



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

January 16, 2020
Agenda Item No. 5

SUBJECT: Dolphin Rental Newport Beach Boat Rental (PA2019-074)
▪ Limited Term Permit No. XP2019-002
▪ Coastal Development Permit No. CD2019-017

SITE LOCATION: 2406 Newport Boulevard

APPLICANT: Dolphin Rental Newport Beach

OWNER: Steven James

PLANNER: Patrick Achis, Planning Technician
949-644-3237, pachis@newportbeachca.gov

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** Mixed-Use Water Related (MU-W2)
- **Zoning District :** Mixed-Use Water Related (MU-W2)
- **Coastal Land Use Plan Category:** Mixed-Use Water Related (MU-W)
- **Coastal Zoning District:** Mixed-Use Water Related (MU-W2)

PROJECT SUMMARY

A request for a limited term permit (more than 90 days) and associated coastal development permit (CDP) to allow the temporary operation of an electric boat rental business for up to one year. The electric boats will be docked within existing slips accessible from the property. A maximum of one employee, four electric boats, and two electric water bicycles will be used by the operation at any time. The proposed hours of operation are 9 a.m. to 6:30 p.m., daily. Parking will be provided on-site and shared with the existing restaurant (Mr. G's Bistro at Newport Peninsula) located on the property.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) under Class 1 and Class 4, respectively, 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 Limited Term Permit No. XP2019-002 and Coastal Development Permit No. CD2019-017 (Attachment No. ZA 1).

DISCUSSION

- The subject property is located on the east side of Newport Boulevard, south of 26th Street, on the Newport Peninsula. The site is approximately 0.34 acres in size and presently contains a restaurant - Mr. G's Bistro at Newport Peninsula - with 2,040 square feet of net public area, a 42-space parking lot, and three accessory dock slips (see Attachment No. ZA 5). Dolphin Rental Newport Beach, the applicant, proposes a temporary use (up to one year) to allow a boat rental operation to share on-site parking with the existing restaurant. The parking lot is directly accessible from a driveway approach off Newport Boulevard and the dock area takes pedestrian access via an on-site gateway. The proposed use would occupy a maximum of one dock with a maximum of one employee, four electric boats, and two electric water bicycles at any time. Hours of operation are conditioned to between 9 a.m. and 6:30 p.m., daily. No construction or physical alterations to the site are proposed.
- The proposed boat rental operation will be used and operated independently, but complementary to, the existing restaurant establishment on-site and other uses in the vicinity that foster coastal activity for residents and visitors. As conditioned, food service or alcohol sales bayward of the property would be prohibited, and the designated slip space of this approval will not be used by patrons of the restaurant.
- The General Plan Land Use designation for this site is MU-W2 (Mixed-Use Water Related). The MU-W2 designation is applied to waterfront locations in which marine-related uses may be intermixed with buildings that provide residential uses on the upper floors. Pursuant to Newport Beach Municipal Code (NBMC) Section 20.52.040(D)(2), off-site parking for uses requiring a marine activities permit is permissible with the approval of a limited term permit. The proposed shared parking arrangement for the boat rental (marine activity) is a visitor-serving use dependent on the harbor, is authorized for a limited duration, and will not impede use of the site consistent with the MU-W2 designation.
- The subject property is located within the Coastal Zone. The Mixed-Use Water Related (MU-W) Coastal Land Use is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent, coastal-related, and visitor-serving uses. The proposed boat rental use is a coastal-dependent use that requires close proximity to the bay.
- The proposed boat rental operation will provide additional recreation options to residents and visitors and encourage enhanced access to and usage of the bay.
- While the project site is located between the nearest public road and the sea or shoreline, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities. The closest coastal public access

opportunity is located less than 80 feet northward from the subject site at the east end of 26th Street. Approximately 1,300 feet northeastward, on Lido Park Drive, lies the closest designated public viewpoint. The proposed dock to be used for the rental operation is existing and no construction or physical alterations are proposed; consequently, the proposal bears no impact on coastal access, views, or recreational opportunities.

- As detailed below, on-site parking conditions support that satisfactory parking exists on-site to accommodate the proposed limited term use. That being the case, public parking availability for coastal access will not be affected by project implementation in accordance with NBMC Section 21.40.110(A) (Impact to Coastal Access Prohibited.).
- Table 3-10 of NBMC Section 20.40.040 (Off-Street Parking Spaces Required) requires one parking space for every 1,000 square feet of lot area for a “Boat Rentals and Sales” land use. As the subject site measures 14,746 square feet in size, 15 parking spaces are required ($14,746 \text{ sq. ft.} / 1,000 \text{ sq. ft.} = 14.75$ parking spaces). The 15 spaces needed for the proposed operation is in addition to the existing 51-space requirement for the restaurant use (2,040 sq. ft. of net public area / 40 sq. ft. per parking space), which together totals a 66-space parking requirement for the site with both operations.
- The existing development is nonconforming due to parking, as only 42 parking spaces are provided on-site to serve the restaurant. The restaurant has been in operation since late 2016 and parking has not been identified as an issue. The applicant and City staff have both conducted surveys of the parking usage at various times on several different days. The surveys conclude that sufficient parking exists to accommodate the boat rental operation. The applicant recorded, on average, nearly 80 percent of the lot (around 34 spaces) in the 42-space lot were vacant during varied times on weekdays and weekends. The site’s maximal parking usage was observed on a Sunday at 4 p.m. to be under 50 percent (22 vacant spaces). Staff’s observation over seven site visits during November and December 2019 (Attachment No. ZA 4), substantiates the excess parking findings.
- The operational characteristics of the proposed use are limited by Conditions of Approval Nos. 6 and 13, which limit the hours of operation for the electric boat rental operation from 9 a.m. to 6:30 p.m., daily, and also limit the operation to a maximum of one (1) employee, four (4) electric boats, two (2) electric water bicycles, and one (1) dock. These Conditions will help ensure there is adequate parking for both the proposed use and the existing restaurant use at any time.

- The applicant expressed the anticipation that patrons of the proposed rental operation will rely on carpooling or ride-share services for transportation to the site, which may further assist to minimize the potential for parking impacts on-site.
- The proposal is for a *temporary* use and the operation must conclude one year after the date of this approval, unless an extension is granted by the Zoning Administrator in compliance with Section 20.54.060 (Time Limits and Extensions) of the Zoning Code, or unless a new discretionary application for the continuation of the use is approved. If the use is operated or maintained in a manner that constitutes a public nuisance, or proves to be detrimental to the public health, welfare or materially injurious to the property or improvements in the vicinity, Condition of Approval No. 10 reserves authority for the Zoning Administrator to modify or revoke this approval.

ENVIRONMENTAL REVIEW

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) under Class 1 and Class 4, respectively, of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Class 4 exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. In this case, the proposal is a limited term permit and associated coastal development permit for the operation of a boat rental operation at an existing dock and results in no physical alterations.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners and residential occupants 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:

This action shall become final and effective 14 days following the date the Resolution is adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 (Local Coastal

Implementation Plan) of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act. For additional information on filing an appeal contact the Planning Division at 949-644-3200.

Prepared by:


Patrick Achis
Planning Technician

BMZ/pa

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Applicant's Parking Summary
	ZA 4	Staff's Parking Summary
	ZA 5	Dock Plan and Existing Site Parking (PA2016-203 Excerpt)

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2020-###

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LIMITED TERM PERMIT NO. XP2019-002 AND COASTAL DEVELOPMENT PERMIT NO. CD2019-017 FOR A BOAT RENTAL OPERATION AND SHARED PARKING LOCATED AT 2406 NEWPORT BOULEVARD (PA2019-074)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Dolphin Rental Newport Beach ("Applicant"), with respect to property located at 2406 Newport Boulevard, and legally described as Parcel 1 of Resubdivision No. 375, requesting approval of a limited term permit (more than 90 days) and associated coastal development permit.
2. The Applicant proposes a temporary use (up to one [1] year) for a boat rental operation to share on-site parking with the existing restaurant. The proposed use would occupy a maximum of one (1) dock with a maximum of one (1) employee, four (4) electric boats, and two (2) electric water bicycles at any time. As conditioned, the hours of operation will be limited to between 9 a.m. and 6:30 p.m., daily. No construction or physical alterations to the site are proposed.
3. The subject property is designated Mixed-Use Water Related (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water Related (MU-W2) Zoning District.
4. The subject 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 Zoning District.
5. A public hearing was held on January 16, 2020, 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 hearing 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 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) under Class 1 and Class 4, respectively, of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

2. Class 1 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Class 4 exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. In this case, the proposal is a limited term permit and associated coastal development permit for the operation of a boat rental operation at an existing dock and results in no physical alterations.

SECTION 3. REQUIRED FINDINGS.

Limited Term Permit

In accordance with Newport Beach Municipal Code (NBMC) Section 20.52.040 (Limited Term Permits), the following findings and facts in support of such findings are set forth:

Finding:

- A. *The operation of the limited duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor 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 requested limited duration use;*

Facts in Support of Finding:

1. The Limited Term Permit will allow for the temporary operation of an electric boat rental operation for up to one (1) year. The operation is proposed to be sited at an existing dock accessible from the property and does not result in any physical site alterations.
2. The proposed boat rental operation will be used and operated independently, but complementary to, the existing restaurant establishment on-site and other uses in the vicinity that foster coastal activity for residents and visitors. As conditioned, food service or alcohol sales bayward of the property is prohibited, and the designated slip space of this approval shall not be used by patrons of the restaurant.

Finding:

- B. *The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;*

Facts in Support of Finding:

1. The subject property is located on the east side of Newport Boulevard, south of 26th Street, on the Newport Peninsula. The site is approximately 0.34 acres in size and

presently contains a restaurant (Mr. G's Bistro at Newport Peninsula) with 2,040 square feet of net public area, a 42-space parking lot, and three (3) accessory dock slips. The Applicant proposes a temporary use (up to one [1] year) to allow a boat rental operation to share on-site parking with the existing restaurant. The parking lot is directly accessible from a driveway approach off Newport Boulevard and the dock area takes pedestrian access via an on-site gateway. The proposed use would occupy a maximum of one (1) dock with a maximum of one (1) employee, four (4) electric boats, and two (2) electric water bicycles at any time. Hours of operation are conditioned to occur between 9 a.m. to 6:30 p.m., daily.

2. The subject lot is surrounded by mixed-use properties to the north and south, Newport Boulevard to the west, and the bayfront to the east. The boat rental operation use is commensurate with others in the vicinity and will provide additional coastal recreational opportunities
3. Approval of this project will not result in any construction or physical alterations to the site.

Finding:

C. The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;

Facts in Support of Finding:

1. The subject lot has a direct driveway approach taken from Newport Boulevard, a four-lane street that is approximately 70 feet wide. The existing dock to be used by the operation is located at the rear of the lot through a walkway from the restaurant parking lot. The proposed temporary boat rental operation will not impede access to the existing lot. There are no anticipated traffic issues.
2. The limited duration use is for shared on-site parking configuration for marine activities.

Finding:

D. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator; and

Facts in Support of Finding:

1. Table 3-10 of NBMC Section 20.40.040 (Off-Street Parking Spaces Required) requires one (1) parking space for every 1,000 square feet of lot area for a "Boat Rentals and Sales" land use. As the subject site measures 14,746 square feet in size, 15 parking spaces are required ($14,746 \text{ sq. ft.} / 1,000 \text{ sq. ft.} = 14.75$ parking spaces). The 15 spaces needed for the proposed operation is in addition to the existing 51-space requirement

for the restaurant use (2,040 sq. ft. of net public area / 40 sq. ft. per parking space), which together totals a 66-space parking requirement for the site with both operations.

2. The existing development is nonconforming due to parking, as only 42 parking spaces are provided on-site to serve the restaurant. The restaurant has been in operation since late 2016, and parking has not been identified as an issue. As detailed in the staff report, the Applicant and City staff have both conducted surveys of the parking usage at various times on several different day. The surveys conclude that sufficient parking exists to accommodate the boat rental operation. The Applicant recorded, on average, nearly 80 percent of the lot (around 34 spaces) in the 42-space lot were vacant during varied times on weekdays and weekends. The site's maximal parking usage was observed on a Sunday at 4 p.m. to be under 50 percent (22 vacant spaces). Staff's observation over seven (7) site visits during November and December 2019, substantiates the excess parking findings.
3. The operational characteristics of the proposed use are limited by Conditions of Approval Nos. 6 and 13, which limit the hours of operation for the electric boat rental operation from 9 a.m. to 6:30 p.m., daily, and also limit the operation to a maximum of one (1) employee, four (4) electric boats, two (2) electric water bicycles, and one (1) dock shall be utilized at any time.. These Conditions will help ensure there is adequate parking for both the proposed use and the existing restaurant use at any time.
4. The Applicant expressed the anticipation that patrons of the proposed rental operation will rely on carpooling or ride-share services for transportation to the site, which may further assist to minimize the potential for parking impacts on-site.
5. Given the information provided by the Applicant, the site survey conducted by City staff, and the limited operation, staff finds the proposal to share parking on-site acceptable for this limited duration use.

Finding:

E. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.

Facts in Support of Finding:

1. The General Plan Land Use designation for this site is MU-W2 (Mixed-Use Water Related). The MU-W2 designation is applied to waterfront locations in which marine-related uses may be intermixed with buildings that provide residential uses on the upper floors. Pursuant to NBMC Section 20.52.040(D)(2), off-site parking for uses requiring a marine activities permit is permissible with the approval of a limited term permit. The proposed shared parking arrangement for the boat rental (marine activity) is a visitor-serving use dependent on the harbor, is authorized for a limited duration, and will not impede use of the site consistent with the MU-W2 designation.

2. The Mixed-Use Water Related (MU-W) Coastal Land Use of the subject site is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent, coastal-related, and visitor-serving uses. The proposed boat rental use is a coastal-dependent use that requires close proximity to the bay.
3. The site is not located within a specific plan area.

Coastal Development Permit

In accordance with NBMC Section 21.52.015 (Findings and Decision), the following findings and facts in support of such findings are set forth:

Finding:

F. Conforms to all applicable sections of the certified Local Coastal Program.

Facts in Support of Finding:

1. The MU-W Coastal Land Use is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent, coastal-related and visitor-serving uses. The proposed boat rental use is a coastal-dependent use that requires close proximity to the bay.
2. Reference Fact in Support of Finding E.2.
3. As demonstrated in Finding D.1 of this resolution, sufficient available parking exists on-site to accommodate the addition of the proposed use for its limited duration. That being the case, public parking availability for coastal access will not be affected by project implementation in accordance with NBMC Section 21.40.110(A) (Impact to Coastal Access Prohibited.).
4. Landscaping is not proposed as a part of this project, and project approval will not result in any construction or physical alterations to the site.

Finding:

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

Facts in Support of Finding:

1. While the project site is located between the nearest public road and the sea or shoreline; the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.
2. The closest coastal public access opportunity is located less than 80 feet northward from the subject site at the east end of 26th Street. Approximately 1,300 feet northeastward, on Lido Park Drive, lies the closest public viewpoint. The dock location to site the rental operation is existing and no construction or physical alterations are proposed; consequently, the proposal bears no impact on coastal access, views, or recreational opportunities.
3. The proposed boat rental operation will provide additional recreation options to residents and visitors and encourage enhanced access to and usage of the bay.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) under Class 1 and Class 4, respectively, of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Limited Term Permit No. XP2019-002 and Coastal Development Permit No. CD2019-017, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 16th DAY OF JANUARY, 2020.

James Campbell, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

PLANNING

1. *The development shall be in substantial conformance with the approved site plan, floor plans, and parking plan of PA2016-203 (except as modified by applicable conditions of approval).*
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. 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 Limited Term Permit and/or Coastal Development Permit.
4. *The restaurant and the boat rental operations are to remain independent uses. Food service or alcohol sales bayward of the property is prohibited.*
5. *The designated slip shall be exclusively for the boat rental operation and shall not be used for the watercraft of restaurant patrons.*
6. *The boat rental operation shall be limited to one (1) employee, four (4) electric boats, two (2) electric water bicycles, and usage of one (1) dock at any time.*
7. *The existing dock system shall not be improved or otherwise modified without review and approval from the City of Newport Beach and/or the California Coastal Commission, including, but not limited to, the acquisition of a new coastal development permit.*
8. *A marine activities permit (MAP) shall be obtained prior to the operation of boat rentals.*
9. Limited Term Permit No. XP2019-002 and Coastal Development Permit No. CD2019-017 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 20.91.050, unless an extension is otherwise granted.
10. This Limited Term Permit and Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined 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.
11. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and may require an amendment to this Coastal Development Permit and Limited Term Permit or the processing of a new Coastal Development Permit and Limited Term Permit.

12. This Limited Term Permit shall expire twelve (12) months from the issued date of the Marine Activity Permit approval, unless an extension of up to one (1) additional period of twelve (12) months is granted by the Zoning Administrator in compliance with Section 20.54.060 (Time Limits and Extensions) of the Zoning Code. A letter requesting the extension shall be submitted to the Planning Division no later than thirty (30) days prior to the expiration date of this permit.
13. *The hours of operation for the electric boat rental operation shall be limited to 9 a.m. to 6:30 p.m., daily, except that the boat rental operation shall be permitted to operate to later hours with the prior approval of the Planning Division for up to six (6) special occasions per calendar year. Examples of special occasions include New Year's Day, Valentine's Day, Mother's Day, etc.*
14. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 and other applicable noise control requirements of the NBMC. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
Location	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

15. 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.
16. No outside paging system shall be utilized in conjunction with this establishment.
17. Trash receptacles for patrons shall be conveniently located to serve the boat rental patrons, however, not located on or within any public property or right-of-way.
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 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).

20. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of a required trash container enclosure.
21. 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.
22. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
23. 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 Dolphin Rental Newport Beach Boat Rental including, but not limited to, Limited Term Permit No. XP2019-002 and Coastal Development Permit No. CD2019-017 (PA2019-074). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

FIRE

24. Multiple Berthing will not be allowed as per Amendment 9.04.400 to California Fire Code Section 3603.6.1 which states: "All vessels in marinas shall be arranged such that a vessel occupying a slip can be readily removed in an emergency without the necessity of moving other vessels."

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Limited Term Permit No. XP2019-002 and
Coastal Development Permit No. CD2019-017
PA2019-074

2406 Newport Boulevard

Attachment No. ZA 3

Applicant's Parking Summary

Applicant Parking Count at 2406 Newport Boulevard

Total on-site spaces: 42

Date Observed	11 a.m.	2 p.m.	4 p.m.	6 p.m.
Saturday, 09/28/2019	5	7	10	15
Sunday, 09/29/2019	9	11	20	15
Monday, 09/30/2019	Restaurant Closed	Restaurant Closed	Restaurant Closed	Restaurant Closed
Tuesday, 10/01/2019	4	5	4	6
Wednesday, 10/02/2019	3	5	6	7
Thursday, 10/03/2019	5	4	5	8
Friday, 10/04/2019	6	4	6	10
Saturday, 10/05/2019	8	15	14	20
Sunday, 10/06/2019	8	13	22	18
Monday, 10/07/2019	Restaurant Closed	Restaurant Closed	Restaurant Closed	Restaurant Closed
Tuesday, 10/08/2019	3	6	5	5

Attachment No. ZA 4

Staff's Parking Summary

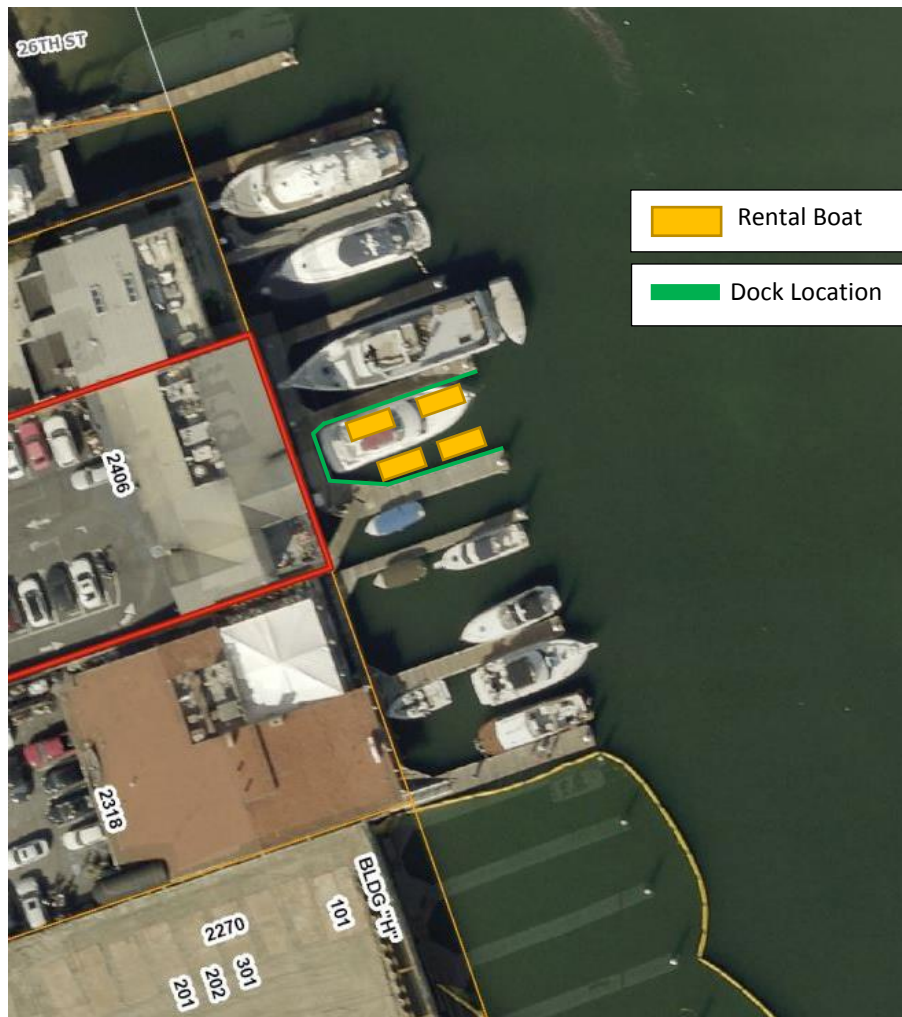
Staff Parking Count at 2406 Newport Boulevard

Total on-site spaces: 42

Date Observed	10 a.m.	11 a.m.	12:00 PM	2 p.m.	4 p.m.
Wednesday, 11/06/2019					8
Friday , 11/15/2019					6
Thursday , 11/21/2019				3	
Saturday, 11/23/2019			6		
Saturday, 12/07/2019	5				
Saturday, 12/14/2019			8		
Saturday, 12/21/2019		5			

Attachment No. ZA 5

Project Plans



Dolphin Rental Newport Beach
 Dock Plan
 2406 Newport Boulevard

PPA2016-203 excerpt of site plan illustrating existing parking conditions for 2406 Newport Boulevard

PPA2016-203

SITE PLAN KEYED NOTES

- 1

EXISTING 36" WIDE X 22" LONG DETECTABLE WARNING ON SURFACE COMPLYING WITH 11338.6.5
- 2

EXISTING ACCESSIBLE PARKING STALL AND OBVIANCE TO REMAIN
- 3

EXISTING MINIMUM 48" WIDE ACCESSIBLE PATH OF TRAVEL TO REMAIN
- 4

EXISTING VAN ACCESSIBLE PARKING STALL AND OBVIANCE TO REMAIN
- 5

EXISTING MINIMUM 9' WIDE ACCESSIBLE TO REMAIN
- 6

EXISTING ENCLOSED TRASH AREA TO REMAIN
- 7

EXISTING PARKING AREA TO REMAIN, TYP.
- 8

EXISTING CITY OF NEWPORT BEACH ACCESSIBLE PARKING TOW-AWAY SIGN TO REMAIN
- 9

EXISTING PLANTER TO REMAIN
- 10

EXISTING DRIVE ABLE TO REMAIN, TYP.
- 11

EXISTING FIRE SPRINKLER TEST DRAIN AND KNOX BOX LOCATION TO REMAIN
- 12

EXISTING SITE Pylon SIGN TO REMAIN
- 13

EXISTING FIRE DEPARTMENT CONNECTION TO REMAIN
- 14

EXISTING PAD MOUNTED TRANSFORMER TO REMAIN
- 15

EXISTING UNDERGROUND GREASE INTERCEPTOR TO REMAIN
- 16

EXISTING SIDEWALK TO REMAIN
- 17

EXISTING DETECTOR CHECK VALVE TO REMAIN
- 18

EXISTING INTERNATIONAL SYMBOL OF ACCESSIBILITY SIGN TO REMAIN
- 19

EXISTING UNUSED SEWER LATERAL IS CAPPED AT PROPERTY LINE
- 20

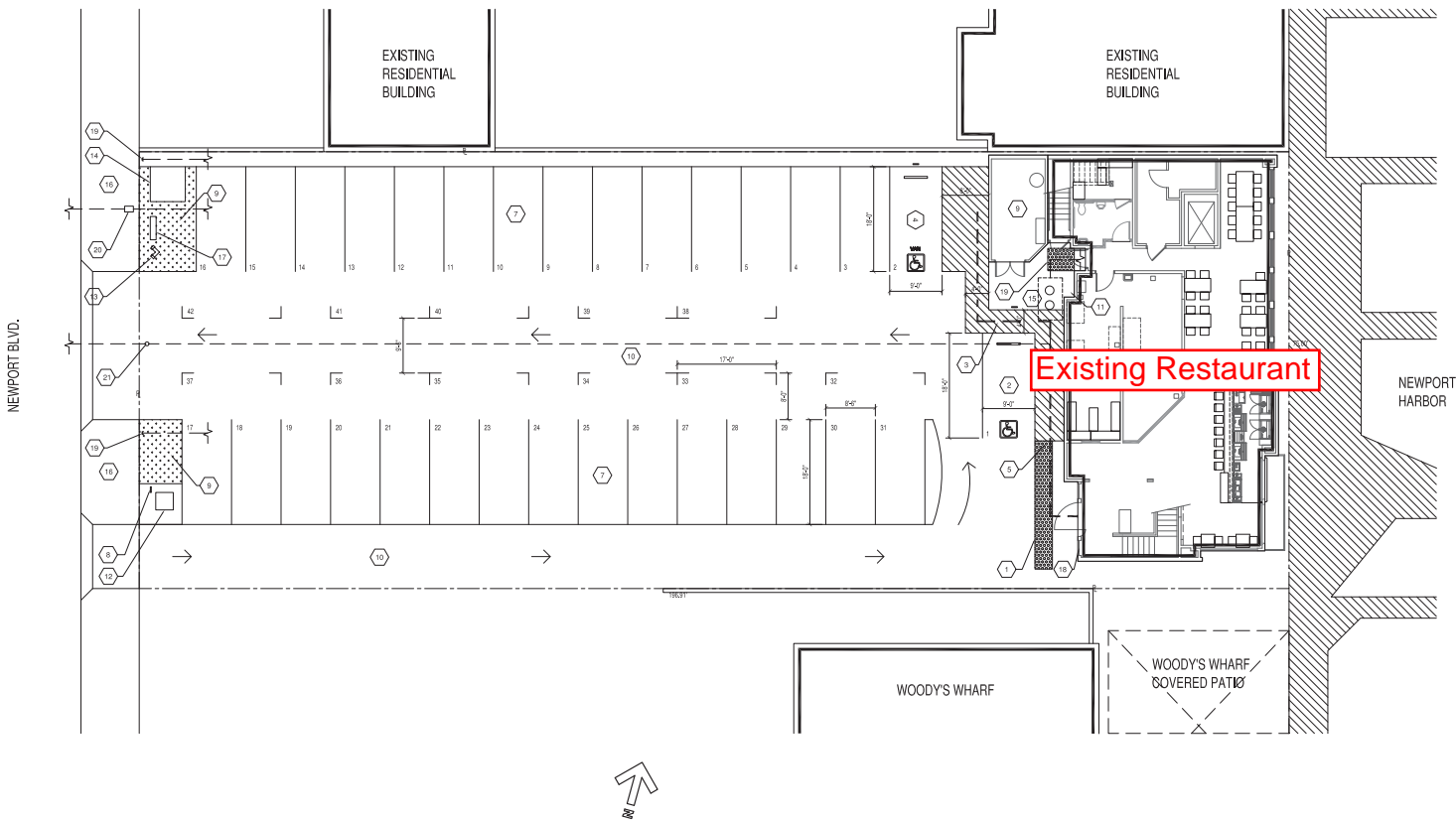
EXISTING WATER METER & SERVICE TO REMAIN
- 21

EXISTING CLEAROUT ON EXISTING BUILDING SEWER. PROVIDE NEW CLEAROUT ON PUBLIC SIDE OF PROPERTY LINE PER CITY STANDARD STD-450A. SEE PLUMBING DRAWINGS.

SITE PLAN GENERAL NOTES

1. NO WORK TO PROJECT SITE OR BUILDING. PLANS ISSUED FOR ADMINISTRATIVE PROCESSING OF OPERATORS LICENSE AND ASSOCIATED PERMITS ONLY.
2. VALET SERVICES PROVIDED DURING ALL TIMES OF OPERATION IN ACCORDANCE WITH THE EXISTING USE PERMIT.

--- EXISTING SITE ACCESSIBLE PATH OF TRAVEL TO REMAIN



ARCHITECTURAL SITE PLAN
1" = 10'

ONE!
ARCHITECTURE

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Revisions
△ =
△ =
△ =
△ =
△ =

American Junkie
Operator License
Newport Beach, CA
REVISED 07.14.14
CA-244

Existing
Site Plan
AS-101