



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

May 16, 2019
Agenda Item No. 7

SUBJECT: Sessions Sandwiches Patio Expansion (PA2018-241)
▪ Coastal Development Permit No. CD2018-094
▪ Minor Use Permit No. UP2018-022

SITE LOCATION: 2823 Newport Boulevard

APPLICANT: Sessions Sandwiches Newport Beach, LLC.

OWNER: Michelle Wagner

PLANNER: David Lee, Assistant Planner
949-644-3225, dlee@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Coastal Land Use Category:** Visitor Serving Commercial (CV-A) (0.0 – 0.75 FAR)
- **Coastal Zoning District:** Commercial Visitor-Serving (CV)
- **General Plan:** Visitor Serving Commercial (CV)
- **Zoning District:** Commercial Visitor-Serving (CV)

PROJECT SUMMARY

The applicant proposes to add a 130-square-foot outdoor dining area to an existing eating and drinking establishment (restaurant). The existing restaurant currently operates with a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) License and has hours of operation between 6:00 a.m. and 9:00 p.m., daily. No other operational changes are requested or proposed.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Draft Zoning Administrator Resolution No. _ approving Coastal Development Permit No. CD2018-094 and Minor Use Permit No. UP2018-022 (Attachment No. ZA 1).

DISCUSSION

Minor Use Permit

- The subject property is located on the Balboa Peninsula at the intersection of 29th Street and Newport Boulevard. Surrounding uses include retail and office to the north, south, and east, and a municipal parking lot with residential units beyond to the west.
- The property is developed with a 4,426-square-foot, two-story, two-tenant building and related 11-space parking lot. Sessions Sandwiches occupies the tenant space on the eastern half of the property. An existing dry cleaner will continue to occupy the adjoining ground floor tenant space on the western half of the property. Of the 11 spaces provided, one space has inadvertently been striped out, resulting in the appearance of 10 spaces provided on-site.
- The property is designated Visitor Serving Commercial (CV) by the General Plan and zoned Commercial Visitor-Serving (CV). The CV land use category is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach. The existing restaurant is a commercial use intended to service the neighborhood, surrounding community, and visitors to the City of Newport Beach. The proposed outdoor dining area is an ancillary use to the existing restaurant which will provide additional seating for patrons and is consistent with this land use category.
- The proposed location of the 130-square-foot outdoor dining area is in an existing parking space in the southeastern corner of the parking lot that is currently striped out, resulting in 10 on-site parking spaces remaining.
- The restaurant operates under an existing minor use permit (UP2014-050), which was approved on March 5, 2015, to add a Type 41 (On-Sale Beer and Wine) Alcoholic Beverage Control (ABC) License and reduce the hours of operation to the existing restaurant. Prior to this use permit, operation of the restaurant with 523 square feet of net public area (N.P.A.) was authorized by a minor use permit (UP2013-012), which was approved on September 12, 2013. The addition of an outdoor dining area will not affect compliance with conditions established by the existing minor use permit.
- As established by the restaurant's original use permit (UP2013-012), the parking for the restaurant is considered legal nonconforming due to parking because 11 parking spaces are provided on-site, whereas, based on a parking ratio for the previous retail use of one space per 250 gross square feet (sq. ft.), a total of 14 parking spaces ($3,307 \text{ sq. ft.} / 250 = 13.2$) were required. Pursuant to Newport Beach Municipal Code (NBMC) Chapter 20.38.060 (Nonconforming Parking), a nonconforming use in a

nonresidential zoning district may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g. increase in floor area) occurs. The restaurant was approved with a parking rate of one space per 40 square feet of N.P.A. With this ratio, 14 spaces (523 sq. ft. of N.P.A./40 = 13.1) would also be required on-site; therefore, the use was found not to intensify the parking requirement above what was required for the previous retail use.

- The existing commercial center consists of the subject restaurant and a dry cleaning facility. The dry cleaning facility, which was authorized by a use permit (UP3431) on October 24, 1991, has a parking rate of one space per 250 square feet of gross floor area. With this ratio, 9.4 spaces are required. Combined with the required restaurant parking (13.1), 23 total spaces (9.4 + 13.1 = 22.5) would be required on-site. Since 11 spaces are currently provided, the site has a parking deficit of 12 parking spaces and is considered legal nonconforming.
- Pursuant to Sections 20.40.040 and 21.40.040 (Off-Street Parking Spaces Required) of the Municipal Code, parking required for restaurant uses may range from a rate of one space per 30 square feet to one space per 50 square feet of interior N.P.A. based on physical and operational characteristics of the proposed establishment. No additional parking is required for outdoor patio areas that are less than 25 percent on the interior N.P.A.
- Staff has re-evaluated the required parking for the restaurant and concluded that a parking rate of one space per 44 square feet of N.P.A. is appropriate in this case based on a parking study prepared by LSA dated March 22, 2019 (Attachment No. ZA 3) and the following location and operational characteristics of the proposed use:
 - 1) There is no live entertainment or dancing and no presence of pool tables and other attractions;
 - 2) The proposed 130-square-foot outdoor patio is less than 25 percent of the interior N.P.A.;
 - 3) Due to the restaurant's location on the Balboa Peninsula, which consists of higher density residential and close proximity to the beach, a higher percentage of customers are expected to walk or bike to the restaurant. As observed by the parking study, more than 25 percent of observed customers arrived by a travel mode not requiring a parking space; and
 - 4) The observed parking demand revealed that during peak hours, there were still vacant parking spaces in the parking lot to accommodate the restaurant and the dry cleaner customers.

- With a required parking rate of one space per 44 square feet of N.P.A., the total parking required between the restaurant and dry cleaners is 22 spaces ($9.4 + 11.9 = 21.3$). Since 10 spaces are proposed, the parking lot would remain deficient by 12 parking spaces. The addition of the outdoor dining area would not intensify the nonconforming parking lot.
- The parking study observed that some customers parked within the six on-street metered spaces located immediately adjacent to the building along each side of Newport Boulevard for convenience; however, when taking into account the peak parking demand based on all areas where customers were observed parking (including the metered spaces), a total demand of nine parking spaces is observed. This observed peak parking demand of nine spaces can be accommodated by the 10 parking spaces remaining after construction of the proposed outdoor dining area and no impacts related to parking are anticipated.
- The restaurant will continue to adhere to the existing hours of operation between 6:00 a.m. and 9:00 p.m., daily, consistent with the hours of other similar establishments and uses in the commercial area. The restaurant, including the proposed outdoor dining area, is required to comply with the City's noise ordinance and no outside paging system or outside amplified music is allowed.
- The Police Department has reviewed the request, including the ability to serve alcohol on the patio, and has no objections to the project as the use has not been a burden on police resources (Attachment No. ZA 4). The operational conditions of approval relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol-related impacts. 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.

Coastal Development Permit

- The subject property is located within the Coastal Zone. Pursuant to Section 21.20.020 (Commercial Coastal Zoning Districts Land Uses, Table 21.20-1) of the Implementation Plan, eating and drinking establishments located in the CV Coastal Zoning District that are classified as *Food Service, No Late Hours*, are allowed uses. The Minor Use Permit is for a property within a developed neighborhood that is approximately 580 feet from the nearest bulkhead and is not near any natural landforms or environmentally sensitive areas.
- The project site is not located between the nearest public road and the sea or shoreline and approval of the Minor Use Permit will not affect public recreation, access or views. The subject property is located a large distance from the public

beach (+800 feet) or harbor (+600 feet) and is not located near a public viewpoint designed by the Coastal Land Use Plan. As stated in the parking study, the 10 on-site parking spaces is adequate to accommodate the total observed peak parking demand of 9 spaces, and no impacts to the availability of public parking is expected.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15301, of the State CEQA Guidelines – Class 1 (Existing Facilities). The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. Sessions Sandwiches is an existing restaurant. The proposed project involves the addition of a 130-square-foot outdoor dining area in conjunction with the existing restaurant.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, 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 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal or call for review may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:



David S. Lee, Assistant Planner

JM/dl

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	LSA Parking Study
	ZA 4	Police Department Memorandum
	ZA 5	Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2019-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2018-022 AND COASTAL DEVELOPMENT PERMIT CD2018-094 TO ADD AN OUTDOOR DINING AREA TO AN EXISTING FOOD SERVICE, EATING AND DRINKING ESTABLISHMENT LOCATED AT 2823 NEWPORT BOULEVARD (PA2018-241)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Sessions Sandwiches Newport Beach, LLC, with respect to property located at 2823 Newport Boulevard, and legally described as Lots 18, 19, 20, and 21 of subdivision of Block 227, Section "A" Newport Beach, as shown on a map recorded in Book 4 and Page 26 of Miscellaneous Maps, Records of Orange County requesting approval of a minor use permit and coastal development permit.
2. The applicant proposes to add a 130-square-foot outdoor dining area to an existing eating and drinking establishment (restaurant). The existing restaurant currently operates with a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) License and has hours of operation between 6:00 a.m. and 9:00 p.m., daily. No other operational changes are requested or proposed.
3. The subject property is located within the Commercial Visitor-Serving (CV) Zoning District and the General Plan Land Use Element category is Visitor Serving Commercial (CV).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Visitor Serving Commercial (CV-A) (0.0 – 0.75 FAR).
5. A public hearing was held on May 16, 2019, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. Sessions Sandwiches is an existing restaurant. The

proposed project involves the addition of a 130-square-foot outdoor dining area in conjunction with the existing restaurant.

SECTION 3. REQUIRED FINDINGS.

Minor Use Permit

In accordance with Section 20.52.020.F (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

Finding:

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

Facts in Support of Finding:

1. The General Plan Land Use Element designates the site as Visitor Serving Commercial (CV) which is intended to provide for accommodations, goods, and services to primarily serve visitors to the City of Newport Beach.
2. The existing restaurant includes alcohol sales and service to the restaurant and is consistent with the CV designation as it is intended to provide service not only to visitors, but also to residents within the immediate neighborhood and surrounding area. The proposed outdoor dining area will remain consistent with the General Plan designation, as it will provide additional outdoor seating for the restaurant.
3. Restaurants are common within the vicinity and are complementary to the surrounding commercial uses along the Newport Boulevard business corridor.
4. The subject property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The zoning designation for the subject property is Commercial Visitor-Serving (CV) which is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. Pursuant to Zoning Code Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements), food service, eating and drinking establishments with alcohol service and no late hours (after 11:00 p.m.) are permitted subject to the approval of a minor use permit.

2. The restaurant operates under an existing minor use permit (UP2014-050), which was approved on March 5, 2015, to add a Type 41 (On-Sale Beer and Wine) Alcoholic Beverage Control (ABC) License and reduce the hours of operation to the existing restaurant. Prior to this use permit, operation of the restaurant with 523 square feet of net public area (N.P.A) was authorized by a minor use permit (UP2013-012), which was approved on September 12, 2013. The addition of an outdoor dining area will not affect compliance with conditions established by the existing minor use permit. All applicable conditions of approval have been incorporated herein.
3. As established by the restaurant's original use permit (UP2013-012), the parking for the restaurant is considered legal nonconforming due to parking because 11 parking spaces are provided on-site, whereas, based on a parking ratio for the previous retail use of one space per 250 gross square feet (sq. ft.), a total of 14 parking spaces ($3,307 \text{ sq. ft.} / 250 = 13.2$) were required. Pursuant to NBMC Chapter 20.38.060 (Nonconforming Parking), a nonconforming use in a nonresidential zoning district may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g. increase in floor area) occurs. The restaurant was approved with a parking rate of one space per 40 square feet of N.P.A.. With this ratio, 14 spaces ($523 \text{ sq. ft. of N.P.A.} / 40 = 13.1$) would also be required on-site; therefore, the use was found not to intensify the parking requirement above what was required for the previous retail use.
4. The existing commercial center consists of the subject restaurant and a dry cleaning facility. The dry cleaning facility, which was authorized by a use permit (UP3431) on October 24, 1991, has a parking rate of one space per 250 square feet of gross floor area. With this ratio, 9.4 spaces are required. Combined with the required restaurant parking (13.1), 23 total spaces ($9.4 + 13.1 = 22.5$) would be required on-site. Since 11 spaces are currently provided, the site has a parking deficit of 12 parking spaces and is considered legal nonconforming.
5. The proposed location of the 130-square-foot outdoor dining area is in an existing parking space in the southeastern corner of the parking lot. Pursuant to Sections 20.40.040 and 21.40.040 (Off-Street Parking Spaces Required) of the Municipal Code, parking required for restaurant uses may range from a rate of one space per 30 square feet to one space per 50 square feet of interior N.P.A. based on physical and operational characteristics of the proposed establishment. No additional parking is required for outdoor patio areas that are less than 25 percent on the interior N.P.A. Staff has re-evaluated the required parking for the restaurant and concluded that a parking rate of one space per 44 square feet of N.P.A. is appropriate in this case based on a parking study prepared by LSA dated March 22, 2019 and the following location and operational characteristics of the proposed use:
 - 1) There is no live entertainment or dancing and no presence of pool tables and other attractions;
 - 2) The proposed 130-square-foot outdoor patio is less than 25 percent of the interior N.P.A.;

3) Due to the restaurant's location on the Balboa Peninsula, which consists of a higher density residential and close proximity to the beach, a higher percentage of customers are expected to walk or bike to the restaurant. As observed by the parking study, more than 25 percent of observed customers arrived by a travel mode not requiring a parking space; and

4) The observed parking demand revealed that during peak hours, there were still vacant parking spaces in the parking lot to accommodate the restaurant and the dry cleaner customers.

6. With a required parking rate of one space per 44 square feet of N.P.A., the total parking required between the restaurant and dry cleaners is 22 spaces ($9.4 + 11.9 = 21.3$). Since 10 spaces are proposed, the parking lot would remain deficient by 12 parking spaces. The addition of the outdoor dining area would not intensify the nonconforming parking situation.
7. The parking study observed that some customers parked within the six on-street metered spaces located immediately adjacent to the building along each side of Newport Boulevard for convenience; however, when taking into account the peak parking demand based on all areas where customers were observed parking (including the metered spaces), a total demand of nine parking spaces is observed. This observed peak parking demand of nine spaces can be accommodated by the 10 parking spaces remaining after construction of the proposed outdoor dining area and no impacts related to parking are anticipated.
8. The use will remain a restaurant and, as conditioned, the project will continue to comply with Zoning Code standards for eating and drinking establishments.

Finding:

- C. *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 surrounding area contains various, retail, business office and visitor serving commercial uses including restaurants that serve alcoholic beverages. The proposed addition of the outdoor dining area provides additional seating for restaurant patrons and would be consistent with the existing and permitted nonresidential uses within the area.
2. The restaurant will continue to adhere to the existing hours of operation between 6:00 a.m. and 9:00 p.m., daily, consistent with the hours of other similar establishments and uses in the commercial area.
3. The operational conditions of approval relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol-related impacts.

The project has been conditioned to ensure that the business remains a restaurant and does not become a bar, club, or tavern.

4. The restaurant, including the proposed outdoor dining area, is required to comply with the City's noise ordinance and no outside paging system or outside amplified music is allowed.
5. The Police Department has reviewed the request, including the ability to serve alcohol on the patio, and has no objections to the project as the use has not been a burden on police resources. The operational conditions of approval relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol-related impacts. 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.

Finding:

- D. 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 restaurant is currently operating, and the tenant space was previously reviewed and permitted.
2. Prior to occupancy, the tenant space and subject property were reviewed to ensure adequate public and emergency vehicle access, public services, and utilities were provided for on-site. The tenant improvement plans were reviewed for compliance with applicable building and fire codes.
3. The proposed outdoor dining area has been reviewed by the Public Works department to ensure that the patio structure provides a sufficient site distance triangle and does not interfere with motorists traveling on Newport Boulevard.

Finding:

- E. 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, and 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 that 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 during adjacent properties during business hours, if directly related to the patrons of the establishment.

2. The Police Department believes that with the conditions of approval, the proposed project will not have a negative impact on the community and police services.
3. Compliance with the Municipal Code standards related to noise, lighting and other performance standards will help ensure that the proposed use will be compatible with the surrounding area.
4. The restaurant will serve the surrounding community. The additional outdoor dining area will provide patrons with additional seating options and is not uncommon in establishments of this type. Additionally, the outdoor dining area will provide an economic opportunity for the property owner to maintain a successful business that is compatible with the surrounding community.
5. The applicant is required to comply with the requirements of the California Department of Alcoholic Beverage Control to ensure the safety and welfare of customers and employees within the establishment. All owners, managers, and employees selling or serving alcohol will be required to complete a certified training program in responsible methods and skills for selling alcoholic beverages.

Coastal Development Permit

The Zoning Administrator determined in this case that the Minor Use Permit is consistent with the legislative intent of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and approves the Coastal Development Permit based on the following findings per Section 21.52.015.F of Title 21:

Finding:

- F. That the proposed map conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The Minor Use Permit is for the addition of an outdoor dining area for an existing restaurant and meets all of the requirements of the Local Coastal Program.
2. Pursuant to Section 21.20.020 (Commercial Coastal Zoning Districts Land Uses, Table 21.20-1) of the Implementation Plan, eating and drinking establishments located in the CV Coastal Zoning District that are classified as *Food Service, No Late Hours*, are allowed uses.

3. The on-site parking provided for the commercial building is legal, nonconforming. Staff has re-evaluated the required parking and determined that the loss of one parking space for the addition of the outdoor dining area does not intensify the nonconforming parking for the site.
4. The Minor Use Permit is for a property within a developed neighborhood that is approximately 600 feet from the nearest bulkhead and is not near any natural landforms or environmentally sensitive areas.

Finding:

- G. *Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

1. The project site is not between the nearest public road and the sea or shoreline of any body of water located within the coastal zone. The subject property is located a large distance from a public beach (+800 feet) or harbor (+600 feet) and is not located near a public viewpoint designated by the Coastal Land Use Plan. As stated in the parking study, the 10 on-site parking spaces is adequate to accommodate the total observed peak parking demand of 9 spaces and no impacts to the availability of public parking is expected.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2018-022 and Coastal Development Permit No. CD2018-094, 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 Community Development Director in accordance with the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.
3. This resolution supersedes Planning Commission Resolution No. 1971, which upon vesting of the rights authorized by this Minor Use Permit, shall become null and void.

PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF MAY, 2019.

Patrick J. Alford, Zoning Administrator

EXHIBIT “A”

CONDITIONS OF APPROVAL

(Applicable Conditions required by Minor Use Permit No. UP2014-050, Resolution No. 1971, have been incorporated into the conditions herein)

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. This Minor Use Permit may be modified or revoked by the Zoning Administrator 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.
3. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans, may require an amendment to this Minor Use Permit or the processing of a new use permit.
4. Minor Use Permit No. UP2018-022 and Coastal Development Permit No. CD2018-094 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 Zoning Code, unless an extension is otherwise granted.
5. 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.
6. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
7. 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 Minor Use Permit.
8. Live entertainment and dancing shall be prohibited at the premises.
9. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
10. Interior net public area shall be limited to 523 square feet. Exterior net public area shall be limited to 130 square feet.

11. The hours of operation for the food service use are limited to between 6:00 a.m. and 9:00 p.m., daily.
12. No outside paging system or amplified music shall be utilized in conjunction with this establishment.
13. The applicant shall receive necessary approval from the California Department of Alcoholic Beverage Control to serve alcohol in the outdoor dining area.
14. The applicant shall take reasonable steps to ensure that noise created by music and or video in the interior of the establishment does not impact surrounding residential land uses.
15. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
16. All trash shall be stored within the building or within dumpsters stored in the trash enclosure, or otherwise screened from view of neighboring properties, except when placed for pick -up by refuse collection agencies.
17. A gate shall be installed to enclose the existing trash enclosure and shall be locked when not in use.
18. The walls of the existing trash enclosure shall be increased in height so no portion of the trash dumpster is visible from the public right-of-way.
19. The trash dumpster within the trash enclosure shall be covered with a solid lid.
20. 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 Division. 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).
21. 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.
22. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this Minor Use Permit.
23. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.

24. All proposed signs shall conform to Title 20, Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code regulations or any sign program applicable to the property.
25. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Sessions Sandwiches Patio Expansion including, but not limited to, Minor Use Permit No. UP2018-022 and Coastal Development Permit No. CD2018-094 (PA2018-241). 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.

BUILDING AND FIRE DEPARTMENT

26. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The facility shall be designed to meet exiting and fire protection requirements as specified by the California Building Code and shall be subject to review and approval by the Building Division.
27. The construction plans must meet all applicable State Disability Access requirements.
28. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
29. All exits shall remain free of obstructions and available for ingress and egress at all times.
30. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.

REVENUE DIVISION

31. A valid business license from the City of Newport Beach with a seller's permit shall be required prior to start of business. Any contractors/subcontractors doing work at the

subject site shall be required to obtain a valid business license from the City of Newport Beach prior to the commencement of any work on the subject site.

PUBLIC WORKS DEPARTMENT

32. All improvements shall be constructed as required by Ordinance and the Public Works Department.
33. The applicant shall reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along the Newport Boulevard frontages.
34. An encroachment permit is required for all work activities within the public right-of-way.
35. All improvements shall comply with the City's sight distance requirement, pursuant to City Standard 110-L and Municipal Code Section 20.30.130.
36. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector.
37. All on-site drainage shall comply with the latest City Water Quality requirements.
38. The existing water meter servicing the project site shall be protected with a reduced pressure backflow assembly and shall be sized to match the water meter.
39. The bicycle parking located at the westerly side of the property shall be positioned to ensure that the bicycle rack and bicycles do not encroach into the public right-of-way.
40. No persons shall be permitted to stand at the outside of the outdoor dining area.
41. The proposed raised planter shall be located entirely on private property and shall be limited to a maximum height of 24-inches.
42. Planting within the raised planter shall be limited to a maximum of 24 inches above adjacent public sidewalk grade.

POLICE DEPARTMENT

43. The approval of Minor Use Permit No. UP2018-022 does not permit Sessions Sandwiches 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.
44. Food service from the regular menu shall be available to patrons up to thirty (30) minutes before the scheduled closing time.
45. Alcoholic beverages shall only be served and consumed inside the subject establishment.

46. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed.
47. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.
48. 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.
49. The quarterly gross sales of alcoholic beverages shall not exceed 30 percent of 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.
50. 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.
51. Strict adherence to maximum occupancy limits is required.
52. 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 must be updated every 3 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 of approval. 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.
53. The use of pitchers or other large volume serving devices shall be prohibited.
54. Alcoholic beverages shall be sold with food, and not sold separately.
55. The applicant shall comply with all federal, state, and local laws, and all conditions of the Alcoholic Beverage Control License. Material violation of any of those laws or conditions in connection with the use is a violation and may be cause for revocation of the Minor Use Permit.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Coastal Development Permit No. CD2018-094
Minor Use Permit No. UP2018-022
PA2018-241

2823 Newport Boulevard

Attachment No. ZA 3

LSA Parking Study

MEMORANDUM

DATE: March 22, 2019
To: Matt Meddock
FROM: Ken Wilhelm
SUBJECT: Sessions West Coast Deli Parking Assessment

LSA is pleased to submit this assessment of parking availability for the Sessions West Coast Deli at 2823 Newport Boulevard in Newport Beach, California. In September 2013, the City of Newport Beach (City) approved the 3,307-square-foot (sf) restaurant with 523 sf of public seating area. Newport Beach Municipal Code (NBMC) Section 20.40.040 and Section 20.40.60 establish a parking rate for food service of 1 space per 30 sf to 1 space per 50 sf of net public area, including outdoor dining areas exceeding 25 percent of the interior net public area or 1,000 sf, whichever is less. At the time of approval, Sessions West Coast Deli did not have an outdoor dining area and the City determined that a parking rate of 1 space per 40 sf of public seating area was appropriate based in part on bicycle parking and walk-up traffic. Using this parking rate, the restaurant required 14 parking spaces ($523 \text{ sf} \div 1 \text{ space per } 40 \text{ sf} = 13.1 \text{ spaces}$).

The restaurant was considered legal nonconforming due to parking because 10 parking spaces are provided on site. Because the previous land use also required 14 parking spaces, no intensification or enlargement was proposed, and the change in land use was consistent with NBMC Section 20.38.060. At this time, Sessions West Coast Deli is proposing the addition of an outdoor dining area of 130 sf, which does not exceed 25 percent of the interior net public area or 1,000 sf. Per NBMC Section 20.40.040, an outdoor dining area of this size does not require additional parking. The outdoor dining area would occupy an area that was never striped for parking, but is sometimes used as a parking space. At the completion of the project, the site would still have 10 parking spaces. This parking analysis seeks to determine: (1) the parking rate based on empirical data on site, and (2) whether the parking demand could be accommodated with the parking supply.

Parking Supply

Figure 1 (attached) depicts the existing parking lot. The lot provides 10 striped parking spaces, of which 1 is designated a handicap-accessible space and 2 (nearest the cleaners) are signed as suggesting use only by customers of the cleaners. In addition to these off-street spaces, metered on-street parking spaces are located immediately adjacent to the building along Newport Boulevard. The 6 metered parking spaces are limited to 30 minutes of parking, which is sufficient for deli customers.

Customer Travel Mode

LSA contracted with an independent data collection company to observe customer arrivals and note whether the mode of travel was by automobile, bicycle, or walking. Observations were made on Thursday, March 8, 2018, and Saturday, March 10, 2018, between 7:00 a.m. and 9:00 p.m. Rain occurred on Saturday, March 10, 2018, so replacement Saturday parking data were collected on February 16, 2019. Table A displays a summary of the collected travel mode data. It should be noted that rain occurring on the first surveyed Saturday reduced the number of customers arriving by bicycle and walking. Overall, on the two typical days surveyed, 28 percent of observed customers arrived by a travel mode not requiring a parking space (26 percent on the weekday and 29 percent on the weekend).

Table A: Customer Travel Mode

	Thursday, March 8, 2018	Saturday, February 16, 2019	Total
Drove Car	61	77	138
<i>Percent</i>	74%	71%	72%
Bicycle or Skateboard	6	21	27
<i>Percent</i>	7%	19%	14%
Walk	14	11	25
<i>Percent</i>	17%	10%	13%
Rideshare (Uber or Lyft)	1	0	1
<i>Percent</i>	2%	0%	1%
Total Observed	82	109	191

Parking Demand and Parking Rate

At the same time that customer arrival modes were being collected, the independent data collection company was recording parking demand within the off-street parking lot and the adjacent on-street metered parking spaces. This parking accumulation data is attached and also summarized in Table B. On Thursday (March 8, 2018), a maximum of 6 of the 10 off-street parking spaces were occupied. This occurred at 12:30 p.m. and again at 3:00 p.m. Despite the available spaces in the parking lot, some customers chose to park in the on-street spaces. Within the metered parking spaces, a maximum of 2 of the 6 spaces were occupied at any time. Additionally, despite the available spaces in the parking lot and on the street, some customers were observed parking in an adjacent parking lot. (These customers appeared to be picking up take-out orders.) Table B accounts for all of these customers when calculating peak parking demand. On Thursday, the overall peak parking demand occurred around 12:00 p.m., when a total of 9 vehicles were parked.

On Saturday (February 16, 2019), a maximum of 7 of the 10 off-street parking spaces were occupied. This occurred at 3:30 p.m. Again, a maximum of 2 of the 6 metered spaces were occupied at any time, despite on-site parking spaces being available. On Saturday, the overall peak parking demand occurred around 3:30 p.m. and 6:30 p.m., when a total of 8 vehicles were parked for the deli in all parking areas.

On both the surveyed Thursday and the surveyed Saturday, it appeared from the parking data and observations that deli customers were parked in cleaners parking spaces after 6:30 p.m., but not during cleaners business hours. On the surveyed weekday, deli vehicles were observed in the adjacent parking lot during the lunch period. The vehicles parked in these spaces were included in the off-street parking totals in Table B.

Table B: Observed Parking Demand

Time	Thursday, March 8, 2018				Saturday, February 16, 2019			
	Off-Street (10 Spaces)	Metered (6 Spaces)	Adjacent Lot	Total	Off-Street (10 Spaces)	Metered (6 Spaces)	Adjacent Lot	Total
7:00 a.m.	1	1	0	2	2	0	0	2
7:30 a.m.	1	0	0	1	2	0	0	2
8:00 a.m.	2	0	0	2	5	0	0	5
8:30 a.m.	2	0	0	2	4	0	0	4
9:00 a.m.	4	1	0	5	4	0	0	4
9:30 a.m.	1	0	0	1	6	0	0	6
10:00 a.m.	1	0	0	1	4	0	0	4
10:30 a.m.	4	2	0	6	3	1	0	4
11:00 a.m.	5	2	0	7	4	0	0	4
11:30 a.m.	5	0	0	5	6	0	0	6
12:00 p.m.	5	2	2	9	5	0	0	5
12:30 p.m.	6	1	1	8	3	0	0	3
1:00 p.m.	4	1	0	5	3	0	0	3
1:30 p.m.	3	1	1	5	4	1	0	5
2:00 p.m.	4	0	1	5	4	1	0	5
2:30 p.m.	4	1	0	5	4	1	0	5
3:00 p.m.	6	1	0	7	4	0	0	4
3:30 p.m.	5	1	0	6	7	1	0	8
4:00 p.m.	2	0	0	2	5	2	0	7
4:30 p.m.	2	0	0	2	4	0	0	4
5:00 p.m.	2	1	0	3	3	0	0	3
5:30 p.m.	2	0	0	2	4	2	0	6
6:00 p.m.	3	2	0	5	4	1	0	5
6:30 p.m.	4	1	0	5	6	2	0	8
7:00 p.m.	3	2	0	5	5	1	1	7
7:30 p.m.	2	2	0	4	4	0	1	5
8:00 p.m.	2	1	0	3	4	0	0	4
8:30 p.m.	1	0	0	1	4	0	0	4
9:00 p.m.	0	0	0	0	4	0	0	4

The observed parking demand revealed that a maximum of 9 vehicles were parked for Sessions West Coast Deli at any time. The 10 parking spaces remaining after the proposed construction of an outdoor dining area would be able to accommodate this parking demand. The 6 adjacent metered spaces would also be available in the event of additional parking demand.

Based on the weekday and weekend parking demand observed for this study, the 523 sf of public area appears to generate parking demand at a rate of 1 space per 58 sf (523 sf ÷ 9 parking spaces =

58 sf per parking space). This observed parking data appear to support adjusting the parking rate from the previously anticipated 1 space per 40 sf of public area.

Conclusion

Sessions West Coast Deli was originally approved with 10 parking spaces and a parking rate of 1 space per 40 sf of public area. Empirical data collected during a weekday and a weekend showed that about 28 percent (the average of both days) of the restaurant customers arrive by a travel mode that does not require a parking space. The peak parking demand in all of the areas where customers could park was observed to be 9 parking spaces, which is a rate of 1 space per 58 sf of public area. The observed peak parking demand could be accommodated by the 10 parking spaces remaining after construction of the proposed outdoor dining area.

Attachments: Figure 1: Existing Parking
Parking Data



LSA



0 17.5 35

FEET

SOURCE: Google Earth, 2018

I:\SWC1801\G\Existing_Parking.cdr (3/26/2018)

LEGEND



On-Street Parking Area

FIGURE 1

Sessions West Coast Deli

Existing Parking

Parking Study Study

Location: 18-1044

City: Newport Beach, CA

Day: Thursday

Date: 3/8/2018

Space Type	Parking Lot				SB Newport Blvd.	NB Newport Blvd.	Adjacent Lot	Total	Occupancy Percentage
	Reg	Parking VIP Cleaners only	HC	Striped Space	Metered	Metered			
Spaces	7	2	1	1	3	3	0	17	
7:00 AM	0	1	0	0	0	1	0	2	11.8%
7:30 AM	0	1	0	0	0	0	0	1	5.9%
8:00 AM	0	1	0	1	0	0	0	2	11.8%
8:30 AM	1	1	0	0	0	0	0	2	11.8%
9:00 AM	2	2	0	0	0	1	0	5	29.4%
9:30 AM	0	1	0	0	0	0	0	1	5.9%
10:00 AM	1	0	0	1	0	0	0	2	11.8%
10:30 AM	2	2	0	0	1	1	0	6	35.3%
11:00 AM	3	1	0	1	0	2	0	7	41.2%
11:30 AM	4	1	0	0	0	0	0	5	29.4%
12:00 PM	4	0	0	1	2	0	2	9	52.9%
12:30 PM	5	1	0	0	1	0	1	8	47.1%
1:00 PM	4	0	0	0	0	1	0	5	29.4%
1:30 PM	1	1	0	1	1	0	1	5	29.4%
2:00 PM	3	0	0	1	0	0	1	5	29.4%
2:30 PM	3	0	0	1	0	1	0	5	29.4%
3:00 PM	4	1	0	1	0	1	0	7	41.2%
3:30 PM	4	0	0	1	0	1	0	6	35.3%
4:00 PM	2	0	0	0	0	0	0	2	11.8%
4:30 PM	2	0	0	0	0	0	0	2	11.8%
5:00 PM	2	0	0	0	0	1	0	3	17.6%
5:30 PM	2	0	0	0	0	0	0	2	11.8%
6:00 PM	3	0	0	0	0	2	0	5	29.4%
6:30 PM	4	0	0	0	0	1	0	5	29.4%
7:00 PM	3	0	0	0	0	2	0	5	29.4%
7:30 PM	1	1	0	0	0	2	0	4	23.5%
8:00 PM	2	0	0	0	0	1	0	3	17.6%
8:30 PM	1	0	0	0	0	0	0	1	5.9%
9:00 PM	0	0	0	0	0	0	0	0	0.0%

Notes:

Parking Study

Location: 2823 Newport Beach Blvd

City: Newport Beach, CA

Date: 02/16/2019

Day: Saturday

Restriction	Off Street				On Street		Adjacent Lot	Total	Occupancy Percentage
	Reg	HC	Parking VIP Cleaners only	Stripped space	SB Newport Blvd	NB Newport BLvd			
Spaces	7	1	2	1	3	3	0	17	
7:00 AM	2	0	0	0	1	0	0	3	18%
7:30 AM	2	0	0	0	0	0	0	2	12%
8:00 AM	4	0	1	0	0	0	0	5	29%
8:30 AM	4	0	0	0	0	0	0	4	24%
9:00 AM	4	0	0	0	0	0	0	4	24%
9:30 AM	6	0	0	0	0	0	0	6	35%
10:00 AM	4	0	0	0	0	0	0	4	24%
10:30 AM	3	0	0	0	0	0	0	3	18%
11:00 AM	3	0	1	0	0	0	0	4	24%
11:30 AM	4	0	1	1	0	0	0	6	35%
12:00 PM	3	0	1	1	0	1	0	6	35%
12:30 PM	2	0	0	1	0	1	0	4	24%
1:00 PM	2	0	0	1	0	0	0	3	18%
1:30 PM	2	1	0	1	1	0	0	5	29%
2:00 PM	4	0	0	0	0	0	0	4	24%
2:30 PM	4	0	0	0	0	1	0	5	29%
3:00 PM	4	0	0	0	0	0	0	4	24%
3:30 PM	7	0	0	0	1	0	0	8	47%
4:00 PM	5	0	0	0	1	1	0	7	41%
4:30 PM	4	0	0	0	0	3	0	7	41%
5:00 PM	3	0	0	0	0	2	0	5	29%
5:30 PM	4	0	0	0	0	2	0	6	35%
6:00 PM	4	0	0	0	1	2	0	7	41%
6:30 PM	5	0	1	0	0	2	0	8	47%
7:00 PM	4	0	1	0	0	3	1	9	53%
7:30 PM	4	0	0	0	0	1	1	6	35%
8:00 PM	4	0	0	0	0	3	0	7	41%
8:30 PM	4	0	0	0	0	3	0	7	41%
9:00 PM	4	0	0	0	0	3	0	7	41%

Observation Study

Location: 18-1044

City: Newport Beach, CA

Day: Thursday

Date: 3/8/2018

OBSERVATIONS (FOR SESSIONS DELI CUSTOMERS ONLY)							
TIME (Arrived) (HH:MM)	TRAVEL MODE: ARRIVED DRIVING AND PARKED IN ZONE...				IF DID NOT ARRIVE DRIVING		
	Parking Lot	SB Newport Blvd	NB Newport Blvd	Burr White Realty Lot	WALKED	BIKED	OTHER
7:10 AM	X						
7:12 AM					X		
7:13 AM	X						
7:21 AM	X						
7:22 AM	X						
7:47 AM					X		
7:57 AM					X		
8:00 AM	X						
8:08 AM					X		
8:18 AM					X		
8:25 AM						X	
8:49 AM					X		
8:51 AM					X		
8:56 AM					X		
8:57 AM	X						
8:59 AM	X						
9:03 AM					X		
9:04 AM						X	
9:08 AM	X						
9:12 AM	X						
9:40 AM	X						
9:45 AM	X						
10:07 AM	X						
10:12 AM						X	
10:18 AM			X				
10:31 AM	X						
10:38 AM	X						
10:42 AM	X						
10:53 AM	X						
10:55 AM	X						
11:00 AM	X						
11:01 AM	X						
11:08 AM	X						
11:20 AM	X						
11:23 AM			X				
11:44 AM	X						
11:47 AM		X					
11:48 AM		X					
12:01 PM				X			
12:02 PM							Uber
12:10 PM		X					
12:14 PM	X						
12:17 PM				X			
12:19 PM	X						
12:23 PM	X						
12:24 PM	X						
12:26 PM	X						
12:31 PM	X						
12:41 PM				X			
12:43 PM	X						
12:49 PM	X						
12:52 PM	X						
12:58 PM	X						
1:04 PM	X						
1:11 PM						X	
1:12 PM	X						
1:31 PM				X			
1:32 PM					X		
1:33 PM	X						
1:36 PM	X						
1:43 PM				X			
1:44 PM	X						
1:49 PM	X						
2:01 PM	X						
2:01 PM				X			
2:03 PM					X		
2:29 PM	X						
2:48 PM	X						
2:50 PM	X						
3:03 PM					X		
3:29 PM	X						
3:44 PM	X						
4:44 PM					X		
4:47 PM	X						
5:23 PM	X						
5:36 PM					X		
5:50 PM	X						
6:13 PM	X						
6:15 PM	X						
6:31 PM	X						
7:09 PM						X	
7:42 PM						X	

OTHER OBSERVATIONS		
TIME (Arrived) (HH:MM)	PARKED IN LOT and went to...	
	CLEANERS	OTHER (offsite)
7:13 AM	X	
7:22 AM	X	
8:08 AM	X	
8:10 AM	X	
8:15 AM	X	
8:19 AM	X	
8:28 AM	X	
8:57 AM	X	
8:58 AM	X	
9:23 AM	X	
9:24 AM	X	
9:39 AM	X	
10:24 AM	X	
10:27 AM	X	
10:46 AM	X	
11:02 AM	X	
11:21 AM	X	
11:26 AM	X	
11:45 AM	X	
12:11 PM	X	
12:23 PM	X	
12:52 PM		X
1:16 PM	X	
1:22 PM	X	
1:41 PM	X	
1:43 PM	X	
3:00 PM	X	
3:02 PM	X	
3:16 PM	X	
4:02 PM	X	
4:08 PM	X	
4:15 PM	X	
4:21 PM	X	
4:49 PM	X	
5:01 PM	X	
5:02 PM	X	
6:01 PM	X	

Observation Study

Location: 2823 Newport Beach Blvd
City: Newport Beach, CA

Date: 02/16/2019
Day: Saturday

Time Arrived	Sessions West Coast Deli Observations						
	Parking Lot	Mode of travel			If did not drive...		
		Arrived driving and parked in zone...					
		SB Newport Blvd	NB Newport Blvd	Burr White Realty Lot	Walked	Biked	Other
8:32 AM					x		
8:38 AM						x	
8:38 AM						x	
8:38 AM						x	
8:38 AM						x	
8:38 AM						x	
8:38 AM						x	
9:23 AM	x						
9:40 AM	x						
9:46 AM					x		
9:50 AM	x						
9:51 AM					x		
9:57 AM					x		
10:13 AM	x						
10:16 AM	x						
10:21 AM					x		
10:25 AM						x	
10:25 AM						x	
10:30 AM	x						
10:36 AM	x						
10:38 AM			x				
10:39 AM	x						
10:57 AM	x						
11:24 AM	x						
11:24 AM	x						
11:29 AM	x						
11:45 AM					x		
11:46 AM	x						
11:46 AM	x						
11:48 AM	x						
11:52 AM	x						
12:06 PM	x						
12:07 PM	x						
12:10 PM					x		
12:15 PM	x						
12:23 PM	x						
12:31 PM	x						
12:32 PM	x						
12:34 PM	x						
12:34 PM							Skateboard
12:48 PM					x		
1:01 PM	x						
1:05 PM						x	
1:25 PM	x						
1:27 PM						x	
1:27 PM						x	
1:30 PM	x						
1:31 PM			x				
1:35 PM	x						
1:40 PM	x						
1:46 PM	x						
2:02 PM	x						
2:04 PM					x		
2:14 PM			x				
2:18 PM	x						
2:25 PM	x						
2:26 PM	x						
2:28 PM	x						
2:37 PM	x						
2:41 PM	x						
2:46 PM	x						
3:06 PM	x						
3:08 PM					x		
3:08 PM	x						
3:10 PM			x				
3:17 PM	x						
3:17 PM	x						
3:20 PM	x						
3:23 PM	x						
3:29 PM		x					
3:35 PM		x					
4:03 PM	x						
4:14 PM	x						
4:29 PM					x		
4:33 PM	x						
4:54 PM	x						
4:58 PM	x						
5:06 PM	x						
5:20 PM	x						
5:26 PM	x						
5:27 PM		x					
5:32 PM	x						
5:38 PM					x		
5:38 PM					x		
5:38 PM					x		
5:38 PM					x		
5:38 PM					x		
5:42 PM			x				
5:45 PM	x						
5:46 PM					x		
6:06 PM			x				
6:11 PM	x						
6:20 PM	x						
6:21 PM	x						
6:27 PM	x						
6:28 PM			x				
6:35 PM					x		
6:37 PM	x						
6:51 PM			x				
6:57 PM	x						
6:59 PM	x						
7:01 PM	x						
7:13 PM				x			
7:19 PM	x						
7:29 PM					x		
7:33 PM					x		
7:34 PM	x						
7:58 PM	x						
8:21 PM	x						

Other Observations	Other Observations	
	Parked in Lot 001 and went to...	
	Cleaners	Other (Offsite)
7:53 AM	x	
7:55 AM	x	
8:01 AM	x	
8:27 AM	x	
8:32 AM	x	
8:34 AM	x	
8:42 AM	x	
8:55 AM	x	
9:08 AM	x	
9:21 AM	x	
10:20 AM	x	
10:56 AM	x	
11:10 AM	x	
11:11 AM	x	
11:28 AM	x	
11:47 AM	x	
12:00 PM	x	
12:05 PM	x	
12:41 PM	x	
12:45 PM	x	
12:53 PM	x	
1:15 PM	x	
1:17 PM	x	
1:22 PM	x	
1:26 PM	x	
1:35 PM	x	
1:37 PM	x	
2:07 PM	x	
3:03 PM	x	
3:10 PM	x	
4:17 PM	x	
4:19 PM	x	
4:38 PM	x	
6:27 PM		x
6:48 PM		x

Attachment No. ZA 4

Police Department Memorandum



**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

MEMORANDUM

TO: David Lee, Assistant Planner
FROM: Wendy Joe, Police Civilian Investigator
DATE: April 1, 2019
SUBJECT: Sessions Sandwiches Patio Expansion
2823 Newport Blvd.
PA2018-241

At your request, the Police Department has reviewed the project application for Sessions Sandwiches located at 2823 Newport Blvd., Newport Beach. Per the project description, the applicant is seeking a Minor Use Permit to add outdoor dining to their establishment.

Statistical Data and Public Convenience or Necessity

Attached is a summary report compiled by Newport Beach Police Department (NBPD) Crime Analyst, Kristi Kondo, which provides detailed statistical information related to alcohol establishments and calls for service in and around the applicant's current place of business at 2823 Newport Blvd.

Crime Statistics:

The Police Department divides the City into areas referred to as Reporting Districts. This allows the Police Department to create statistical data, as well as better communicate officer locations while policing. The proposed applicant location is within Reporting District (RD) 15 which stretches from 20th Street to 37th Street along the Newport Beach Peninsula.

Per Business and Professions Code §23958.4, the Police Department is required to report offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft (all Part 1 crimes), combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to ABC. These figures make up the "Crime Count" which is indicated on the attached statistical data form.

This reporting district is reported to ABC as a high crime area as compared to other reporting districts in the City. The RD's Crime Count is 706, which ranks 1st in the City at 408% over the City-wide crime count average of 134. Since this area has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the City, the area is found to have undue concentration. In comparison, neighboring RD 13 is 94% above the City-wide average, RD 16 is 53% higher, and RD 25 is 52% higher.

The highest volume crime is assault and the highest volume arrest is drunkenness.

This location meets the legal criteria for undue concentration as it relates to crime. (B&P §23958.4).

Alcohol License Statistics:

The applicant premise is located within census tract 0635.00. This census tract has an approximate population of 5,726 residents with 90 active alcohol licenses. That is a per capita ratio of 1 alcohol license for every 64 residents. Per the Business and Professions code, we compare this per capita ratio to Orange County's per capita ratio of 1 license for every 467 residents. Since the area's ratio exceeds the ratio of on-sale retail licenses to population in the county, the area is deemed to have an undue concentration of alcohol licenses.

This location meets the legal criteria for undue concentration as it relates to over saturation of alcohol licenses (B&P §23958.4).

Dispatch Events:

There were 4 dispatch events for Sessions Sandwiches in 2018. None of these events were related to the business operation.

Discussion and Recommendations

The above crime and alcohol license statistics are provided for reference when considering an expansion to the applicant's licensed drinking area. The Police Department has no objections to this project as the business is not a burden on police resources.

RECOMMENDED CONDITIONS OF APPROVAL

The Police Department requests the following changes to the permit conditions.

Delete current condition 51 regarding alcohol training and replace with the below updated language:

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 must be updated every 3 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 of approval. 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.

Add the following condition:

The applicant shall comply with all federal, state, and local laws, and all conditions of the Alcoholic Beverage License. Material violation of any of those laws or conditions in connection with the use is a violation and may be cause for revocation of the use permit.

Delete current condition 44:

Alcoholic beverages shall only be served and consumed inside the subject establishment.

If you have any questions as to the content of this memorandum, please contact Investigator Wendy Joe at (949)644-3705 or wjoe@nbpd.org.



Wendy Joe

Police Civilian Investigator, Special Investigations Unit



Randy Parker

Detective Sergeant, Special Investigations Unit



NEWPORT BEACH POLICE DEPARTMENT

2018 CRIME AND ALCOHOL-RELATED STATISTICS

CHIEF JON T. LEWIS

SUMMARY FOR SESSIONS SANDWICHES AT 2823 NEWPORT BLVD. (RD15)

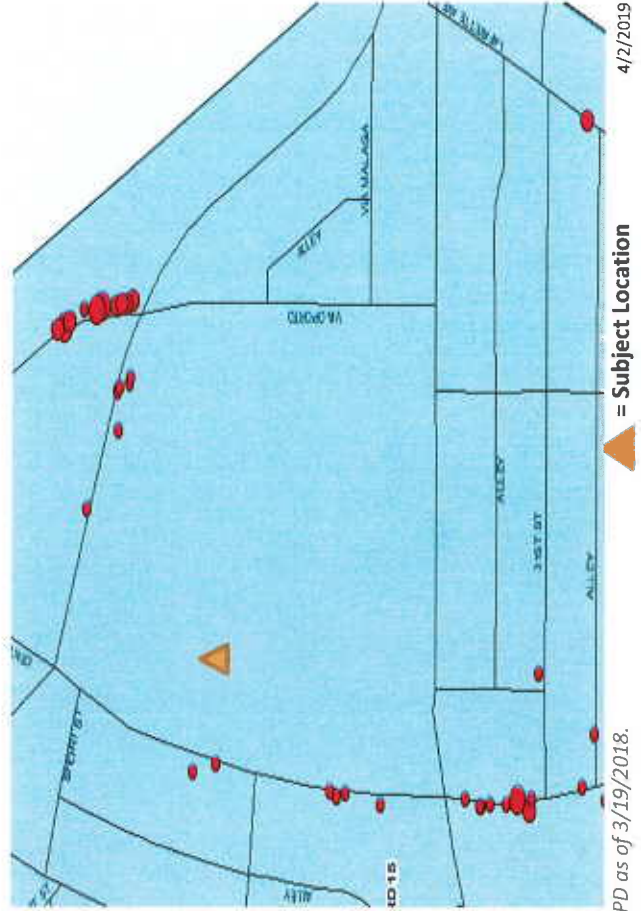
Subject:	Part I Crime	Diff From Avg	% Diff From Avg	Part I Arrests	Diff From Avg	% Diff From Avg	Part II Crime	Diff From Avg	% Diff From Avg	Part II Arrests	Diff From Avg	% Diff From Avg	Crime Count	Diff From Avg	% Diff From Avg
2823 Newport Blvd.	1	N/A	N/A	0	N/A	N/A	14	N/A	N/A	1	N/A	N/A	2	N/A	N/A
Subject RD: RD15	159	+101	+176%	34	+29	+536%	550	+459	+505%	547	+466	+573%	706	+567	+408%
Adjacent RD: RD13	60	+2	+4%	6	+1	+12%	177	+86	+95%	210	+129	+158%	270	+131	+94%
Adjacent RD: RD16	49	-9	-15%	5	-0	-6%	140	+49	+54%	163	+82	+101%	212	+73	+53%
Adjacent RD: RD25	84	+26	+46%	6	+1	+12%	149	+58	+64%	127	+46	+56%	211	+72	+52%
Newport Beach	2,192	RD Average = 59		203	RD Average = 6		3,456	RD Average = 89		3,088	RD Average = 74		5,280	RD Average = 134	

Part I Crimes are the 8 most serious crimes as defined by the FBI Uniform Crime Report - Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny, Auto Theft, and Arson. This report reflects City of Newport Beach data for 2017.

Per BP 23958.4, crime count is the sum of Part I Crime plus Part II Arrests.

Subject:	Population	Active Licenses	License Per Capita	Licensed Establishments
2823 Newport Blvd.	N/A	0	N/A	0
Subject Census Tract: 635	5,726	90	64	74
Adjacent Census Tract: 628	4,220	39	108	34
Adjacent Census Tract: 636.03	6,221	9	691	9
Adjacent Census Tract: 634	4,795	38	126	30
Newport Beach	85,186	451	189	389
Orange County	3,010,232	6,452	467	5,561

Number of Active ABC Licenses is the total of all types of retail licenses known to the NBPB as of 3/19/2018.
All Population figures taken from the 2010 US Census.

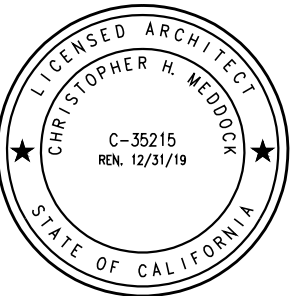


4/2/2019

Attachment No. ZA 5

Project Plans

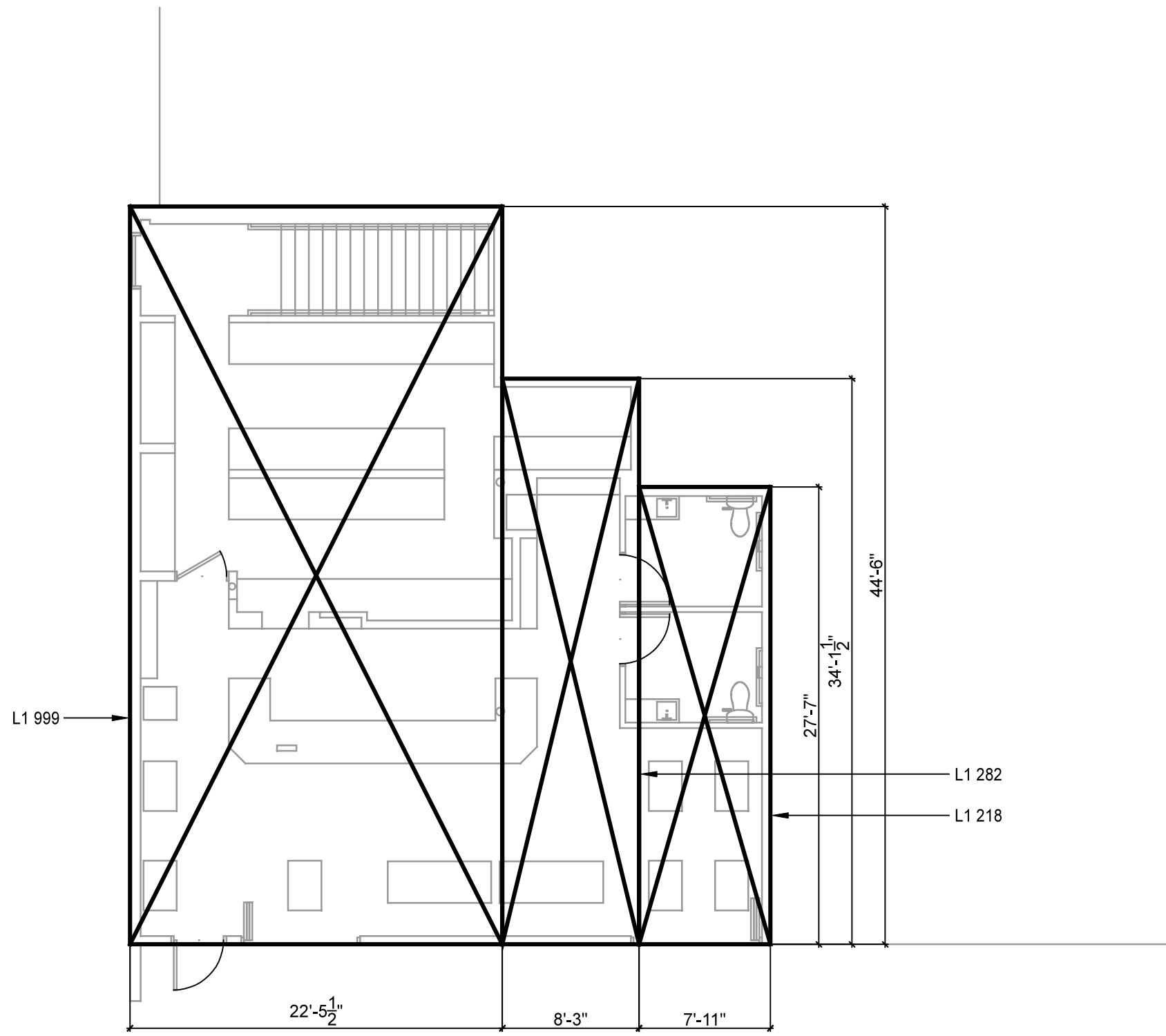
SESSIONS WEST COAST DELI
22823 NEWPORT BLVD., NEWPORT BEACH, CA 92663



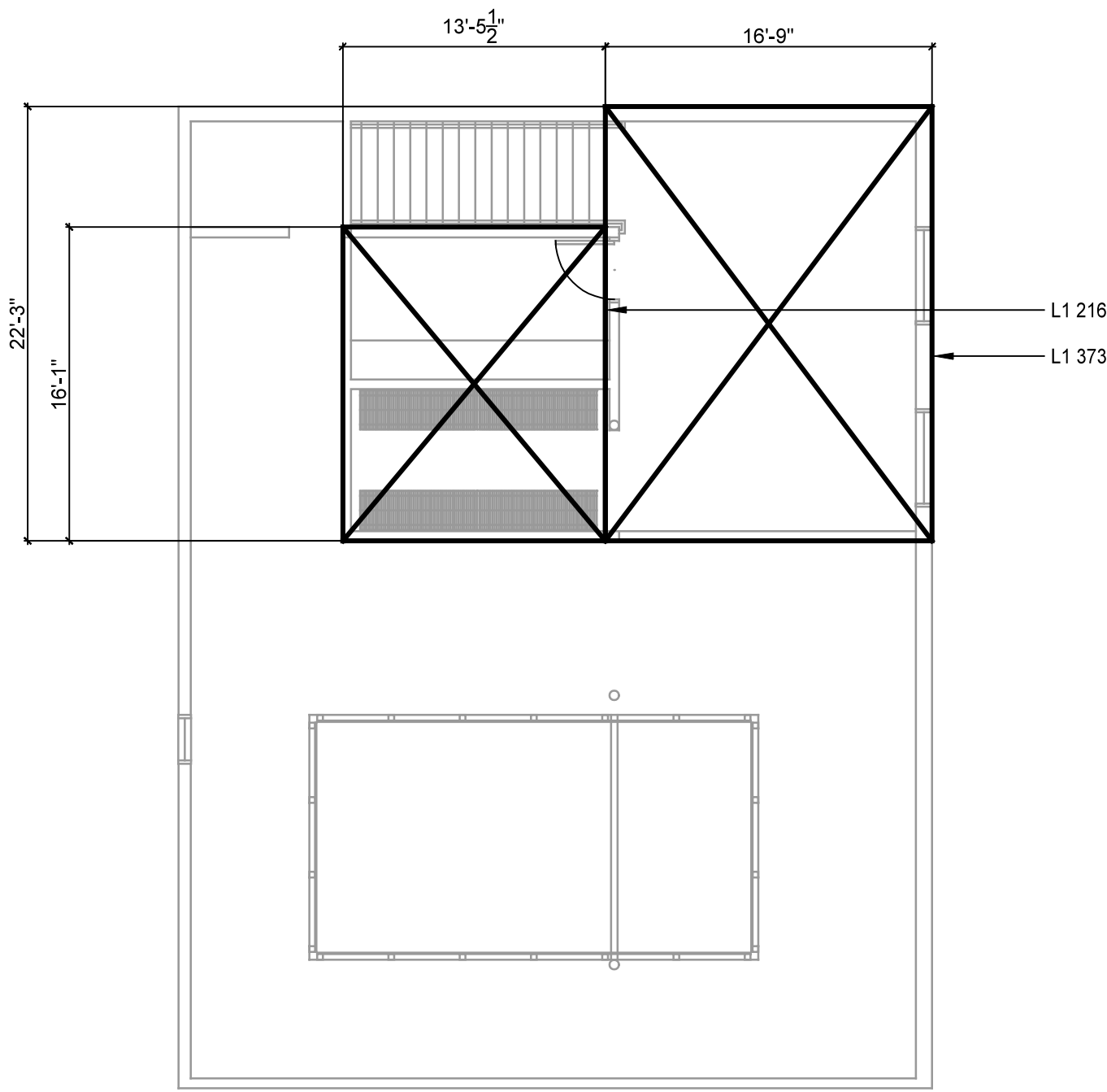
A01

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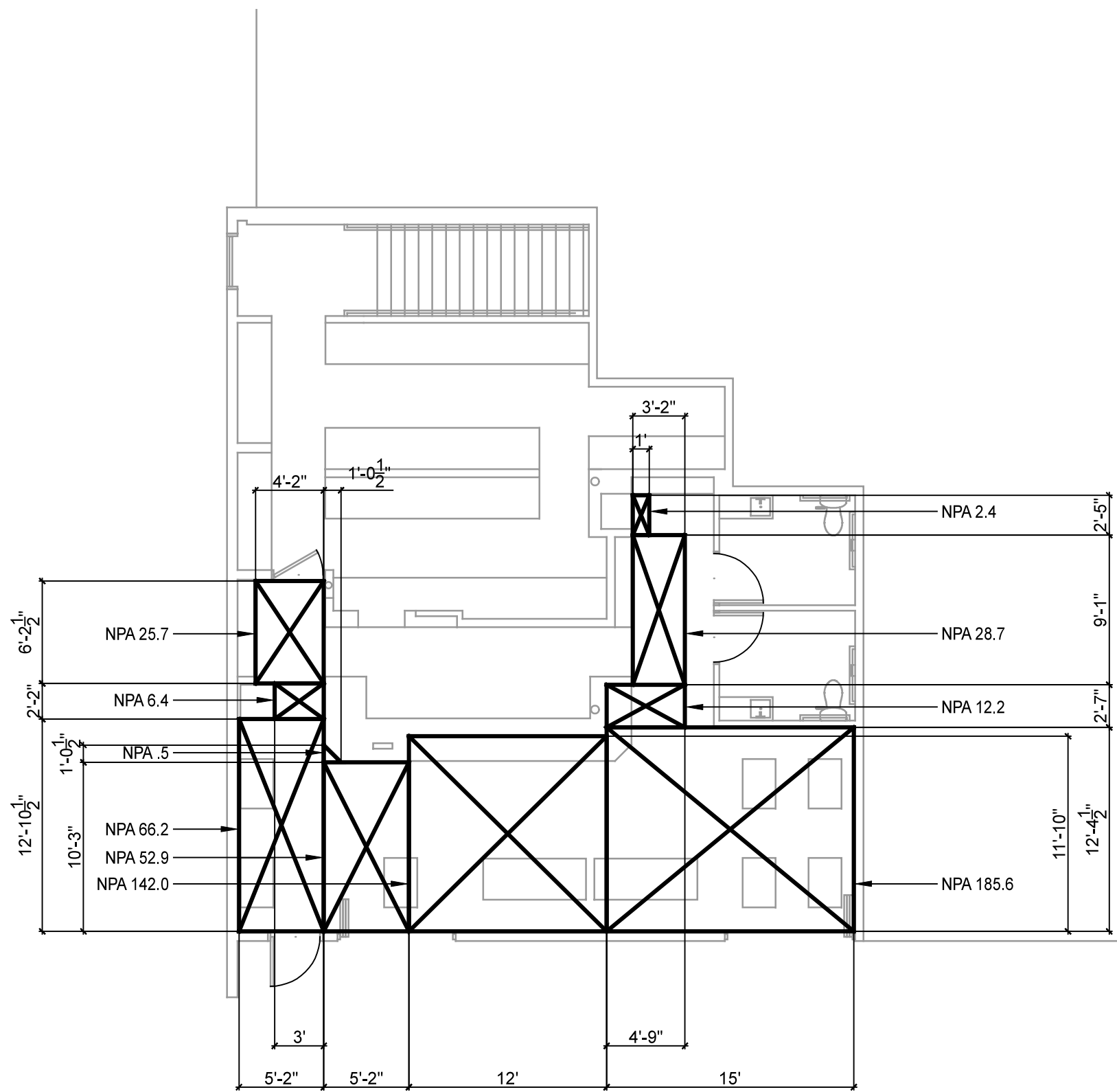
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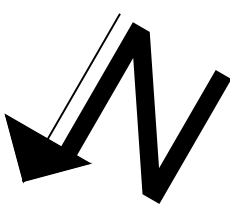
L1 FLOOR AREA



L2 FLOOR AREA



NET PUBLIC AREA



FLOOR AREA CALCULATIONS

EXISTING LEVEL 1:
1,499 SQ. FT. TO REMAIN

LEVEL 1 NET PUBLIC AREA:
523 SQ. FT.

EXISTING LEVEL 2:
589 SQ. FT. TO REMAIN

TOTAL LEVEL 1 + LEVEL 2:
2,088 SQ. FT.

FLOOR AREA CALCULATIONS

PLAN PREPARED BY: CHRIS MEDDOCK - 42 SEABIRD CT. NEWPORT BEACH, CA 92663 - (949) 510-4089 / OWNERT/TEENANT: SESSIONS WCD - MATTI MEDDOCK - 2823 NEWPORT BLVD. NEWPORT BEACH, CA 92663 (949) 220-9001

SCALE: $\frac{1}{4}" = 1'-0"$
PLOT DATE: 11/30/2018
SHEET NUMBER

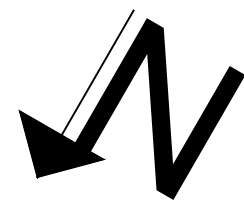
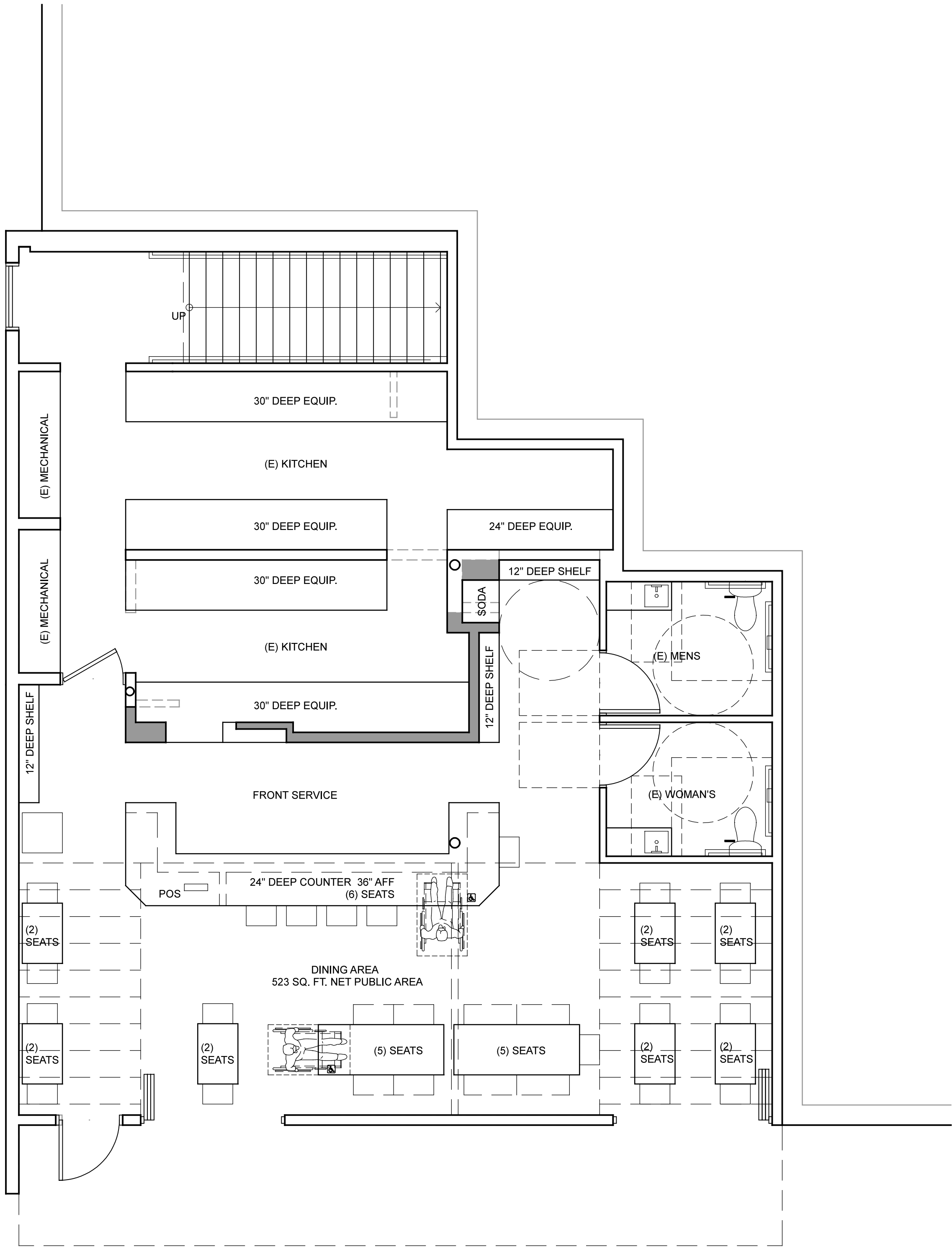
A12



SESSIONS WEST COAST DELI
2823 NEWPORT BLVD., NEWPORT BEACH, CA 92663



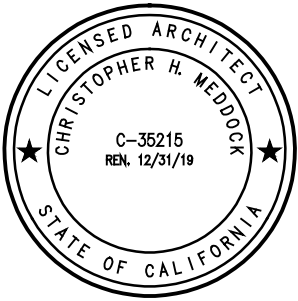
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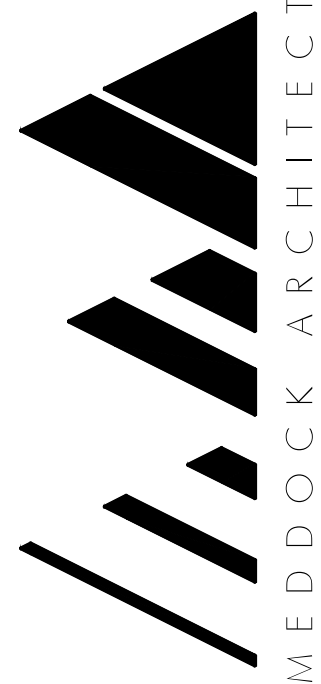
LEVEL 1 FLOOR PLAN

PLAN PREPARED BY: CHRIS MEDDOCK - 42 SEABIRD CT, NEWPORT BEACH, CA 92663 - (949) 510-4059 / OWNERTENANT: SESSIONS WCD - MATTI MEDDOCK - 2823 NEWPORT BLVD., NEWPORT BEACH, CA 92663 (949) 220-9001

SCALE: $\frac{1}{4}" = 1'-0"$
PLOT DATE: 11/30/2018
SHEET NUMBER
A21



SESSIONS WEST COAST DELI
2823 NEWPORT BLVD., NEWPORT BEACH, CA 92663



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