



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: Seimone Jurjis, Community Development Director  
SUBJECT: Report of actions taken by the Planning Division or City staff for the week ending September 20, 2019.

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

Item 1: The Stag Bar Operator License No. OL2018-002 (PA2018-196)  
Site Address: 121 McFadden Place

Action: Approved

Council District 1

APPEAL PERIOD: An appeal or call for review 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  
Sgt. Brad Miller, NBPD



## **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**

September 18, 2019

McFadden Place LLC  
Attn: Mario Marovic  
3334 E. Coast Hwy #418  
Corona del Mar, CA 92625  
[mario@loungegroup.com](mailto:mario@loungegroup.com)

<b>Application No.</b>	<b>Operator License No. OL2018-002 (PA2018-196)</b>
<b>Owner/Applicant</b>	<b>McFadden Place LLC</b>
<b>Location/Business Name</b>	<b>The Stag Bar</b>
<b>Site Address</b>	<b>121 McFadden Place</b>
<b>Legal Description</b>	<b>Lot 15 and Lot 16, Block 21 of the Newport Beach Tract</b>

On **September 18, 2019**, the Chief of Police approved the following: a request for the issuance of an operator license pursuant to Newport Beach Municipal Code (NBMC) Chapter 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance) for an existing bar establishment with late hours, a Type 48 (On-Sale General) Alcoholic Beverage Control (ABC) license, and an outdoor patio area. Use Permit No. UP2018-013 (PA2018-196) was approved by the Planning Commission on June 20, 2019, to allow an increased occupant load for the bar area. The occupant load increase requires the issuance of a building permit, as well as the installation of a fire sprinkler system; therefore, a new Operator License is required.

### **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:

- a. The establishment is located in the Mixed-Use Water Related (MU-W2) Zoning District. The MU-W2 designation applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial and residential dwelling units on the upper floors. Although a bar is not listed as a permitted or a conditionally permitted use within this district, the legal nonconforming use can be expanded subject to a conditional use permit pursuant to NBMC Section 20.38.050 (Nonconforming Uses).
- b. The bar was renovated and expanded in 2015, to include a larger kitchen and dining area, and is the primary occupant of the property. It was determined to be consistent with the MU-W2 land use designation with the previous Conditional Use Permit approval (UP2013-016). Eating and drinking establishment uses can be expected to be found in this area and similar locations and are complementary to the surrounding commercial and residential uses. Operator License No. OL2015-005 was issued shortly after UP2013-016 was approved.
- c. The Planning Commission approved an amended operation with Conditional Use Permit No. UP2018-013 on June 20, 2019, to allow an increased customer occupant load of 260 persons. Implementation of the increased occupant load will require a building permit, as well as the installation of a fire sprinkler system. Pursuant to NBMC Chapter 5.25, a new operator license is also required and OL2015-005 would be superseded.

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.*

Fact in Support of Finding:

The bar does not currently offer nor does it propose to offer live entertainment.

Finding:

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

Facts in Support of Finding:

- a. A bar has operated in this location since at least 1914, and demonstrated the location's capability of operating as a compatible use with other land uses in the vicinity.

- b. The plans are consistent with the occupant load of 260 persons identified on the tenant improvement plans under Plan Check No. 1693-2019.
- c. The plans have been reviewed for compliance with the Conditional Use Permit for the bar use and improvements include compliant emergency exits, a new fire sprinkler system, and any required accessibility upgrades.

Finding:

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

Facts in Support of Finding:

- a. Security personnel at the entrance and exit will be responsible for regulating the loitering, noise, elicit activity, and other objectionable conditions that may occur outside of the establishment. A detailed security plan has been prepared where at least one security person will be provided for every 50 guests during peak hours.
- b. The Operator License has been conditioned to require that security personnel be posted at both the entrances to the establishment as well as the entrance to the outdoor patio area to track patrons entering and exiting the premises in order to maintain maximum occupancy limits.
- c. The business will be required to comply with the hours of operation and the maximum occupant load, as specified in the conditions of approval for the Operator License.

**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 the Conditional Use Permit and the applicant shall comply with the all other conditions of approval of Conditional Use Permit No. UP2018-013:

- 1. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Operator License. (CUP Condition of Approval 4)
- 2. The hours of operation for the bar shall be limited to between 6 a.m. and 2 a.m., daily; however, no new patrons shall be allowed to enter the bar after 1 a.m. and last call for alcohol service shall occur at 1:30 a.m. The Applicant shall be responsible for encouraging patrons to vacate the premise in a timely manner. (CUP Condition of Approval 11)

3. The occupant load for customers (not including employees) of the eating and drinking establishment shall not exceed 260 persons, including the outdoor patio area (211 persons interior and 49 persons outdoor patio), subject to compliance with the California Building Code ("CBC") and the approval of the Building Division. A building permit is required prior to any occupant load increase. (CUP Condition of Approval 12)
4. The removal or relocation of pool tables, tables, chairs, stools, or other furniture to accommodate an area for dancing or increased occupancy above that allowed by [CUP] Condition of Approval No. 12 shall be prohibited. (CUP Condition of Approval 13)
5. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. (CUP Condition of Approval 14)
6. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26. (CUP Condition of Approval 15)
7. No outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the facility. (CUP Condition of Approval 16)
8. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises. (CUP Condition of Approval 18)
9. All doors and windows of the facility shall remain closed after 10 p.m. except for the ingress and egress of patrons and employees. (CUP Condition of Approval 22)
10. A revised comprehensive security plan that includes one additional security guard due to the increase in customer occupancy count for the eating establishment shall be submitted for review and approval by the NBPD. The procedures included in the security plan shall be implemented and adhered to for the life of the Conditional Use Permit. There shall be at least one security staff member on duty for every 50 patrons after 10 p.m. There shall further be at least four security staff members on duty Friday and Saturday evenings after 10 p.m. At least one security staff member shall be posted at each entrance. All security staff must possess a guard card and

be trained in responsible beverage service. After 2 a.m. closing, there shall be at least two security staff members posted outside to deter any potential problems until the crowd has dispersed from the immediate area. (CUP Condition of Approval 27)

11. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. (CUP Condition of Approval 28)
12. There shall be no live entertainment or dancing allowed on the premises. (CUP Condition of Approval 29)
13. 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. (CUP Condition of Approval 30)
14. Any event or activity staged by an outside promoter or entity, where the Applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited. (CUP Condition of Approval 31)
15. There shall be no on-site radio, televisions, 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. (CUP Condition of Approval 32)
16. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits. (CUP Condition of Approval 33)
17. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training program must be updated every three years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days. 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. (CUP Condition of Approval 34)

18. Strict adherence to maximum occupancy limits is required. Security staff shall be posted at each entrance and must keep an accurate occupant load count. Security staff shall provide that count to City officials on command. (CUP Condition of Approval 35)
19. For future licensees, operators or assignees, a new Operator License shall be required. Should the Alcoholic Beverage Control (ABC) license be transferred, any future license holders, operators or assignees shall be notified of the conditions of this approval by either the current licensee, business operator, or the leasing company.
20. The business shall comply with Title 20 (Zoning Code) and any other applicable provisions of the Newport Beach Municipal Code.
21. The applicant must comply with all conditions of the Alcoholic Beverage Control License.
22. An approved security plan is attached to this document. Any updates to the security plan shall be submitted to the Police Department.
23. In accordance with Section 5.28.080 (Revocation, Suspension, or Modification of License for Cause), 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.
24. Operator License No. OL2018-002 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits & Extensions) of the Newport Beach Municipal Code (NBMC), unless an extension is otherwise granted.
25. Should the property be sold or otherwise come under different ownership, a new Operator License shall be required.
26. 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 Stag Bar Operator License including, but not limited to, the Operator License No. OL2018-002 (PA2018-196). 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.

### **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 Division at 949-644-3200.

### **REVOCAION, 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: \_\_\_\_\_



Jon T. Lewis  
CHIEF OF POLICE

Attachments:

- PD 1 Planning Commission Resolution approving UP2018-013
- PD 2 Project Description and Narrative Justification
- PD 3 Security Plan
- PD 4 Project Plans

# **Attachment No. PD 1**

Planning Commission Resolution No. PC2019-018

## RESOLUTION NO. PC2019-018

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP2018-013 TO ALLOW AN INCREASED OCCUPANT LOAD AND REDUCE THE OFF-STREET PARKING REQUIREMENT BY AN ADDITIONAL 13 SPACES FOR AN EXISTING BAR ESTABLISHMENT AT 121 MC FADDEN PLACE (PA2018-196)

THE CITY OF NEWPORT BEACH PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Mario Marovic ("Applicant"), with respect to property located at 121 Mc Fadden Place, and legally described as Lots 15 and 16 in Block 21 of Newport Beach, County of Orange, State of California, as per Map recorded in Book 3, Page 26 of Miscellaneous Maps, in the office of the County Recorder of said County ("Property") requesting approval of a conditional use permit ("CUP").
2. The Applicant requests to increase the allowed occupant load of the existing Stag Bar from 207 persons to a maximum of 260 persons. The bar is currently allowed to operate from 6 a.m. to 2 a.m., daily. In conjunction with the occupant load increase, the Applicant also proposes to modify the allowed hours of operation, such that no new patrons would be permitted to enter after 1 a.m. and last call for alcohol service would occur at 1:30 a.m. The bar is currently permitted to operate with a Type 48 (On Sale General – Public Premises) Alcoholic Beverage Control (ABC) license. There are no substantial changes to the floor plan proposed with this application. With the proposed occupant load increase, the Applicant is required to install fire sprinklers throughout the building. As there is no parking on-site, the applicant also requests a waiver of the required 13 parking spaces incurred by the increased occupant load. The establishment currently operates under Conditional Use Permit No. UP2013-016, which would be superseded if this application is approved.
3. The Property is located within the Mixed-Use Water Related ("MU-W2") Zoning District and the General Plan Land Use Element category is Mixed-Use Water Related ("MU-W2").
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Mixed Use Water Related ("MU-W") and it is located within the Mixed-Use Water Related ("MU-W2") Coastal Zone District. The Property was developed in 1912 without any on-site parking, and based on records research, its floor area has not been increased since original construction. There are no exterior improvements or expansion of building floor area proposed; therefore, there is no intensification of use and a coastal development permit is not required.
5. A public hearing was held on June 20, 2019, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Ralph M. Brown Act and Newport Beach Municipal Code ("NBMC") Chapter 20.62 (Public Hearings). Evidence, both written and oral, was presented to, and considered by the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption allows interior or exterior alterations involving interior partitions, plumbing and electrical conveyances. The Project is an increase in occupant load with no additional floor area or exterior modifications. The proposal requires minor interior improvements to install fire sprinklers throughout the building.

SECTION 3. REQUIRED FINDINGS.

In accordance with NBMC Subsection 20.48.030(C)(3) (Alcohol Sales), the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code.*

Facts in Support of Finding:

In finding that the proposed use is consistent with NBMC Section 20.48.030, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
  1. The Property is located in Reporting District 15 ("RD 15"). The number of reported Part One Crimes within RD 15 in 2018, was 159 crimes. This amount is higher than adjacent reporting districts and the Citywide average. Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report – homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson. The higher crime rate is largely due to the number of visitors to the Balboa Peninsula, the high concentration of restaurants, and the high ratio of non-residential to residential uses clustered in the commercial and mixed-use districts. The McFadden Square area has historically been a business and recreation hub for residents and tourists, drawing a large number of visitors year-round but particularly in the summer months. While the area does have a high concentration of alcohol licenses, this establishment maintains an existing license. Therefore, the Project will not result in any increase in the number of alcohol licenses. The service of alcoholic beverages provides menu options for customers and potentially enhances the economic viability of the business, while the CUP and Operator License will provide greater enforcement options.

2. The Newport Beach Police Department (“NBPD”) has reviewed the proposal and has no objection to the Project, subject to appropriate conditions of approval. The operation of the establishment includes the approved floor plan, business hours that are more restrictive than the current hours, an improved security plan, and the requirement to obtain an operator license. The Operator License provides an additional tool for the NBPD to control the use, especially should objectionable activities occur at the site.
- ii. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
1. RD 15 has a higher number of arrests recorded in 2018, compared to adjacent reporting districts. From January 1, 2018, through December 31, 2018, the NBPD reported 581 arrests in RD 15. There were 12 arrests at this Property; however, not every arrest was related to the business and may have been related to a dispatch event in the direct vicinity.
  2. The NBPD reviewed the application and does not anticipate any significant increase in crime or alcohol-related incidents with the approval of this application subject to the proposed conditions of approval, which includes more restrictive hours of operation.
- iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
1. The Project site is located in a mixed-use zoning district which allows for residential uses when intermixed with nonresidential uses. The nearest residential zoning district is located approximately 315 feet east of the project site, at the corner of West Balboa Boulevard and 21<sup>st</sup> Street. The nearest residential units are located 10 feet across the side alley to the northwest of the subject property in a mixed-use building.
  2. The nearest recreational facilities, the beach and Newport Pier, are located approximately 300 feet to the southwest of the Property. The nearest church, Our Lady of Mount Carmel Church, is located approximately 0.5 miles to the east of the subject property along West Balboa Boulevard. The nearest school, Newport Elementary School, is located 0.7 miles to the east of the subject property along West Balboa Boulevard. The nearest daycare center, Children’s Center by the Sea, is approximately 0.6 miles to the east along West Balboa Boulevard. The Project use is surrounded by other commercial, retail, and office uses on the ground level.
  3. The Balboa Peninsula is generally characterized by a high number of visitors, in which commercial and residential zoning districts are located in close proximity to one another and eating and drinking establishments with alcohol service are common. The proposed reduction in hours of operation in conjunction with the CUP and Operator License conditions of approval will help minimize nuisances that the

establishment could have to surrounding uses. This will help to ensure that the use remains compatible with the surrounding community.

*iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

1. The per capita ratio of one license for every 64 residents is higher than all adjacent Census Tracts and the average City-wide ratio. This is due to the higher concentration of commercial land uses, many of them visitor-serving, in McFadden Square, Lido Marina Village and Cannery Village, and lower number of residential population in the RD 15 area. Nearby establishments selling alcohol include the Taco Bell Cantina, 21 Oceanfront, Dory Deli, Beach Ball, Blackie's and several others located in the McFadden Square area.
2. While the license-to-resident ratio is higher than average and the Property is located in close proximity to other establishments selling alcoholic beverages, staff believes the physical and operational characteristics of the establishment would make the continuation of alcoholic beverage sales appropriate at this location.

*v. Whether or not the proposed amendment will resolve any current objectionable conditions.*

1. No objectionable conditions are presently occurring at the Property.
2. A bar has been operating at the Property since the early 1900s. It was remodeled and expanded in 2015, into an adjacent liquor store to include an enlarged kitchen and outdoor patio dining area. As part of the proposed occupant load increase, the building will be brought into compliance with all current Building and Fire Code requirements.
3. All employees serving alcohol will be required to be at least 21 years of age, and undergo, and successfully complete, Responsible Beverage Service (RBS) training. Approval of this application will require the operator to obtain a new Operator License pursuant to NBMC Chapter 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance). The Operator License will provide enhanced tools to control noise, loitering, litter, disorderly conduct, parking/circulation and other potential disturbances that could result from the use, and will provide the PD with means to modify, suspend, or revoke the operator's ability to maintain late-hour operations.

In accordance with NBMC Section 20.52.020(F) (Use Permit, Required Findings), the following findings and facts in support of such findings are set forth:

Finding:

- B. The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

1. The General Plan land use designation for this site is Mixed-Use Water Related (“MU-W2”). The MU-W2 designation applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The bar was renovated and expanded in 2015, to include a larger kitchen and dining area, and is the primary occupant of the Property. Although it was a nonconforming land use, it was determined to be consistent with this land use designation with the previous Conditional Use Permit approval. Eating and drinking establishment uses can be expected to be found in this area and similar locations and are complementary to the surrounding commercial and residential uses.
2. The Project will not result in an increase in the floor area ratio; therefore, it is consistent with the Land Use Element development limitations.
3. The proposed occupant load increase is for a use that is consistent with General Plan Land Use Policy LU6.8.2 (Component Districts), which emphasizes that McFadden Square should be utilized as one of the primary activity centers within the City. The increase in occupant load will allow additional people to enjoy the existing eating and drinking establishment as a visitor- and local-serving convenience.
4. Eating and drinking establishments are common in the vicinity along the Balboa Peninsula and are frequented by visitors and residents. The establishment is compatible with the land uses permitted within the surrounding neighborhood. The increased occupant load will help to allow the Applicant to continue to improve and revitalize the existing building and the surrounding neighborhood.
5. The Property is not part of a specific plan area.

Finding:

- C. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. The Property is located in the Mixed-Use Water Related (“MU-W2”) Zoning District. The MU-W2 designation applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial and residential dwelling units on the upper floors. Although a bar is not listed as a permitted or a conditionally permitted use within this district, the legal nonconforming use can be expanded subject to a conditional use permit pursuant to NBMC Section 20.38.050 (Nonconforming Uses).
2. A bar has been operating at the Property since the early 1900s. It was expanded and renovated in 2015, to add a kitchen, additional interior dining areas, and an outdoor patio area at the expense of a retail liquor store with a conditional use permit authorized by

the Planning Commission in accordance with NBMC Section 20.38.050 (Nonconforming Uses).

3. The Property does not provide on-site parking, but the proposed increase in occupant load is not anticipated to change the parking demand significantly. The Applicant provided a parking study prepared by a qualified professional. The McFadden Square area is adequately served by the two adjacent municipal lots throughout most of the year and the close proximity to multiple commercial uses and coastal resources will result in shared trips to the project site area.

Finding:

- D. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The operation of the eating and drinking establishment will be restricted such that no new patrons would be allowed to enter after 1 a.m. and last call for alcohol service would occur at 1:30 a.m., whereas it was previously allowed to operate until 2 a.m. without any further restrictions. The closing hour is compatible with other late-night eating and drinking establishments in the area. The NBPd has reviewed the proposed increase and is supportive of the reduced late hour operation and an improved security plan.
2. The existing floor plan is not changing as a result of the Project. Live entertainment and dancing are not proposed nor are they allowed activities.
3. The Project includes conditions of approval to ensure that potential conflicts are minimized to the greatest extent possible. Although the eating and drinking establishment is located approximately 10 feet from residential units across the alley to the northwest, the building is oriented toward Newport and West Balboa Boulevards away from the nearby mixed-use structures. The outdoor patio area is contained by the hotel roof deck above and a 6-foot-1-inch tall glass barrier. Activity from the establishment will be buffered from the residential uses across Newport and West Balboa Boulevards. The Applicant is also required to control trash and litter around the Property.
4. The operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages, including an operator license, will help ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure the welfare of the surrounding community.
5. As part of the previous remodel, the Applicant installed a grease interceptor, provided a wash-out area that drains to the sewer line, obtained Health Department approval prior to opening for business, and complied with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.



6. The Property is located in a relatively dense area with multiple uses within a short distance of each other. The McFadden Square area is conducive to a significant amount of walk-in patrons. The area experiences parking shortages in the daytime during the summer months, but parking is typically available during the rest of the year. Two municipal parking lots and on-street parking is available in the area to accommodate the proposed use in the off-season months.
7. The Applicant provided a parking study for the Property that was prepared by a qualified professional. The Project is not expected to noticeably change the parking demand in the McFadden Square area.

Finding:

- E. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The Property is developed with an existing commercial building and the tenant space is designed for an eating and drinking establishment. The design, size, location, and operating characteristics of the use are compatible with the surrounding neighborhood. The existing tenant space on the Property has historically been utilized by an eating and drinking establishment and a liquor store, which was replaced by the bar's expansion in 2015.
2. Adequate public and emergency vehicle access, public services, and utilities are provided to the subject property. Any additional utility upgrades required for the occupant load increase will be required at plan check and have been included in the conditions of approval.
3. In conjunction with the occupant load increase, the Applicant is required to install a fire sprinkler system throughout the building. This improvement will enhance the safety of the existing building and benefit the surrounding structures and area.
4. A building permit is required prior to any occupant load increase. Any tenant improvements to the Property will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding:

- F. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The Project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The establishment will continue to provide dining and entertainment as a public convenience to the surrounding neighborhood and visitors to the area. This will continue to help revitalize the Property and provide an economic opportunity for the Property owner to update the building and surrounding area, which best serve the quality of life for the surrounding visitor- and local-serving community.
3. The Applicant provided a parking study prepared by a qualified professional. The Project use is located in a district which is subject to a captive market that results in shared trips, different peak periods for a variety of land uses, and a high level of pedestrian and bicycle activity. These characteristics reduce the demand of the expanded bar establishment and the number of parking spaces required to serve the proposed use. Adequate parking is provided in the nearby municipal lots in the off-season months and summer weekdays to accommodate the proposed use.
4. The triangular outdoor patio area is open on only one side facing eastward towards Newport and West Balboa Boulevards and is delineated by a 6-foot-1-inch tall glass barrier to provide sound attenuation. The increased occupant load is not anticipated to increase noise, as the additional persons are calculated for inside the bar area. The occupant load of the outdoor dining area will not increase as part of the Project.

## SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit No. UP2018-013, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of NBMC Title 20 Planning and Zoning.
3. This Resolution supersedes Planning Commission Resolution No. 1938, which upon vesting of the rights authorized by this Conditional Use Permit, shall become null and void.


**PASSED, APPROVED, AND ADOPTED THIS 20<sup>TH</sup> DAY OF JUNE, 2019.**

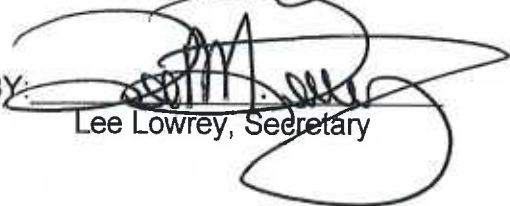
AYES: Ellmore, Kleiman, Koetting, Kramer, Lowrey, Weigand, Zak

NOES:

ABSTAIN:

ABSENT:

BY:   
Peter Zak, Chairman

BY:   
Lee Lowrey, Secretary

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

**Planning Division**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Conditional Use Permit No. UP2018-013 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 20.54.060 (Time Limits and Extensions), unless an extension is otherwise granted.
3. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Conditional Use Permit ("CUP").
5. This CUP may be modified or revoked by the City Council or Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Any change in operational characteristics, expansion in area, or other modification to the approved plans, may require an amendment to this CUP or the processing of a new CUP.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
8. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
9. Prior to the issuance of a building permit, a copy of this resolution shall be incorporated into the Building Division and field sets of plans.
10. Prior to the issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Conditional Use Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural

sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this CUP and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

11. *The hours of operation for the bar shall be limited to between 6 a.m. and 2 a.m., daily; however, no new patrons shall be allowed to enter the bar after 1 a.m. and last call for alcohol service shall occur at 1:30 a.m. The Applicant shall be responsible for encouraging patrons to vacate the premise in a timely manner.*
12. *The occupant load for customers (not including employees) of the eating and drinking establishment shall not exceed 260 persons, including the outdoor patio area (211 persons interior and 49 persons outdoor patio), subject to compliance with the California Building Code ("CBC") and the approval of the Building Division. A building permit is required prior to any occupant load increase.*
13. *The removal or relocation of pool tables, tables, chairs, stools, or other furniture to accommodate an area for dancing or increased occupancy above that allowed by Condition of Approval No. 12 shall be prohibited.*
14. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
15. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26.
16. That no outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with the facility.
17. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Department. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
18. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.

19. *The Applicant is responsible for washing the adjacent sidewalk area in front of the entire linear frontage of the building at an appropriate frequency to ensure it is kept clean.*
20. The Applicant shall prepare and submit a practical program for controlling litter, spills, and stains resulting from the use on the site and adjacent areas to the Planning Division for review. The building permit shall not be finalized and use cannot be implemented until that program is approved. The program shall include a detailed time frame for the policing and cleanup of the public sidewalk and right-of-way in front of the subject property as well as the adjacent public right-of-way (25 feet north and south of the subject property) not just in front of the subject tenant space. Failure to comply with that program shall be considered a violation of the use permit and shall be subject to administrative remedy in accordance with NBMC Chapter 1.05 (Administrative Code Enforcement Program) that includes issuance of a citation of violation and monetary fines.
21. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 8 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to this CUP.
22. *All doors and windows of the facility shall remain closed after 10 p.m. except for the ingress and egress of patrons and employees.*
23. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the trash container on pick-up days.
24. 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 Stag Bar Occupancy Increase including, but not limited to, the Conditional Use Permit No. UP2018-013 (PA2018-196). 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.

**Police Department**

25. The operator of the establishment shall secure and maintain an operator license pursuant to NBMC Chapter 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance).
26. The Operator License required to be obtained pursuant to NBMC Chapter 5.25, may be subject to additional and/or more restrictive conditions such as a security plan to regulate and control potential late-hour nuisances associated with the operation of the establishment.
27. *A revised comprehensive security plan that includes one additional security guard due to the increase in customer occupancy count for the eating establishment shall be submitted for review and approval by the NBPD. The procedures included in the security plan shall be implemented and adhered to for the life of the Conditional Use Permit. There shall be at least one security staff member on duty for every 50 patrons after 10 p.m. There shall further be at least four security staff members on duty Friday and Saturday evenings after 10 p.m. At least one security staff member shall be posted at each entrance. All security staff must possess a guard card and be trained in responsible beverage service. After 2 a.m. closing, there shall be at least two security staff members posted outside to deter any potential problems until the crowd has dispersed from the immediate area.*
28. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
29. There shall be no live entertainment or dancing allowed on the premises.
30. 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.
31. Any event or activity staged by an outside promoter or entity, where the Applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.
32. There shall be no on-site radio, televisions, 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.
33. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site

media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

34. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training program must be updated every three years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days. 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.
35. Strict adherence to maximum occupancy limits is required. Security staff shall be posted at each entrance and must keep an accurate occupant load count. Security staff shall provide that count to City officials on command.

### **Fire Department**

36. *Prior to implementing any increased occupant load, the Applicant shall install a fire sprinkler system throughout the restaurant and bar areas with any increase in occupant load above 207 persons, as required by the California Building Code ("CBC") and California Fire Code ("CFC").*
37. Any room having an occupant load of 50 or more persons where fixed seats are not installed shall have the capacity of the room posted in a conspicuous place near the main exit from the room.
38. Illuminated exit signs are required and shall be installed. Emergency power shall be provided for a duration of not less than 90 minutes.

### **Building Division**

39. *Prior to implementing any increased occupant load, the Applicant shall apply for and obtain a building permit for the increase.*
40. *Immediately after building permit final, the Applicant shall ensure a new certificate of occupancy is issued and posted on-site in a conspicuous location.*
41. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Division.
42. Portable propane heaters shall be prohibited on the outdoor patio. Natural gas or electric heaters are allowed if installed per their listing and the California Electrical or Plumbing Code.



43. *The rear doors of the facility shall remain closed at all times. The use of the rear door shall be limited to deliveries and employee use only. Ingress and egress by patrons is prohibited unless there is an emergency. All exits shall remain free of obstructions and available for ingress and egress at all times.*

# **Attachment No. PD 2**

Project Description and Narrative Justification

Community Development Department  
100 Civic Center Dr. / P.O. Box 1768,  
Newport Beach, Ca. 92658-8915

## **PROJECT DESCRIPTION AND JUSTIFICATION**

***RE: The Stag (121 Mc Fadden Place, Newport Beach)***

### **Description:**

The business and property was purchased by Mario Marovic in August 2006. In March of 2014, the property owner and business owner, Mario Marovic was supported by the Newport Beach Police Department, Planning Department, Planning Commission and the community to rehabilitate and remodel a 100 year old building and business. The establishment is called the Stag Bar + Kitchen and Mr. Marovic has developed a stellar track record as a business operator in the city and is constantly trying to find ways to support the community and improve his business in a very competitive market.

After four years of operating the Stag Bar + Kitchen, Mr. Marovic met with the city to address two modifications to the Conditional Use Permit. The two modifications include: (1) Allow for a secondary entrance to the building that is currently being used as an exit, and (2) To increase the occupancy to a customer occupancy count of at least 260 persons.

Over the past year, Mr. Marovic has been working with the city to receive a recommendation on his requests. His original application proposed an occupancy increase for 321 persons. At that time, he proposed no changes to existing hours of operations (6:00 a.m. - 2:00 a.m. with no restrictions to the hours). And no additions to the existing 56 conditions that were placed on the property in 2014. Also, Mr. Marovic did not anticipate that the city would require the business to have fire sprinklers installed.

After meeting with the city and the police department, Mr. Marovic offered to decrease the occupancy count to 290 persons and alter the hours of operation so that after 1:15 a.m., customers can no longer enter the establishment and a "last call" would occur at 1:30 a.m. The purpose of this was twofold. First it would allow a 45 minute window for their customers to gradually leave the Stag Bar, avoiding a large number of patrons abruptly exiting the establishment at 2:00 a.m. Secondly, it would stop the concern of patrons rushing to the Stag Bar after they have left nearby establishments that close at 1:30 a.m.

Due to the second proposal by Mr. Marovic not being satisfactory for a recommendation by the planning department, he continued to work with the city and police department to find a better

solution. After a year of discussion, Mr. Marovic is hoping he has found a compromise that benefits the community and the Stag bar.

**Justification:**

Currently, the establishment has an abundance of room and the code permits for additional occupancy. However, upon entering into the establishment, there is a long and narrow area that opens up about 40 feet past the entrance. Because the Stag has only one entry point, it results in congestion of customers in that specific location near the entrance. This issue would be resolved by allowing the establishment to utilize the door along the patio as an additional entrance during peak hours. The secondary entrance would create better traffic flow and smoother operations for the owner to serve and monitor its customers. Mr. Marovic is requesting for the establishment to hold an increased occupancy count. The current occupancy count is significantly less than what the code permits, which results in unnecessary que lines outside of the property, loss of business to the Stag and loss of sales tax for the city of Newport Beach.

There are a number of reasons why approval of the application would be a great improvement for the Stag's business and the community who is already showing a desire to visit the establishment. Some of these reasons include:

**Safer Building:** The building will immediately become safer because the city has stated the increase will require meeting the current fire/life safety building code.

**Hours of Operation:** The Stag currently does not have any restrictions to its hours of operations. Mr. Marovic would agree to alter the hours of operation to include an "exit only" policy after 1:00 a.m. so the business will no longer allow additional/new customers into the establishment. There will also be a 1:30 a.m. "last call." This will result in a long period for their customers to gradually leave the Stag Bar, creating a natural attrition of customers by 2:00 a.m. and avoid concerns for a large number of patrons abruptly exiting at 2:00 a.m. Secondly, it would prohibit the issue of patrons rushing to the Stag Bar after they have left nearby establishments that close at 1:00 a.m. and 1:30 a.m.

**NOTE:** To our knowledge, this would be the only bar on the Peninsula that would have a "exit only" policy at a certain time for their establishment.

**Requirement of Security Guard:** The Stag would take on a condition in the CUP for a requirement of one security person for every 50 persons in the building during peak late night hours.

**Requirement of Camera Video Surveillance System:** The stag would also take on another condition in the CUP for a requirement of a 16 camera video surveillance system that covers the interior and exterior areas. Including queuing and designated smoking areas. Whenever the surveillance can be helpful, The Stag has in the past and will continue to be more than willing to turn over any video footage to the Newport Beach Police department.

# **Attachment No. PD 3**

Security Plan

19.) *Attached Security Plan*

**The Stag Bar\_ Security Plan:**

**SECURITY PERSONNEL OR RATIO TO PATRON:**

On any given night we will have at least one security person for every 50 persons in the building. In addition to having security staff on duty we will also have a 16 camera video surveillance system that cover most parts of the interior and some of the exterior including queuing and designated smoking areas. In a case where our surveillance can be helpful we will be more than willing to turn over any video footage we may have to Newport Police department.

1-2 Security Staff members at 9PM, an additional 1 to 4 at 10PM amount may vary depending on the number of guests

We will increase security staff to accommodate and account for any national holidays, long weekends, etc. As we understand that those particular days increase business.

**QUALIFICATIONS OF SECURITY PERESONNEL:**

All security personnel will be directly employed by The Stag and as such will be subject to all Stag procedures and policies. Including but not limited to having a current guard card for the duration of employment, fulfilling Stag's training course and being L.E.A.D certified by the Alcohol Beverage Control. All records will be kept on file and accessible to the manager on duty.

In addition to the security personnel having to be properly qualified for the position with the reasons stated above. They will also be required to dress in proper uniform each night to distinguish themselves from other staff and the public. All security personnel will be required to wear a Stag Bar security uniform. The Stag will provide the following items to complete the uniforms.

Flashlights, digital counters, black lights for the doors, current ID books, 30x Magnifying loop, Kenwood 2 way radios with Pryme noise reduction acoustic ear pieces

Security personnel will also be required to carry current guard cards and ID on them at all times.

**BASIC OPERATION PLAN FOR SECURITY:**

Two security members will be inside with pre-designated posts to help prevent congestion. They will also be responsible for helping to maintain a safe environment by observing for over intoxicated guests and potential violent guests or situations. Any time the second entrance door is being used, a security guard will be stationed at the door.

The security personnel responsibilities will include but not limited to:

Verifying that guests are of appropriate age and possess current up to date California acceptable ID's

Greeting Customers

Enforcing dress code such as:

No club affiliation (gang attire)

No excessively baggy clothing

California casual attire will be welcome

Maintaining a safe environment both inside and outside the business

Observing for over intoxicated guest

Not allowing any such person entrance to the business

Being proactive by watching for aggressive or confrontational guests

Intervening before a verbal altercation becomes a problem

Helping to keep order and clear passage for both guests and personnel alike

Helping to ensure that no minors are being served alcohol

When greeting customers, Security personnel will be responsible for making sure that the guest entering is of age, has a current California accepted bona-fide ID. The ID should be current and offer a physical description, have a photo and show date of birth to be 21yrs of age or older. If the security member greeting has any questions about the ID they will be instructed to consult our most current California acceptable ID book provided by one of our local distributors. District Lounge enforces the F.L.A.G. procedure.

**Feel** – Feel the ID for any inconsistencies. Cracking, Peeling, Texture

**Look** – Look at the ID to make sure all information is correct and current and make sure the person on the ID is the person presenting it.

**Ask** – Ask questions. For example. Are you 21 or older? What is your birthday? Where do you live?

**Give Back** – Once they have determined that the person possessing the ID is 21 years of age or older, they will give the ID back to the person and allow them to enter.

If determined that the ID presented is not real or is another person than the one presenting it. The greeting security member will notify the manager on duty, confiscate the ID and provide the person with a receipt and instructions that it will be turned over to the Newport Police Department within 24 hours and can be claimed there.



We also provide our security staff that greets guests with a black light to help identify any black light sensitive printings and a 30x magnifying loop for Micro printing.

The security personnel will also be required to follow a proactive policy of how to manage situations with intoxicated guest and incidents involving force in order to ensure the safety of its customers. The security personnel is instructed as follows:

### **INCIDENTS INVOLVING FORCE**

The Stag has a strict no hands on policy. We have instructed all personnel to avoid aggressive or forceful confrontation with a potentially aggressive guest. We encourage a verbal and diplomatic resolution to a problem guest. We only condone reasonable force to subdue an aggressive guest if they're a direct threat to themselves, another guest or other member of The Stag personnel.

If force is required in any way security personnel are required to follow the strict procedures that have been set forth and signed by each security staff member established by The Stag Bar. These procedures include notifying Newport Police Department if needed.

### **INTOXICATED PERSONS**

Once an over intoxicated guest has been identified, the security member will notify the manager. At that point all serving staff will be notified that the person in question will no longer be served alcohol. If the person in question is with a group of people the manager and a member of the security staff will approach one of his/her sober friends to possible assist in getting the person in question an alternative form of transportation home. As according to California law it is illegal to serve or have a person who is obviously intoxicated in your establishment.

If the person in question is alone a manager accompanied by a security staff member will approach the guest and inform them that we will no longer by law be allowed to serve them alcohol. At which point the manager will offer an alternative mean of transportation i.e. Taxi or a friend to pick them up. If the person refuses and insists on driving the security staff member will then keep the person in a question engaged conversation while the Stag manager on duty will call Newport Police Department and notify them of the situation providing them with any pertinent information.

It is the Stag's policy to assist an intoxicated person in finding an alternate means of transportation home other than driving.

### **PLAN FOR CONTROLLING LOITERING, NOISE, OVER-CROWDING, ELICIT ACTIVITY AND OBJECTIONABLE CONDITIONS:**

The Stag Security personnel will be required to perform periodic patrols of the immediate parking lot to patrol for loitering, littering, graffiti or any other illegal activity. If any persons are observed partaking in any illegal activities they will be asked to cease and desist and the manager on duty will be notified and in turn will notify the Newport police department.

Upon closing, 2 of the Stag's security personnel will patrol the parking lot in our immediate area to ensure safe departure of The Stag Bar guests and pedestrians. Once the parking lot is clear a

member of the Stag security staff will be required to sweep the immediate area of the business to make it is free of trash and debris that may have accumulated.

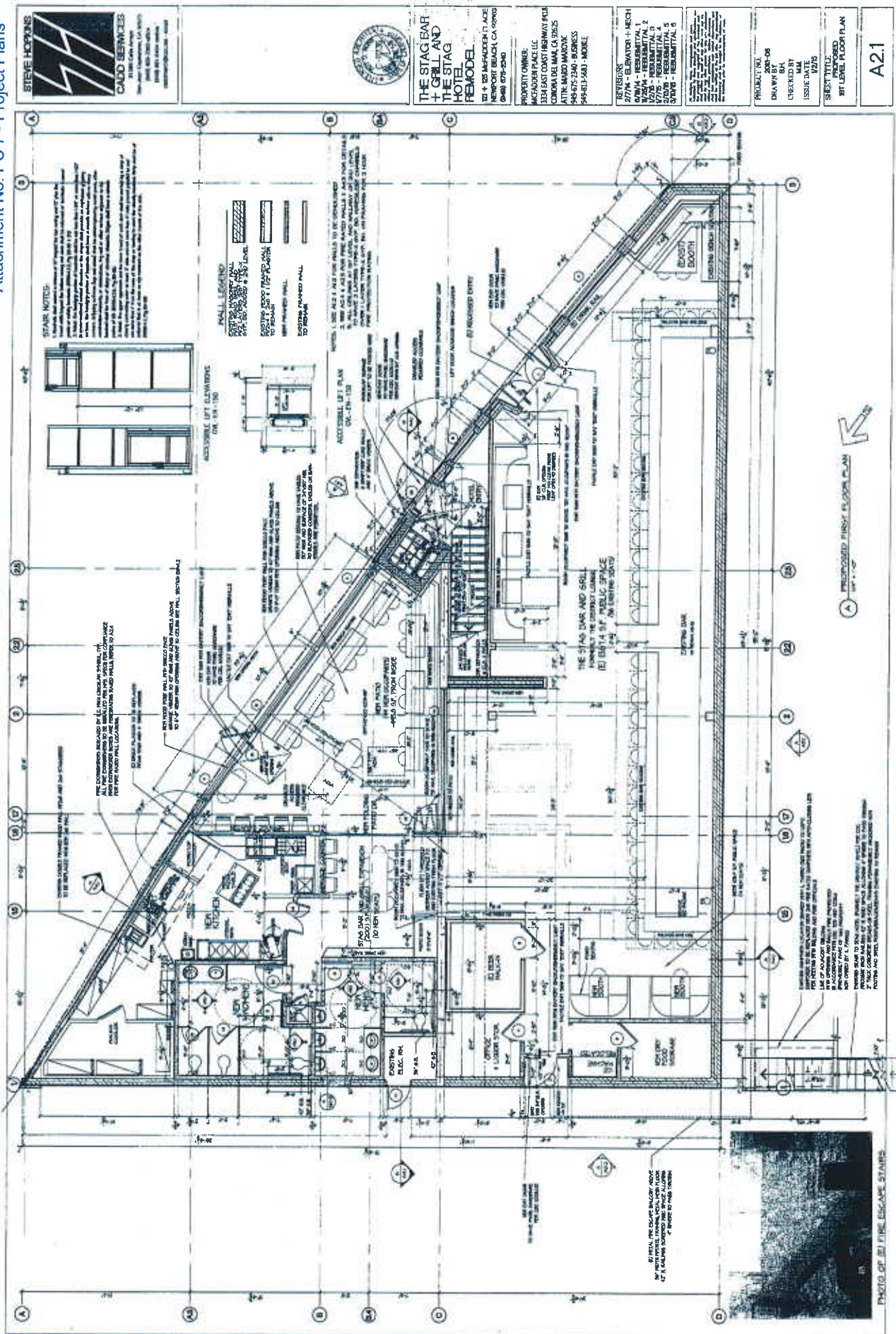
**CONCLUSION:**

In conclusion, The Stag Bar understands the importance of being proactive when it comes to security situations. It is important to be firm and impartial. We also stress to our security staff to stick to the facts when dealing with a situation. Opinions and personal feeling may not and cannot be a part of decision making when it comes to the safety and control of the guests. We also stress the importance of communication between server's security and managers. That is why whenever we have security staffs on duty all security and managers will be wearing a radio to help aid in communication and professionalism. We have a managers involved in any security related issue whenever possible. All security personnel are instructed never to handle a situation by themselves. We take a great pride in having a knowledgeable friendly and professional security staff.

We at The Stag also understand the importance of police involvement in altercations or other specific security issues. It is important to be willing to work with the Newport Police Department to help us insure the safety of our guest and pedestrian walking by our establishment. We encourage notes comments and support of the Newport Police Department.

# **Attachment No. PD 4**

Project Plans



**STEVE HOPKINS ARCHITECTS**  
 1333 13TH AVENUE  
 SUITE 200  
 SAN FRANCISCO, CA 94104  
 415.774.3888  
 www.stevehopkins.com

**CAUDO SERVICES**  
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**THE STAG BAR + GRILL AND THE STAG HOTEL REMODEL**  
 221 S. 285 MIDCOURT AVENUE  
 NEWPORT BEACH, CA 92660  
 949.429.2540

PROPERTY OWNER:  
 MCFARLAND PLACE LLC  
 3234 EAST COAST HIGHWAY #400  
 COSTA MESA, CA 92625  
 ATTORNEY: MARCO MAROCCO  
 949.425.2540 - BUSINESS  
 949.425.5683 - MOBILE

REVISIONS:  
 07/18/2018 - ELEVATOR - MECH  
 08/28/2018 - REVISIONAL 1  
 09/12/2018 - REVISIONAL 2  
 09/18/2018 - REVISIONAL 3  
 10/05/2018 - REVISIONAL 4  
 10/23/2018 - REVISIONAL 5  
 11/05/2018 - REVISIONAL 6

PROJECT NO.  
 2018-08  
 DRAWN BY  
 SAH  
 CHECKED BY  
 SAH  
 ISSUE DATE  
 10/23/18

SHEET TITLE:  
 PROPOSED THIRD FLOOR PLAN  
 STAIR FLOOR PLAN

**A2.1**



PHOTO OF STAIR ESCAPE STAIRS

BY PERMITS: PERMITS FOR THE STAIR ESCAPE STAIRS  
 BY PERMITS: PERMITS FOR THE STAIR ESCAPE STAIRS  
 BY PERMITS: PERMITS FOR THE STAIR ESCAPE STAIRS

REVISIONS:  
 07/18/2018 - ELEVATOR - MECH  
 08/28/2018 - REVISIONAL 1  
 09/12/2018 - REVISIONAL 2  
 09/18/2018 - REVISIONAL 3  
 10/05/2018 - REVISIONAL 4  
 10/23/2018 - REVISIONAL 5  
 11/05/2018 - REVISIONAL 6