



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: Seimone Jurjis, Community Development Director  
SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending February 4, 2022.

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**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**  
(Non-Hearing Items)

Item 1: Great Maple – Limited Term Permit No. XP2021-043 (PA2021-304)  
Site Address: 1133 Newport Center Drive

Action: Approved

Council District 5

**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
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[www.newportbeachca.gov](http://www.newportbeachca.gov)

## **ZONING ADMINISTRATOR ACTION LETTER**

**Subject:** **Great Maple (PA2021-304)**  
▪ Limited Term Permit No. XP2021-043

**Site Location** **1133 Newport Center Drive**

**Applicant** **Newport Restaurant Venture, LLC dba Great Maple**

**Property Owner** **The Irvine Company**

On **February 1, 2022** the Zoning Administrator approved Limited Term Permit No. XP2021-043. This approval is based on the following findings and subject to the following conditions.

### **LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** CR (Regional Commercial)
- **Zoning District:** PC-56 North Newport Center, Fashion Island Sub-Area

### **I. SUMMARY OF PROPOSED OPERATION**

A Limited Term Permit to maintain the temporary expanded outdoor dining patio for Great Maple approved by Emergency Temporary Use Permit No. UP2020-129 (Attachment No. ZA 2) for less than 90 days. The ETUP allowed Great Maple use of an expanded 900-square-foot outdoor dining area in addition to their permanent 700-square-foot outdoor dining area. There is no proposed change to the area or seating from the ETUP approval. The applicant has provided a project description and existing plans (no change) in Attachment ZA 3.

### **II. CEQA DETERMINATION**

The proposed operation is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269 (c) (the activity is necessary to prevent or mitigate an emergency), Section 15301 Class 1 (Existing Facilities), Section 15303 Class 3 (New Construction or Conversion of Small Structures), and Class 4 (Minor Alterations to Land) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. Section 15269 allows specific actions necessary to prevent or mitigate an emergency. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The

Class 3 exemption includes a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 2,500 square feet in floor area or 10,000 square feet in floor area in urbanized areas zoned for such use. The Class 4 exemption includes minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc. The project includes several outdoor dining patio area expansions to existing restaurants and is within the parameters noted for these exemptions and will not have a significant effect on the environment. The temporary 900-square-foot outdoor dining patio area is less than 2,500 square feet and is located in an urbanized area zoned for this use. The expanded patio is temporary in nature and use of the existing mall common area is anticipated to have negligible or no permanent effects on the environment. There are no known exceptions listed in CEQA Guidelines Section 15300.2 that would invalidate the use of these exemptions.

### **III. LIMITED TERM PERMIT REQUIRED FINDINGS**

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

- A. The operation of the requested limited-duration use at the location proposed and within the time period specified would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the requested limited duration use;*

#### **Facts in Support of Finding:**

1. The applicant has requested a limited term permit for ninety (90) days or less, starting on February 1, 2022, and ending on May 2, 2022. Therefore, the proposed operation will not create any long-term impacts on the surrounding community.
2. The permitted use shall adhere to applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the use. It is the responsibility of the permittee to implement and follow industry-specific guidance of the State of California and the Orange County Health Care Agency guidelines
3. The proposed operation has been reviewed by and is acceptable to the Building Division, Fire & Life Safety Division, Code Enforcement Division and Public Works Department. Conditions of Approval are included to help ensure this operation is not detrimental;

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

Facts in Support of Finding:

1. The restaurant is located on the interior of Fashion Island mall and Great Maple has operated in a similar fashion for the duration of the emergency temporary use permit (authorized in 2020). The mall worked with the Operator to ensure the location is the best to not impact pedestrian circulation in the mall. Based upon the site plan, there is adequate area to accommodate the limited duration use to remain for less than 90 days with no physical improvements made elsewhere on the property.
2. An adequate interior pedestrian walkway is maintained for the mall and the proposed temporary extension of the Great Maple outdoor dining patio is in line with the other restaurants along the same corridor.
3. There have been no code enforcement complains to date regarding the use of the Emergency Temporary Permit. Should a complaint be filed, the applicant intends to respond accordingly based on City rules and regulations.

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

Facts in Support of Finding:

1. The Fashion Island mall has adequate access driveway approaches from Newport Center Drive and ample parking areas provided in the surface lots and parking structures for the mall.
2. The restaurant includes a permanent outdoor dining patio; the temporary addition to the size of the outdoor dining patio is not expected to generate significantly more parking demand and traffic that is typical for the use within the mall.

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

Facts in Support of Finding:

1. The Fashion Island mall includes surface parking and parking structures adequate to accommodate restaurants and accessory outdoor dining areas.

2. Fact C2 is incorporated by reference.

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

Facts in Support of Finding:

1. The General Plan land use designation for this site is Regional Commercial (CR). The CR designation R designation is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents. Typically, these are integrated into a multi-tenant development that contains one or more “anchor” uses to attract customers. The proposed use is complementary to the existing mall use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the CR designation.
2. The site is located in the North Newport Center (Planned Community 56, Fashion Island Sub- Area) (PC-56) Zoning District. The PC-56 Zoning District, Fashion Island Sub-Area is the primary retail hub within Newport Center and is developed with retail, dining, and commercial entertainment uses. Permitted uses for Fashion Island include uses in support of the existing retail, dining, and commercial entertainment uses. Fashion Island is intended to be a vibrant regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees of the area. The proposed use is complementary to the existing Fashion Island mall use, will be utilized for a limited duration on-site, and will not impede use of the site consistent with the PC-56 designation. The PC-56 zoning district allows temporary uses as specified within the Zoning Code and the proposed limited duration use is consistent with this designation.
3. The site is not located within a specific plan area.

**IV. CONDITIONS OF APPROVAL**

General Conditions for all Tenants

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 approval of this Limited Term Permit shall be effective from February 1, 2022, to May 2, 2022. The applicant shall be required to cease all permitted operations and remove any temporary improvements made to the outdoor spaces as part of this Limited Term Permit on or before May 3, 2022.
3. The expanded patio shall not exceed 900 square feet.

4. *The hours of operation for the expanded outdoor dining patios shall not extend beyond 10:00 p.m.*
5. The applicant shall install and maintain a physical barrier (such as 72-inch long, 42-inch high terra cotta hedge planters) to delineate expanded outdoor dining areas. The applicant shall install and maintain a physical barrier between any area used and adjacent common pedestrian walkways in accordance with the requirements of the State Department of Alcoholic Beverage Control.
6. The applicant shall obtain and maintain authorization from the State Department of Alcoholic Beverage Control (ABC) for all areas where the sale, service or consumption of alcohol is under the control of the applicant. The establishment shall abide by all applicable regulations of the State Department of Alcoholic Beverage Control.
7. The sale of alcohol “to go” to patrons that dine within the restaurant or expanded outdoor patios shall be prohibited.
8. The establishment shall abide by all applicable Orange County Health Care Agency requirements.
9. The permittee shall provide adequate trash receptacles within the permitted patio shall and the operator shall provide for periodic and appropriate removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.

### Building

10. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.
  - a. An accessible path to all functional areas shall be provided.
  - b. Access to restrooms shall be provided at all times.
  - c. Accessible parking stalls shall not be used for seating areas when onsite parking is provided.
  - d. Detectable warnings are required when pedestrian paths cross or are adjacent to a vehicular way where no physical barrier are provided to separate the two.
11. All exiting paths shall be a minimum 36 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.

### Fire

12. All building exits shall remain free and clear of any obstacles that would impede exiting from a building or suite and accessing the nearest public right-of-way.
13. All Fire Department devices (fire hydrants, fire department connections, water valves, etc.) shall have a three-foot clearance in all directions.

14. Fire Department devices shall not be covered, blocked or otherwise hidden from plain view.

#### Public Works

15. There shall be a minimum of 5 feet of space around all overhead facilities, such as poles, and 15 feet of space around all underground facilities, such as vault lids, manholes, vent pipes, pad-mounted transformers, etc.
16. Seating or structures below overhead conductors and/or under the 'drip line' shall be prohibited.
17. Public eating/dining at tables shall not be situated on top of energized vault lids, energized underground structures, or next to vent pipes, etc.
18. Expanded outdoor dining areas shall adhere to the SCE clearance decal examples provided in Attachment No. ZA 4.

#### Miscellaneous

19. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
20. 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.
21. This Limited Term Permit be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
22. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Limited Term Permit.
23. 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.
24. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties,

liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of this Limited Term Permit No. XP2021-043 (PA2021-304) for Great Maple. 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.

**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Approved by:



Melinda Whelan  
Assistant Planner



Jaime Murillo  
Zoning Administrator

Attachments: ZA 1 Vicinity Map  
ZA 2 Emergency Temporary Use Permit No.  
UP2020-129  
ZA 3 Project description and site plan  
ZA 4 SCE Decals



# **Attachment No. ZA 1**

Vicinity Map

# VICINITY MAP



Limited Term Permit No. XP2021-043  
(PA2021-304)

**1133 Newport Center Drive**

# **Attachment No. ZA 2**

Emergency Temporary Use Permit No.  
UP2020-129



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**COMMUNITY DEVELOPMENT DIRECTOR EMERGENCY  
TEMPORARY USE PERMIT ACTION**

**Subject:** Fashion Island ETUP Amendment No. 3 (PA2020-231)  
▪ Emergency Temporary Use Permit No. UP2020-129

**Site Location** 401 Newport Center Drive

**Applicant** Joe Woldenberg for the Irvine Company

**Property Owner** The Irvine Company

On **August 13, 2020**, the Community Development Director approved Emergency Temporary Use Permit No. UP2020-129 to amend and supersede UP2020-105. This approval is based on the following findings and subject to the following conditions.

**I. SUMMARY OF PROPOSED OPERATION**

The applicant proposes to modify operations for the Fashion Island Shopping Center to expand dining area for Fig & Olive, add dining area for Nordstrom, and add a drive-in movie theater operation to the top level of an existing parking structure. The amended emergency temporary use permit allows for expanded outdoor dining areas for 17 restaurant, personal service, and movie theater locations in Fashion Island Shopping Center, as follows (modifications and additions are noted):

1. Cucina Enoteca (1,362 square feet)
2. Great Maple (900 square feet)
3. Cheesecake Factory (504 square feet)
4. PF Chang's (504 square feet)
5. California Pizza Kitchen (504 square feet)
6. Yard House (784 square feet)
7. R + D Kitchen (420 square feet and 154 square feet)
8. Canaletto (595 square feet)
9. Blu Nail Salon (520 square feet)
10. Le Pain Quotidien (228 square feet and 330 square feet)
11. Sushi Roku (320 square feet, 12 seats)
12. Hopdoddy (420 square feet)
13. Red-O (2,050 square feet)
14. Fig & Olive (8,130 square feet) dining area expanded
15. Flemming's (1,980 square feet)
16. Nordstrom (450 square feet) dining area added
17. Drive-In Movie Theater (upper level of parking structure at 799 Newport Center Drive) added

This Emergency Temporary Use Permit UP2020-129 will supersede the existing UP2020-105 (PA2020-196).

## **II. CEQA DETERMINATION**

The proposed operation is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269 (c) (the activity is necessary to prevent or mitigate an emergency), Section 15301 Class 1 (Existing Facilities), Section 15303 Class 3 (New Construction or Conversion of Small Structures), and Class 4 (Minor Alterations to Land) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. Section 15269 allows specific actions necessary to prevent or mitigate an emergency. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 3 exemption includes a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 2,500 square feet in floor area or 10,000 square feet in floor area in urbanized areas zoned for such use. The Class 4 exemption includes minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc. The project includes several outdoor dining patio area expansions to existing restaurants and is within the parameters noted for these exemptions and will not have a significant effect on the environment. None of the proposed dining patio areas exceed 2,892 square feet of expanded outdoor dining area and are located in an urbanized area zoned for this use. The drive-in movie theater is temporary in nature and use of the existing parking structure is anticipated to have negligible or no permanent effects on the environment. There are no known exceptions listed in CEQA Guidelines Section 15300.2 that would invalidate the use of these exemptions.

## **III. EMERGENCY TEMPORARY USE PERMIT FINDINGS**

In this case, the Community Development Director has found that the temporary use would not create a hazard to the health, safety or welfare of the community for the following reasons:

1. The operation authorized by this Emergency Temporary Use Permit is temporary and only valid during the emergency order established by Emergency Ordinance No. 2020-005.
2. The project, based upon the applicant's project description, approved site plan, and implementation of all conditions of approval, will be operated safely thereby helping reduce the spread of COVID-19. The proposed operation is necessary to provide adequate space to allow for appropriate social distancing.
3. The permitted use shall adhere to applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the use. It is the responsibility

of the permittee to implement and follow industry-specific guidance of the State of California and the Orange County Health Care Agency guidelines.

4. Fashion Island Shopping Center is required to comply with the Fire Protection and Life Safety Analysis dated June 12, 2009, and prepared by Code Consultants, Inc. (Attachment No. CD 2), which requires a 20-foot wide egress path along the paseos as a means of egress. Shopping center pedestrian traffic is anticipated to occur at reduced levels for the duration of the local emergency and the expanded dining and personal service area improvements within the paseos are temporary in nature. Therefore, the paseos will maintain a modified minimum 10-foot wide clear and straight path for the egress path of travel.
5. The permitted uses must be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements.
6. The proposed operation has been reviewed by and is acceptable to the Building Division, Fire & Life Safety Division, and the Public Works Department. Conditions of Approval are included to help ensure this operation is not detrimental;
7. The proposed operation does not constitute an increase in the overall occupant load beyond what the existing Use Permit and/or Certificate of Occupancy allow;
8. The overall plan includes appropriate delineation of outdoor use spaces with temporary physical barriers or markers.
9. There is adequate parking available to serve the proposed operation because the restaurants and service uses are not increasing the occupancy beyond their already permitted limit; and
10. The operation plan ensures safe circulation and queueing for all drivers and pedestrians in the area;
11. The proposed operation is conditioned to be accessible to all persons, including those with disabilities, in accordance with the Americans with Disabilities Act (ADA).
12. This Emergency Temporary Use Permit does not extend the allowed hours and days of operation beyond those currently permitted by any applicable City- or County-issued discretionary permit.

#### **IV. CONDITIONS OF APPROVAL**

##### **General Conditions for all Tenants**

1. Only that specifically described above and depicted in the attached conceptual site plans is authorized, subject to the conditions set forth below. Any additional changes require separate review and may necessitate separate authorization from the

Director. The expanded outdoor areas shall operate in substantial conformance with the site plans provided in Attachment No. CD 4.

2. As long as this Emergency Temporary Use Permit is in effect, all NBMC provisions and any restrictions set forth in an applicable discretionary permit regulating uses, nonconforming uses, development standards, parking requirements, and permit procedures that regulate the use and development of private or public property operations are suspended only to the extent that these provisions or restrictions set forth in a discretionary permit conflict with the terms of this Emergency Temporary Use Permit.
3. *Prior to operation of each tenant's expanded seating area, the applicant shall provide a seating layout to the Planning Division to confirm compliance with the conditions of approval.*
4. *This Emergency Temporary Use Permit UP2020-129 shall supersede the existing UP2020-105 (PA2020-196). The area for the expanded outdoor patio and service areas shall not exceed the following sizes for each tenant:*
  - a. Cucina Enoteca (1,362 square feet)
  - b. Great Maple (900 square feet)
  - c. Cheesecake Factory (504 square feet)
  - d. PF Chang's (504 square feet)
  - e. California Pizza Kitchen (504 square feet)
  - f. Yard House (784 square feet)
  - g. R + D Kitchen (420 square feet and 154 square feet)
  - h. Canaletto (595 square feet)
  - i. Blu Nail Salon (520 square feet)
  - j. Le Pain Quotidien (228 square feet and 330 square feet)
  - k. Sushi Roku (320 square feet, 12 seats)
  - l. Hopdoddy (420 square feet)
  - m. Red-O (2,050 square feet)
  - n. Fig & Olive (8,130 square feet)
  - o. Flemming's (1,980 square feet)
  - p. Nordstrom (450 square feet)
  - q. Drive-In Movie Theater (upper level of parking structure at 799 Newport Center Drive)
5. *The hours of operation for the expanded outdoor dining patios as part of this Emergency Temporary Use Permit shall not extend beyond 10:00 p.m. Refer to specific conditions for drive-in movie operations.*
6. All dining tables shall be separated from other dining tables and/or waiting areas by a minimum distance of seven (7) feet to ensure proper social distancing is maintained.
7. The applicant shall install and maintain a physical barrier (such as 72-inch long, 42-inch high terra cotta hedge planters) to delineate expanded outdoor dining areas.

8. The applicant shall obtain and maintain authorization from the State Department of Alcoholic Beverage Control (ABC) for all areas where the sale, service or consumption of alcohol is under the control of the applicant. The establishment shall abide by all applicable regulations of the State Department of Alcoholic Beverage Control.
9. The sale of alcohol "to go" to patrons that dine within the restaurant or expanded outdoor patios shall be prohibited.
10. The establishment shall abide by all applicable Orange County Health Care Agency requirements.
11. Establishments that provide food service, shall abide by the COVID-19 Industry Guidance: Dine-In Restaurants provided by the California Department of Public Health and Department of Industrial Health.
12. Establishments that provide personal services, shall abide by the COVID-19 Industry Guidance: Expanded Personal Care Services Provided Outdoors provided by the California Department of Public Health and Department of Industrial Health.
13. The permittee shall provide adequate trash receptacles within the permitted patio shall and the operator shall provide for periodic and appropriate removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.

### Building

14. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.
  - a. An accessible path to all functional areas shall be provided.
  - b. Access to restrooms shall be provided at all times.
  - c. Accessible parking stalls shall not be used for seating areas when onsite parking is provided.
  - d. Detectable warnings are required when pedestrian paths cross or are adjacent to a vehicular way where no physical barrier are provided to separate the two.
15. All exiting paths shall be a minimum 36 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.

### Fire

16. All building exits shall remain free and clear of any obstacles that would impede exiting from a building or suite and accessing the nearest public right-of-way.
17. All Fire Department devices (fire hydrants, fire department connections, water valves, etc.) shall have a three-foot clearance in all directions.



18. Fire Department devices shall not be covered, blocked or otherwise hidden from plain view.

#### Public Works

19. There shall be a minimum of 5 feet of space around all overhead facilities, such as poles, and 15 feet of space around all underground facilities, such as vault lids, manholes, vent pipes, pad-mounted transformers, etc.
20. Seating or structures below overhead conductors and/or under the 'drip line' shall be prohibited.
21. Public eating/dining at tables shall not be situated on top of energized vault lids, energized underground structures, or next to vent pipes, etc.
22. Expanded outdoor dining areas shall adhere to the SCE clearance decal examples provided in Attachment No. CD 3.
23. The Community Development Director or designee may inspect the modified area at any time during normal business hours.
24. The Community Development Director may immediately revoke this permit if the Director determines that there has been a violation of any condition of approval. Any revocation of an Emergency Temporary Use permit shall be deemed effective upon the posting of a notice of revocation at the site of the business granted the emergency temporary permit.
25. The Community Development Director may modify this Emergency Temporary Use Permit. The Director shall notify the applicant of any proposed modification and a decision to modify this permit shall be deemed effective upon the posting of a notice of modification at the site of the business granted the emergency temporary use permit
26. This temporary authorization shall expire fourteen (14) days after the emergency order established by Emergency Ordinance No. 2020-005 is terminated or repealed.
27. Upon termination or repeal of Emergency Ordinance No. 2020-005, the Applicant shall immediately work to remove the temporary improvements in a timely manner and shall restore the expanded area back to its original use and improvements.
28. 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 this Emergency Temporary Use Permit for Fashion Island Shopping Center. 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.

### Tenant Specific Conditions of Approval

#### **Red-O**

29. *The expanded outdoor dining area shall not block access to ADA parking spaces.*
30. *The expanded outdoor dining area shall provide substantial barriers (consisting of K-rails, water-filled barriers, or similar) to delineate the dining area adjacent to drive aisles.*
31. *One parking space shall be blocked off to provide a hammerhead turn around at the dead-end drive aisle.*
32. *Fire lane(s) shall be identified on the plan.*
33. *Parking, displays, seating, or other obstacles that interfere with emergency vehicles and personnel shall not be permitted in fire lanes.*
34. *Vehicles are permitted to stop in fire lanes awaiting service or delivery provided that the driver remains inside the vehicle and the vehicle is ready to move immediately upon orders from emergency personnel.*

#### **Nordstrom's**

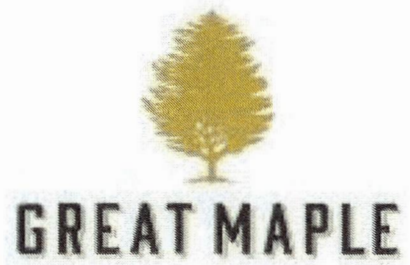
35. *A minimum 4-foot wide walkway shall be maintained for pedestrians adjacent to the expanded dining areas.*

#### **Flemming's**

36. *The expanded outdoor dining area shall not block access to ADA parking spaces.*
37. *The expanded outdoor dining area shall provide substantial barriers (consisting of K-rails, water-filled barriers, or similar) to delineate the dining area adjacent to drive aisles.*

# **Attachment No. ZA 3**

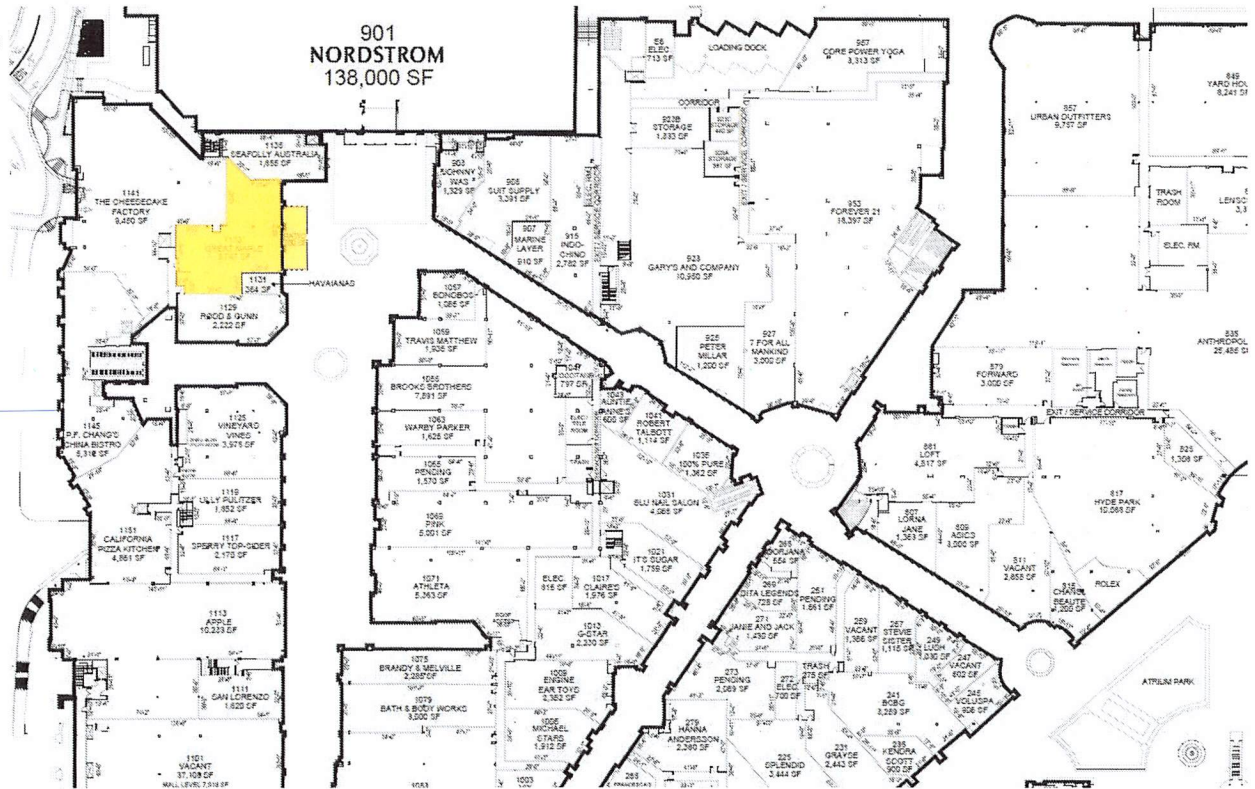
Project description and site plan



# Great Maple Temp Patio Plan

# Great Maple Temp Patio Plan

Existing Restaurant & Patio”  
Location



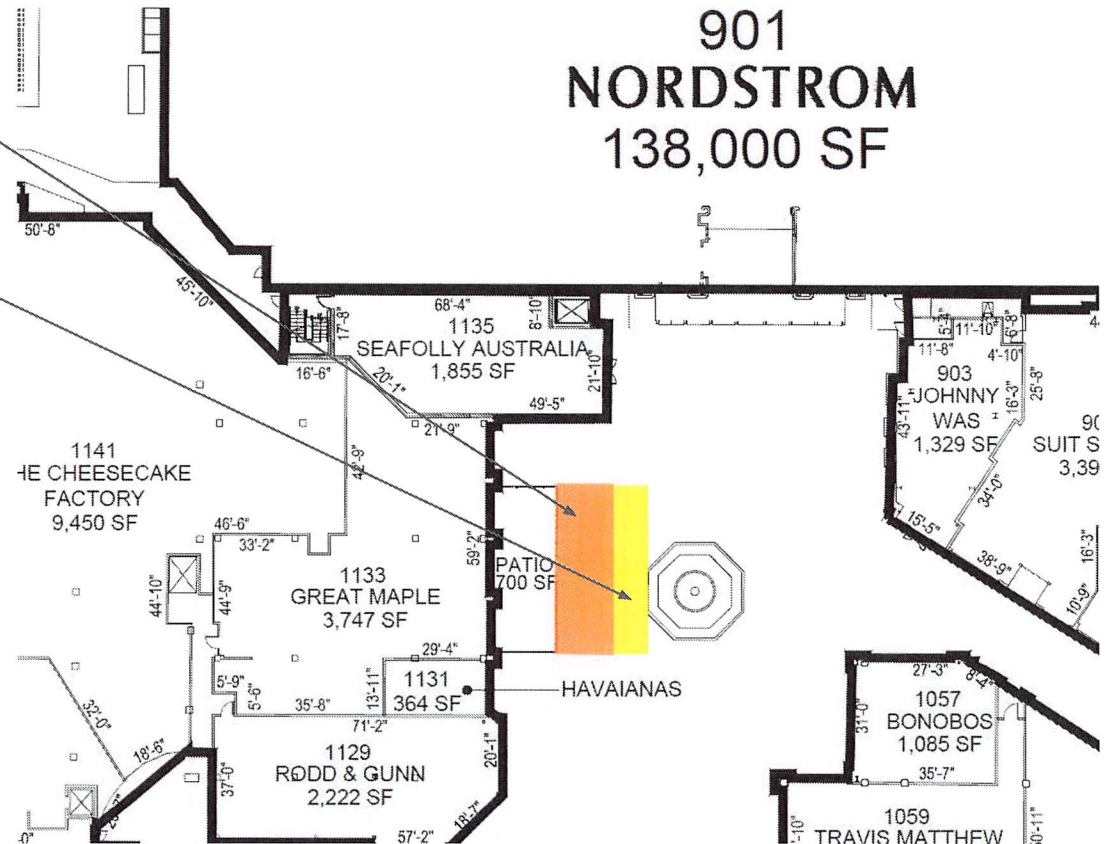
# Great Maple Temp Patio Plan

Great Maple Patio Area - Originally



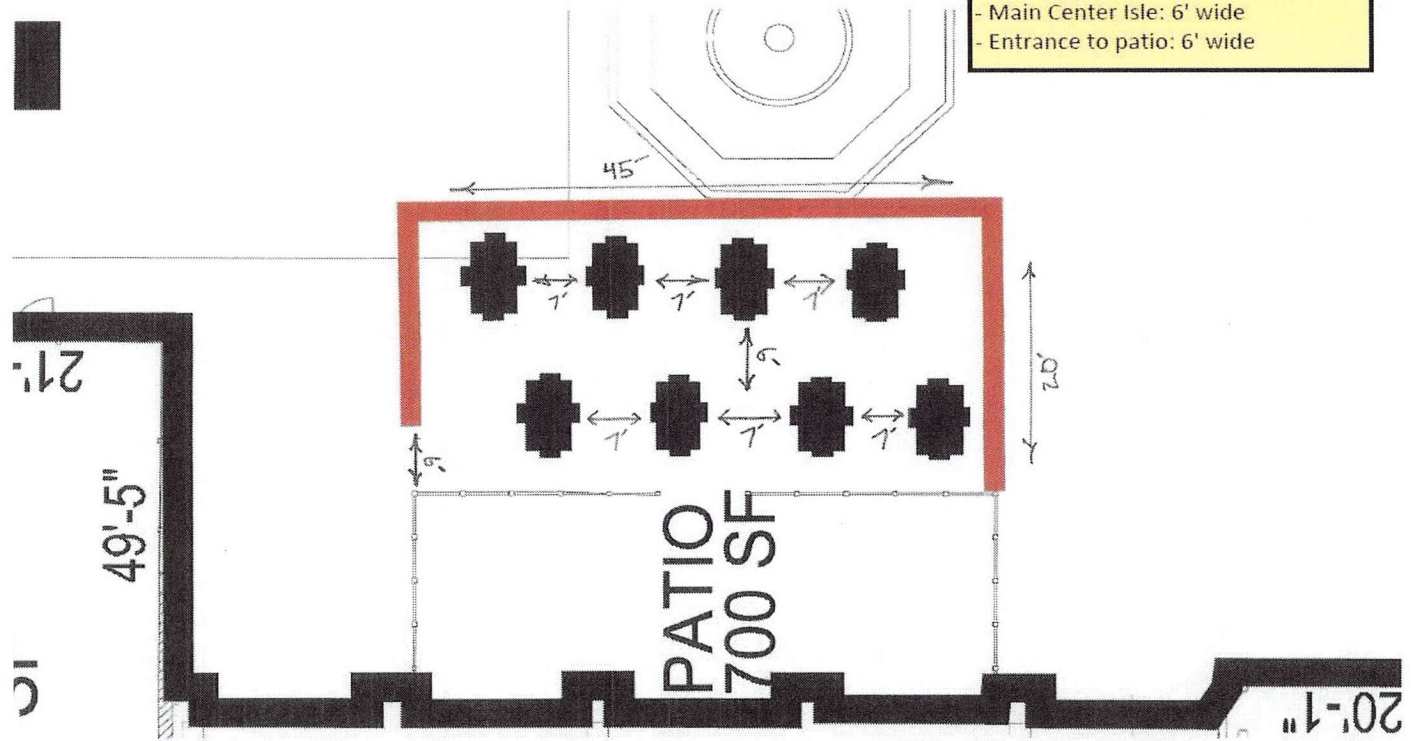
# Great Maple Temp Patio Plan / Amended

- City Approved added temp. patio:  
12' x 45'/540 sq. ft.
- Proposed extended temp. Patio:  
8' x 45'/360 sq.ft.
- Total Sq.Ft.= 900 sq.ft.



# Great Maple Temp Patio Plan - Seating Plan

- Tables: 30" x 48" / 4 seaters
- Overall patio is size is 45' x 20'
- Main Center Isle: 6' wide
- Entrance to patio: 6' wide





# Great Maple Temp Patio Plan

Existing condition today with approved temporary patio.

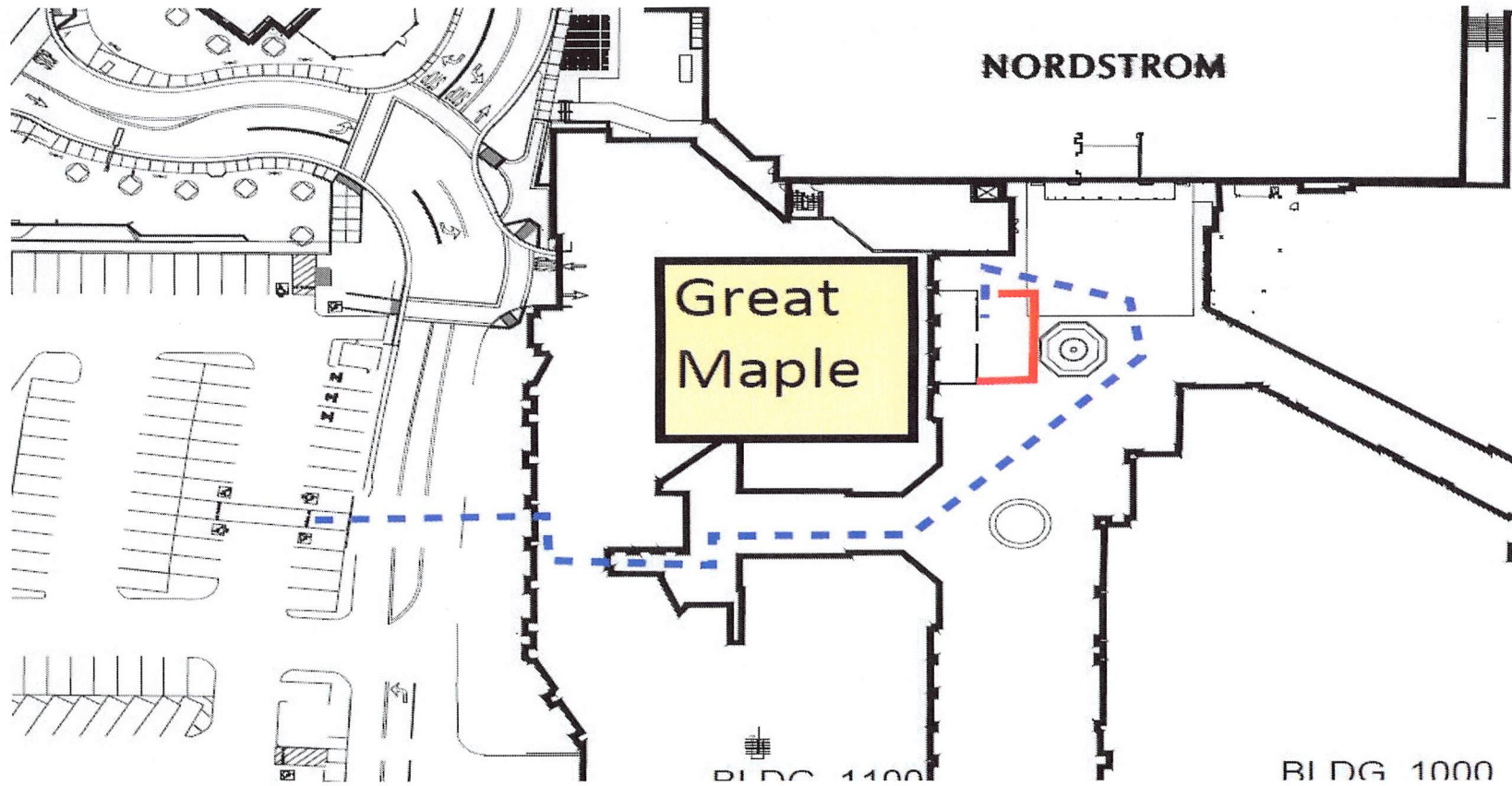


# Great Maple Temp Patio Plan

- ABC Barrier: Terracotta pot with Ligustrum landscaping



# Great Maple ADA Path of Travel Plan



# **Attachment No. ZA 4**

SCE Decals

**SOUTHERN CALIFORNIA EDISON  
TRANSMISSION AND DISTRIBUTION BUSINESS UNIT**

**Approved Decals**

**June 8, 2020**

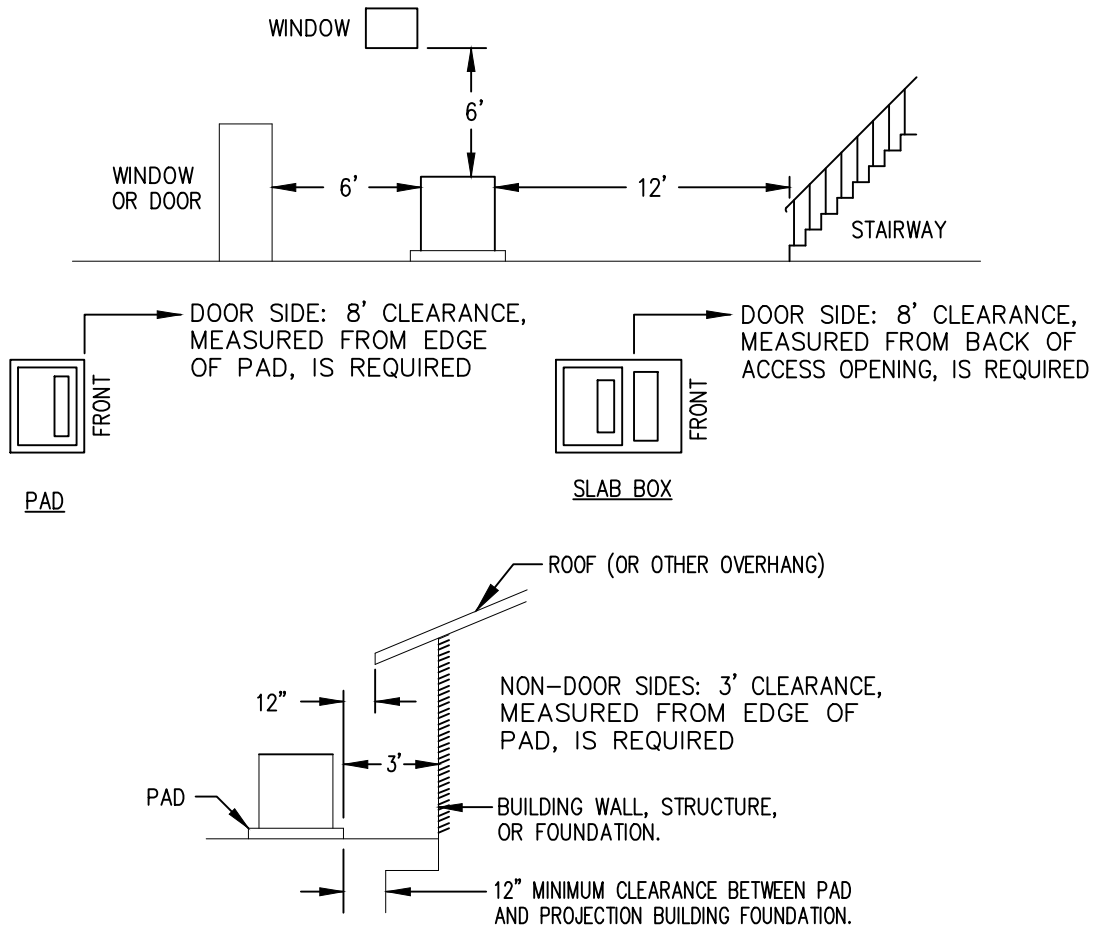
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For Underground Locating  
Two Working Days Before You Dig

D16: Rev. 05/28/20

# MINIMUM CLEARANCES FOR PADMOUNTED TRANSFORMERS SEE DDS-3, 3-40



## NOTES:

1. AN 8' MINIMUM CLEARANCE IS REQUIRED ON DOOR SIDE OF TRANSFORMER FOR OPERATION. THIS AREA MUST REMAIN CLEAR OF ALL OBSTRUCTIONS INCLUDING, BUT NOT LIMITED TO, SHRUBS, TREES, GATES, FENCES, WALLS, SIGNS AND POLES.
2. PAD-MOUNTED TRANSFORMERS SHALL NOT BE LOCATED IN FRONT OF DOORS, STAIRWAYS, BENEATH WINDOWS THAT CAN BE OPENED, OR WHERE THEY WILL OBSTRUCT THE VISION OF VEHICULAR TRAFFIC
3. PAD-MOUNTED TRANSFORMERS SHALL BE LOCATED AT LEAST THE MINIMUM DISTANCE AWAY FROM BUILDINGS OR OTHER STRUCTURES TO ENSURE ADEQUATE SPACE FOR OPERATING, TO MINIMIZE VIBRATION HUMS, AND TO MEET FIRE SAFETY REQUIREMENTS.
4. A CLEAR PASSAGEWAY OF 12 FEET MINIMUM SHALL BE AVAILABLE AT ALL TIMES, IMMEDIATELY ADJACENT TO ONE SIDE OF THE TRANSFORMER TO PROVIDE AN ACCESSIBLE ROADWAY FOR TRANSFORMER MAINTENANCE. THIS PASSAGEWAY SHALL BE DESIGNED TO MEET H-20 (20-TON) CONSTRUCTION.
5. TRANSFORMER STRUCTURES WILL NORMALLY BE INSTALLED ONLY IN NONTRAFFIC AREAS. TRANSFORMER PROTECTION IS REQUIRED WHEN COMPANY EQUIPMENT IS EXPOSED TO TRAFFIC. THIS PROTECTION MAY BE IN THE FORM OF BARRIERS, BARRICADES, OR CURB. A CURB MUST HAVE A MINIMUM HEIGHT OF 6 INCHES AND BE AT LEAST 6 INCHES THICK AND ITS FRONT FACE LOCATED 60 INCHES MINIMUM FROM THE EQUIPMENT FOUNDATION.

D54: Rev. 05/14/12