



## 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 August 5, 2022.

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### ZONING ADMINISTRATOR ACTIONS AUGUST 2, 2022

Item 1: Welsh Residence Coastal Development Permit No. CD2022-021 (PA2022-060)  
Site Address: 2124 Santiago Drive

Action: Removed from Calendar Council District 3

Item 2: Smith 507 LLC Residence Coastal Development Permit No. CD2022-023 (PA2022-067)  
Site Address: 1616 West Ocean Front

Action: Approved by Resolution No. ZA2022-052 Council District 1

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

Item 1: Moulin Bakery Kitchen Relocation Staff Approval No. SA2022-005 (PA2022-129)  
Site Address: 1000 North Bristol Street

Action: Approved Council District 3

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.

## RESOLUTION NO. ZA2022-052

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2022-023 TO CONSTRUCT A NEW THREE (3)-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED TWO (2)-CAR GARAGE ON A VACANT LOT AT 1616 WEST OCEAN FRONT (PA2022-067)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brandon Architects (“Applicant”), on behalf of Smith 507, LLC, LLC (“Owner”), with respect to property located at 1616 West Ocean Front, requesting approval of a coastal development permit (“CDP”). The property is legally described as Lot 8, Block 16 of A Tract, in the City of Newport Beach, County of Orange, State of California.
2. The Applicant requests a Coastal Development Permit to construct a new, three-story 2,287-square-foot single-family residence and attached 476-square-foot two-car garage on a vacant lot. The project includes appurtenances such as site walls, fences, patios, drainage devices, and landscaping. The design complies with all applicable development standards, including height, setbacks, and floor area limit, and no deviations are requested.
3. The subject property is designated RT (Two Unit Residential) by the General Plan Land Use Element and is located within the R-2 (Two-Unit Residential) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RT-D (Two Unit Residential – 20.0 - 29.9 DU/AC) and the property is located within the R-2 (Two-Unit Residential) Coastal Zone District.
5. A public hearing was held on August 2, 2022, via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (“CEQA”) under Class 3 (New Construction or Conversion of Small Structures), because it has no potential to have a significant effect on the environment.
2. Class 3 exempts the demolition and construction of limited numbers of new, small facilities or structures including a single-family residence in a residential zone. The

proposed project consists of the construction of a new 2,287-square-foot, single-family residence and attached 476-square-foot garage in the R-2 Zoning District and is consistent with this exemption.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Newport Beach Municipal Code (“NBMC”) Section 21.52.015 (Coastal Development Permits, Findings and Decision), the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *Conforms to all applicable sections of the certified Local Coastal Program (LCP).*

#### Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
  - A. The total proposed floor area, including the residence and enclosed parking, is 2,763 gross square feet, which complies with the maximum allowable floor area limit of 4,482 square feet.
  - B. The proposed development will provide the minimum required setbacks, which are nine (9) feet along the waterfront and three (3) feet along each side property line. No rear setback is required.
  - C. The highest guardrail is no more than 24 feet in height, and the highest roof ridge is no more than 29 feet in height, measured from the established grade level of 11.93 feet based on the North American Vertical Datum of 1988 (“NAVD88”), which complies with the maximum height limitation.
  - D. The project includes enclosed garage parking for two (2) vehicles, which complies with the minimum parking requirement for single-family residences with less than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two (2)-story and newer three (3)-story residences. The proposed design, bulk, and scale of the development will be consistent with the existing neighborhood pattern of development and expected future development.

3. The property is an oceanfront lot that is separated from the ocean by sandy beach with an average width of more than 500 feet and the public Ocean Front boardwalk. PMA Consulting, Inc. prepared a Coastal Hazards and Wave Runup Study dated February 16, 2022, for the project. The report concludes that the long-term shoreline erosion rate is small, if any long-term erosion occurs at all. Flooding, wave runup and erosion will not impact the project site over the proposed life of development. A beach width of 200 feet is recognized by coastal engineers as sufficiently wide to protect landward development. The PMA Consulting, Inc. study also concludes that there is no anticipated need for a shoreline protection device over the economic life of the proposed structure to protect it from flooding, runup or erosion.
4. The finished floor elevation of the first habitable floor of the proposed structure is 11.33 feet North American Vertical Datum of 1988 (NAVD 88), which exceeds the minimum 9.0-foot (NAVD 88) elevation standard for new structures and exceeds the minimum requirements for projected sea level rise (10.1 feet NAVD 88).
5. Pursuant to Newport Beach Municipal Code (NBMC) Section 21.30.030(C)(3)(i)(iv) – (Development Standards - Protective Structures), the property owner will be required to enter into an agreement with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise).
6. The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c) – (Waterfront Development - Development Standards). Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
7. The property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
8. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, and the use of post-construction best management practices to minimize the project's adverse impact on coastal water.
9. The project design addresses water quality with a construction erosion control plan that outlines temporary Best Management Practices (BMPs) to be implemented during construction to minimize erosion and sedimentation, and to minimize pollution of runoff derived by construction chemicals and materials. No water quality impacts to coastal waters are anticipated based upon the location and elevation of the property.

10. The project site is located 460 feet south of Marina Park, which is a designated public viewpoint in the Coastal Land Use Plan and offers public views of Newport Harbor. Site evaluation revealed that the proposed design is consistent with the existing neighborhood pattern of development and will not affect the existing views afforded from Marina Park. The project will replace an existing triplex that was demolished in 2020 (approved with a CDP under PA2019-245) with a new single-family home that complies with all applicable development standards. Marina Park is improved with a community center, playground, beach, and landscaping that orients and frames views toward the bay and not necessarily over the subject site. While the project is visible from the boardwalk and beach, views from these locations are oriented to the Pacific Ocean. The property itself has viewed from these will maintain a building envelope consistent with the existing and anticipated neighborhood pattern of development. Therefore, the project does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts to public views.

Finding:

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

Facts in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline; however, the project will not affect the public's ability to gain access to use and/or view the coast and nearby recreational facilities. The existing residential development neither provides nor inhibits public coastal access. Implementation Plan Section 21.30A.040 (Determination of Public Access/Recreation Impacts) requires that the provision of public access bear a reasonable relationship between the requirement and the project's impact and be proportional to the impact. In this case, the project is a new single-family residence on an existing vacant private lot that complies with all applicable development standards. Therefore, the project does not involve a change in land use, density, or intensity that will result in increased demand on public access and recreation opportunities.
2. The project is designed and sited so as not block or impede existing public access opportunities and occurs within the confines of private property. Existing coastal access conditions will not be affected by the project. Coastal access is currently provided and will continue to be provided by street ends throughout the neighborhood with access to the beach and water. Lateral beach access is also provided by the Ocean Front boardwalk.
3. Vertical access to the bay and beach is available adjacent to the site along 16th Street and 17<sup>th</sup> Street. Lateral access and views are available on the beach along the West Ocean Front right-of-way in front of the project site. The project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) 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 Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit No. CD2022-023, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

**PASSED, APPROVED, AND ADOPTED THIS 2<sup>nd</sup> DAY OF AUGUST, 2022.**



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Jaime Murillo  
Zoning Administrator

**EXHIBIT "A"**

## CONDITIONS OF APPROVAL

**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. *Prior to issuance of building permits, a waterproofing curb or similar design feature shall be constructed around the proposed residence as an adaptive flood protection device up to a minimum of 10.9 feet (NAVD88). Flood shields (sandbags and other methods) can be deployed across the openings to protect and prevent flooding to the structure*
3. Prior to the issuance of building permit, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.
4. Prior to the issuance of a building permit, the property owner shall sign a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify 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, judgements, 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 development. The letter shall be scanned into the plan set prior to building permit issuance.
5. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
6. This Coastal Development Permit does not authorize any development seaward of the private property.
7. The applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak

nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds pursuant to MBTA:

A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.

B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.

8. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
9. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
10. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stock piles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
11. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
12. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
13. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
14. 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 Coastal Development Permit.
15. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious



to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

16. *Prior to the issuance of building permits, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.*
17. *Prior to the issuance of building permits, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.*
18. *Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
19. *Prior to issuance of a building permit, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.*
20. *Prior to issuance of building permits, the final WQMP shall be reviewed and approved by the Building Division. Implementation shall comply with the approved CPPP and WQMP and any changes could require separate review and approval by the Building Division.*
21. *Prior to the issuance of building permits, the applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought tolerant plantings, non-invasive plant species and water efficient irrigation design. The plans shall be approved by the Planning Division.*
22. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
23. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Saturdays, Sundays or Holidays.
24. 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:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	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

25. Prior to the issuance of building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
26. 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 the current property owner or agent.
27. This Coastal Development Permit No. CD2022-023 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
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 the **Smith 507 LLC Residence** including, but not limited to, **Coastal Development Permit No. CD2022-023 (PA2022-067)**. 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.

**Public Works Department**

29. Remove the existing wall within the West Ocean Front right-of-way and install sidewalk within the area where the wall was removed.

**Fire Department**

30. Prior to issuance of final building permits, fire sprinklers shall be required for this project.

**Building Division**

31. All new constructions shall comply with 2019 California Residential Code Edition.

32. The property is in a Soils Liquefaction Seismic Hazard Area. Prior to issuance of building permits, the soils report must include recommendations for construction on liquefiable soils including calculations for seismic settlement according to City of Newport Beach Building Code Policy CBC 1803.5 and the building foundation must comply with Policy CBC 1805.5.11-12.
33. Prior to issuance of building permits, swimming pool safety measures must be shown on the floor plan such as drowning prevention measures, pool barrier and gates.
34. The top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device not less than twelve (12) inches plus two (2) percent except for garage and carport space. Alternate elevations are permitted subject to the approval of the Building Official, provided that it can be demonstrated that required drainage to the point of discharge and away from the structures is provided at all locations on the site. [(NMBC 15.10.060(9))]
35. For habitable levels or basements located more than one story above or more than one story below an egress door: The maximum travel distance from any occupied point to a stairway or ramp that provides egress from such habitable level or basement shall not exceed 50 feet. (R311.4)



**COMMUNITY DEVELOPMENT DEPARTMENT**  
PLANNING DIVISION  
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
949-644-3200  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

## **COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER**

**Subject:** **Moulin Bakery Kitchen Relocation (PA2022-129)**  
▪ Staff Approval No. SA2022-005

**Site Location** **1000 North Bristol Street**

**Applicant** **Moulin LLC**

**Legal Description** **Parcel 1 of Resubdivision No. 541**

On **August 5, 2022**, the Community Development Director approved Staff Approval No. SA2022-005, authorizing changes to an existing food service, eating and drinking establishment (Moulin Restaurant), and providing zoning clearance for a new bakery, as described in "Proposed Changes" below.

### **LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** CG (General Commercial)
- **Zoning District:** PC-11 (Newport Place)

### **BACKGROUND AND CURRENT OPERATION**

On September 13, 1993, Use Permit No. UP3508 was approved to authorize the establishment of a 2,700-square-foot take-out restaurant (Pascal's Epicerie), in combination with a catering business, a retail wine store, on-sale beer and wine, and incidental interior seating. The project included a waiver of a portion of the required off-street parking spaces (48 spaces). The hours of operation were limited to between 8 a.m. to 9 p.m., Monday through Saturday, and 8 a.m. to 2 p.m. on Sunday.

On June 23, 2014, a building permit was issued for a tenant improvement to reconfigure the restaurant for a new operator (Moulin Restaurant). The changes consisted of kitchen improvements, renovated product displays and reconfigured interior seating. The improvements remained in substantial conformance with the approved Use Permit.

On January 16, 2014, the Community Development Director approved Staff Approval No. SA2014-032 for Moulin Restaurant to expand into the abutting retail space (Suite 8). The additional space allowed for the enlargement of a walk-in cooler and freezer, expansion of the pastry kitchen, and additional retail space. The changes did not result in any additional dining area.

Since 2014, Moulin Restaurant has operated within Suites 8, 9, and 10. The kitchen serves the needs of both the restaurant and the bakery components. While the restaurant opens to the public from 8 a.m. to 3 p.m., Monday through Saturday, and 8 a.m. to 2 p.m. on Sunday, the kitchen is used by staff between 3 a.m. and 11 a.m., daily, to prepare pastries for the next business day.

Additionally, in 2017 the operator of Moulin Restaurant opened a related furniture and antiques retail store in Suite 17. The retail sales use specializes in French chairs and operates from 10 a.m. to 5 p.m., Monday through Friday.

### **PROPOSED CHANGES**

Due to the success of the bakery and the limited amount of space in the kitchen for both the restaurant and bakery operations, Moulin Restaurant is proposing to relocate its bakery kitchen to a separate tenant space within the shopping plaza (Suites 24 and 25). Currently, the space is vacant, but was previously occupied by a health and fitness facility. The bakery kitchen will maintain operational hours between 3 a.m. and 11 a.m. for staff only to prepare baked goods.

Moulin Restaurant will sell baked goods within the new tenant space between 6 a.m. and 11 a.m., daily. There is no public dining component proposed or allowed with this use. Since this is a separate and distinct use in a different tenant space, staff considers the new use to be a retail bakery (i.e., a Retail Sales land use) that is separate from the existing restaurant. Therefore, it is permitted by right and not subject to Use Permit No. UP3508.

Moulin Restaurant is also proposing to consolidate the furniture and antiques retail store into the same space as the relocated bakery kitchen. The inventory of furniture will be inside the tenant space and will be open to the public from 10 a.m. to 5 p.m., daily. The furniture is to proposed to be stacked and is not to be used for dining purposes. See Table 1 below for the proposed occupancies of tenant spaces.

*Table 1: Proposed Changes*

<b>Suite(s)</b>	<b>Current Use</b>	<b>Proposed Use</b>
8, 9, and 10	Restaurant (Moulin) including both the Bakery and Restaurant Kitchen	Restaurant (Moulin) including only the Restaurant Kitchen
17	Retail (Moulin Furniture)	Vacant
24 and 25	Vacant	<b>Bakery Kitchen and Retail (Moulin)</b>

### **FINDINGS**

Pursuant to Section 20.54.070 (Changes to an Approved Project) of the Newport Beach Municipal Code (NBMC), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed relocation

is in substantial conformance with the existing restaurant operation because the project's changes:

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. Restaurants are a permitted use in General Commercial Site 3 of the Newport Place Planned Community District (PC-11), subject to the approval of a use permit. Moulin Restaurant currently operates under Use Permit No. UP3508.
2. The relocation of the bakery kitchen does not conflict with the allowances of Use Permit No. UP3508. There are no proposed changes to the restaurant's operational characteristics or dining area.
3. A standalone bakery is considered a Retail Sales land use. PC-11 lists "Retail Stores" as a permitted use. There is no on-site dining allowed for the bakery.
4. Adequate off-street parking is provided in conjunction with the proposed bakery and retail relocation. The previous use was a health and fitness facility. The relocated kitchen and retail use do not generate increased parking demand beyond the requirements of the former health and fitness facility.

Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Fact in Support of Finding:

1. The proposed changes to the existing restaurant will not compromise the original Class 1 (Existing Facilities) exemption under the California Environmental Quality Act (CEQA) Guidelines since the requests involves minor alterations to existing commercial tenant spaces.

Finding:

C. *Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed changes do not involve a feature that was specifically addressed in the staff report or the minutes prepared for Use Permit No. UP3508.

2. Building permits are required for tenant improvements and change of occupancy. The project also must comply with disabled access requirements.
3. Additional conditions of approval for the bakery and retail suite have been included as a part of this Staff Approval to provide zoning clearance for the new use.

Finding:

- D. Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The proposed relocation of the bakery kitchen and retail sales relocation is minor in nature and does not represent a substantial change in the operational characteristics of the existing take-out restaurant that was approved with a combination of catering and a retail store. The existing restaurant located in Suites 8, 9, and 10 needs additional kitchen space, and the relocation of the bakery kitchen does not change the operational characteristics of the use. There is no expansion of dining area proposed with this relocation.
2. The proposed relocation of the bakery kitchen to Suites 24 and 25 will replace the previous health and fitness facility. The proposed tenant space will consist of a new bakery kitchen area, existing office and bathrooms, storage area, and a small retail area for furniture and baked goods sales.

**CONDITIONS**

1. The development shall be in substantial conformance with the approved site plan and floor plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. All applicable conditions of approval for Use Permit No. UP3508 shall remain in effect.
3. The Community Development Director may add to or modify conditions to this staff approval, or revoke this staff approval upon determination that the operations, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community or if the property is operated or maintained so as to constitute a public nuisance.
4. The Applicant is required to obtain all applicable permits from the City Building Division and Fire Department. Prior to the issuance of any building, mechanical, and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. A copy of these conditions of approval shall be incorporated into the drawings approved for the issuance of permits.

5. Suites 24 and 25 shall be for the purpose of retail sales and food preparation. Customers can purchase baked goods directly from the bakery kitchen. However, there shall be no dining areas within these suites. There shall be no exclusive outdoor dining area in conjunction with the bakery and retail use. The restaurant use shall remain restricted to Suites 8, 9, and 10.
6. Furniture from the retail component shall be stacked and shall not be used for dining purposes of any kind.
7. The project shall be designed to comply with all disabled access requirements.
8. A grease trap shall be required. Additionally, a separate grease waste line shall be required for proper plumbing drainage within the bakery production area.
9. 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 the Moulin Bakery Kitchen Relocation including, but not limited to, Staff Approval No. SA2022-005 (PA2022-129). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's 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.

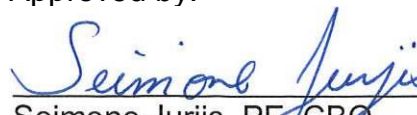
**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:



David S. Lee  
Associate Planner

Approved by:



Seimone Jurjis, PE, CBO  
Community Development Director

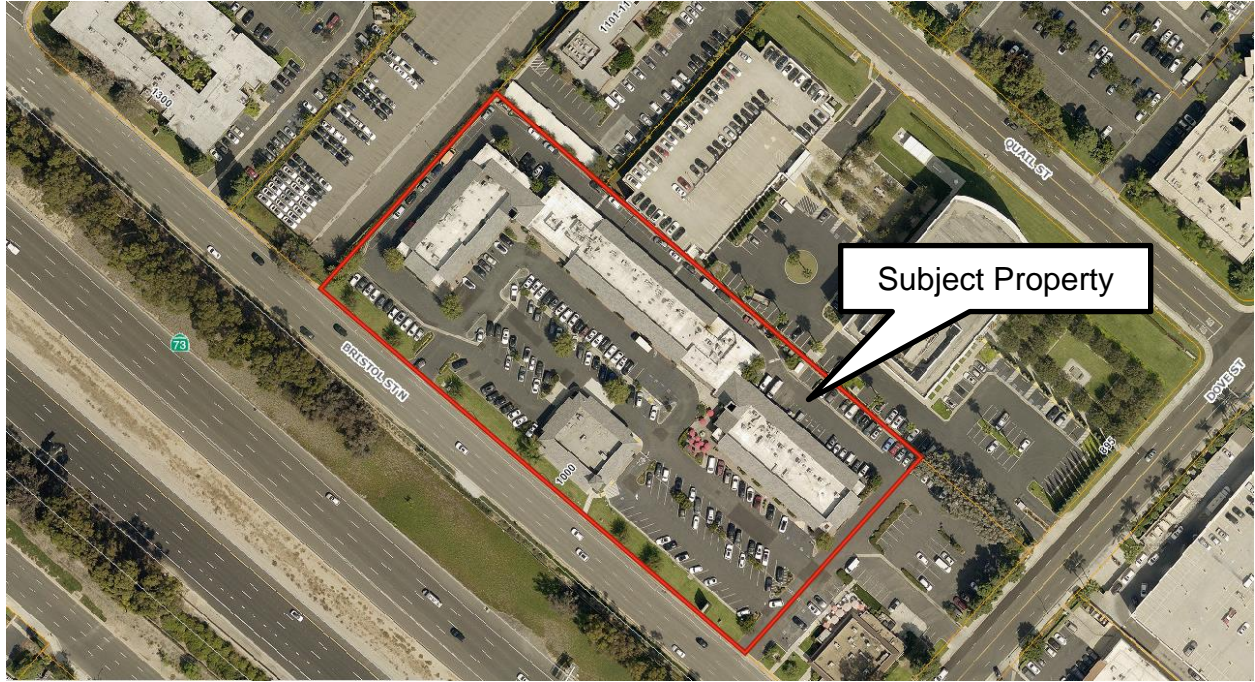


Attachments: CD 1 Vicinity Map  
CD 2 Applicant's Project Description  
CD 3 Project Plans

# **Attachment No. CD 1**

Vicinity Map

# VICINITY MAP



Staff Approval No. SA2022-005  
PA2022-129

**1000 Bristol Street North**

# **Attachment No. CD 2**

Project Description

June 14, 2022

Patrick Achis  
City of Newport Beach

Dear Patrick,

Below is the information that you requested to consider the relocation of the Moulin Kitchen area, currently in Suite #8 and the retail Moulin store, currently in #17 (1,200 SF) to Suite #24 and #25 at 1000 Bristol Street North, Newport Beach. Suite #25 and #26 is approximately 2,800 SF. It is currently a fitness center.

I currently have 3,850 SF at 1000 Bristol Street North, Suites 8-10. It is the Moulin Bistro. I also have a retail store in Suite #17 which sells French chairs and home accessories. We have a pastry kitchen in the back of Suite #8. In the last 7 years, our business has grown significantly. Our pastry chefs and regular kitchen staff (sandwich makers) work side by side and can no longer work efficiently to meet the demand for sandwiches and pastries.

I would like to move my four bakers that I currently have at Suites 8 and relocate my retail store to Suites #24 and #25. This will allow my kitchen prep area in Suites 8 to operate more efficiently and have "a little more elbow room". I will have no additional employees and be reducing my current number of employees at Moulin. My bakers come at 3 am and leave at 11 am. My one office employee will be at the premises from 9 am to 5 pm. All bread will be made before 6:00 am and delivered to Moulin at Suite #8 by 6:30 am by the Moulin Van. The van will leave from the back of Suite #24 and deliver to the back of Suite #8. That will be the only delivery for the day. The van will leave Plaza Newport at 6:30 am to deliver to the other Moulin locations in Orange County. The van will return to Plaza Newport at the end of the day.

The four bakers in Suite #24 will begin preparation for the next day and end work at 11:00 am. The bakery should have no impact on the other Tenants at Plaza Newport.

In Suite #25 and #26, I will have my retail store and my bakery production area. I will have no area for customer dining. I will also use part of the space for excess inventory.

As far as improvements, I will be putting one large deck steam oven and a walk in refrigerator. I will have one Type 2 hood (no grease, the hood is only to evaporate steam). There will be no cooking and no flames. The rest of the area will be pastry making.

I have attached a rough sketch of the improvements I would be making in the space which is basically the refrigeration and one oven. Most of the improvements currently in the space will remain as is.

Please let me know what process, if any, that I need to go through at the City in order to proceed with this proposed location.

Thank you,

Laurent Vignaud  
Moulin



PA2022-129 for SA2022-005  
1000 North Bristol Street  
Moulin LLC

**From:** Kimberly Woloson <kimberly@wolosonco.com>  
**Sent:** August 04, 2022 10:09 AM  
**To:** Lee, David  
**Cc:** laurent moulin.com  
**Subject:** Moulin Staff Approval Addition

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

David,

This was not in the original description but Laurent at Moulin would like to add the following:

The Bakery will sell to go packaged breads/bakery goods at a front counter at the entrance to the bakery production area. There will be no seating. No customers will be allowed to enter the bakery production area.

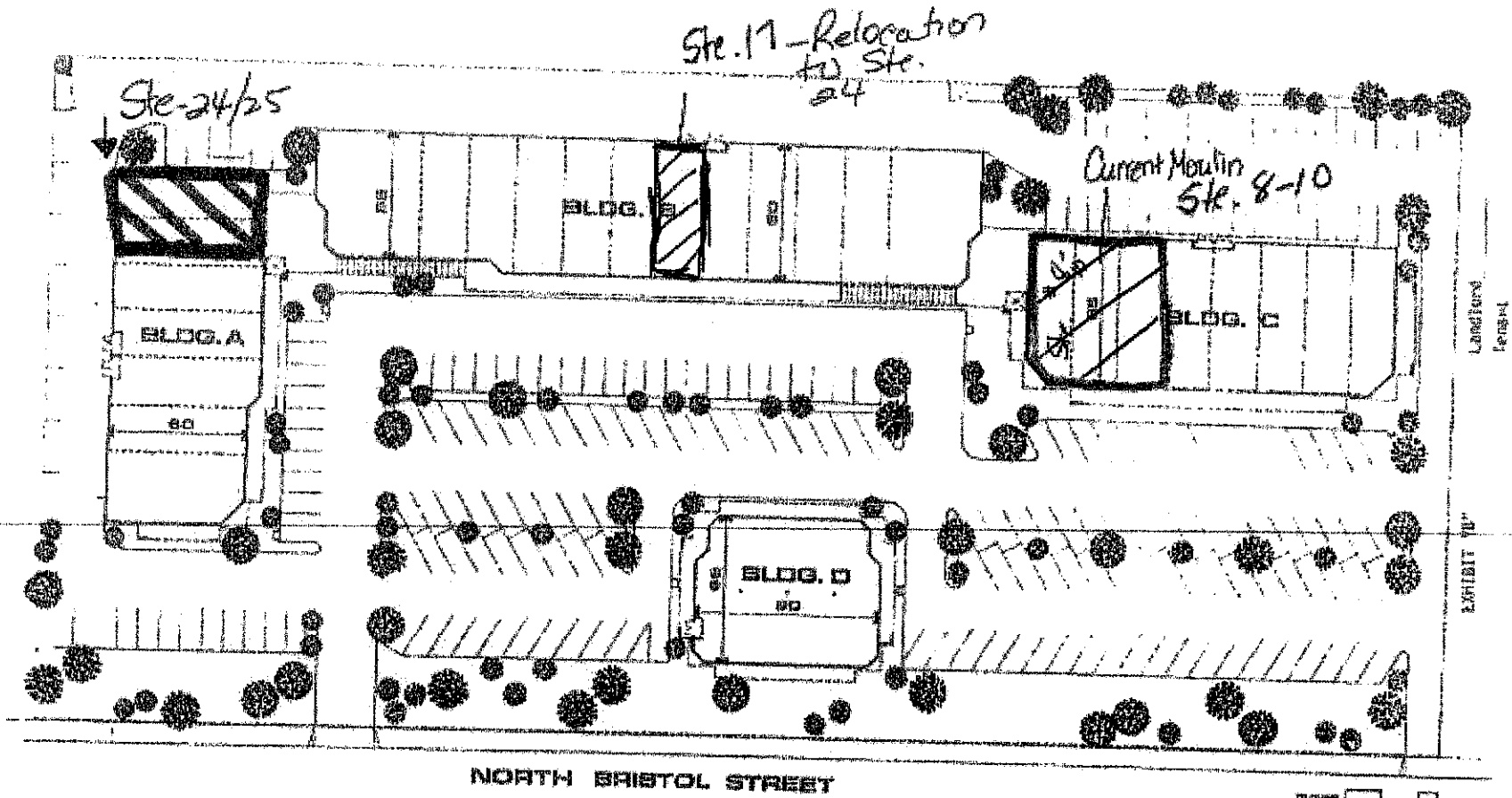
The hours of operation will be 6:00 am to 11:00 am.

If you have any further questions, please call me.

Kimberly Woloson  
Laurent Vrignaud

# **Attachment No. CD 3**

Project Plans



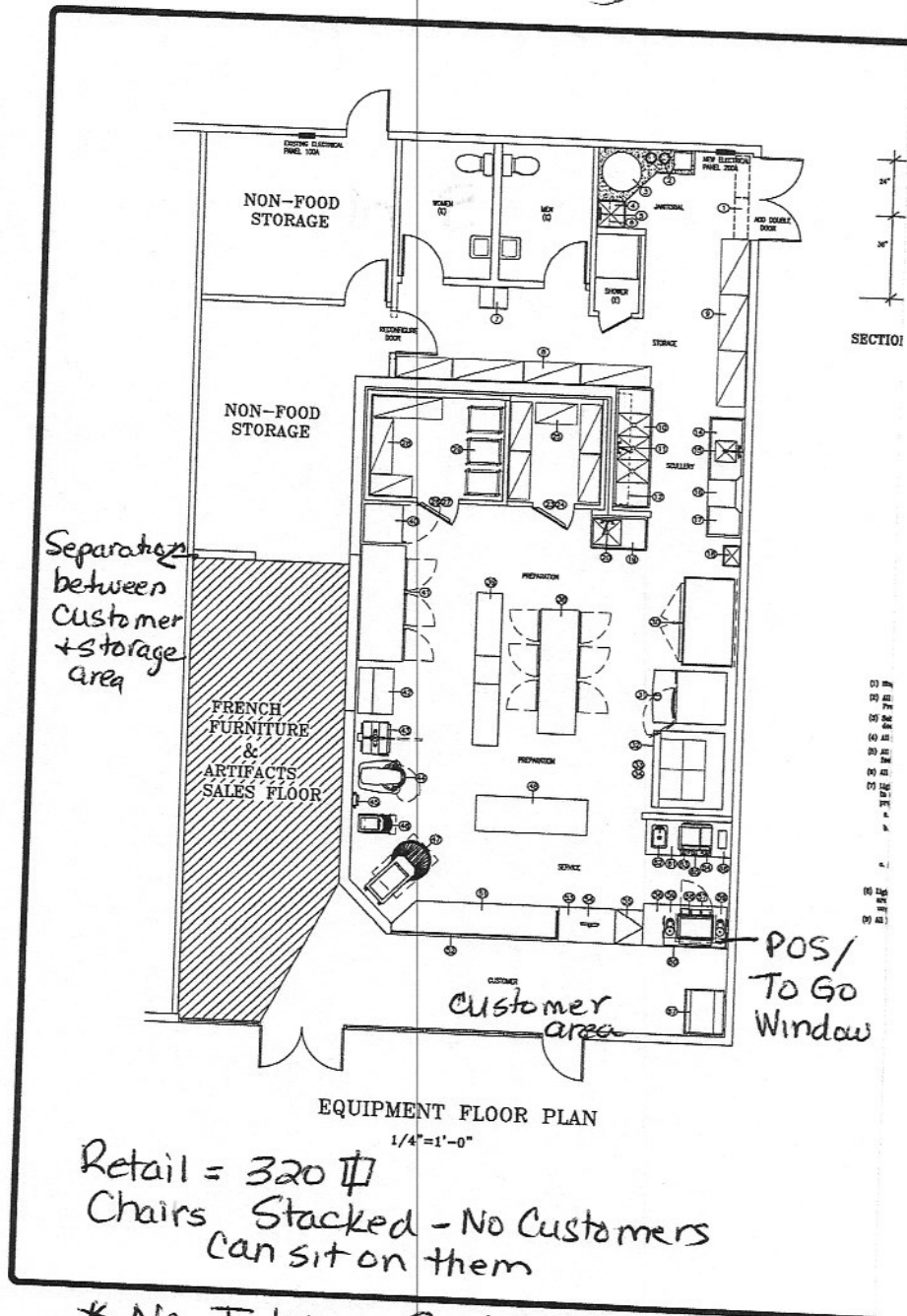
# PLAZA NEWPORT

A WOLOSON-LANGSTON DEVELOPMENT  
 NEWPORT BEACH, CALIFORNIA

PA2022-129 for SA2022-005  
 1000 North Bristol Street  
 Moulin LLC



# Moulin Bakery



EQUIPMENT FLOOR PLAN

1/4" = 1'-0"

Retail = 320  $\square$   
Chairs Stacked - No Customers  
Can sit on them

\* No Interior Seating + no  
exclusive outdoor seating