



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

March 19, 2020
Agenda Item No. 2

SUBJECT: 501 Park Avenue Restaurant (PA2019-238)
▪ Conditional Use Permit No. UP2019-053

SITE LOCATION: 501 Park Avenue

APPLICANT: CLK Island Properties, LLC.

OWNER: Steve Rogers

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

PROJECT SUMMARY

An amendment to an existing conditional use permit to upgrade the current Alcoholic Beverage Control (ABC) license from a Type 41 (On-Sale Beer and Wine – Eating Place) to a Type 47 (On Sale General) for an existing restaurant, and to extend the hours of operation from 7:00 a.m. to 9:00 p.m., daily, to 7:00 a.m. to 10:00 p.m., daily. The applicant also requests a continuation of a previously approved 23 parking space reduction, as well as the reduction of one additional parking space.

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 Resolution No. PC2020-008 approving Conditional Use Permit No. UP2019-053 (Attachment No. PC 1).

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LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	MU-W2 (Mixed Use Water Related)	MU-W2 (Mixed-Use Water Related)	Restaurant and Residential
NORTH	RT (Two-Unit Residential)	R-BI (Two-Unit Residential, Balboa Island)	Residential
SOUTH	MU-W2	MU-W2	Office and Upper Level Residential
EAST	RT	R-BI	Residential
WEST	RT	R-BI	Residential

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INTRODUCTION

Project Setting

The existing restaurant is located at the intersection of Park Avenue and Agate Avenue on Balboa Island. The Balboa Island Ferry Landing is located approximately 480 feet southwest at the end of Agate Avenue. The property is developed with a two-story building containing a restaurant on the first floor and two dwelling units on the second floor. There is one, non-conforming single-car garage for use by the residents. Also, three open parking spaces dedicated to the restaurant are available on-site.

Surrounding uses include duplexes and single-unit dwellings. A few commercial uses, such as medical offices, laundry mat, and a small hotel are located south of the subject property on Agate Avenue. On-street parking is free; however, there are time restrictions on Agate Avenue. Private off-street surface parking in the area is very limited, with a few spaces located behind some nearby businesses. There is no public off-street parking on Balboa Island. However, several municipal lots are located on Balboa Peninsula that are within walking distance from the Balboa Island Ferry Landing on Palm Street.

Background

According to historical building records, a restaurant has been in operation at the subject property since 1961. The Planning Commission approved Use Permit No. UP1834 on June 30, 1977, which allowed for the restaurant to sell beer and wine. No additional parking was required at that time since there was no increase in intensity to the restaurant. In 1977, the existing restaurant consisted of 360 square feet of net public area (NPA) and a 70-square-foot outdoor patio, with hours of operation from 8:00 a.m. to 8:00 p.m., daily. Other uses on the property included a real estate office, gift shop, art studio, and the two second floor residential apartments. At the time of the approval, a two-car carport served the apartments upstairs, while four off-street parking spaces served the commercial uses. Subsequent to this approval, the restaurant expanded to the suite previously occupied by a gift shop, totaling 665 square feet of NPA. The restaurant also expanded the outdoor seating area from 70 square feet to 503 square feet. There are no permits on file associated with that expansion, and the unauthorized additions were discovered when the owners applied for a use permit for further expansions in 2014.

On May 22, 2014, the Planning Commission approved Use Permit No. UP2014-009 to authorize the previous expansion and the restaurant to expand an additional 79 square feet of interior NPA (744 square feet total) and outdoor dining patio by 170 square feet (673 square feet total). Included in the project was a take-out service coffee bar, which occupied an additional 276 square feet. The coffee bar was reviewed as a related yet separate use from the restaurant and required parking was based on the take-out service, limited land use. The restaurant was approved to operate from 8:00 a.m. to 9:00 p.m.,

daily. As a result of the expansion, it was determined that the zoning code required 26 parking spaces while three parking spaces were provided. Due to the heavy walk-up and biking traffic on Balboa Island and its location on Park Avenue, the Planning Commission waived the remaining parking required for the restaurant. At the time of the approval, the two existing residential apartments remained above the restaurant, and the two-car carport had been converted into a two-car garage. Although it was described as a two-car garage, the garage did not meet the Code-required dimensions to park two cars and can only accommodate one vehicle.

Subsequent to the Planning Commission approval, Director's Determination No. DD2015-003 authorized the reduction of off-site parking spaces from three spaces to two spaces. During the plan check process for the approved restaurant expansion, errors were discovered on the conceptual plans approved with UP2014-009 that showed a portion of a parking space that would encroach into the public right-of-way, which could not be accommodated. It was determined that it was not feasible to accommodate three parking spaces on-site due to multiple code requirements, including disability requirements, trash enclosure, and a planter for safety purposes. Therefore, a total of two open parking spaces were provided on-site for the restaurant.

Subsequent to the Director's Determination, the trash enclosure was relocated into a portion of the existing, non-conforming one-car garage, which serves the two residential apartments above the restaurant. As a result of this change, the previous open parking space that was lost was restored to have a total of three off-street parking spaces serving the restaurant. There are no permits on file associated with these changes, and those permits are required regardless of the outcome of this application request.

Project Description

The applicant requests a conditional use permit to upgrade the current ABC license from a Type 41 (On-Sale Beer and Wine – Eating Place) to a Type 47 (On Sale General) for the existing restaurant, and to extend the hours of operation from 7:00 a.m. to 9:00 p.m., daily, to 7:00 a.m. to 10:00 p.m., daily. Since there is an existing parking reduction that was granted by Use Permit No. UP2014-009, staff is recommending the continuation of the parking reduction and requesting the reduction of one additional space due to a mathematical error that will be described below.

DISCUSSION

General Plan and Zoning

The site is designated as Mixed Use Water Related (MU-W2) by the General Plan and Zoning Code, which applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The existing restaurant operation is defined as an Eating and

Drinking Establishment, Food Service, No Late Hours, which offers alcoholic beverage service. The existing coffee bar is separate from the restaurant and is classified as a Take-Out Service, Limited. The proposed project is to upgrade the existing ABC license from a Type 41 to a Type 47, as well as extend the closing hours from 9:00 p.m. to 10:00 p.m., daily for the restaurant. A previous parking reduction of 23 spaces was approved through Use Permit No. UP2014-009. Since this Use Permit will supersede UP2014-009, a conditional use permit is required to re-approve the previous reduction in parking.

Local Coastal Plan

The subject property is located within the Coastal Zone. The site is designated as Mixed Use Water (MU-W) by the Coastal Land Use Plan and is located in the Mixed-Use Water Related (MU-W2) Coastal Zoning District. The aforementioned land use plan category and coastal zone district applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial and residential dwelling units on the upper floors. The existing restaurant serves visitors to the City by providing an amenity near recreational opportunities on Balboa Island.

A coastal development permit is not required because there is no physical expansion or intensification of use. The change in the ABC license type to allow liquor sales is ancillary to the existing restaurant operations. Also, the closing hours are being extended from 9:00 p.m. to 10:00 p.m., daily. No late hours (after 11:00 p.m.) are proposed as part of this project.

Alcohol Service

Alcohol service is not a new privilege for the restaurant, but the service of distilled spirits (liquor) is new. No alcohol-related calls for service were reported related to the business in the last reporting period (2018). The change in ABC license type to allow service of liquor is acceptable to the Police Department with the inclusion of appropriate conditions (Attachment No. PC 3). The existing permitted hours of operation will be extended from a closing time of 9:00 p.m. to 10:00 p.m., daily. There is no evidence suggesting this use has been detrimental to surrounding properties or the neighborhood and the change in hours with the change in ABC license type should not prove detrimental given the proposed conditions of approval.

Parking and Additional Reduction

Currently, there are three open parking spaces on-site that are dedicated to the restaurant. Through Use Permit No. UP2014-009, the Planning Commission determined that the existing three parking spaces were sufficient for the existing restaurant and waived the remaining required parking. However, the analysis in UP2019-009 contained a mathematical error. In that report, the net public area was reported to be 1,171 square feet when in fact there was 1,231 square feet of net public area. UP2019-009 used a parking ratio of one space per 50 square feet of net public area, justified by the fact that the surrounding area included mixed-use buildings and there is a prominence of patrons

who walk or bike to the restaurant. Using this parking ratio, and the correct net public area, 25 parking spaces should have been required for the restaurant rather than 24 spaces. This additional parking space was not accounted for when the Planning Commission waived the remaining required on-site parking for the restaurant (see Table 1 below). However, as justified in UP2014-009, the restaurant had operated in its current configuration for several years and the parking demand generated by the current restaurant operations had been accommodated within the existing supply offered on-site (three spaces) and on-street parking. An additional two spaces were required for the 276-square-foot take-out coffee component using a standard parking ratio of one space per 250 square feet of gross floor area. The proposed project includes no physical development and no additional parking demand is expected to occur from the proposed changes to the ABC license type or hours of operation.

Table 1: Parking Reduction from UP2014-009

	UP2014-009	Actual
Interior NPA	744	744
Exterior NPA	673	673
25% of Interior NPA	246*	186
Total Parked NPA	1,171*	1,231
Required Restaurant Parking (1 space per 50 SF NPA)	24 spaces	25 spaces
Required Take-Out Parking (1 Space per 250 Gross SF)	2 spaces	2 spaces
Total Required Parking (Restaurant)	26 spaces	27 spaces
Parking Provided (Restaurant)	3 spaces	3 spaces
Parking Deficit (Restaurant)	23 spaces	24 spaces
Parking Provided (Residential)	2 spaces	1 space
Summary	Based on an error from UP2014-009, there is an existing deficit of one parking space that exists for the existing restaurant and take-out coffee service.	

*Mathematical Error

Staff believes the continuation of the previous parking reductions remains appropriate for the restaurant since there is no proposed physical expansion to the restaurant. Staff also believes that the reduction of one additional required parking space, which was not previously accounted for, is appropriate. The conditions of the surrounding area remain the same from 2014, when the reduction in parking was previously granted. Balboa Island is a very densely-populated neighborhood where walking and biking is prominent year-round. A parking study conducted by the City in 2008, recognized parking limitations during peak periods. The existing clientele are generally known to be local residents or vacation visitors who walk to the restaurant from the ferry. The take-out coffee bar also encourages walk-up service and quick stops. The nearest public parking facility is located within Balboa Village, which is easily accessible via the ferry. A condition of approval from

UP2014-009 will remain, which requires the business owner to purchase permits for employees who travel by vehicle to utilize the municipal lots in Balboa Village.

Conditional Use Permit Findings

Pursuant to [Section 20.52.020.F \(Findings and Decision\)](#) of the Newport Beach Municipal Code, the Planning Commission must make the following findings in order to approve a conditional use permit:

- 1. The use is consistent with the General Plan and any applicable specific plan;*
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*
- 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*
- 4. 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; and*
- 5. Operation of the use at the location proposed 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 proposed use.*

As demonstrated in the draft resolution (Attachment No. PC 1), staff believes that sufficient facts exist in support of each finding. The existing restaurant is defined as an Eating and Drinking Establishment, Food Service, No Late Hours with alcohol beverage service. The existing coffee bar, which is separate from the restaurant, is classified as Take-Out Service, Limited. Both uses are consistent with the purpose and intent of the Mixed Use Water Related General Plan land use designation and zoning district, which apply to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The restaurant will service the neighborhood by providing dining services as a public convenience to visitors as well as residents to the surrounding area. The service of liquor will complement the principal use of the restaurant and provide an economic opportunity for the property owner to maintain a successful business in a way that may better serve the community and visitors. The proposed hours of operation are appropriate for the neighborhood, as there are no late hours requested.

The upgraded ABC License Type in conjunction with an established eating and drinking place does not significantly change the operating characteristics of the existing restaurant, especially with the proposed closing hour of 10:00 p.m., daily. The property has been accommodating an eating and/or drinking establishment with beer and wine

service since 1977 and there have been no compatibility issues. Additionally, the Police Department has reviewed the request and has no objection with the inclusion of conditions of approval related to alcohol sales.

The existing restaurant has proven to be physically suitable in terms of design, location, shape, and size to support the use. The physical characteristics of the property are not changing with the addition of liquor service and expansion of the hours of operation. The property has accommodated similar uses since 1961, and has provided beer and wine service since 1977. The existing restaurant has been operating with the unaccounted deficit of one additional parking space since 2014 without being detrimental to the neighborhood. The use has proven to be physically suitable for the project.

Alternatives

1. The Planning Commission may require changes to the project to alleviate any concerns related to the design or the ability to make the required findings. If the changes are substantial, the item should be continued to a future meeting to allow the applicant to make the necessary adjustments and to allow staff to prepare a revised resolution incorporating new findings and/or conditions.
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission may deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2).

Environmental Review

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

The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. The proposed project involves the continued operation of an existing restaurant use and no construction is proposed. The project includes a modified ABC License and a change in the hours of operation.

Public Notice

Notice of this hearing 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 meeting, 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.

Prepared by:


David S. Lee, Associate Planner

Submitted by:


Jim Campbell
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Draft Resolution for Denial
- PC 3 Police Department Recommendation
- PC 4 Public Correspondence
- PC 5 Project Plans

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Attachment PC 1

Draft Resolution with Findings and Conditions

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RESOLUTION NO. PC2020-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP2019-053 TO UPGRADE THE CURRENT ALCOHOLIC BEVERAGE CONTROL LICENSE FROM A TYPE 41 (ON-SALE BEER AND WINE – EATING PLACE) TO A TYPE 47 (ON SALE GENERAL – EATING PLACE) FOR AN EXISTING RESTAURANT AND FOR AN EXTENSION TO THE EXISTING HOURS OF OPERATION AT THE PROPERTY LOCATED AT 501 PARK AVENUE (PA2019-238)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by CLK Island Properties, LLC, (“Applicant”) with respect to property located at 501 Park Avenue, and legally described as Lots 21 and 22 of Block 9, Resubdivision of Section 1, Balboa Island (“Property”), requesting approval of a conditional use permit.
2. The Applicant requests a conditional use permit to upgrade the current Alcoholic Beverage Control (“ABC”) license from a Type 41 (On-Sale Beer and Wine – Eating Place) to a Type 47 (On Sale General – Eating Place) for an existing restaurant, and to extend the hours of operation from 7:00 a.m. to 9:00 p.m., daily, to 7:00 a.m. to 10:00 p.m., daily (“Project”). The Applicant also requests a continuation of a previously approved parking reduction. A coastal development permit is not required as part of this application since the Applicant is not proposing any physical changes to the restaurant which would intensify the use.
3. The 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 Property is located within the coastal zone. The City of Newport Beach Local Coastal Program Coastal Land Use Plan category is Mixed Use Water (MU-W) and it is located within the Mixed-Use Water Related (MU-W2) Coastal Zone District.
5. A public hearing was held on March 19, 2020, in the City Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”), Chapter 20.62 and Chapter 21.62 of the Newport Beach Municipal Code (“NBMC”). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code

of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.

2. The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. The Project involves the continued operation of an existing restaurant use and no construction is proposed. The Project includes an upgraded ABC license and a change in the hours of operation.

SECTION 3. REQUIRED FINDINGS.

Conditional Use Permit Findings

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of such findings 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 designates the Property as Mixed Use Water Related (MU-W2), which applies to waterfront areas in which marine-related uses may be intermixed with buildings that provide residential units on the upper floors. The continued operation of the existing restaurant will serve visitors and residents of the area. The change of ABC license and extension of hours of operation will not result in a use that is inconsistent with the General Plan designation.
2. The existing restaurant is located on Balboa Island, on the corner of a block that is similarly designated for mixed-use development. The Property is surrounded by residential development across Park Avenue to the north, across Agate Avenue to the west, and across the alley to the south. The existing restaurant will continue to provide a service to the surrounding residents on Balboa Island.
3. There are two (2) existing residential apartment units (1,050 square feet and 813 square feet) located above the restaurant. There is an existing one (1) car garage that exclusively serves the apartments. The residential use on the upper floor is consistent with the General Plan designation.
4. The Property is not a 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 Property is located in the Mixed-Use Water Related (MU-W2) Zoning District which applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial and residential dwelling units on the upper floors. Eating and drinking establishments (including alcohol) are allowed uses, subject to the approval of a use permit.
2. According to historical building records, a restaurant has been in operation at the Property since 1961. The Planning Commission approved Use Permit No. UP1834 on June 30, 1977, which allowed for the restaurant to sell beer and wine. No additional parking was required at that time since there was no increase in intensity to the restaurant. In 1977, the existing restaurant consisted of 360 square feet of net public area ("NPA") and a 70-square-foot outdoor patio, with hours of operation from 8:00 a.m. to 8:00 p.m., daily. Other uses on the Property included a real estate office, gift shop, art studio, and two (2) residential apartments. At the time of the approval, a two (2) car carport served the apartment units upstairs, while four (4) off-street parking spaces served the commercial uses.
3. Sometime after 1977, the restaurant expanded to the suite previously occupied by a gift shop, totaling 665 square feet of NPA. The restaurant also expanded the outdoor seating area from 70 square feet to 503 square feet. There are no permits on file associated with this expansion of the restaurant. The unauthorized additions were discovered when the owners applied for a use permit for further expansions in 2014.
4. On May 22, 2014, the Planning Commission approved Conditional Use Permit No. UP2014-009 to allow the expansion of the restaurant by 79 square feet of interior NPA (744 square feet total) and outdoor dining patio by 170 square feet (673 square feet total). Included in the Project was a take-out service coffee bar, which occupied an additional 276 square feet. The coffee bar was reviewed as a related yet separate use from the restaurant and required parking was based on the take-out service, limited land use. The restaurant was approved to operate from 8:00 a.m. to 9:00 p.m., daily. As a result of the expansion, it was determined that the Zoning Code required 26 parking spaces, whereas three (3) parking spaces were provided. Due to the heavy walk-up and biking traffic on Balboa Island and its location on Park Avenue, the Planning Commission waived the remaining parking required for the restaurant, citing that the existing on-site parking (three spaces) were sufficient to service the restaurant. At the time of the approval, the two (2) existing residential apartments remained above the restaurant, and the two (2) car carport had been converted into a garage. Although it was described as a two (2) car garage, the garage did not meet the required dimensions to park two (2) cars. Instead, it is likely that the carport was converted to a garage with a width that could accommodate only one (1) car.
5. On May 29, 2015, Director's Determination No. DD2015-003 authorized the reduction of off-site parking spaces from three (3) spaces to two (2) spaces. During the plan check process for the approved restaurant expansion, errors were discovered on the conceptual plans approved with Conditional Use Permit No. UP2014-009, which showed

that a portion of a parking space would encroach into the public right-of-way. It was determined that it was not feasible to accommodate three (3) parking spaces on-site due to multiple code requirements, including ADA requirements, trash enclosure, and a planter for safety purposes. Therefore, a total of two (2) open parking spaces were provided on-site for the restaurant.

6. Subsequent to the Director's Determination, the trash enclosure was relocated into a portion of the existing, non-conforming one (1)-car garage, which serves the two (2) residential apartments above the restaurant. The one (1)-car garage still complies with the one (1) car garage interior width standards. As a result of this change, the previous parking space that was lost was restored to have a total of three (3) off-street parking spaces serving the restaurant. There are no permits on file associated with these changes

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 upgraded ABC License Type in conjunction with an established eating and drinking place does not significantly change the operating characteristics of the existing restaurant, especially with the proposed closing hour of 10:00 p.m., daily. The Property has been accommodating an eating and/or drinking establishment with beer and wine service since 1977. There have been no historical compatibility issues since the establishment of the original restaurant to present.
2. The Project is conditioned to prohibit the restaurant from operating as a bar, tavern, or nightclub, thereby reducing potential impacts to the neighborhood. The proposed hours of operation of 7:00 am to 10:00 pm, daily, further reduce the possibility of the restaurant impacting surrounding neighborhoods. Additionally, conditions are included to prohibit amplified sound except background music (i.e. not audible from outside the restaurant) and no live entertainment or dancing is allowed on the premises. Lastly, food service from the regular menu shall be made available to patrons during all business hours.
3. The restaurant contains 744 square feet of interior NPA, 673 square feet of outdoor dining area, and a 276-square-foot take-out coffee bar. There are approximately 41 seats in the interior dining areas, 46 seats in the outdoor dining areas, and five (5) seats in the coffee bar. The relatively small size of the restaurant reduces the likelihood of any potential impacts to the surrounding area.
4. The existing restaurant (with an upgraded license type and extended hours of operation) will be complementary to the other uses in the area. The area includes mixed-use developments and residential properties. The restaurant will continue to provide a service for nearby residents and visitors.

5. The Project provides a trash enclosure outside of the clear parking dimensions and an accessible path of travel for the accessible parking space. The trash enclosure screens trash from the alley, and the top of the dumpster and/or trash bins are fully covered.

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 existing restaurant has proven to be physically suitable in terms of design, location, shape, and size to support the use. The physical characteristics of the Property are not changing with the addition of liquor service and expansion of the hours of operation. The Property has accommodated similar uses since 1961, and has provided beer and wine service since 1977. The use has proven to be physically suitable for the Project.
2. Although the Project provides three (3) parking spaces dedicated to the restaurant, whereas 27 parking spaces are required, the Planning Commission waived the 23 parking spaces through the approval of Conditional Use Permit No. UP2014-009. The restaurant has operated in its current configuration for several years. Many residents and visitors of Balboa Island rely heavily on walking and biking to patronize local establishments. Agate Avenue is easily accessible by residents and visitors walking or biking from other locations on the Island or from Balboa Village via the ferry. Since there is limited parking in the area, it may be assumed that patrons would not drive to only visit the restaurant. Instead, those opting to drive could park at a remote location and walk or bike to the restaurant.
3. Adequate public and emergency vehicle access, public services, and utilities are provided for on Property. The continued use of the restaurant with a Type 47 ABC License and a new closing time of 10:00 p.m. would not impact public services or utilities. The Police Department has reviewed the proposed ABC License Type change and is comfortable with it based on the hours of operation and operational characteristics. The Public Works Department and Life Safety Services (Fire) Division have reviewed the application and have no concerns regarding the operation.

Finding:

- E. *Operation of the use at the location proposed 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 proposed use.*

Facts in Support of Finding:

1. The Project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent

possible. Alcohol service is already authorized at the restaurant; only the addition of liquor is new. No alcohol-related calls for service have been reported for the business in 2018 (the most recent data set). Additionally, the operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject Property and adjacent properties during business hours, if directly related to the patrons of the establishment.

2. The restaurant will serve the neighborhood by providing a dining option with alcohol service as a public convenience to visitors as well as residents to the surrounding area, which is the intent of the MU-W2 land use designation. The service of alcohol will complement the principal use of the facility and provide an economic opportunity for the Property owner to maintain a successful business in a way which best serves the community and visitors. The restaurant will close by 10:00 p.m. and conditions of approval are included to ensure that the business does not operate as a bar, lounge, or nightclub.
3. As conditioned, the owners, managers and employees selling alcohol are required to undergo and successfully complete a certified training program in responsible methods and skills for selling alcohol.

Off-Street Parking Reduction

In 2014, the Property's parking requirement was reduced from 26 spaces to three (3) spaces, resulting in a reduction of 23 spaces. However, due to a mathematical error, an actual 27 spaces were required while three (3) spaces were provided, resulting in a parking deficit of 24 spaces. Staff is recommending that the Planning Commission waive the additional parking space requirement which was not addressed in Conditional Use Permit No. UP2014-009. In accordance with Section 20.40.110 (Adjustments to Off-Street Parking Requirements) of the NBMC, off-street parking requirements may be reduced with the approval of a conditional use permit in compliance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) as follows:

Finding:

- F. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available (e.g., City parking lot located nearby, on-street parking available, greater than normal walk in trade, mixed-use development);*

Facts in Support of Finding:

1. The NBMC requires parking for restaurants to be based upon the individual operational characteristics with a parking ratio between one (1) space per 30 to 50 square feet of NPA as a food service use. Due to the mixed use characteristics and prominence of walk-up traffic in the area, a parking ratio of one (1) space per 50 square feet of NPA was used to determine the required parking. The existing establishment contains 744 square feet of interior NPA, and 673 square feet of exterior NPA. The Zoning Code

allows outdoor dining areas up to 25 percent of the interior net public area without an increase in the parking requirement. Therefore, the total net public area is required to be parked is 1,231 square feet, which requires a total of 27 parking spaces.

2. Currently, there are three (3) open parking spaces on-site that are dedicated to the restaurant. Through Use Permit No. UP2014-009, the Planning Commission determined that the existing three (3) parking spaces were sufficient for the existing restaurant and waived the remaining required parking. However, due to a mathematical error, Conditional Use Permit No. UP2014-009 reported that 24 parking spaces were required for the restaurant, when in fact 25 spaces were required. However, as justified in UP2014-009, the restaurant had operated in its current configuration for several years and the parking demand generated by the current restaurant operations had been accommodated within the existing supply offered on-site (three spaces) and on-street parking. The proposed project includes no physical development and no additional parking demand is expected to occur from the proposed changes to the ABC license type or hours of operation.
3. The continuation of the previous parking reduction, is appropriate for the restaurant. Balboa Island is the most densely-populated neighborhood in the County, where walking and biking is prominent year-round. A parking study conducted by the City in 2008, recognized parking limitations during peak periods. The existing clientele are known to be local residents or vacation visitors who walk to the restaurant. The take-out coffee bar also encourages walk-up service or quick stops. The nearest public parking facility is located within Balboa Village, which is easily accessible via the ferry. A condition of approval from Conditional Use Permit No. UP2014-009 will remain, which requires the business owner to purchase parking permits for employees who travel by vehicle to utilize the municipal lots in Balboa Village.
4. The Project is to upgrade the restaurant's ABC license from a Type 41 to Type 47 license, as well as extend the closing time from 9:00 p.m. to 10:00 p.m., daily. The Applicant is not proposing any changes to the building's footprint and is not adding any additional floor area. The reduction of an additional parking space is not a result of the proposed Project, but instead to amend an error from Conditional Use Permit No. UP2014-009.

Alcohol Sales Finding

In accordance with Section 20.48.030 (Alcohol Sales) of the NBMC, a change in type of ABC license requires the following finding in addition to the conditional use permit findings. The facts in support of such finding is set forth:

Finding:

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

Facts in Support of Finding:

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

i. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.

1. The Property is located in Reporting District (RD) 42, which covers Balboa Island. The Police Department is required to report offenses of Part One Crimes combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to the Department of Alcoholic Beverage Control. Part One Crimes are the eight (8) most serious crimes defined by the FBI Uniform Crime Report: criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson. RD 42 is considered a low crime area as compared to other reporting districts in the City. The RD 42 crime count is 93, which is 33 percent under the Citywide crime count average of 134. Since the area does not have a 20 percent 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 not found to have undue concentration. In comparison, RD 43 is 70 percent below the Citywide average, RD 41 is 19 percent over the Citywide average, and RD 12 is 19 percent below the Citywide average.
2. The Police Department has reviewed the proposal, provided operating conditions of approval, and has no objection to the change in ABC license for the existing restaurant given that the area does not have undue concentration and there are no late hours. Alcohol is not new to this establishment, but the addition of liquor is a new privilege. The active use permit allows the business to operate until 9:00 p.m., daily. The proposed use permit amendment would expand operating hours to no later than 10:00 p.m. The proposed closing hour is commensurate with other approved restaurants on Balboa Island.

ii. The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.

1. The total number of alcohol-related calls for service, crimes, or arrests in RD 42 is lower than neighboring reporting districts. DUI, public intoxication, and liquor law violations make up 29 percent of arrests in RD 42. In comparison, the figures for neighboring RD 43 is 33 percent, RD 41 is 26 percent, and RD 12 is 40 percent.
2. According to the latest data set from 2018 (2019 statistics not available yet), there was one (1) dispatch event for the subject address, leading to one (1) arrest. However, there were no alcohol-related calls for service.

iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.

1. The existing restaurant is located on Park Avenue between Agate Avenue and Opal Avenue, and is consistent with the General Plan designation, Mixed Use Water Related (MU-W2). The area includes mixed-use buildings, Balboa Island Park, and residential uses. The Property is not located in close proximity to any daycare centers, hospitals, places of worship, schools, or similar uses that attract minors. However, the restaurant is located approximately 450 feet from the bay and the area attracts a large number of visitors including minors. The nature of the mixed-use block along Agate Avenue is to provide marine-related uses which include a mix of general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The existing restaurant is surrounded by residential uses across Park Avenue, Agate Avenue, and behind the alley. The Property has supported an eating and/or drinking operation with a beer and wine license since 1961 and is considered an established use in the area. Eating and drinking establishments with incidental alcohol service are common on Balboa Island and the proposed Alcoholic Beverage Control license type is not anticipated to alter the operational characteristics of the restaurant such that it becomes detrimental to the area. The Project does not include any late hours that could potentially impact residential areas.

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

1. There are multiple restaurants on Balboa Island that are authorized for the sale of alcoholic beverages, including The Village Inn, Ciao Italian Restaurant, and Royal Hen. The subject restaurant currently serves beer and wine, without any issues. The addition of liquor service at the restaurant is acceptable to the Police Department, as late hours are not proposed. There is no evidence suggesting this use has been detrimental to surrounding properties or the neighborhood.

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

1. The Project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the establishment. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol-related impacts.
2. The proposed hours of operation of the establishment will minimize the potential effects of the upgraded ABC License type. The establishment will close by 10:00 p.m., daily, which will ensure the use does not become a late night bar, tavern, or nightclub.
3. The establishment is located within an existing mixed-use and residential area which is developed with other mixed use and residential properties. The upgrade in ABC license in conjunction with an existing restaurant will not alter the existing conditions, but will complement the proposed food service and provide a convenience to customers.

Additional Considerations

In accordance with 20.48.090 (Eating and Drinking Establishments), the review authority shall make the following considerations when reviewing an application to allow an eating or drinking place to sell, serve, or give away alcohol:

- i. Evaluate the potential impacts upon adjacent uses outlined in subsection (F)(3)(a) of this section (Late-Hour Operations). For the purposes of this subsection, “adjacent uses” shall mean those uses within one hundred (100) feet of the proposed use, as measured between the nearest lot lines;
 1. See facts in support of Finding G.
- ii. Consider the proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption;
 1. See facts in support of Finding G.iii.
- iii. Make the findings in Section [20.48.030](#)(C)(3) (alcohol sales—off-sale).
 1. See facts in support of Finding G.

SECTION 4. DECISION.**NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit No. UP2019-053, 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 is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
4. This resolution supersedes Planning Commission Resolution No. 1945, which upon vesting of the rights authorized by this Conditional Use Permit, shall become null and void. However, the vested rights granted by Resolution No. 1945 shall continue and are incorporated into this Conditional Use Permit.

PASSED, APPROVED, AND ADOPTED THIS 19TH DAY OF MARCH, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Peter Koetting, Chairman

BY: _____
Lee Lowrey, Secretary

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved Property plan, floor plans and building elevations stamped and dated with the date of this approval (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 Use Permit.
4. Use Permit No. UP2019-053 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code (“NBMC”), unless an extension is otherwise granted.
5. This Use Permit may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.
6. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Conditional Use Permit or the processing of a new Conditional Use Permit.
7. 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.
8. *Prior to operating with a Type 47 ABC License and extending the closing hour to 10:00 p.m., the Applicant shall secure all required building permits associated with the previously constructed trash enclosure and garage.*
9. Prior to the issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Conditional Use Permit. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Conditional Use Permit and shall

highlight the approved elements such that they are readily discernible from other elements of the plans.

10. The Property shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
11. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
12. All noise generated by the Project shall comply with the provisions of 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

13. 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.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three [3] walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
16. 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.
17. 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 Property.

18. 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).
19. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
20. 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.
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 NBMC 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 NBMC.
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 501 Park Avenue Bistro including, but not limited to, Conditional Use Permit No. UP2019-053 (PA2019-238). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Police Department

24. The approval is for an eating and drinking establishment with on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be Type 47 (On-Sale General – Eating Place).
25. 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.
26. 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 three (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.
27. The quarterly gross sales of on-sale alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
28. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
29. The full menu food service shall be available for ordering at all times that the restaurant establishment is open for business.
30. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition.
31. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
32. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
33. Live entertainment and dancing is prohibited.
34. Strict adherence to maximum occupancy limits is required.

35. The operator of the restaurant facility shall be responsible for the control of noise generated by the Project. All noise generated by the Project shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the NBMC.
36. 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, and debris from the premises and on all abutting sidewalks within 20 feet of the Property. Graffiti shall be removed within 48 hours of written notice from the City.
37. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks is prohibited (excluding charges for prix fixe meals).
38. 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 onsite media broadcast, or any other activities as specified in the NBMC to require such permits.
39. The Applicant shall maintain a security recording system with a 30-day retention and make those recordings available to police upon request.

Building Division

40. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
41. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Division.
42. If required, a grease interceptor shall be installed prior to the establishment opening for business to the satisfaction of the Building Division.
43. A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep, and 72-inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Community Development Director and Public Works Director in conjunction with the approval of an alternate drainage plan.

Public Works Department

44. All improvements shall be constructed as required by Ordinance and the Public Works Department.
45. All new and existing water services shall be protected by a City-approved backflow assembly.
46. All new and existing sewer laterals shall have a sewer cleanout, installed with a traffic-grade box and cover, located on the public side of the property line.
47. An encroachment permit is required for all activities within the public right-of-way.
48. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130.
49. In case of damage done to public improvements surrounding the Property by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
50. All on-site drainage shall comply with the latest City Water Quality requirements.

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Attachment PC 2

Draft Resolution for Denial

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RESOLUTION NO. PC2020-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DENYING CONDITIONAL USE PERMIT NO. UP2019-053 TO UPGRADE THE CURRENT ALCOHOLIC BEVERAGE CONTROL LICENSE FROM A TYPE 41 (ON-SALE BEER AND WINE – EATING PLACE) TO A TYPE 47 (ON SALE GENERAL – EATING PLACE) FOR AN EXISTING RESTAURANT AND FOR AN EXTENSION TO THE EXISTING HOURS OF OPERATION AT THE PROPERTY LOCATED AT 501 PARK AVENUE (PA2019-238)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by CLK Island Properties, LLC, (“Applicant”) with respect to property located at 501 Park Avenue, and legally described as Lots 21 and 22 of Block 9, Resubdivision of Section 1, Balboa Island (“Property”), requesting approval of a conditional use permit.
2. The Applicant requests a conditional use permit to upgrade the current Alcoholic Beverage Control (ABC) license from a Type 41 (On-Sale Beer and Wine – Eating Place) to a Type 47 (On Sale General – Eating Place) for an existing restaurant, and to extend the hours of operation from 7:00 a.m. to 9:00 p.m., daily, to 7:00 a.m. to 10:00 p.m., daily. The Applicant also requests a continuation of a previously approved parking reduction. A coastal development permit is not required as part of this application since the Applicant is not proposing any physical changes to the restaurant which would intensify the use.
3. The 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 Property is located within the coastal zone. The City of Newport Beach Local Coastal Program Coastal Land Use Plan category is Mixed Use Water (MU-W) and it is located within the Mixed-Use Water Related (MU-W2) Coastal Zone District.
5. A public hearing was held on March 19, 2020, in the City Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”), Chapter 20.62 and Chapter 21.62 of the Newport Beach Municipal Code (“NBMC”). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

The planning Commission may approve a use permit only after making each of the five (5) required findings set forth in NBMC Subsection 20.52.020 (F) (Findings and Decision) of the NBMC. In this case, the Planning Commission was unable to make the required findings based upon the following:

Findings for Conditional Use Permit:

- A. *The use is consistent with the General Plan and any applicable specific plan;*
- B. *The use is consistent with the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;*
- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*
- D. *Operation of the use at the location proposed 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 proposed use.*

Facts Not in Support of Findings:

- 1. The Planning Commission determined, in this case, that the upgrade of ABC license from a Type 41 to a Type 47, and the extension of hours of operation from 7:00 a.m. to 9:00 p.m., daily, to 7:00 a.m. to 10:00 p.m., daily, would not be consistent with the purpose and intent of MU-W2 Zoning and Coastal Zoning District nor Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the NBMC.
- 2. The applicant's request may negatively impact surrounding residential neighborhoods.
- 3. The restaurant's additional parking deficit of one space is detrimental to the surrounding neighborhood.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby denies Conditional Use Permit No. UP2019-053 subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 19TH DAY OF MARCH, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Peter Koetting, Chairman

BY: _____
Lee Lowrey, Secretary

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. 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 Use Permit.
4. Use Permit No. UP2019-053 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
5. This Use Permit may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Conditional Use Permit or the processing of a new Conditional Use Permit.
7. 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.
8. *Prior to operating with a Type 47 ABC License and extending the closing hour to 10:00 p.m., the Applicant shall secure building permits for the previously unpermitted trash enclosure.*
9. Prior to the issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Conditional Use Permit. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Conditional Use Permit and shall

highlight the approved elements such that they are readily discernible from other elements of the plans.

10. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
11. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
12. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. 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

13. 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.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three [3] walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
16. 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.
17. 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.

18. 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).
19. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
20. 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.
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 501 Park Avenue Bistro including, but not limited to, Conditional Use Permit No. UP2019-053 (PA2019-238). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Police Department

24. The approval is for an eating and drinking establishment with on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be Type 47 (On-Sale General – Eating Place).
25. 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.
26. 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 three (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.
27. The quarterly gross sales of on-sale alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
28. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
29. The full menu food service shall be available for ordering at all times that the restaurant establishment is open for business.
30. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition.
31. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
32. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
33. Live entertainment and dancing is prohibited.
34. Strict adherence to maximum occupancy limits is required.

35. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
36. 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, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
37. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks is prohibited (excluding charges for prix fixe meals).
38. 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 onsite media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
39. The Applicant shall maintain a security recording system with a 30-day retention and make those recordings available to police upon request.

Building Division

40. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
41. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Division.
42. If required, a grease interceptor shall be installed prior to the establishment opening for business to the satisfaction of the Building Division.
43. A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep, and 72-inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Community Development Director and Public Works Director in conjunction with the approval of an alternate drainage plan.

Public Works Department

44. All improvements shall be constructed as required by Ordinance and the Public Works Department.
45. All new and existing water services shall be protected by a City-approved backflow assembly.
46. All new and existing sewer laterals shall have a sewer cleanout, installed with a traffic-grade box and cover, located on the public side of the property line.
47. An encroachment permit is required for all activities within the public right-of-way.
48. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L and Municipal Code 20.30.130.
49. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
50. All on-site drainage shall comply with the latest City Water Quality requirements.

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Attachment PC 3

Police Department Recommendation

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**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

MEMORANDUM

TO: David Lee, Assistant Planner

FROM: Wendy Joe, Police Civilian Investigator

DATE: January 29, 2020

SUBJECT: 501 Park Ave Bistro
501 Park Avenue
PA2019-238

At your request, the Police Department has reviewed the project application for 501 Park Ave Bistro, located at 501 Park Avenue, Newport Beach. The applicant is seeking a Conditional Use Permit to change the Alcoholic Beverage License and change the operating hours. There are no late hours.

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 501 Park Ave Bistro.

Crime Statistics:

The Police Department divides the City into areas referred to as Reporting Districts. This allows the Police Department to compile statistical data, as well as better communicate officer locations while policing. The proposed applicant location is within Reporting District (RD) 42 which covers Balboa Island.

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 I crimes), combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to the Department of Alcoholic Beverage Control (ABC). These figures make up the "Crime Count" which is indicated on the attached statistical data form.

Reporting District 42 is reported to ABC as a low crime area as compared to other reporting districts in the City. The RD's Crime Count is 93, 33% under the City-wide crime count average of 134. Since this area does not have 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 not found to have undue concentration. Neighboring RDs have similar crime counts: RD 43 is 70% below the City-wide average, RD 41 is 19% over the City-wide average and RD 12 is 19% below. Of 38 reporting districts in Newport Beach, we reported 12 to ABC as high crime areas.

DUI, Public Intoxication, and liquor law violations make up 29% of arrests in this reporting district. In real numbers, 9 of 31 arrests were for DUI or Public Intoxication. In comparison, the figure for neighboring RD 43 is 33%, RD 41 is 26% and RD 12 is 40%.

Alcohol License Statistics:

The applicant premise is located within census tract 630.06. This census tract has an approximate population of 2,831 residents with 13 active retail licenses. That is a per capita ratio of 1 license for every 218 residents. Per the Business and Professions code, we must compare this per capita ratio to Orange County's on-sale per capita ratio of 1 license for every 467 residents. Since the area's ratio does not exceed the ratio of retail licenses to population in the county, the area is not deemed to have an undue concentration of alcohol licenses.

Discussion and Recommendations

- The applicant's current hours of operation are: 7:00 a.m. to 9:00 p.m., daily. The application requests to modify the hours of operation to 7:00 a.m. to 10:00 p.m., daily. The Police Department has no concerns with the extra nighttime hour interior and patio. The 10:00 p.m. patio closing is commensurate with other approved restaurants with adjacent neighbors.
- The applicant currently holds a Type 41 Beer and Wine Alcoholic Beverage Control (ABC) License. The applicant is seeking to add spirits and operate with a Type 47 On-Sale General ABC License which will change the characteristics of the business operation. The Police Department has no objection to this request given that the area does not have undue concentration and there are no late hours.

RECOMMENDED CONDITIONS OF APPROVAL

Should the project be approved, the Police Department requests the following conditions be evaluated for this use permit.

1. The approval is for an eating and drinking establishment with on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be Type 47 (On-Sale General – Eating Place).
2. 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.
3. 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.

4. The quarterly gross sales of on-sale alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
5. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
6. The full menu food service shall be available for ordering at all times that the restaurant establishment is open for business.
7. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition.
8. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
9. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
10. Live entertainment and dancing is prohibited.
11. Strict adherence to maximum occupancy limits is required.
12. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
13. 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, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
14. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks is prohibited (excluding charges for prix fixe meals).
15. 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 onsite media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
16. The applicant shall maintain a security recording system with a 30-day retention and make those recordings available to police upon request.

501 Park Ave Bistro
PA2019-238

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 501 PARK AVENUE AT 501 PARK AVENUE (RD42)

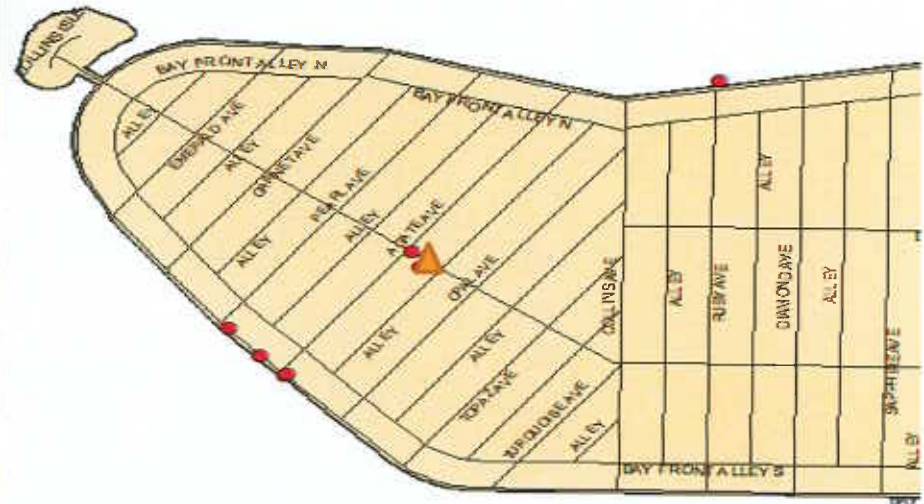
Subject:	Part I Crime	Diff From Avg	% Diff From Avg	Part I Arrests	Diff From Avg	% Diff From Avg	Part II Crime	Diff From Avg	% Diff From Avg	Part II Arrests	Diff From Avg	% Diff From Avg	Crime Count	Diff From Avg	% Diff From Avg
501 PARK AVENUE	0	N/A	N/A	0	N/A	N/A	1	N/A	N/A	1	N/A	N/A	1	N/A	N/A
Subject RD: RD42	63	+5	+9%	1	-4	-81%	41	-50	-55%	30	-51	-63%	93	-46	-33%
Adjacent RD: RD43	22	-36	-62%	1	-4	-81%	23	-68	-75%	20	-61	-75%	42	-97	-70%
Adjacent RD: RD41	85	+27	+47%	7	+2	+31%	88	-3	-3%	80	-1	-2%	165	+26	+19%
Adjacent RD: RD12	37	-21	-36%	7	+2	+31%	80	-11	-12%	75	-6	-8%	112	-27	-19%
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.

ABC Info

Subject:	Population	Active Licenses	License Per Capita
501 PARK AVENUE	N/A	0	N/A
Subject Census Tract: 630.06	2,831	13	218
Adjacent Census Tract: 628	4,220	40	106
Adjacent Census Tract: 627.01	2,817	16	176
Adjacent Census Tract: 630.05	1,372	11	125
Newport Beach	85,186	461	185
Orange County	3,010,232	6,452	467



= Subject Location

1/29/2020

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

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Attachment PC 4

Public Correspondence

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From: Sue Ellen Waters <sueellenwaters@gmail.com>
Sent: Tuesday, March 10, 2020 5:15 PM
To: Lee, David
Subject: 501 Park Ave. Balboa Island

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear David,

Project File No. PA 2019-238

I am a resident across the street from 501 Park Ave Bistro. I am completely against their request to close at 10 pm. They currently close at 9 pm but it's never 9 pm if they are busy. And it will never be 10 pm if they are busy. So at 10, 10:30 or 11 pm we will still hear them.

We hear them at 6:30 am when they are preparing to open. Day and night the TV is blasting, the tables are being set, the staff is shouting, the chairs are being drug across the cement and the patrons are loud and louder as the evening progresses.

This restaurant has absolutely no consideration or respect for their neighbors.

Balboa Island is a family island with a family environment.

Do we really need a restaurant and full bar open past 9 pm?

I would appreciate your committees consideration in not approving their request to extend their hours.

Sincerely,

Sue Ellen Waters
310-413-7877
131 Agate Ave
Balboa Island, Ca

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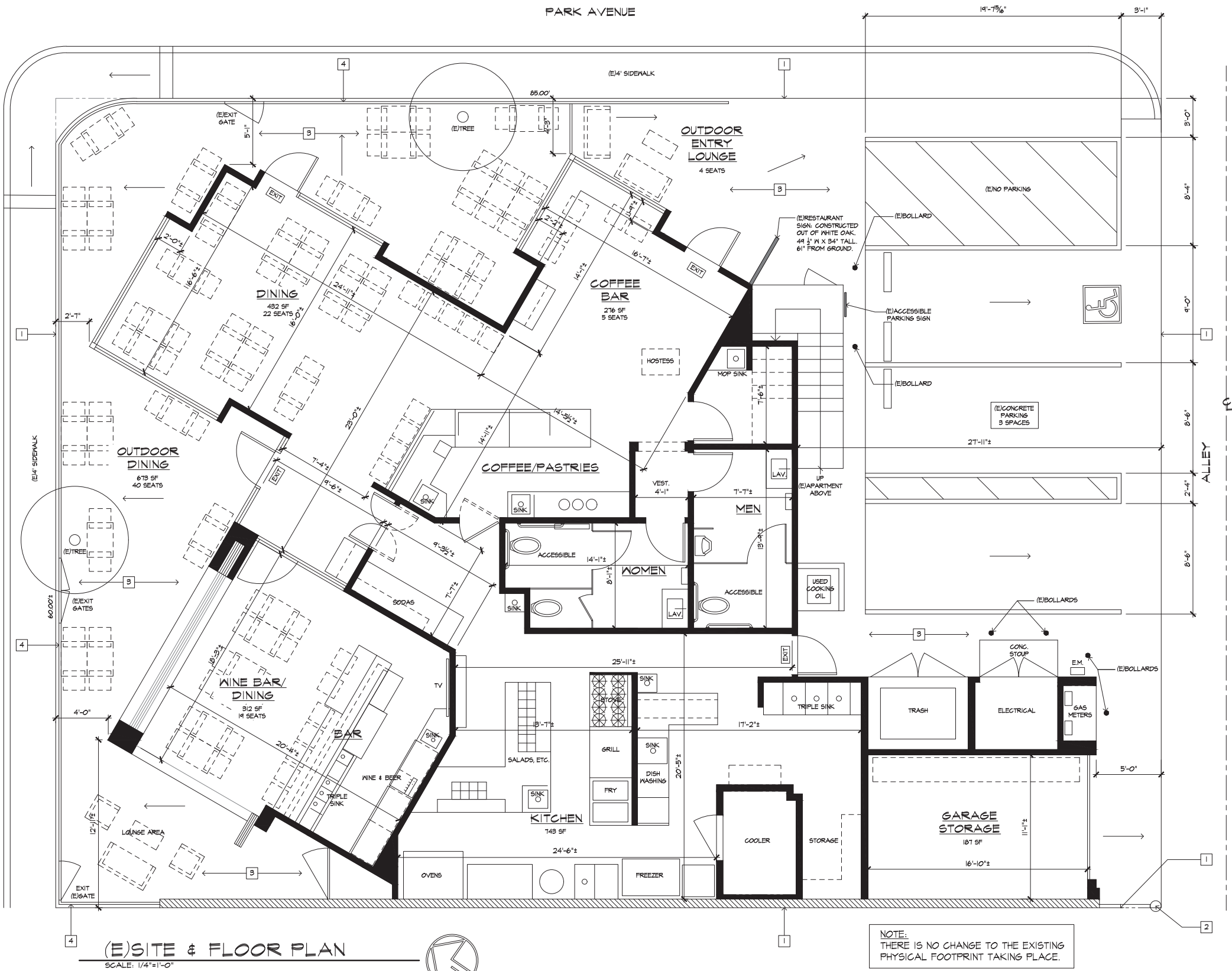
Attachment PC 5

Project Plans

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PARK AVE RESTAURANT
CONDITIONAL AND MINOR USE PERMIT APPLICATION
501 PARK AVENUE
BALBOA ISLAND, CA 92662

(E)SITE & FLOOR PLAN



INDEX

ARCHITECTURAL
A-1.0 SITE & FLOOR PLAN

KEY NOTES

- 1 : (E)PROPERTY LINE
- 2 : (E)TELEPHONE POLE
- 3 : (E)CONCRETE PATIOS, ENTRY, APRONS, ETC.
- 4 : (E)42" HIGH METAL FENCE AND GATES, TYPICAL
- : (E)SLOPE TO DRAIN

CODE ANALYSIS

GOVERNING CODE: ALL CONSTRUCTION IS TO CONFORM TO:
2016 CALIFORNIA BUILDING CODE (CBC)

OCCUPANCY GROUP: A2/S
CONSTRUCTION TYPE: VB
FIRE SPRINKLERED

AREA SUMMARY:

(E)RESTAURANT/KITCHEN, ETC.	2,415 SF
(E)GARAGE/STORAGE/UTILITY, ETC.	246 SF
TOTAL	2,711 SF
(E)OUTDOOR DINING	863 SF

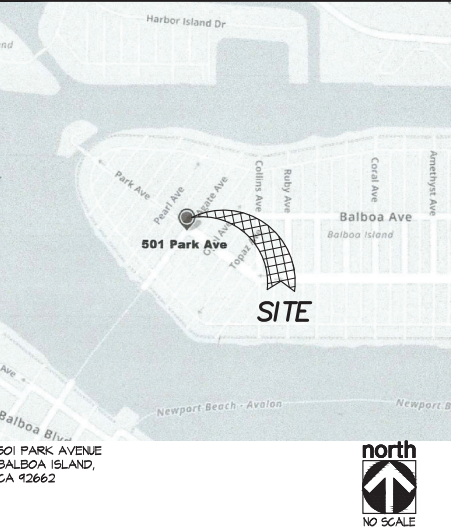
LEGAL DESCRIPTION

501 PARK AVENUE, BALBOA ISLAND, CA 92662
PARCEL ID: 052
LEGAL DESCRIPTION: LOTS 35 & 36, ASSESSOR'S MAP BOOK 050, PAGE 05 COUNTY OF ORANGE

CONTACT

DAN MILLER
(925) 351-4782
Danvibda@gmail.com

VICINITY MAP



NO.	REVISION	DATE

JAY A. TRUAX
CONSULTING & DESIGN
208 1/2 Abalone Avenue
Balboa Island, CA 92662
949.285.5594
jatrax@csbglobal.net



501 PARK AVE RESTAURANT
CONDITIONAL AND MINOR USE PERMIT APPLICATION
501 PARK AVENUE
BALBOA ISLAND, CA 92662

SITE PLAN &
FLOOR PLAN

DATE: 11/8/19
DRAWN BY: TRUAX
PROJECT NO. 501
SHEET

A-1.0
59