

Attachment No. PC 5

Public Correspondence dated August 12,
2025

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August 12, 2025

Newport Beach Planning Commission
Tristan Harris, Chair
David Salene, Vice Chair
Jon Langford, Secretary
Curtis Ellmore
Michael Gazzano
Greg Reed
Mark Rosene

Delivered via Email

Re: ARC Carne & Cantina Restaurant

Dear Members of the Planning Commission,

My wife and I own and reside at 223 Ocean View avenue, Newport Beach. I grew up in Newport, was a member of the Newport Harbor High School class of 1968, and have contiguously practiced law here for the past fifty years. Our home overlooking the harbor and is situated approximately 500 feet from the proposed location of the above referenced restaurant site. As we will be out of town on the scheduled hearing date, we submit this letter for your consideration, ask that it be made a part of the public record and present the same in order to state our strenuous objection to the request by the applicant. We object for the following reasons.

Please first note that currently existing on a short stretch of the Coast highway, beginning with A Restaurant at the Westerly end and concluding with the House at the Easterly end, is a corridor of eight (8) currently operating establishments with full liquor licenses. In addition, there remains a former restaurant site with a prior full on-site liquor license within that stretch which had been operated as "Guacamigo's", which will likely soon return to a similar operation. And, situated within the "Garden" development where the subject site is located, there is also the Star Fish restaurant which operates with a full on-site liquor license. I am unaware of any other locale within this City that has such a high concentration of on-site liquor licenses. Based on my personal experience at my residence, and as an occasional patron at many of these restaurants, I can attest to the many unavoidable consequences of the establishment of this existing dense restaurant corridor.

To begin, virtually every one of these establishments lacks sufficient on site parking to accommodate its clientele during peak hours. I would assume that the applicant will assert that there is adequate parking within the "Garden" development to reasonably accommodate its needs. This is a complete fiction. During the weekdays, there is rarely parking available to meet the needs of the post office and existing retail establishments. On weekends and evenings, despite postings to the contrary, patrons of the Whaler and other nearby restaurants currently make use of the available spaces competing for the same with the needs of the Star Fish restaurant. The general vehicle congestion within this immediate area is compounded by the over flow from all of the other nearby restaurants that have limited, "valet only" customer parking. With an expanded operation at the proposed site, the existing inadequacy of patron parking will become more problematic.

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With restaurant parking so limited, and given the alcohol consumption of many of the patrons, the use of livery (Uber, Lyft, etc) drivers is very common. However, such drivers are not allowed to wait for their fares on site given tight and limited parking, and which would otherwise interfere with the flow of valet services. Accordingly, and particularly within the witching hours of midnight to closing time, all of those livery drivers are circling upon and or idling at the curbs on nearby streets which feed into the Coast highway (Riverside Avenue, lower Tustin and Avon Street). Of course at that late hour, in order to stay attentive many of those drivers have their car audio systems blaring and their windows open. With the added noise pollution of the late night start up of the many patron autos, particularly those within the Whaler and Garden lots, there is a resulting cacophony which I can assure you impedes into our bedroom and that of every other nearby residence. Further, with the stubborn refusal of the Whaler operators to keep the restaurant doors closed, there is a background of added "music" which rides the coastal breeze to our home.

We urge that as an express added precondition to any action by the Commission, that representatives of the code enforcement division in concert with an appropriate staff member from the police department, investigate, observe, experience, measure and record the experiences noted above. Such an exercise carried out, without advance notice, on a Saturday night between 11:00 pm and 2:00 am will provide the needed insights in order to reasonably evaluate the actual consequences resulting from any discretionary approval of the pending requests. The noted traffic study is relevant and understandable, but is woefully inadequate evidence of how badly burdened this locale is during the aforementioned time lines. Any decision made on the pending application without consideration of this added information will be incomplete and without reasonable concern for the residents of the adjacent residential neighborhoods.

There is an added component to the public nuisance and breach of the peace resulting from the existing concentration of restaurant/bar operations suffered by all who reside on Ocean View Avenue and lower Tustin Avenue. As a further consequence of these establishments all lacking sufficient off street parking, the employee work force of each restaurant must rely on alternate on-street parking, located in the nearby residential areas. As an example, every weekend night, beginning in the early evening, Ocean View Avenue, the street where our home is situated, is congested with restaurant employees parking on both sides and often encroaching into driveway openings. As a result, typically in the late evening hours, as those employees conclude their shifts they return to their autos, understandably tired, and seeking only to quickly depart. All too often such departures include slammed auto doors and upon start up loudly playing audio systems.

We understand that this current disturbing situation, itself in a broader sense, is not before this body. However, the requests before you, if approved, will only further degrade the already declining quality of residential living experienced by the residents in the surrounding neighborhood. Adding a roof top outdoor dining area will undoubtedly include music to try and mask the noise of the adjacent Coast Highway, which together with the noise of the patrons will be clearly discernable by those living nearby. Further, with no parking or unloading area on the curb in front of the restaurant and the very limited, tight one way entry onto the property from the Coast Highway, these circumstances will make the flow and pick up of patrons by livery drivers very challenging, pose a safety hazard and add to the typical late night, curb side "stack up" of such drivers on Riverside drive and elsewhere.

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We imagine that the applicant will strongly argue that its entitlements must be evaluated individually, on its own merits and independent of the surrounding circumstances. As to the same, a focused, real world evaluation of the application itself must involve a sober assessment of the chronically limited and inadequate parking currently available within the "Garden" development during normal business hours. Furthermore, any reasonable exercise of discretion by the Commission must include its duty to preserve the welfare of the surrounding property owners by the careful consideration of the broader impact on the community. I can assure you that all who reside within my neighborhood expect no less and will continuously be reminded of the outcome of this proceeding.

All of these challenging circumstances have been slowly growing over many years within the west end of the "Mariner's Mile" corridor. What was once largely an industrial stretch of development, site by site, application by application, has now become Newport's restaurant row. Having represented many restaurants during my career, I do not mean to undermine the viability of any such business. However, each added discretionary approval, given while ignoring the fundamental development shortcomings of the greater locale, leads only to a greater disservice to the impacted community. It is not coincidental that the last, prior comprehensive study of this area included the construction of added large multistory parking facilities. Since then, with recent approval of the nearly completed two story apartment building with mixed use retail, there will be only greater demand for already scarce parking and greater pressure on the current poor vehicular flow. The site now before the commission, as previously approved and first built, presumably was then conceived as adequate for its intended use. Any expansion of the same is not needed and should not now be approved.

We thank you very much for the time and attention given to this admittedly long letter, and for all of the foregoing reasons we respectfully urge that the requested approvals be denied.

Very truly yours,



Dwight Griffith



Diane Griffith

cc- via email:

Jenny Tran - Associate Planner

Wendy Joe - Civilian Investigator

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