



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

SPECIALTY FOOD SERVICE PERMIT

Planning Department 644-3200

August 4, 1994

Application No: 14

Applicant: Danny Choi

Address of Property Involved: 2116 Newport Boulevard, Suite A

Legal Description: Lots 17 and 18, Tract No. 814

Request to permit the establishment of a specialty food facility on property located in the SP-6 District.

The Planning Department on August 3, 1994, approved the application subject to the following conditions: 1. That development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions. 2. That maximum seating and/or stand-up counter space for no more than 20 customers shall be maintained inside the subject specialty food use. Any further increase in the number of seating and/or stand-up counter space for customers shall be subject to the approval of a use permit. 3. That tables or seating outside the subject facility shall be prohibited at all times. 4. That trash receptacles for patrons shall be conveniently located both inside and outside of the proposed facility. 5. That trash generated by the business shall be screened from view from adjoining properties except when placed for pick-up by refuse collection agencies. 6. That at least one parking space shall be designated on-site for the proposed facility and shall be appropriately identified by a wall sign. 7. That the hours of operation shall be limited to between the hours of 6:00 a.m. and 3:00 a.m. daily. 8. That no outside paging system shall be utilized in conjunction with this specialty food establishment. 9. That should this business 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 owner or the leasing company. 10. That no on-sale alcoholic beverages shall be permitted on the premises. 11. That no live entertainment or dancing shall be permitted in conjunction with the permitted use. 12. That no temporary "sandwich" signs or similar temporary signs shall be permitted, either on-site or off-site, to advertise the specialty food establishment. 13. That kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department. 14. That where grease may be introduced into the drainage systems, grease interceptors shall be installed on all fixtures as required by the Uniform Plumbing Code, unless otherwise approved by the Building Department and the Utilities Department. 15. That all on-site parking spaces be striped with approved traffic markers or painted white lines not less than 4 inches wide.

3300 Newport Boulevard, Newport Beach

PERMIT APPLICATION
 CITY OF NEWPORT BEACH
 PLANNING DEPARTMENT
 3300 Newport Boulevard
 P.O. Box 1768
 Newport Beach, CA 92658-8915
 (714) 644-3200

Application Rec'd by: MN115
 Fee: \$ 280.00

Applicant (Print) DANNY CHOI Phone (714) 573-0110

Address of Property Involved 2116 NEWPORT BLVD. NPB 92663

Mailing Address SAME

Property Owner Robert Roubinin Phone 714 673 0533

Mailing Address 2200 NEWPORT BLVD. NPB 92663

Work to be done REQUEST TO ESTABLISH A SPECIALTY FOOD USE WITH THREE ADDITIONAL PARKING SPACES. 1180 sq. ft.

Existing Nonconformities BUILDING IS NONCONFORMING REGARDING DEEP-STREET PARKING (4 SPACES). TWO ARE PROVIDED TO THE SUBJECT TENANT SPACE. THREE ADDITIONAL SPACES WILL

Proposed Nonconformities BE PROVIDED.

Present Use COMMERCIAL Proposed Use SPECIALTY FOOD Zone SP-6

	Code Requirement	Existing	Proposed
Front setback			
Right side setback			
Left side setback			
Rear setback			
Main building area			
Garage area			
Open space			
Parking spaces			
Building height			

Previous Modifications, Use Permits, Variances, etc.

Legal Description of Property Involved (if too long, attach separate sheet)

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(I) (We) Robert Roubinin OWNER'S AFFIDAVIT
 depose and say that (I am) (we are) the owner(s) of the property(ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s) Robert Roubinin

NOTE: An agent may sign for the owner if written authorization from the record owner is filed with the application.

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DO NOT COMPLETE APPLICATION BELOW THIS LINE

Date Filed 1-31-94 Fee Pd. 16280 Receipt No. 35215
 Hearing Date 2-15-94 Posting Date 2-4-94 Mail Date 2-4-94
 Modifications Committee Action Cond. Approved
 Date 2-22-94 Appeal _____
 P.C. Hearing _____ P.C. Action _____
 Date _____ Appeal SAID
 C.C. Hearing _____ C.C. Action _____ JAN 27 1994

35215 CITY OF NEWPORT BEACH



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

PLANNING DEPARTMENT 644-3200

February 24, 1994

Application No: 4175

Applicant: Danny Choi

Address of Property Involved: 2116 Newport Boulevard

Legal Description: Lots 17 and 18, Tract No. 814

Modification Requested: Request to permit the establishment of a specialty food facility on property located in the SP-6 District.

The Modifications Committee on February 22, 1994, unanimously approved the application subject to the following conditions: 1. That development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions. 2. That maximum seating and/or stand-up counter space for no more than 12 customers shall be maintained inside the subject specialty food use. Any further increase in the number of seating and/or stand-up counter space for customers shall be subject to the approval of a use permit. 3. That trash receptacles for patrons shall be conveniently located both inside and outside of the proposed facility. 4. That trash generated by the business shall be screened from view from adjoining properties except when placed for pick-up by refuse collection agencies. 5. That at least one parking space for each 250 sq.ft. of gross floor area shall be provided for the proposed facility, in addition to the 2 existing parking spaces on-site. 6. That the hours of operation shall be limited between the hours of 6:00 a.m. and 3:00 a.m. 7. That no outside paging system shall be utilized in conjunction with this specialty food establishment. 8. That should this business 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 owner or the leasing company. 9. That no on-sale alcoholic beverages shall be permitted on the premises. 10. That no live entertainment or dancing shall be permitted in conjunction with the permitted use. 11. That no temporary "sandwich" signs or similar temporary signs shall be permitted, either on-site or off-site, to advertise the specialty food establishment. 12. That kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department. 13. That where grease may be introduced into the drainage systems, grease interceptors shall be installed on all fixtures as required by the Uniform Plumbing Code, unless otherwise approved by the Building Department and the Utilities Department. 14. That prior to the issuance of a building permit, a letter from the property owner shall be submitted to the Planning Department, indicating that he has no objection to the loss of the loading zone at the rear of the subject property, and that he will not request the removal of a public parking space in order to create another loading zone in the area. 15. That prior to the final inspection for the subject proposal, the applicant shall obtain an encroachment permit from the Public Works

3300 Newport Boulevard, Newport Beach

February 24, 1994
Page 2

Department, in order to close the existing drive approach located on 22nd Street, relocate the existing meters along 22nd Street, and provide an additional metered parking space on 22nd Street to replace the metered parking space that will be lost as a result of the proposed parking layout for the subject project. 16. That all on-site parking spaces be striped with approved traffic markers or painted white lines not less than 4 inches wide.

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings: 1. That the proposed specialty food establishment is retail in nature, serving mainly persons residing or working in the neighborhood, maintains a gross floor area of 1,200 sq.ft. or less, and is not necessarily a destination point. It is anticipated that the proposed use will have parking demand characteristics similar to a retail use. 2. That the proposed development is consistent with the Land Use Element of the General Plan and the Local Coastal Program, and is compatible with the surrounding land uses. 3. That the required number of off-street parking spaces will be added on-site for the proposed specialty food establishment as required by Chapter 20.72 of the Municipal Code. 4. That the approval of Modification Permit No. 4175 will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the city.

NOTE: This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20.81.090 of the Newport Beach Municipal Code.

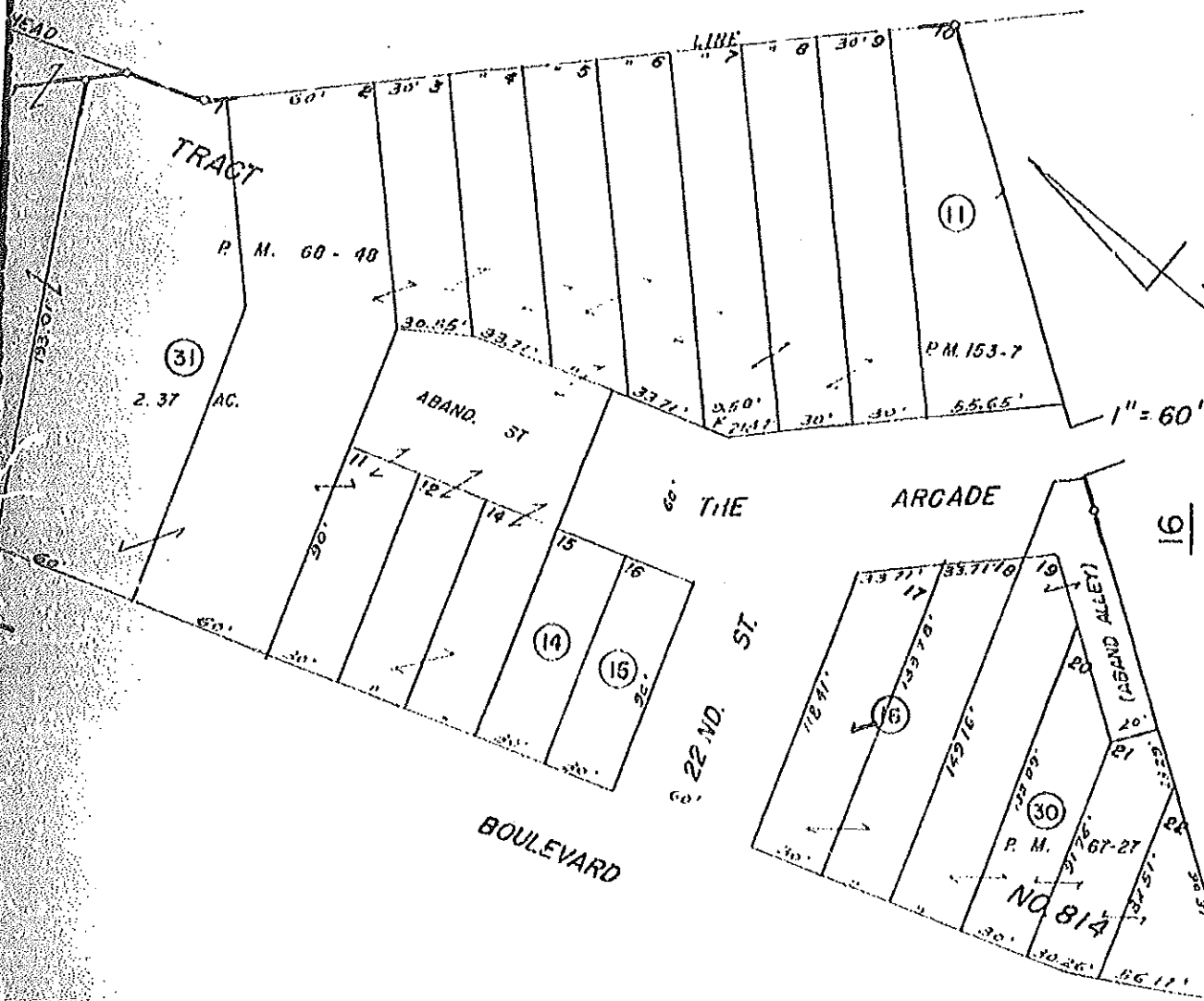
The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$685.00. No building permits may be issued until the appeal period has expired.

MODIFICATIONS COMMITTEE
PLANNING DEPARTMENT
JAMES D. HEWICKER, Director

By William R. Laycock
William R. Laycock,
Current Planning Manager

WRL:dk

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M.M. 4-21
M.M. 24-36

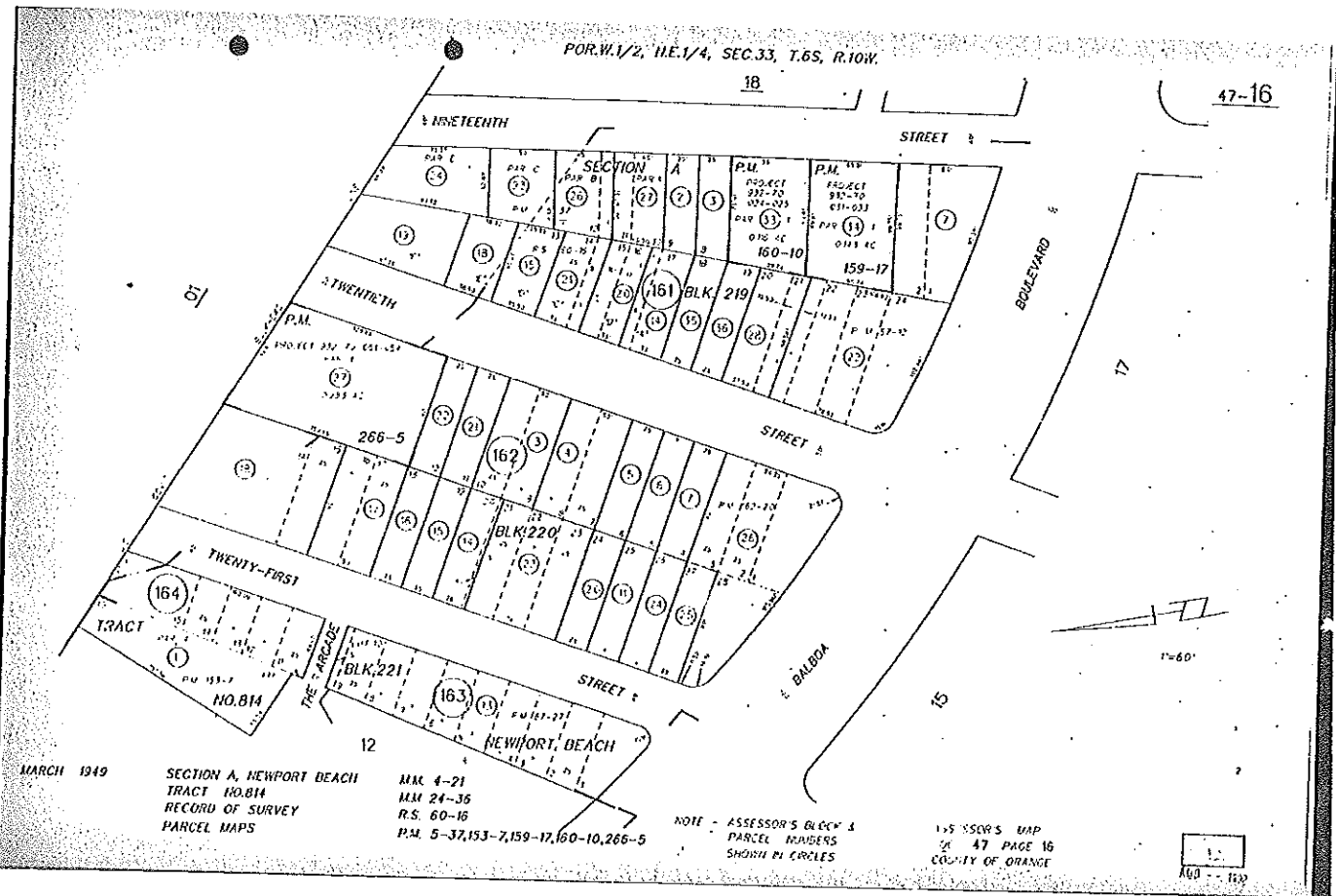
NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

15

ASSESSOR'S MAP
BOOK 47 PAGE 12
COUNTY OF ORANGE

POR. W. 1/2, N.E. 1/4, SEC. 33, T. 6S, R. 10W.

47-16



MARCH 1949

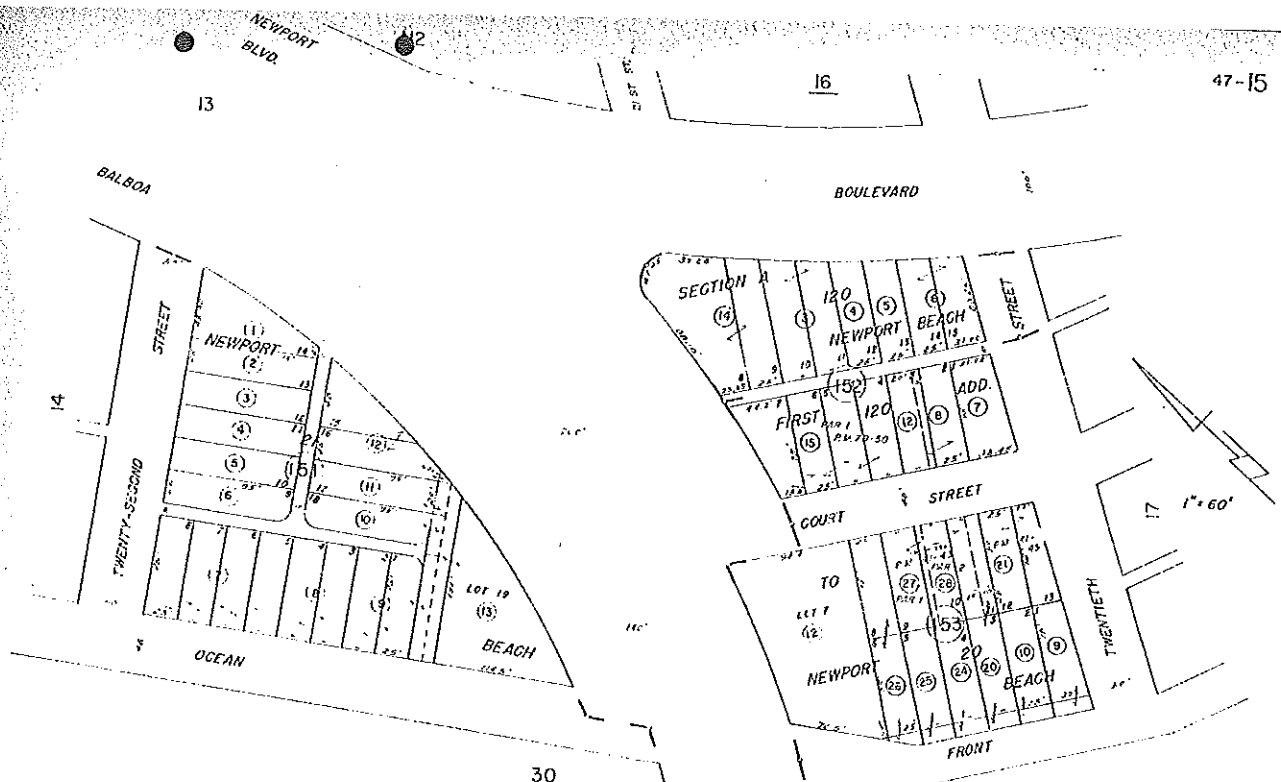
SECTION A, NEWPORT BEACH
TRACT NO. 814
RECORD OF SURVEY
PARCEL MAPS

MM. 4-21
MM. 24-36
R.S. 60-16
P.M. 5-37, 153-7, 159-17, 160-10, 266-5

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
47 PAGE 16
COUNTY OF ORANGE

160-1612



MARCH 1949
 NEWPORT BEACH
 SEC. A, NEWPORT BEACH
 1ST. ADD. TO NEWPORT BEACH
 PARCEL MAP
 M.M. 3-26
 M.M. 4-21
 M.M. 3-27
 P.M. 79-50, 41-43

NOTE - ASSESSOR'S BLOCK &
 PARCEL NUMBERS
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ASSESSOR'S MAP
 BOOK 47 PAGE 15
 COUNTY OF ORANGE



March 1, 1994

City of Newport Beach
Attention: Planning Department
Mr. William R. Laycock,
Current Planning Manager
Post Office Box 1768
Newport Beach, California 92658-8915

Re: Application No. 4175 - Choi
2116 Newport Boulevard

Dear Mr. Laycock:

As you know, I am the owner and landlord of the property located at 2116 Newport Boulevard. As such, I have received and considered a copy of your conditional approval of Mr. Choi's application to permit the establishment of a specialty food facility at 2116 Newport Boulevard.

I am also aware of the proposed parking configuration to be utilized at the rear of the subject building. From your letter, one of the conditions to approval of Mr. Choi's request requires obtaining my consent to the removal of the existing loading zone situated at the rear of the subject property. It further requires a representation by me stating that I would not, after such removal, request the City to remove a public parking space within that vicinity to create a new loading zone.

As Mr. Choi's landlord, I am interested in seeing that he proceed with the establishment and successful operation of his intended business. Therefore, I am inclined to approve the removal of the loading zone presently situated at the rear of my property. I am also inclined to indicate that I will not approach the City requesting the removal of a public parking space in order to relocate the loading zone. I must, however, request 90 days within which to monitor the existing usage of the loading zone in connection with the ongoing operation of my restaurant and other commercial establishments in the immediate vicinity.

I have discussed my position with Mr. Choi who is prepared to proceed (subject, of course, to receipt of the necessary permits) with construction mindful that no Certificate of Occupancy will be forthcoming in the absence of his supplying such parking as is

D.C. 3-3-94

City of Newport Beach
March 1, 1994
Page 2

required by law. So that there is no misunderstanding in this regard, I have asked Mr. Choi to also sign this letter below evidencing his willingness to undertake the economic risk of proceeding without my presently giving unconditional approval for the parking configuration as presently submitted to your department which would incorporate the removal of the loading zone.

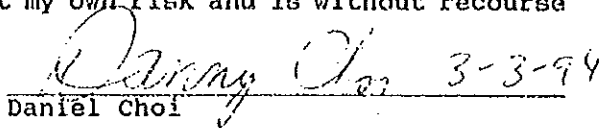
I am pleased to support Mr. Choi in his endeavor and will respond further prior to the taking of any action to construct the proposed parking facilities.

Sincerely,



Robert Roubian

The undersigned, Daniel Choi, understands, accepts and approves Mr. Roubian's qualified consent to the condition imposed by the City on my request for a specialty food facility permit. I further understand and acknowledge that any expense I may incur in reliance upon his consent and the issuance of the necessary building permits is entirely at my own risk and is without recourse to the City of Newport Beach.



Daniel Choi

February 17, 1994


TO: MODIFICATIONS COMMITTEE
FROM: TRAFFIC ENGINEER
SUBJECT: MODIFICATION 4175

The proposed parking layout shown on the plans would eliminate one public, metered parking space and the only loading zone available for businesses in the area. These facilities are shown on the attached sketch. The loss of these two spaces would be a substantial impact on this small business area.

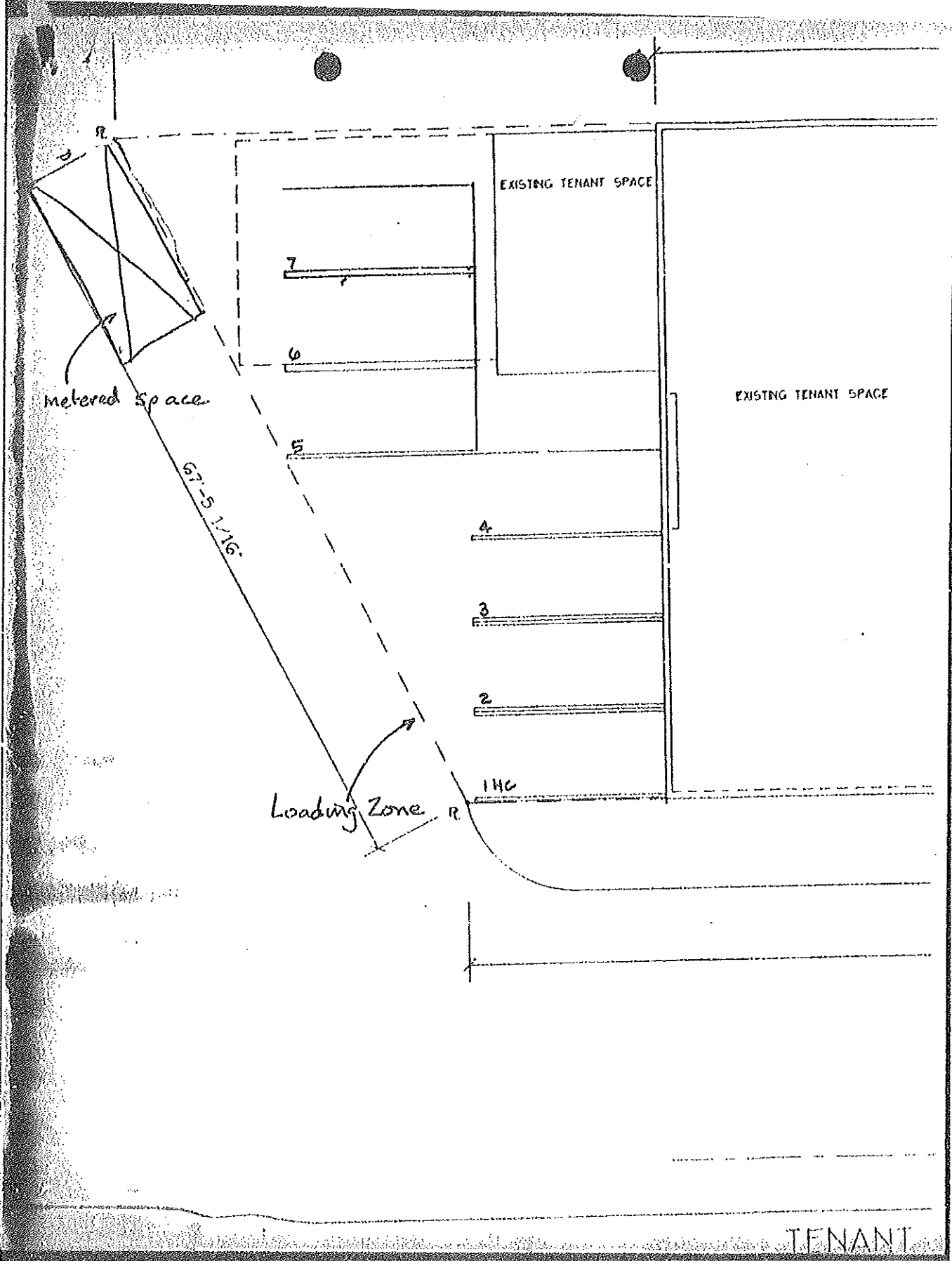
The parking space could be replaced by closing the drive approach located on 22nd Street and rearranging the parking meters on 22nd Street. If the modification is approved, the applicant should be required to make these improvements.

There is no alternate location for the existing loading zone which was installed in 1976. It serves various businesses in the area and would also serve the proposed Peaberry's.

Because of the impact of losing the loading zone, it is recommended that this application be continued until such time as Mr. Roubian, the most affected property owner in this area, submits a letter acknowledging that this loss will potentially impact his ability to receive deliveries and indicating that he has no objection to the removal of the loading zone. The letter should also state that he will not request the removal of public parking in order to create a new loading zone.


Richard M. Edmonston
Traffic Engineer

cc: Subdivision Engineer



TENANT

PUBLIC NOTICE

Modification No. 4175

Notice is hereby given that Danny Choi is requesting a Modification of the Zoning Ordinance to permit the establishment of a specialty food facility in the SP-6 District.

Property located at 2116 Newport Boulevard

A public hearing will be held by the Modifications Committee at 3:00 p.m. on Tuesday, February 15, 1994 in the City Council Chamber, City Hall, 3300 Newport Boulevard. All interested persons will be heard and all correspondence read at that time. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, at, or prior to, the public hearing.

For further information contact the Newport Beach Planning Department, Current Plans and Projects Division, (714) 644-3200.

047-163-14

Mr. Robert Roubian
2200 Newport Blvd.
Newport Beach, CA 92663-4324

047-120-15

Mr. Robert Roubian
2200 Newport Blvd.
Newport Beach, CA 92663-4324

047-120-30

OSF International Inc./Duss
715 S.W. Bancroft St.
Portland, OR 97201

047-120-31

Mr. William Bullock
2300 Newport Blvd.
Newport Beach, CA 92663-3702

047-163-13

Dussin Investment Co./
OSF International Inc.
715 S.W. Bancroft St.
Portland, OR 97201

047-164-01

Mr. Victor J. Swanson
17868 Highway 18, #221
Apple Valley, CA 92307

*Wesley D. ...
2116 Newport Blvd.
Newport Beach, Ca.
92663*

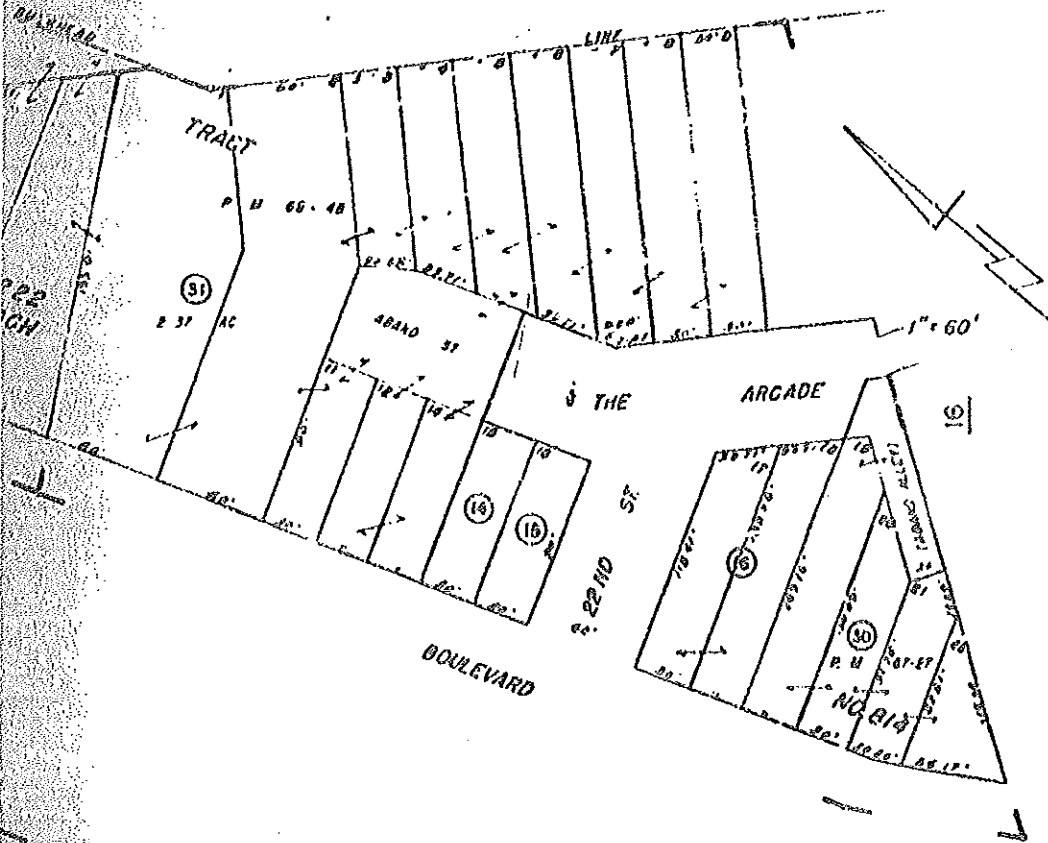
*Central Newport Beach Comm.
Assoc.
217 14th St.
Newport Beach, Ca. 92663*



E 1/4, SEC 33, T 6 S, R 10 W.

47-12

01



M.M. 4-81
M.M. 24-80

NOTE - ASSESSOR'S BLOCK 15
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 47 PAGE 12
COUNTY OF ORANGE



MOD 4175

CITY OF THE NEWPORT BEACH.

I, *Danny Choi*, owner of *Peaberry Coffee and Juice Bar*, at 2116 Newport Blvd Newport Beach Ca: 92663 suite a, agree to the following conditions. Hours of operations are 6:00 am to 12:00 am Sunday through Thursday and 6:00 am to 1:00 am Friday and Saturday. Also there will be no sale or consumption of any alcohol on the premises.

Danny Choi DATE 7-19-94



PEABERRY'S COFFEE AND JUICE BAR

FRONT ELEVATION - UNMODIFIED

PEABERRY'S COFFEE AND JUICE BAR

SIDE ELEVATION - UNMODIFIED

11/25
3/21

PEABERRY'S COFFEE AND JUICE BAR
NEWPORT BEACH, CA

ARCHITECT
11/25
3/21

SCALE

DATE

PROJECT

NO. 1

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