Morgan Jr.  
 18682 Beachmont Avenue  
 Newport Beach, CA 92705  
 PH (714) 730-2723 FAX (714) 730-2724

OFFICE REMODEL  
 2801 West Coast Highway  
 Newport Beach, CA 92663

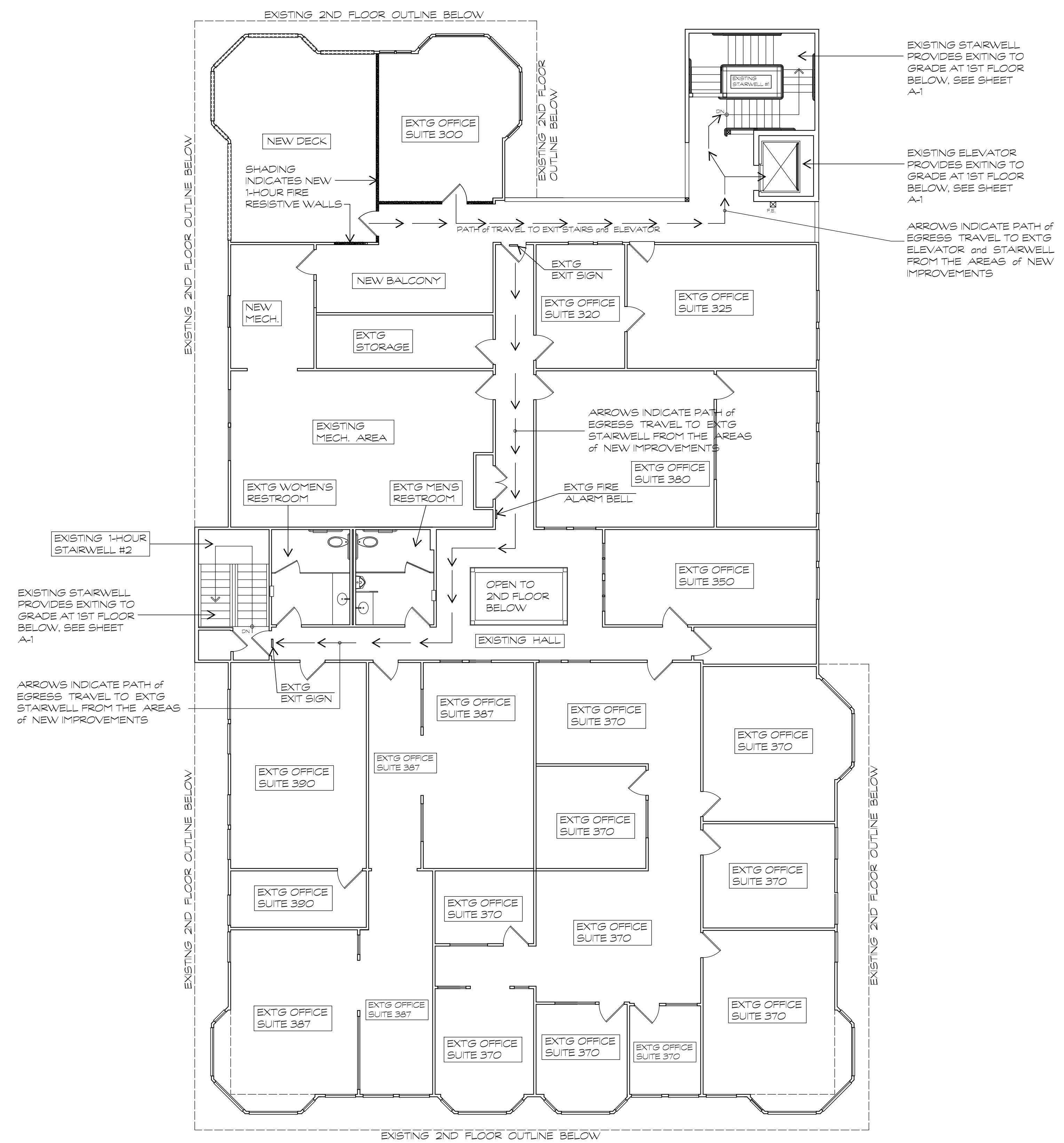


EXISTING SITE PLAN and INFORMATION

SCALE
DRAWN
CHECKED
DATE 11-13-2014
JOB NO.
SHEET
A-1



AS-BUILT 3RD FLOOR PLAN with PATH of TRAVEL TO OFFICE



AS-BUILT 3RD FLOOR PLAN with PATH of TRAVEL TO EXITS

REVISIONS

**ARCHITECT**  
 John T. Morgan Jr.  
 18682 Beachmont Avenue  
 North Tustin, CA 92705  
 ph: (714) 750-2725 fax: (714) 750-2724

**OFFICE REMODEL**  
 2801 West Coast Highway  
 Newport Beach, CA 92663



AS-BUILT 3RD FLOOR PLANS WITH PATH of TRAVEL PLANS TO  
 and FROM THE AREAS of CONSTRUCTION IMPROVEMENTS

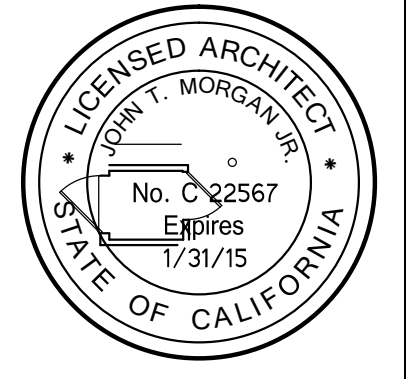
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DRAWN
CHECKED
DATE 11-13-2014
JOB NO.
SHEET <b>A-2</b>



REVISIONS

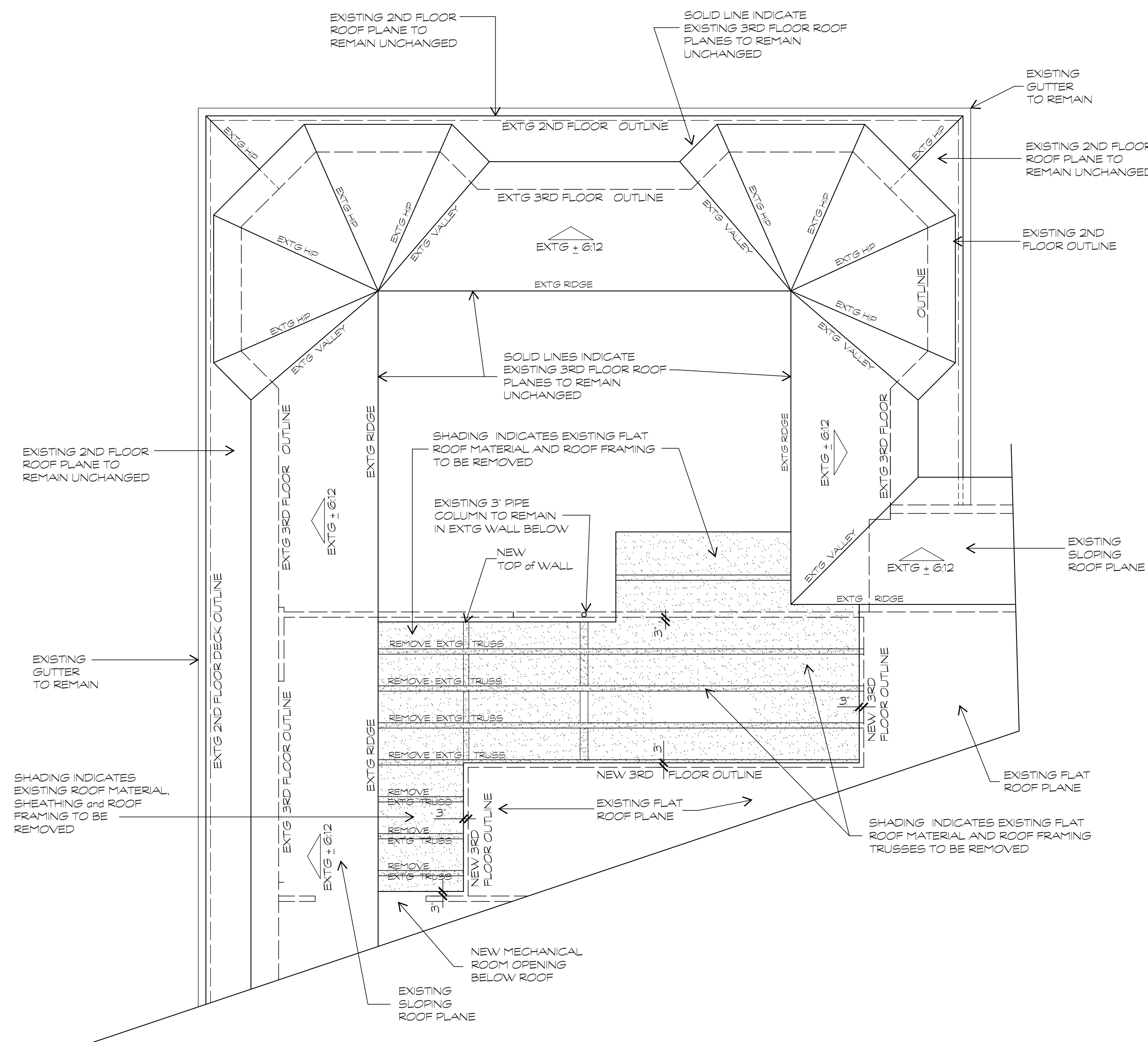
**ARCHITECT**  
 John T. Morgan Jr.  
 18662 Beachtown Avenue  
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 Newport Beach, CA 92663

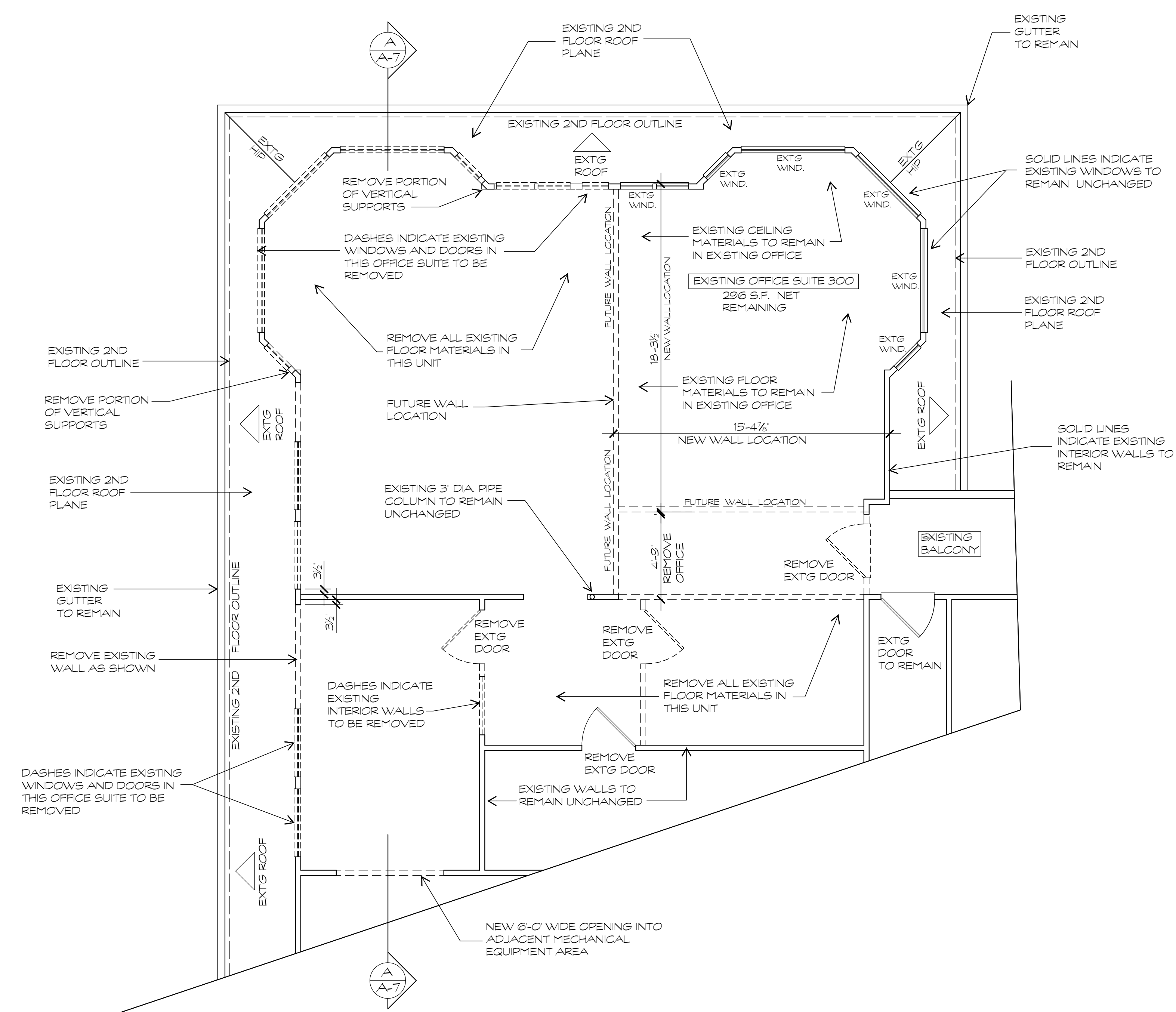


AS-BUILT 3RD FLOOR AND ROOF  
 DEMOLITION PLANS

SCALE
1/4" = 1'-0"
DRAWN
CHECKED
DATE
1-13-2014
JOB NO.
SHEET
A-4



AS-BUILT DEMOLITION ROOF PLAN

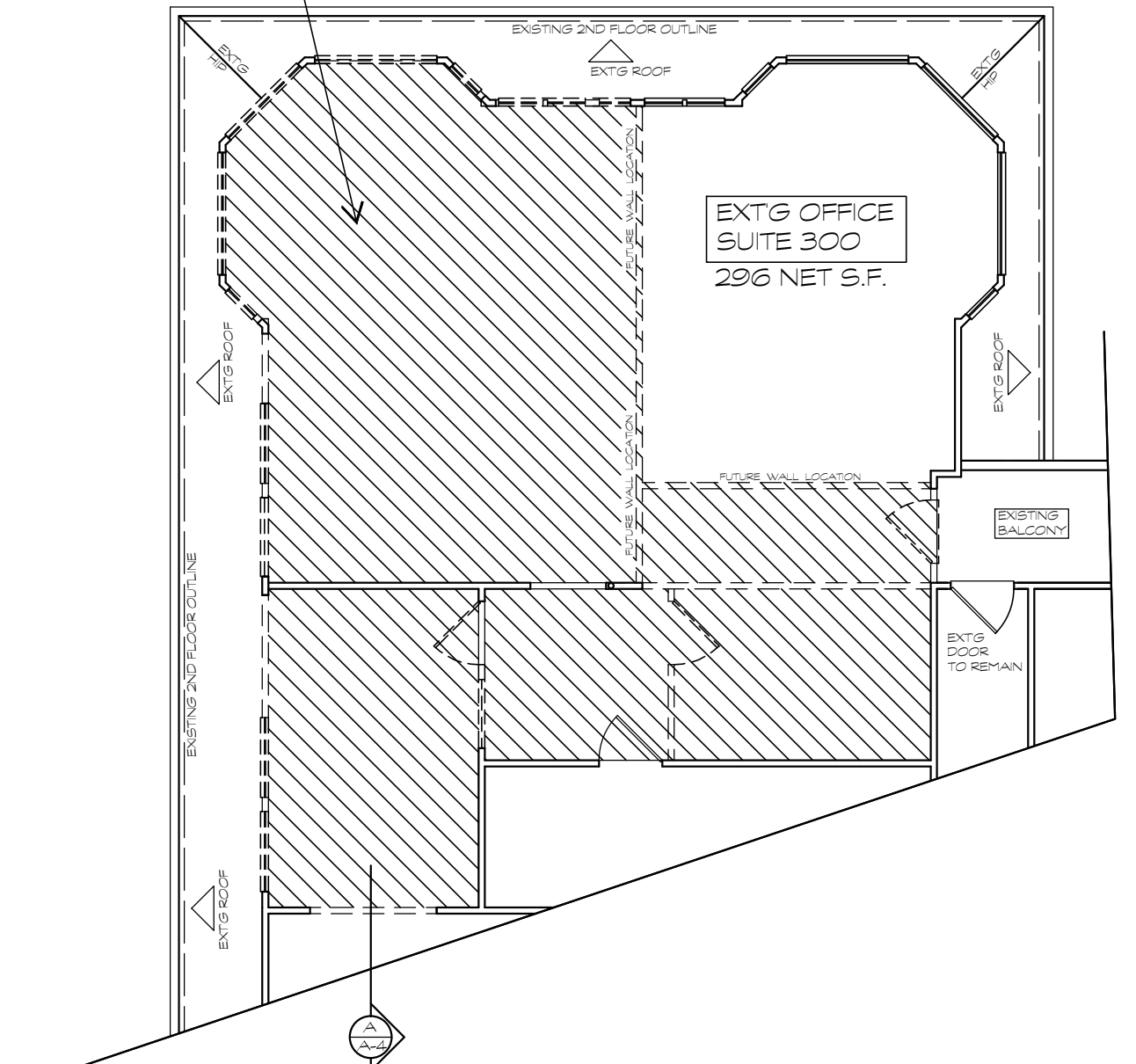


AS-BUILT DEMOLITION 3RD FLOOR PLAN

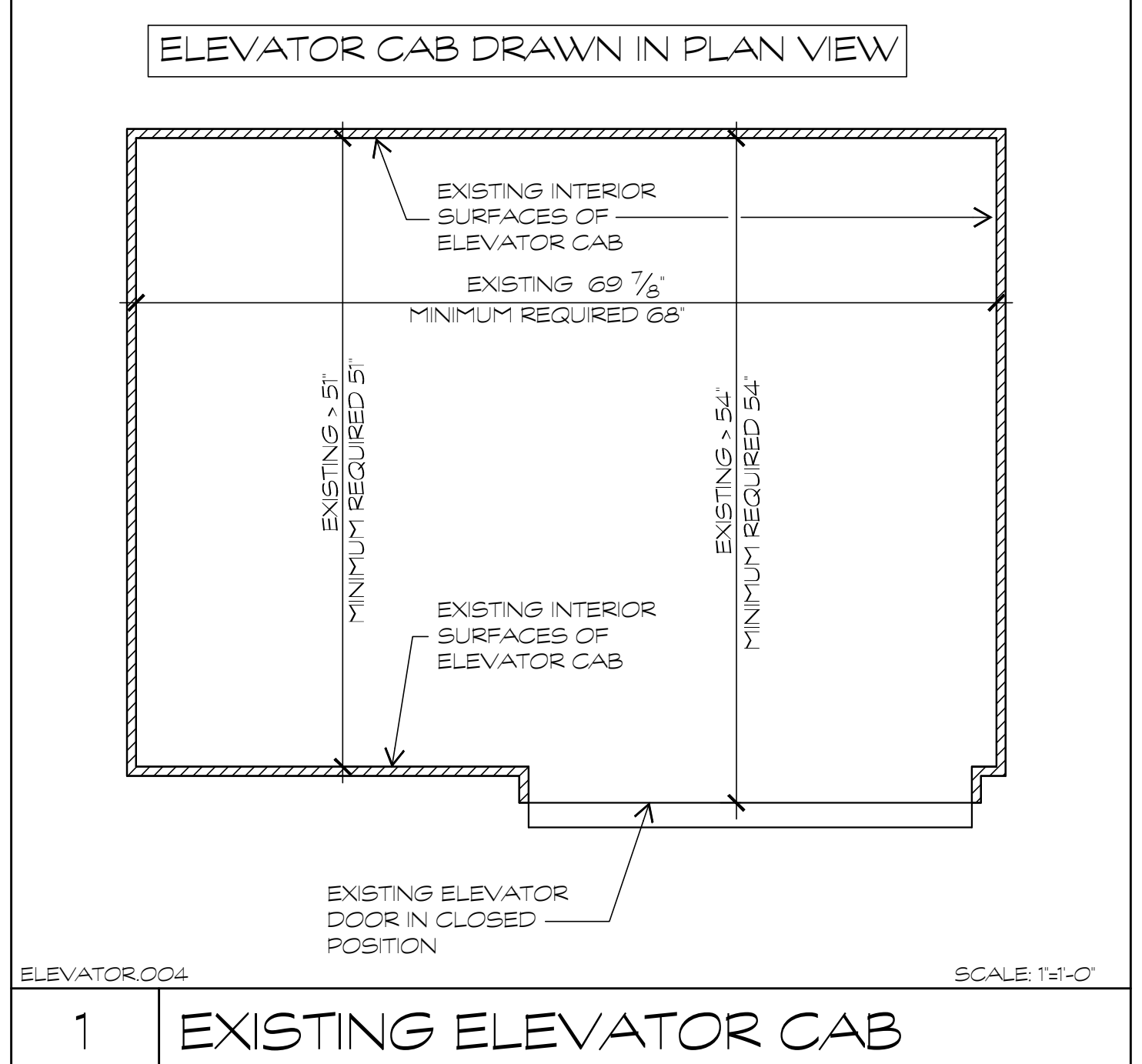
**ELECTRICAL DEMOLITION NOTES**

1. ALL EXISTING ELECTRICAL OUTLETS AND LIGHTING IN EXISTING OFFICE NOT BEING DEMOLISHED TO REMAIN UNCHANGED.
2. ALL EXISTING CEILING T-BAR CEILING MATERIAL, LIGHTING AND MECHANICAL IN NEW DECK AND MECHANICAL AREAS TO BE REMOVED.
3. ALL EXISTING WALL ELECTRICAL OUTLETS FOR 120V POWER, CABLE, NETWORK CABLES, ETC... IN THE NEW EXTERIOR DECK AND MECHANICAL AREAS TO BE REMOVED. SEE NEW 'E' SHEETS FOR NEW REQUIREMENTS.
4. ALL EXISTING FLOOR MATERIALS IN THE NEW EXTERIOR DECK AND NEW MECHANICAL AREAS SHALL BE REMOVED.
5. EXISTING 1/2\"/>

SHADING INDICATES  
 823.42 SQUARE FEET OF  
 NET OFFICE AREA  
 REMOVED



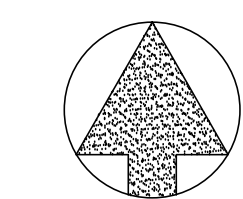
3RD FLOOR FOOTAGE REMOVED CALC.



1 EXISTING ELEVATOR CAB

**CONSTRUCTION LEGEND**

- EXISTING WALLS TO REMAIN
- - - - EXISTING WALLS TO BE REMOVED
- ▬▬▬▬ NEW WALL CONSTRUCTION

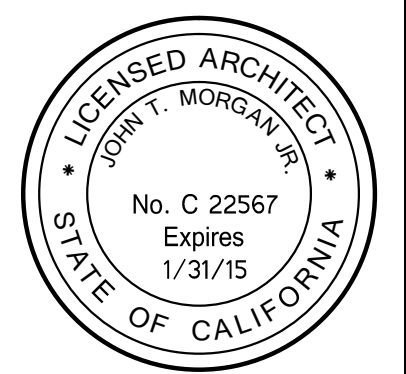


NORTH ARROW

REVISIONS

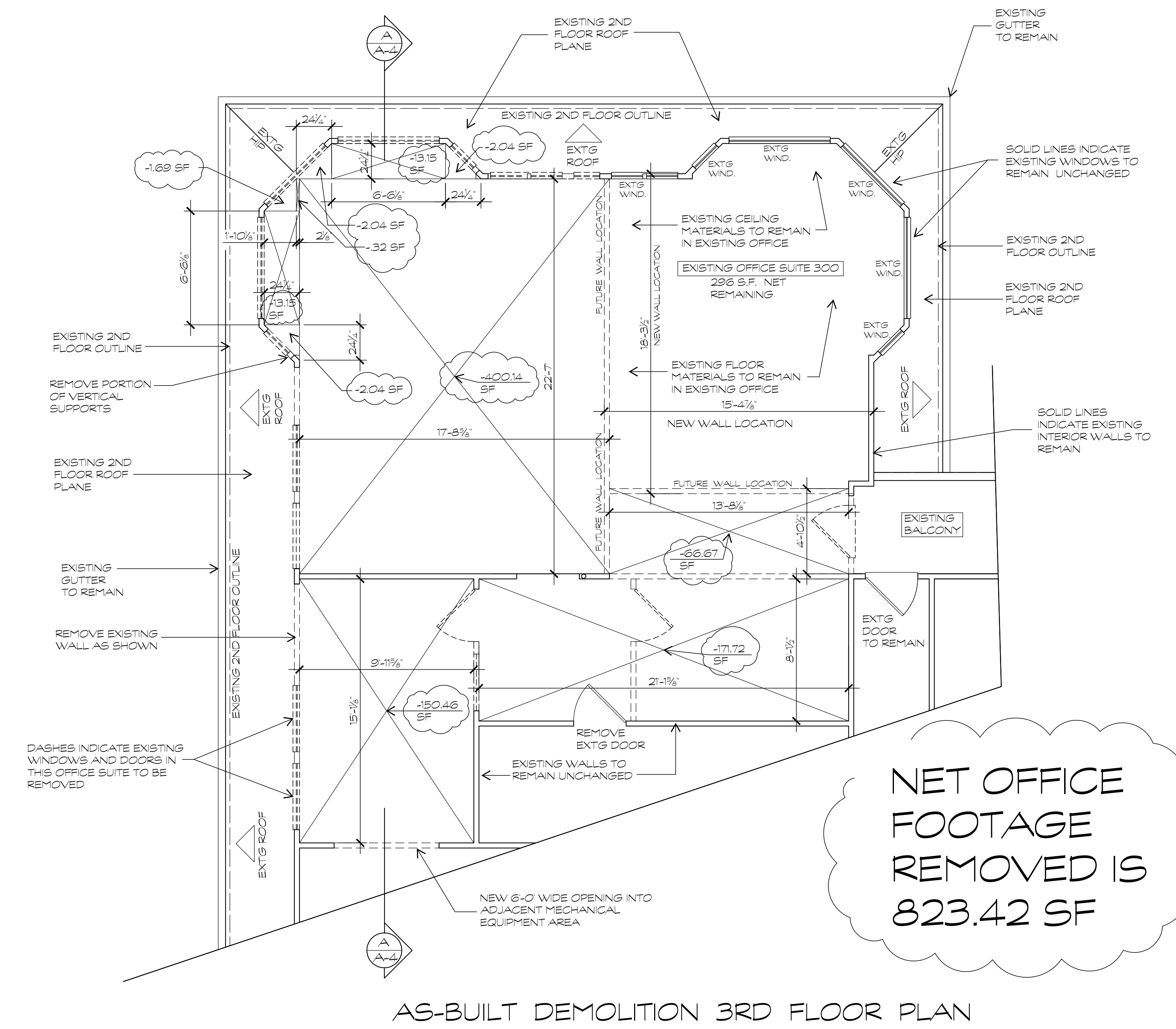
**ARCHITECT**  
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 PH (714) 750-2725 FAX (714) 750-2724

**OFFICE REMODEL**  
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 Newport Beach, CA 92663



AS-BUILT 3RD FLOOR AND ROOF  
 DEMOLITION PLANS WITH  
 REMOVED SQUARE FOOTAGE CALCULATIONS

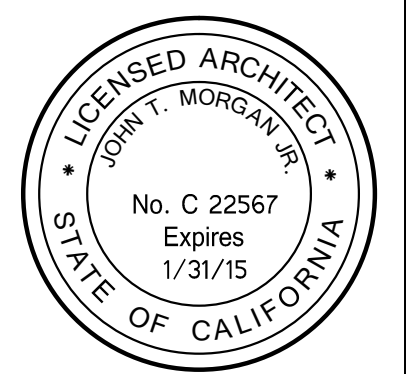
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<b>DRAWN</b>
<b>CHECKED</b>
<b>DATE</b> 11-13-2014
<b>JOB NO.</b>
<b>SHEET</b> A-4.1



REVISIONS

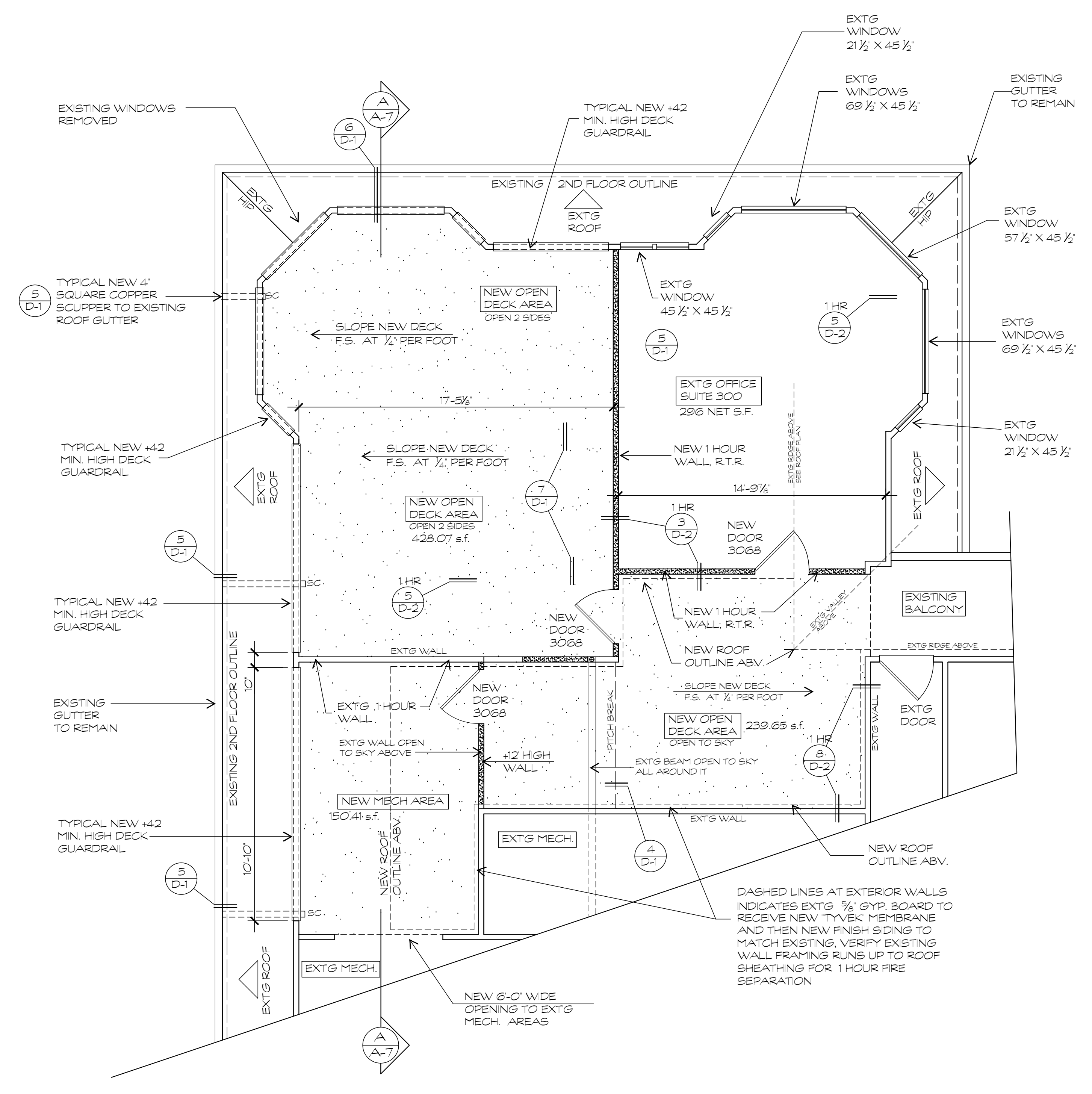
**ARCHITECT**  
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 North Tustin, CA 92705  
 PH (714) 750-2725 FAX (714) 750-2724

**OFFICE REMODEL**  
 2801 West Coast Highway  
 Newport Beach, CA 92663



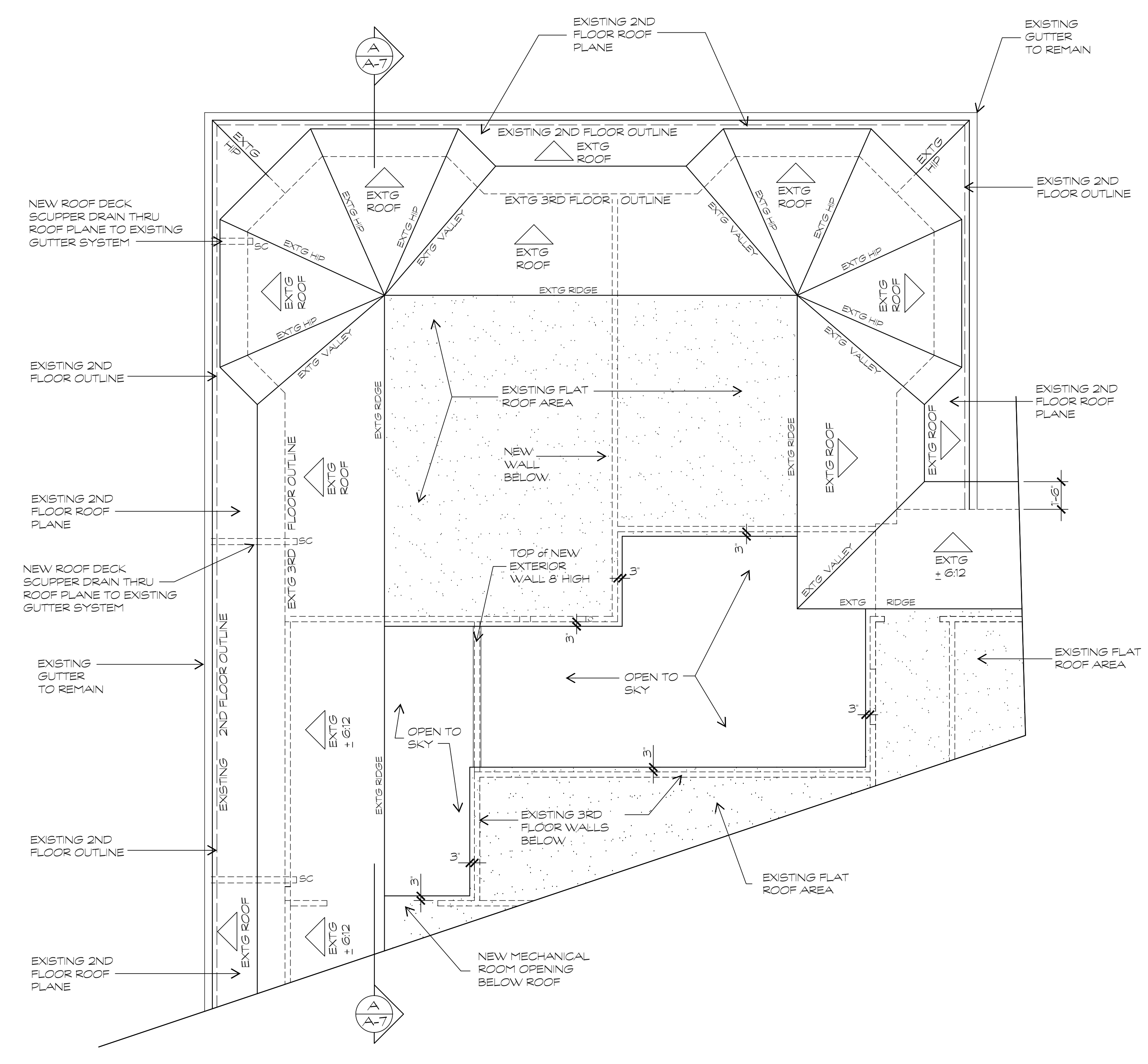
NEW PARTIAL 3RD FLOOR and ROOF PLANS

SCALE 1/4" = 1'-0"
DRAWN
CHECKED
DATE 11-13-2014
JOB NO.
SHEET <b>A-5</b>



**NEW PARTIAL 3RD FLOOR PLAN**

**NOTE**  
 823.42 NET SQUARE FEET OF  
 OFFICE SPACE REMOVED



**NEW PARTIAL NEW ROOF PLAN**

**ROOF PLAN NOTES**

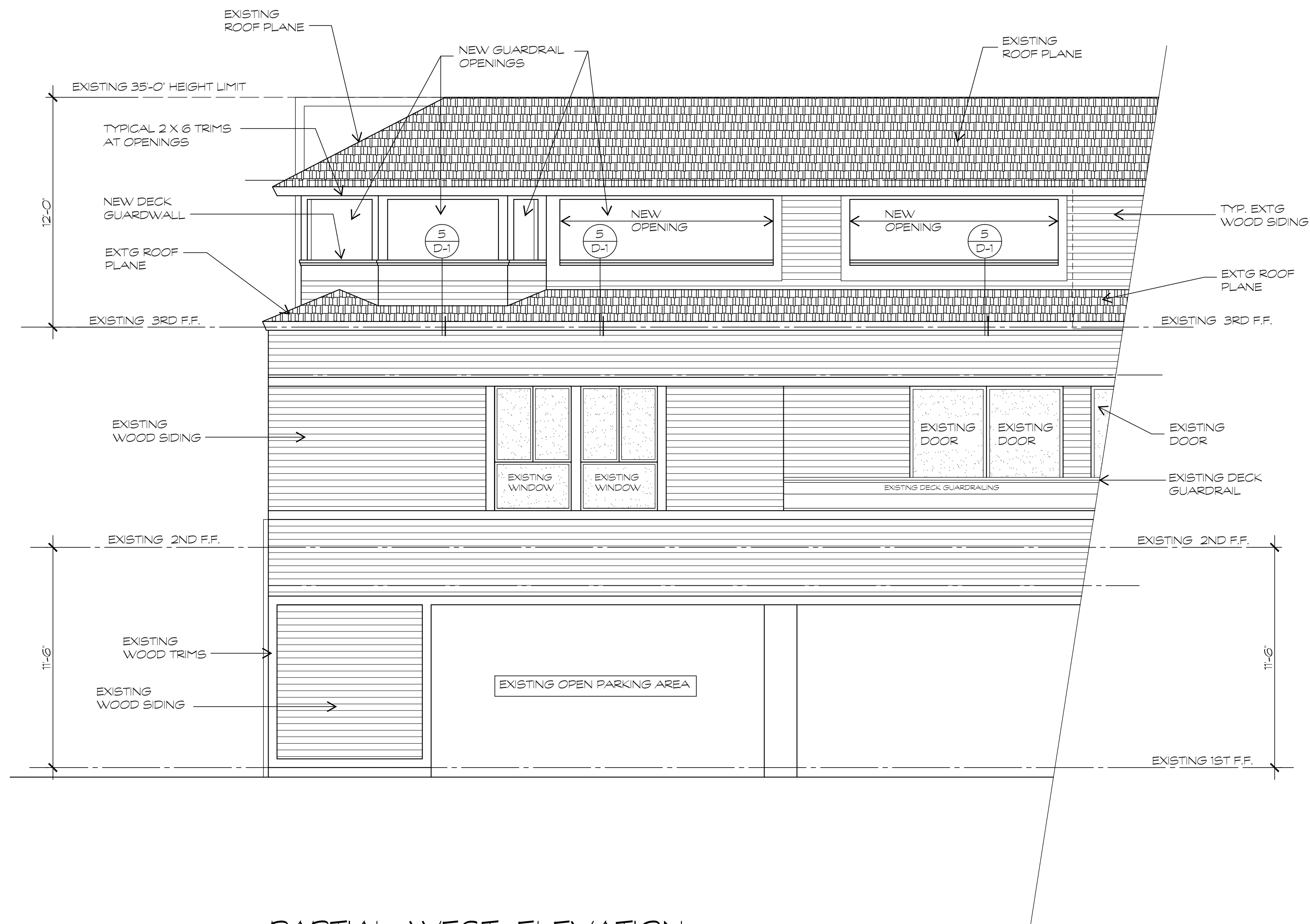
1. ANY NEW ROOF MATERIAL REPAIR ON EXISTING ROOFS SHALL BE A CLASS 'A' FIRE RATED ROOF MATERIAL AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.
2. ALL NEW 3RD FLOOR ROOF DECK MATERIAL SHALL BE A CLASS 'A' ELASTOMERIC ROOF MEMBRANE FINISH BY POLYCOAT PRODUCTS APPLIED OVER NEW SLOPING DECK SHEATHING PER MANUFACTURER'S RECOMMENDATIONS. SLOPE ALL DECK AREAS AT 1/4" PER FOOT MINIMUM UNLESS NOTED OTHERWISE ON THE ROOF PLAN. ESR H 2785
3. ALL NEW ROOF TO ROOF OR ROOF TO WALL FLASHING SHALL BE COPPER. NO GALVANIZED IRON IS ALLOWED.
4. ALL NEW FASCIA BOARDS AND TRIM BOARDS TO MATCH THE EXISTING 2 X SIZE AND DESIGN WITH NEW PAINTED FINISH TO MATCH THE EXISTING.

**CONSTRUCTION LEGEND**

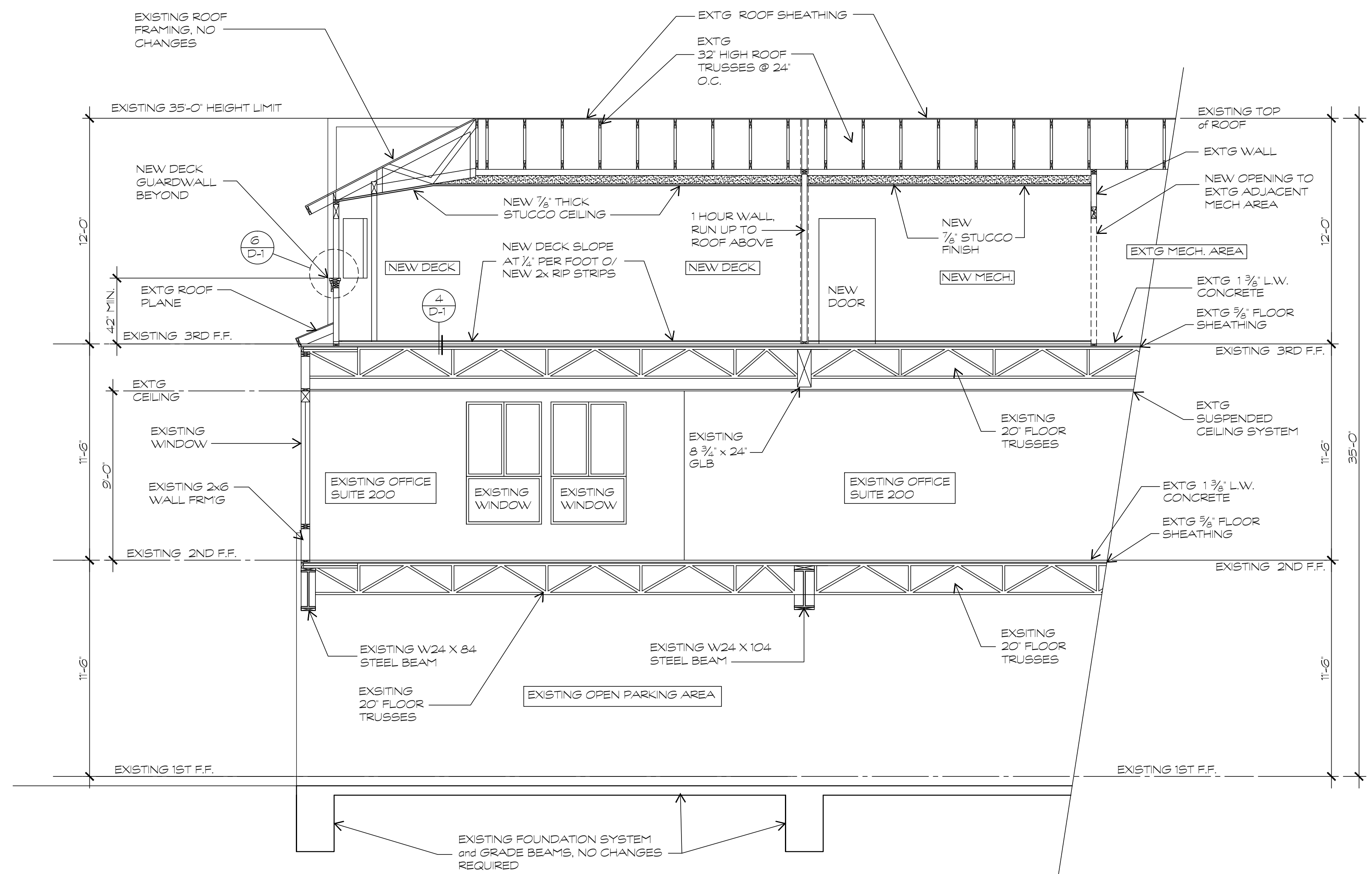
	EXISTING WALLS TO REMAIN
	EXISTING WALLS TO BE REMOVED
	NEW WALL CONSTRUCTION



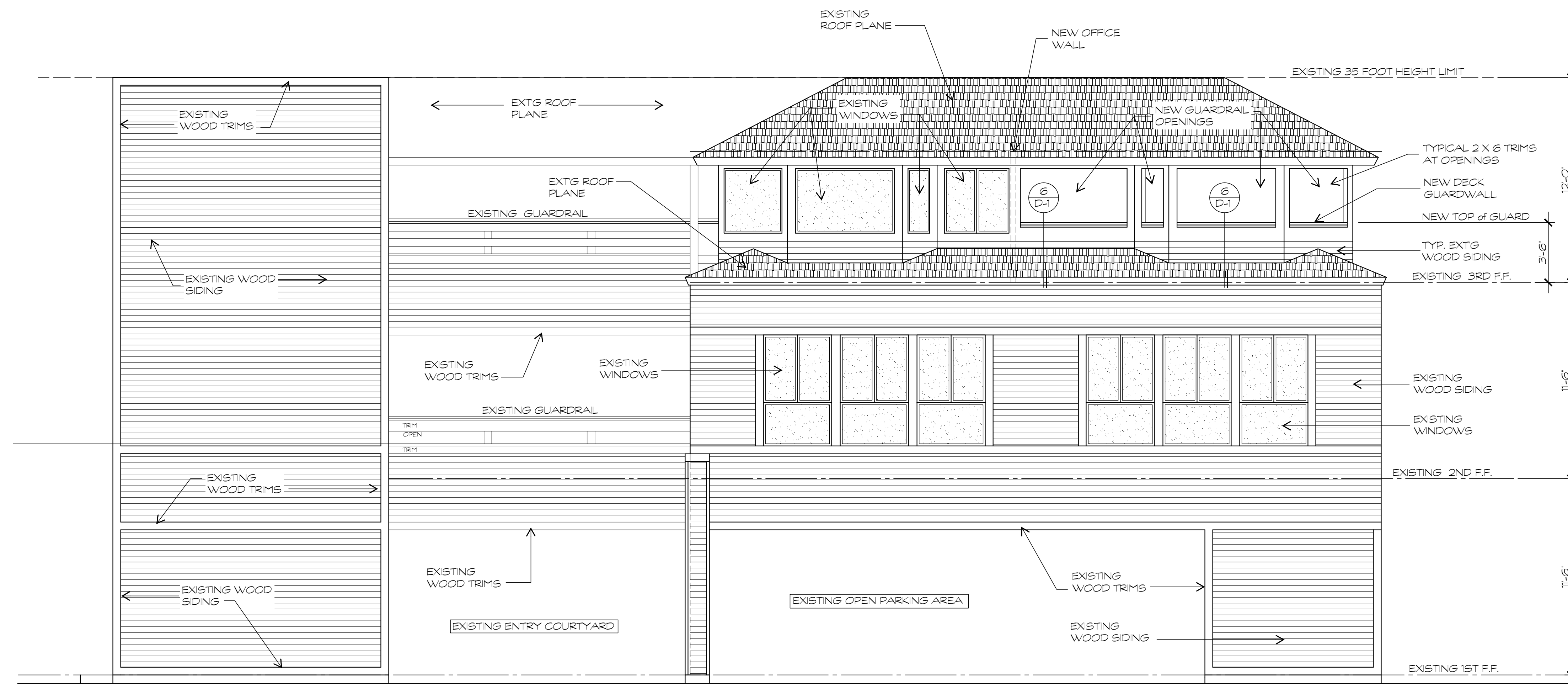




PARTIAL WEST ELEVATION



PARTIAL SECTION "A"



NORTH ELEVATION

STUCCO NOTES

1. ALL NEW STUCCO SHALL BE 7/8" MINIMUM THICKNESS APPLIED OVER A 'TYVEK' MEMBRANE WITH A SMOOTH FINISH.
2. ALL NEW WOOD SIDING SHALL BE A 3/4" THICK CEDAR WOOD SIDING TO MATCH THE EXISTING IN SIZE AND SHAPE APPLIED OVER ONE LAYER OF 'TYVEK' MEMBRANE OVER EXISTING OR NEW 5/8" GYPSUM BOARD TO ACHIEVE A ONE HOUR FIRE ASSEMBLY RATING.
3. ANY NEW EXTERIOR WALLS AGAINST THE NEW 3RD FLOOR DECK AREA BEING CREATED SHALL BE VERIFIED TO HAVE 2-1" BATTEN INSULATION MINIMUM INSIDE THE WALLS.
- 4.

REVISIONS

**ARCHITECT**  
 John T. Morgan Jr.  
 18662 Beaumont Avenue  
 North Tustin, CA 92705  
 PH: (714) 750-2725 FAX: (714) 750-2724

**OFFICE REMODEL**  
 2801 West Coast Highway  
 Newport Beach, CA 92663



NEW NORTH ELEVATION, PARTIAL WEST ELEVATION  
 and SECTION "A"

SCALE 1/4" = 1'-0"
DRAWN
CHECKED
DATE 1-13-2014
JOB NO.
SHEET

A-7