



**CITY OF**

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# **NEWPORT BEACH**

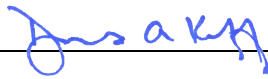
## **City Council Staff Report**

Agenda Item No. 10  
January 22, 2013

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Kimberly Brandt, Director of Community Development

**PREPARED BY:** Javier Garcia, AICP, Senior Planner

**APPROVED:** 

**TITLE:** Woody's Wharf Use Permit Appeal  
2318 Newport Boulevard  
Use Permit No. 2012-010 (PA2011-055)

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**ABSTRACT:**

An appeal by the applicant and owner of Woody's Wharf of the Planning Commission's approval of Conditional Use Permit No. 2011-010 to change the operational characteristics of an existing restaurant. The Planning Commission's approved changes include: 1) extending the opening hour of the restaurant from 11:00 a.m. to 10:00 a.m., daily, and the closing hour of the outdoor dining area from 11:00 p.m. to 12:00 a.m. on Friday and Saturday nights; 2) amending the requirement for full-time valet parking service during restaurant operating hours; and 3) waiving up to six (6) parking spaces resulting from the elimination of full-time valet parking service.

The applicant and legal counsel representing the business owner, in communication with the City Attorney's Office, have requested that the public hearing be continued to the meeting of March 12, 2013.

**RECOMMENDATION:**

Continue the matter to the City Council Meeting of March 12, 2013.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

Submitted by:

  
\_\_\_\_\_  
Kimberly Brandt, AICP  
Director

# CITY OF NEWPORT BEACH

## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Tuesday, January 22, 2013, at 7:00 p.m.**, or soon thereafter as the matter shall be heard, a public hearing will be conducted in the City Council Chambers at 100 Civic Center Drive, Newport Beach. The City Council of the City of Newport Beach will consider the following application:

**Woody's Wharf Use Permit Appeal** – An appeal by the applicant and owner of Woody's Wharf of the Planning Commission's approval of Conditional Use Permit No. 2011-010 to change the operational characteristics of an existing restaurant. The Planning Commission's approved changes include: 1) extending the opening hour of the restaurant from 11:00 a.m. to 10:00 a.m. and the closing hour of the outdoor dining area from 11:00 p.m. to 12:00 a.m. on Friday and Saturday nights; 2) amending the requirement for full-time valet parking service during restaurant operating hours; and 3) waiving up to six (6) parking spaces resulting from the elimination of full-time valet parking service. The applicant has appealed the Planning Commission's action and requests that the City Council allow the closing hour of the outdoor dining area to be 2:00 a.m., daily; and permit dancing within the restaurant; permit removal of up to 50% of the dining tables and chairs in the outdoor dining area to accommodate patrons; permit promotional events a maximum of one (1) night per week; and permit door charges, cover charges and any other form of admission charge.

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities), because the proposed project consists of a change in operational characteristics of the restaurant use with no additional floor area or expansion, and therefore, qualifies under this exemption.

All interested parties may appear and present testimony in regard to this application. If you challenge this project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City, at, or prior to, the public hearing. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapter 20.64. The application may be continued to a specific future meeting date, and if such an action occurs additional public notice of the continuance will not be provided. **The agenda, staff report, and documents may be reviewed at the City Clerk's Office (Building B), 3300 Newport Boulevard, Newport Beach, California, 92663, or at the City of Newport Beach website at [www.newportbeachca.gov](http://www.newportbeachca.gov) on the Friday prior to the hearing.** Individuals not able to attend the meeting may contact the Planning Division or access the City's website after the meeting to review the action on this application.

For questions regarding this public hearing item please contact Javier S. Garcia, AICP, Senior Planner, at (949) 644-3206, [jgarcia@newportbeachca.gov](mailto:jgarcia@newportbeachca.gov).

**Project File No.:** PA2011-055

**Activity No.:** UP2011-010

**Zone:** MU-W2 (Mixed Use – Water Related)

**General Plan:** MU-W2 (Mixed Use – Water Related)

**Location:** 2318 Newport Boulevard,  
Woody's Wharf Restaurant

**Applicant:** Martin Potts, MPA, Inc., on behalf  
of the Business Owner for Woody's Wharf



  
\_\_\_\_\_  
Leilani Brown, City Clerk  
City of Newport Beach

**CITY CLERK'S OFFICE**  
**AFFIDAVIT OF POSTING**

On January 11<sup>th</sup>, 2013, I posted 2 Site Notices of the Notice of Public Hearing regarding:

**Woody's Wharf Use Permit Appeal**  
**Location: 2318 Newport Boulevard (Woody's Wharf Restaurant)**  
**(PA2011-055)**

Date of City Council Public Hearing: January 22, 2013

Amy Graham

**CITY OF NEWPORT BEACH  
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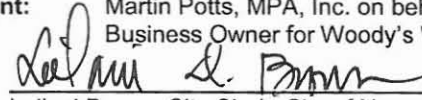
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**Project File No.:** PA2011-055  
**Zone:** MU-W2 (Mixed Use – Water Related)  
**Location:** 2318 Newport Boulevard,  
Woody's Wharf Restaurant



**Activity No.:** UP2011-010  
**General Plan:** MU-W2 (Mixed Use – Water Related)  
**Applicant:** Martin Potts, MPA, Inc. on behalf of the  
Business Owner for Woody's Wharf

  
Leilani Brown, City Clerk, City of Newport Beach

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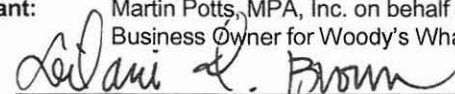
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**Zone:** MU-W2 (Mixed Use – Water Related)  
**Location:** 2318 Newport Boulevard,  
Woody's Wharf Restaurant



**Activity No.:** UP2011-010  
**General Plan:** MU-W2 (Mixed Use – Water Related)  
**Applicant:** Martin Potts, MPA, Inc. on behalf of the  
Business Owner for Woody's Wharf

  
Leilani Brown, City Clerk, City of Newport Beach

932-840-66  
Bohdan Drobenko  
440 Santa Ana Ave  
Newport Beach, CA 92663

932-840-67  
Thomas Durant Jr.  
P.O. Box 4092  
West Covina, CA 91791

MPA, Inc. c/o Woody's Wharf  
Martin Potts  
4041 MacArthur Blvd., Suite 375  
Newport Beach, CA 92660

Greg Pappas  
2318 Newport Boulevard  
Newport Beach, CA 92663

*Woody's  
Wharf*

Newport Pier Association  
No Contact Information

West Newport Beach Association  
Attn: Craig Batley  
2901 Newport Blvd.  
Newport Beach, CA 92663

Lido Peninsula Co.  
Bellport Group/Management Rep  
151 Shipyard Way A  
Newport Beach, CA 92663

Lido Peninsula Resort  
c/o Bessire & Casenhiser, Inc.  
430 S. San Dimas Avenue  
San Dimas, CA 91773

MPA, Inc. c/o Woody's Wharf  
Martin Potts  
4041 MacArthur Blvd., Suite 375  
Newport Beach, CA 92660

Greg Pappas  
2318 Newport Boulevard  
Newport Beach, CA 92663

Labels completed 10/16/12

MPA, Inc. c/o Woody's Wharf  
Martin Potts  
4041 MacArthur Blvd., Suite 375  
Newport Beach, CA 92660

Greg Pappas  
2318 Newport Boulevard  
Newport Beach, CA 92663

**PA2011-055 for UP2011-010**  
2318 Newport Boulevard  
MPA, Inc.  
CD 1 125 Labels



047 100 03  
Gary Thibodo  
843 Quails Trail Rd  
Vista Ca 92081

047 100 04  
Steven Meisinger  
Po Box 6158  
Los Osos Ca 93412

047 110 18  
Hamid Nourmand  
660 S Figueroa St #2400  
Los Angeles Ca 90017

047 110 19  
Rene Barge  
408 31st St  
Newport Beach Ca 92663

047 120 01  
Mary Hill  
5250 Villa Verde Dr #m2  
Reno Nv 89523

047 120 04  
James Boys LLC  
301 E Stevens Ave  
Santa Ana Ca 92707

047 120 29  
Marina Lofts LLC  
2912 Lafayette Rd  
Newport Beach Ca 92663

047 120 31  
Ei-Bridgeport LLC  
9952 Santa Monica Blvd #200  
Beverly Hills Ca 90212

047 120 32  
Ralph Furra  
1418 W Bay Ave  
Newport Beach Ca 92661

047 141 01  
25th Street Prop LLC  
4136 N 52nd Pl  
Phoenix Az 85018

047 141 02  
Robert Edmiston  
126 25th St  
Newport Beach Ca 92663

047 141 03  
Bentley Heide  
4606 Edgewood Pl  
Riverside Ca 92506

047 141 04  
Geoffrey Trachtenberg  
362 N 3rd Ave  
Phoenix Az 85003

047 141 05  
Ronaldo Storf  
120 25th St  
Newport Beach Ca 92663

047 141 06  
Matina Soutsos  
2575 Champa St  
Denver Co 80205

047 141 07  
Donna Fowler  
5827 Old Ranch Rd  
Riverside Ca 92504

047 141 08  
Mehdi Khosh  
9 Regents  
Newport Beach Ca 92660

047 141 09  
Charles For Wilson  
961 Coronado Dr  
Costa Mesa Ca 92626

047 141 10  
Kenneth August  
19200 Von Karman Ave #900  
Irvine Ca 92612

047 141 11  
Ernest Edward Van Dorn  
19292 Avenida Cordoba  
Murrieta Ca 92562

047 141 12  
~~Ernest Edward Van Dorn~~  
~~19292 Avenida Cordoba~~  
~~Murrieta Ca 92562~~

047 141 13  
Rene Barge  
408 31st St  
Newport Beach Ca 92663

047 141 14  
~~Rene Barge~~  
~~408 31st St~~  
~~Newport Beach Ca 92663~~

047 141 15  
Baywood Capital LLC  
3535 E Coast Hwy #335  
Corona Del Mar Ca 92625

047 141 16  
Bapu Development LLC  
1350 W Lambert Rd  
Brea Ca 92821

047 141 17  
Louis Dorfman  
1107 Estelle Ln  
Newport Beach Ca 92660

047 141 18  
Salvatore Rizzuto  
21180 Castlerock Rd  
Yorba Linda Ca 92886

047 141 19  
William Youpel  
490 W Bluff Ave  
Fresno Ca 93711

047 141 20  
Jodi Chadbourne  
17341 Bonner Dr  
Tustin Ca 92780

047 141 21  
Lau Thien Nguyen  
111 24th St  
Newport Beach Ca 92663

047 141 23  
Geoffrey Davis  
405 Seville Ave  
Newport Beach Ca 92661

047 141 24  
Robert Braun  
Po Box 3185  
Newport Beach Ca 92659

047 141 25  
John Hills  
214 N Pine St  
Orange Ca 92866

047 141 27  
Resources Pierhomes  
1200 Quail St #160  
Newport Beach Ca 92660

047 141 28  
Anthony & Mai Nguyen  
129 24th St  
Newport Beach Ca 92663

047 141 29  
Burton Lee Wilson  
10515 Branscomb St  
Norwalk Ca 90650

047 141 30  
Daniel Teitscheid  
3808 River Ave  
Newport Beach Ca 92663

047 141 31  
Daniel Lee Wehr  
8901 Tierra Santa Ave  
Las Vegas Nv 89129

047 141 32  
Paul Fejtek  
123 24th St  
Newport Beach Ca 92663

047 142 01  
Andrew Harris  
3191 Remora Dr  
Huntington Beach Ca 92649

047 142 04  
David Stebbins  
4948 Voltaire St #1a  
San Diego Ca 92107

047 142 05  
Rusteen Rezai  
1041 S Placentia Ave  
Fullerton Ca 92831

047 142 06  
Monos LLC  
Po Box 808  
La Canada Ca 91012

047 142 07  
Jeffry Harding  
114 24th St  
Newport Beach Ca 92663

047 142 08  
Perry Whitt  
2701 Bryant Ave  
Las Vegas Nv 89102

047 142 09  
Ali Zarrinnegar  
1806 Galaxy Dr  
Newport Beach Ca 92660

047 142 10  
Ronald Lee  
Po Box 171  
La Habra Ca 90633

047 142 11  
Barry Saywitz Properties  
4740 Von Karman Ave #100  
Newport Beach Ca 92660

047 142 18  
Ruben LLC  
19401 Clover Ct  
Santa Ana Ca 92705

047 142 22  
Newport Boardwalk Capital  
1100 Alakea St #2500  
Honolulu Hi 96813

047 142 23  
John Christian Kuhta  
1007 W Bay Ave  
Newport Beach Ca 92661

047 142 24  
Robert Koury  
200 Main St #206  
Huntington Beach Ca 92648

047 142 25  
Roy Masayoshi Kouchi  
9742 Olympic Dr  
Huntington Beach Ca 92646

047 142 26  
Joseph Balzer  
124 24th St  
Newport Beach Ca 92663

047 142 27  
Raymond Arriola  
495 N Carlisle Pl  
Orange Ca 92869

047 142 28  
Newport Boardwalk Capital  
1100 Alakea St #2500  
Honolulu Hi 96813

047 143 30  
American Commercial  
22917 Pacific Coast Hwy #300a  
Malibu Ca 90265

932 840 33  
Bo Eluf Nielsen  
1244 Anacapa Way  
Laguna Beach Ca 92651

932 840 34  
Candace Jarrett  
2600 Newport Blvd #310  
Newport Beach Ca 92663

932 840 35  
Dennis Puddester  
32 Via Empanada  
Rcho Sta Marg Ca 92688

932 840 36  
James Gilliam Jr.  
2600 Newport Blvd #311  
Newport Beach Ca 92663

932 840 37  
Orazio Salamone  
2600 Newport Blvd #212  
Newport Beach Ca 92663

932 840 38  
Bohdan Drobenko  
440 Santa Ana Ave  
Newport Beach Ca 92663

932 840 39  
Ian Hutchison  
28601 Breckenridge Dr  
Laguna Niguel Ca 92677

932 840 40  
Norman Einhorn  
2600 Newport Blvd #313  
Newport Beach Ca 92663

932 840 41  
Frank & Claire Fox  
4262 Wilshire Blvd #3rd  
Los Angeles Ca 90010

932 840 42  
Judith Scott  
2600 Newport Blvd #314  
Newport Beach Ca 92663

932 840 43  
Robert H A Gleason  
7228 N Red Ledge Dr  
Paradise Valley Az 85253

932 840 44  
David Katt  
465 Carolina Club Dr  
Spartanburg Sc 29306

932 840 45  
Anthony Delellis Jr.  
562 Camino Verde  
South Pasadena Ca 91030

932 840 46  
Dennis Halloran  
2600 Newport Blvd #217  
Newport Beach Ca 92663

932 840 47  
Christine Iger  
910 Island Dr #502  
Rancho Mirage Ca 92270

932 840 48  
Jack Dunn  
3718 N Woodhurst Dr  
Covina Ca 91724

932 840 49  
Gary DePerine  
3419 Via Lido #343  
Newport Beach Ca 92663

932 840 50  
Chin Hsien Wang  
2600 Newport Blvd #219  
Newport Beach Ca 92663

932 840 51  
Jose Ghibaudo  
8959 Wilson Ave  
Rancho Cucamonga Ca 91701

932 840 52  
Thomas Redmon  
1620 Sylvaner Ave  
Saint Helena Ca 94574

932 840 53  
Richard Wagner Jr.  
2700 Newport Blvd #320  
Newport Beach Ca 92663

932 840 54  
Christopher Billett  
2700 Newport Blvd #221  
Newport Beach Ca 92663

932 840 55  
Thomas Macedo  
2700 Newport Blvd #321  
Newport Beach Ca 92663

932 840 56  
Roger Etherington  
2700 Newport Blvd #222  
Newport Beach Ca 92663

932 840 57  
Scott Ronald Hildebrandt  
2700 Newport Blvd #322  
Newport Beach Ca 92663

932 840 58  
Stevenson Weitz  
2700 Newport Blvd #223  
Newport Beach Ca 92663

932 840 59  
Robert Taylor  
8 Alta Vista  
Rancho Mirage Ca 92270

932 840 60  
Gene Smith  
978 Locust Ct  
Mason Oh 45040

932 840 61  
Christopher Rolfs  
2700 Newport Blvd #324  
Newport Beach Ca 92663

932 840 62  
Edward Pol Cristobal  
2700 Newport Blvd #225  
Newport Beach Ca 92663

932 840 63  
Cornelius Vanderstar  
2700 Newport Blvd #325  
Newport Beach Ca 92663

932 840 64  
Laith Ezzet  
2700 Newport Blvd #226  
Newport Beach Ca 92663

932 840 65  
David & Sandra Brower  
2700 Newport Blvd #325  
Newport Beach Ca 92663



047 010 09  
First American Co  
359 San Miguel Dr #201  
Newport Beach Ca 92660

047 093 22  
James Rutherford  
13700 Marina Pointe Dr #720  
Marina Del Rey Ca 90292

047 093 23  
Ira Diesel  
117 26th St  
Newport Beach Ca 92663

047 093 24  
John Messmer  
1718 Payeras St  
Santa Barbara Ca 93109

047 093 27  
Brian Serra  
125 26th St  
Newport Beach Ca 92663

047 093 28  
Earl Pitkin  
3096 Durand Dr  
Hollywood Ca 90068

047 093 29  
Dirk Herzog  
1109 Corona Ln  
Costa Mesa Ca 92626

047 093 33  
Donald Gould  
121 26th St  
Newport Beach Ca 92663

047 093 34  
Betty Swift  
915 W Kenneth Rd  
Glendale Ca 91202

047 094 01  
Carl Troncale  
128 26th St  
Newport Beach Ca 92663

047 094 02  
John Scott Taylor  
Po Box 190  
Ravensdale Wa 98051

047 094 03  
Michael & Donna Libutti  
271 Ashbury Ln  
Upland Ca 91784

047 094 04  
Dewayne Casey  
754 Via Monte Video St  
Claremont Ca 91711

047 094 05  
Patricia Litten  
120 26th St  
Newport Beach Ca 92663

047 094 06  
Spencer Behr Croul  
426 31st St  
Newport Beach Ca 92663

047 094 08  
Cudworth Trust  
6230 E Bryce Ave  
Orange Ca 92867

047 094 09  
Frederick Shannon  
110 26th St  
Newport Beach Ca 92663

047 094 10  
Eugene & Judith Opitek  
10962 Harrogate Pl  
Santa Ana Ca 92705

047 094 18  
Robert Emil Wetzel  
1419 Keegan Way  
Santa Ana Ca 92705

047 094 19  
Jean Celeketic  
109 25th St  
Newport Beach Ca 92663

047 094 20  
Grandsinger  
31232 Silver Moon Ct  
Menifee Ca 92584

047 094 21  
Monos LLC  
Po Box 808  
La Canada Ca 91012

047 094 23  
V & J Cachia  
28334 Paseo Michelle  
San Juan Capistrano Ca 92675

047 094 25  
Berit Monsrud Mitchell  
Po Box 2683  
Newport Beach Ca 92659

047 094 26  
Alicia Diaz  
127 25th St  
Newport Beach Ca 92663

047 094 27  
129 25th Street LLC  
3810 Katella Ave  
Los Alamitos Ca 90720

047 094 30  
Stephen Phenix  
2842 Boa Vista Dr  
Costa Mesa Ca 92626

047 094 31  
Sergio Storf  
120 25th St #b  
Newport Beach Ca 92663

047 094 32  
Erlinda Torres-Fuller  
115 1/2 25th St  
Newport Beach Ca 92663

047 094 33  
Victor Cachia  
28334 Paseo Michelle  
San Juan Capistrano Ca 92675

# PROOF OF PUBLICATION

STATE OF CALIFORNIA)

) ss.

COUNTY OF ORANGE )

I am a citizen of the United States and a resident of the County of Los Angeles; I am over the age of eighteen years, and not a party to or interested in the notice published. I am a principal clerk of the NEWPORT BEACH/COSTA MESA DAILY PILOT, which was adjudged a newspaper of general circulation on September 29, 1961, case A6214, and June 11, 1963, case A24831, for the City of Costa Mesa, County of Orange, and the State of California. Attached to this Affidavit is a true and complete copy as was printed and published on the following date(s):

Saturday, January 12, 2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on January 16, 2013  
at Los Angeles, California



Signature

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**Woody's Wharf Use Permit Appeal** - An appeal by the applicant and owner of Woody's Wharf of the Planning Commission's approval of Conditional Use Permit No. 2011-010 to change the operational characteristics of an existing restaurant. The Planning Commission's approved changes include: 1) extending the opening hour of the restaurant from 11:00 a.m. to 10:00 a.m. and the closing hour of the outdoor dining area from

11:00 p.m. to 12:00 a.m. on Friday and Saturday nights; 2) amending the requirement for full-time valet parking service during restaurant operating hours; and 3) waiving up to six (6) parking spaces resulting from the elimination of full-time valet parking service. The applicant has appealed the Planning Commission's action and requests that the City Council allow the closing hour of the outdoor dining area to be 2:00 a.m., daily; and

permit dancing with the restaurant; permit removal of up to 50 of the dining tables, chairs in the outdoor dining area to accommodate patrons; permit promotional events maximum of one (1) night per week; and permit door charges, cover charges and any other form of admission charge.

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQ)

20.64. The application may be continued to a specific future meeting date, and if such an action occurs additional public notice of the continuance will not be provided. The agenda, staff report, and documents may be reviewed at the City Clerk's Office (Building B), 3300 Newport Boulevard, Newport Beach, California, 92663, or at the City of Newport Beach website at [www.newportbeachca.gov](http://www.newportbeachca.gov) on the Friday prior to the hearing. Individuals not able to attend the meeting may contact the Planning Division or access the City's website after the meeting to review the action on this application.

For questions regarding this public hearing item please contact Javier S. Garcia, AICP, Senior Planner, at (949) 644-3206, [jgarcia@newportbeach.ca.gov](mailto:jgarcia@newportbeach.ca.gov).  
**Project File No.:** PA2011-055  
**Activity No.:** UP2011-010  
**Zone:** MU-W2 (Mixed Use - Water Related)  
**General Plan:** MU-W2 (Mixed Use - Water Related)  
**Location:** 2318 Newport Boulevard, Woody's Wharf Restaurant  
**Applicant:** Martin Potts, MPA, Inc., on behalf of the Business Owner for Woody's Wharf  
/s/ Leilani Brown, City Clerk  
City of Newport Beach

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