



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
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**CITY OF NEWPORT BEACH  
ZONING ADMINISTRATOR STAFF REPORT**

February 13, 2014  
Agenda Item No. 2:

**SUBJECT:** Pirozzi Restaurant Minor Use Permit - (PA2013-249)  
2929 East Coast Highway  
▪ Minor Use Permit No. UP2014-001

**APPLICANT:** Alessandro Pirozzi

**PLANNER:** Benjamin M. Zdeba, Assistant Planner  
(949) 644-3253, bzdeba@newportbeachca.gov

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**ZONING DISTRICT/GENERAL PLAN**

- **Zone:** CC (Commercial Corridor)
- **General Plan:** CC (Corridor Commercial)

**PROJECT SUMMARY**

The applicant proposes to add a Type 47 (On-Sale General, Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) License to an existing food service, eating and drinking establishment. No late hours (after 11:00 p.m.) are proposed as part of this application.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. ZA2014-\_\_\_\_ approving Minor Use Permit No. UP2014-001 (Attachment No. ZA 1).

**DISCUSSION**

- The subject tenant space is an existing food service, eating and drinking establishment formerly occupied by Kentucky Fried Chicken (KFC) and is located within a small-scale commercial center at the southwestern corner of Iris Avenue and East Coast Highway. Other uses within the center include retail sales, food services, and a dry cleaning store.



- A building permit (X2013-3332) was issued on December 20, 2013, for a tenant improvement to alter the tenant space for the new food service use, Pirozzi Restaurant. Alcohol sales were not included as part of the proposed operation that was permitted under the building permit.
- Pursuant to Table 2-5 of Zoning Code Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements), a food service, eating and drinking establishment with alcohol sales and no late hours (after 11:00 p.m.) requires approval of a minor use permit.
- The gross floor area of the tenant space is approximately 1,430 square feet with an interior net public area of approximately 382 square feet (23 seats) and a 93-square-foot outdoor dining area (12 seats). The requested hours of operation are from 11:00 a.m. to 11:00 p.m., daily.
- The existing small-scale commercial center is considered legal nonconforming due to an insufficient number of parking spaces. Pursuant to Zoning Code Section 20.38.060 (Nonconforming Parking), a nonconforming use in a nonresidential zoning district may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area) occurs. Specific to this tenant space the previous fast food use, Kentucky Fried Chicken (KFC), had a parking requirement of 29 parking spaces based on a ratio of one parking space per 50 square feet of gross floor area. The parking requirement for a food service use is one parking space per 30 to 50 square feet of net public area. The proposed restaurant has a net public area of 382 square feet which results in a maximum parking requirement of 13 parking spaces based on a one parking space per 30 square feet of net public area ratio; therefore, the proposed restaurant complies with Section 20.38.060.
- The Police Department has reviewed the proposed application and has no objections to the request. The Police Department memorandum, crime and alcohol related statistics, and reporting district map are attached (Attachment No. ZA 4).
- Staff believes allowing the service of alcohol is compatible with existing and allowed uses within the small-scale commercial center. Existing uses in the center reflect the type of restaurants, retail and service uses allowed by the Zoning Code regulations and typically expected by residents and the public of similar commercial centers.

### **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities). The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no

expansion of use. Pirozzi Restaurant has been permitted to occupy a tenant space formerly occupied by a fast food restaurant (Kentucky Fried Chicken). The proposed project involves the addition of an ABC License to sell and serve alcohol.

**PUBLIC NOTICE**

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

**APPEAL PERIOD**

An appeal may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:

  
\_\_\_\_\_  
Benjamin M. Zdeba  
Assistant Planner

GR/bmz

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| Attachments: | ZA 1 | Draft Resolution                          |
|              | ZA 2 | Vicinity Map                              |
|              | ZA 3 | Applicant's Description and Justification |
|              | ZA 4 | Police Department Review                  |
|              | ZA 5 | Conceptual Menu                           |
|              | ZA 6 | Project Plans                             |

# **Attachment No. ZA 1**

Draft Resolution



**RESOLUTION NO. ZA2014-\_\_\_**

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2014-001 TO ADD ALCOHOL SALES TO AN EXISTING FOOD SERVICE, EATING AND DRINKING ESTABLISHMENT LOCATED AT 2929 EAST COAST HIGHWAY (PA2013-249)**

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

**SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Alessandro Pirozzi, with respect to property located at 2929 East Coast Highway, and legally described as Parcel 1 of Re-subdivision Number 179, requesting approval of a minor use permit.
2. The applicant proposes to add a Type 47 (On-Sale General, Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) License to an existing food service, eating and drinking establishment. No late hours (after 11:00 p.m.) are proposed as part of this application.
3. The subject property is located within the Commercial Corridor (CC) Zoning District and the General Plan Land Use Element category is Corridor Commercial (CC).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Corridor Commercial - (0.0 - 0.75 FAR) (CC-B).
5. A public hearing was held on February 13, 2014 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

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

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. Pirozzi Restaurant has been permitted to occupy a tenant space formerly occupied by a fast food restaurant (Kentucky Fried Chicken). The proposed project involves the addition of an ABC License to sell and serve alcohol.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a use permit are set forth:

Finding

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

Facts in Support of Finding

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

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
  1. The crime rate in the subject reporting district (RD 44) is 93% over the City average while the crime rates in the adjacent RDs are lower than the City average.
  2. Although the crime rate for RD 44 is higher than average for nearby RDs, the Police Department has reviewed the proposed operation and has no objection.
  3. RD 44 contains Corona del Mar State Beach and the Corona del Mar commercial corridor along East Coast Highway east of Avocado Avenue. This area has a high concentration of commercial establishments and restaurants. There are currently 27 Alcoholic Beverage Control (ABC) Licenses in this RD.
- ii. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
  1. 2013 alcohol crime related statistics indicate a higher number of alcohol related calls, crimes and arrests in RD 44 when compared to other areas in the City. In particular, RD 44 had 85 alcohol related arrests.
- iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
  1. The subject tenant space is located within a small-scale commercial center which was developed as a retail and service center. The nearest residential uses are located directly west of the subject building. The nearest park, Bayside Park, is located approximately 850 feet southwest. Other sensitive land uses above are not located within close proximity of the subject building.

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

1. Several other establishments along Coast Highway currently have an active ABC license, most of which are bona fide eating and drinking establishments and are not defined as bars, lounges or nightclubs by the Zoning Code. The establishments within the immediate vicinity include Mayur Cuisine of India, Port Restaurant, Port Theater, and The Place.

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

1. The subject tenant space has historically been occupied by a fast food restaurant with a similar number of seats and business hours. There is no evidence that suggests this type of use has created objectionable conditions.

In accordance with Section 20.52.020.F (Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

Finding

*A. The use is consistent with the General Plan and any applicable specific plan;*

Facts in Support of Finding

1. The General Plan designates this site Corridor Commercial (CC) which is to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.
2. The proposed food service use with the addition of alcohol sales and service is consistent with the CC designation as it is intended to provide a service not only to visitors traveling Coast Highway, but also to residents within the immediate neighborhood and surrounding area.
3. Eating and drinking establishments are common along East Coast Highway and are complementary to the surrounding commercial and residential uses.
4. The subject property is not part of a specific plan area.

Finding

*B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*

Facts in Support of Finding

1. Pursuant to Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements, Table 2-5) of the Zoning Code, eating and drinking establishments located in the CC Zoning District classified as *Food Service, Alcohol, No Late Hours*, require the approval of a minor use permit. The property is located immediately east of a residential zoning district.
2. Pursuant to Zoning Code Section 20.38.060 (Nonconforming Parking), a nonconforming use in a nonresidential zoning district may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area) occurs. The previous fast food use, Kentucky Fried Chicken (KFC), had a parking requirement of 29 parking spaces and the proposed restaurant has a maximum parking requirement of 13 parking spaces based on a one parking space per 30 square feet of net public area ratio; therefore, the proposed restaurant complies with Zoning Code Section 20.38.060.
3. As conditioned, the proposed project will comply with Zoning Code standards for eating and drinking establishments.

Finding

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding

1. The commercial center was designed to be occupied by a mix of restaurants, retail and service uses. Pirozzi Restaurant will complement the existing uses and is a typical and expected type of use in similar commercial centers.
2. The operation of the restaurant will be restricted to the hours between 11:00 a.m. and 11:00 p.m., daily. These hours are consistent with the business hours of other restaurants and uses in the commercial center.
3. The proposed food service use is appropriate given the establishment will be located along East Coast Highway which provides convenient access to motorists, pedestrians, and bicyclists.
4. The surrounding area contains various business office, retail, and visitor serving commercial uses including restaurants and take-out eating establishments. The proposed establishment is compatible with the existing and permitted uses within the area.
5. The operational conditions of approval relative to the sale of alcoholic beverages will help ensure compatibility with the surrounding uses and minimize alcohol

related impacts. The project has been conditioned to ensure that the business remains a restaurant and does not become a bar or tavern. Additionally, dancing or live entertainment is not permitted.

### Finding

- D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*

### Facts in Support of Finding

1. The restaurant will occupy a tenant space historically occupied by a food service use. All improvements to the tenant space have been reviewed and permitted.
2. Original site plan approvals for the development of the shopping center included a review to ensure adequate public and emergency vehicle access, and that public services, and utilities are provided to the entire commercial center. The tenant improvement plans have been reviewed for compliance with applicable building and fire codes.

### Finding

- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, and safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

### Facts in Support of Finding

1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The food service, eating and drinking establishment will serve the surrounding community in a commercial center designed for such uses. The service of alcohol is provided as a public convenience and is not uncommon in establishments of this type. Additionally, the service of alcohol will provide an economic opportunity for the property owner to maintain a successful business that is compatible with the surrounding community.
3. All owners, managers, and employees selling or serving alcohol will be required to complete a Responsible Beverage Service certification program.

SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2014-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2014.**

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Brenda Wisneski, AICP, Zoning Administrator

DRAFT

**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. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. This Use 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.
5. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review and approval and may necessitate an amendment to this Minor Use Permit or the processing of a new use permit.
6. The hours of operation for the establishment shall be between 11:00 a.m. and 11:00 p.m., daily.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
8. No outside paging system shall be utilized in conjunction with this establishment.
9. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
10. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.

11. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
12. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14 (Water and Sewers), including all future amendments (including Water Quality related requirements).
13. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this Minor Use Permit.
14. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
15. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
16. This approval shall expire and become void unless exercised within 24 months from the actual date of review and 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.
17. 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 Pirozzi Restaurant Minor Use Permit including, but not limited to, UP2014-001 (PA2013-249). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City, upon demand, any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

**POLICE DEPARTMENT**

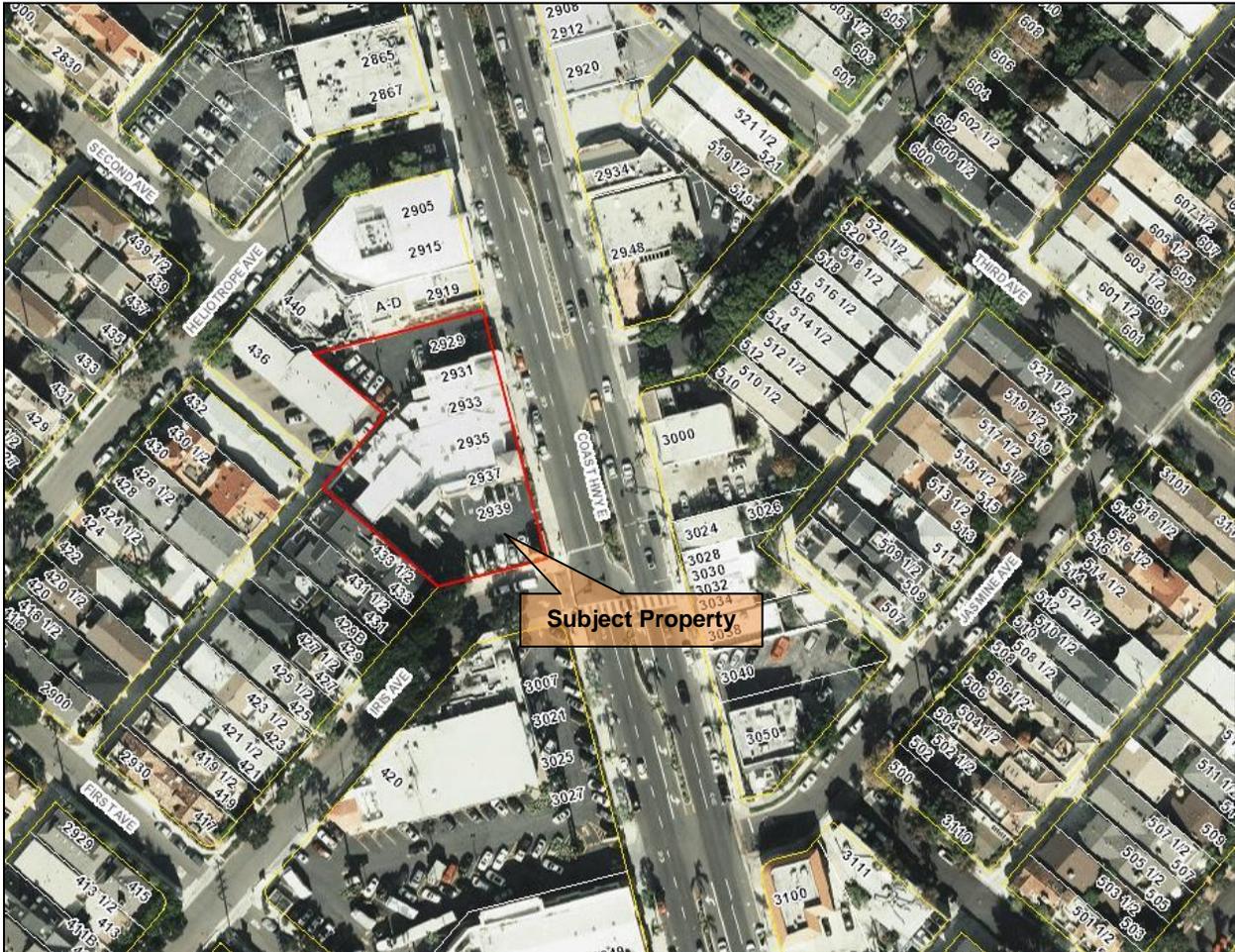
18. The approval of Minor Use Permit No. UP2014-001 does not permit Pirozzi Restaurant to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.
19. Food service from the regular menu shall be available to patrons up to thirty (30) minutes before the scheduled closing time.
20. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
21. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
22. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
23. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
24. There shall be no live entertainment allowed on the premises.
25. There shall be no dancing allowed on the premises.
26. Strict adherence to maximum occupancy limits is required.



# **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



Minor Use Permit No. UP2014-001  
PA2013-249

**2929 East Coast Highway**

# **Attachment No. ZA 3**

Applicant's Description and Justification



**RICK A. BLAKE**

ATTORNEY AT LAW

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TELEPHONE (714) 667-7171

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*File No: 6346-1*

December 17, 2013

City of Newport Beach  
Community Development Department  
Planning Division  
100 Civic Center Drive  
Newport Beach, California 92658

**RE: Pirozzi Restaurant  
2929 East Coast Highway  
Newport Beach, California 92625**

To whom it may concern:

It is with great pleasure and excitement that we have been engaged by Chef/Owner Alessandro Pirozzi to process a minor conditional use permit application to allow for the operation of bona fide Italian restaurant at the above-mentioned address.

**BACKGROUND**

Chef Alessandro Pirozzi, is an award winning Chef and owner of Mare Culinary and Alessa' Laguna, has found great success in Orange County, but it didn't happen overnight. Pirozzi, now 41, opened his first restaurant in Newport Beach only five years ago. Combining his charming personality and his time-honored family recipes Pirozzi has created an authentic taste of Italy on Pacific Coast Highway.

Born in Naples, Italy, Pirozzi was the youngest of four children and the only boy. Growing up in a house full of girls was a constant challenge but fortunately for him, whenever the girls were teasing him, his grandmother, Nonna Ida, would rescue him and take him into the safety of her kitchen to help prepare dinner.

The kitchen became his sanctuary. He fell in love with the different aromas, the flavors and learning the traditional techniques of preparing fresh homemade pasta. It was here that he learned the many secret family recipes and began his journey to become a Certified Italian Chef.

Nonna Ida taught him how to grow every vegetable and herb he needed for cooking in his own

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backyard. She also taught him the methods for preparing focaccia dough and exactly what it takes to make the bread rise and not deflate into worthless putty.

His family believed that fresh herbs were key to making the best possible foods. Alessandro maintained the herb garden and eventually began growing different types of tomatoes and squash, all of which would inevitably become part of his recipe for success in America.

Pirozzi's passion for food and his quest to become certified became his way of life and prompted him to learn the cuisine from every region in Italy. He discovered regional secrets to impeccable pizza; mastered meat preparation, including the perfect veal saltimbocca and became versed in many different sauces.

Following the great success of the Alessa family of restaurants Pirozzi opened his new Mare Culinary Lounge in May 2012. The new restaurant and lounge offers traditional Italian cuisine with Pirozzi's unique flair. The new lounge serves breakfast, lunch, dinner.

The culinary journey that began in southern Italy brought Alessandro to southern California where today he shares his family recipes to great acclaim. The Chef of the Year (Riviera Magazine) has Mare Culinary Lounge and Alessa Laguna Beach for and wishes to add to his continued success by replacing what was formerly a KFC with an upscale Italian restaurant, Pirozzi Corona Del Mar.

### **APPLICATION REQUEST**

**The applicant is filing a minor conditional use permit with the city to operate as a bona fide restaurant, selling, as an ancillary component of its overall operation, alcoholic beverages; hours of operation from 11:00 am to 11:00 pm daily. No proposed addition to square footage or change to the footprint of the existing retail space is proposed. (See Plans).**

### **OPERATION**

The applicant shall operate the premises as a bona-fide public eating establishment. The applicant will be applying for a type 47 liquor license from the State of California's Department of Alcoholic Beverage Control. A Type-47 On-Sale General for Bona Fide Public Eating Place license is regulated so as to require that the business operate primarily as a bona-fide restaurant limiting the amount of alcoholic beverages which can be sold to less than 50% of gross sales. The State will also place time tested conditions on the license as well as maintain regulatory and statutory powers over the applicant (licensee) in their operation as a licensed business. The City can either mirror those conditions placed on the liquor license or create its own reasonably sound conditions to regulate the activity of the business. The City and the State regularly work together in creating conditions which can be imposed to minimize any potential negative impacts or

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concerns. There will be no live entertainment on the premises. The applicant does intend to play ambient (recorded) music throughout the premises.

Additionally, with the vast operational experience and demand for perfection, not only in his kitchen, but in the maintenance and strict compliance of all applicable laws, rules and regulations of Chef Pirozzi, is confident he will operate a first class and complaint restaurant at this location without any negative impacts whatsoever.

### **PREMISES INFORMATION**

The premises consistent of a 1,430 square foot existing restaurant space located at 2929 East Coast Highway within a small center which houses a Coffee Bean, Sprint, Subway, Dry Cleaner and Mayur restaurant. The premises formally operated as a KFC restaurant.

### **FINDINGS**

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

The purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code will be maintained and a healthy environment for residents and businesses will be preserved. The service of beer, wine distilled spirits is intended for the convenience of the restaurant patrons. Operational conditions of approval which will be recommended by Staff and/or the Police Department will ensure compatibility with the surrounding uses and minimize alcohol related impacts.

The location previously operated as a restaurant (KFC) without the sale of alcoholic beverages as a component of the operations. However, the addition of the service of alcoholic beverages as an ancillary component of the overall operation of a fine dining establishment will not substantially change the operational characteristics of the restaurant. The onsite sale and consumption of alcoholic beverages as an ancillary component of the overall use provides a public convenience by allowing the sale of such beverages in addition to full service meals.

- 2) *The Use is consistent with the General Plan and any applicable specific plan.*

The property is designed Commercial Corridor (CC) by the Land Use Element of the General Plan. The restaurant use is consistent with that designation as it is a supporting use that is integrated as part of a retail multi-tenant commercial center. The project is not part of a specific plan.

The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code.

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The subject property is located in a small commercial center. Alcohol Sales is an allowed use upon the approval of a Minor Use Permit by the Zoning Administrator . The proposed use does not change and/or increase the parking requirement and is wholly consistent with the on-sale alcohol sales provisions within the Zoning Code. There is no addition to the footprint of the building an it shall remain the same size as the previous restaurant at the premises.

The service of alcoholic beverages will be restricted to between the hours of 11:00 am and 11:00 pm, daily. No live entertainment is proposed. The operational conditions of approval recommend by Staff and/or the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol related impacts, if any. The applicant will also be required and intends on strictly adhering to and/or complying with the California Building Code, requirements of the Department of Alcoholic Beverage Control, California Business and Profession Code, The Newport Beach Zoning and Municipal Codes and all conditions of approval.

- 3) *The site is physically suitable in terms of design, location, shape, size, operating characteristic, and the provision of public and emergency vehicles (e.g., fire and medical) access and public services and utilities.*

The site is located within an existing and developed commercial center. The premises formerly operated as a restaurant (however, no alcoholic beverages were sold). Given the past history of the premises, i.e., the use as a restaurant, the use has established itself to be physically suitable for the type of use proposed.

Adequate public and emergency vehicle access, public services, and utilities are provided within the existing infrastructure.

- 4) *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

The use of will not be detrimental to the public health, safety or welfare, nor be materially injurious to property or improvements in the vicinity or the city as a whole. The applicant, intends to operate the business in the utmost reasonable, safe and efficient manner as he has done in other locations in South County. Additionally, the applicant intends to spend a considerable amount of money making material improvement to the premises to include the upgrading the bathrooms to be ADA complaint. These improvements will enhance not only the premises but the surrounding businesses as it will likely attract new customers to the center. The hours of operation will be limited 11:00 am and 11:00 pm daily.

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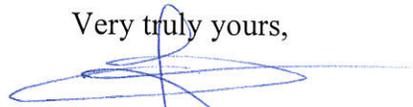
**TRAINING**

Applicant shall ensure that all employees, to include but not be limited to servers, bus-persons and management receive onsite training related to all aspects of the operation of the business to include, but not be limited to, proper identification screening, signs of impairment, over-intoxication, etc. Not only will training be provided by the Applicant, the Applicant shall encourage all employees to receive training on local and state laws. Applicant's management shall encourage all employees to attend and State and/or City programs related to the operation of the business, particularly the sale and consumption of alcoholic beverages, such as the State Sponsored LEAD program.

**CONCLUSION**

In conclusion we look forward to a great working relationship with your office, the City as a whole, the surrounding business and the community of residents and employees.

Very truly yours,



MIKE AYAZ  
Attorney for Applicant



# **Attachment No. ZA 4**

Police Department Review



**City of Newport Beach  
Police Department**

**Memorandum**

January 8, 2014

**TO:** Benjamin Zdeba, Assistant Planner

**FROM:** Detective Randy Parker

**SUBJECT:** Pirozzi Restaurant, 2929 East Coast Highway,  
Use Permit No. UP2014-001 (PA2013-249).

At your request, the Police Department has reviewed the project application for *Pirozzi Restaurant*, located at 2929 East Coast Highway, Newport Beach. Per the project description, the applicant is requesting a minor use permit to add a Type 47 (On-Sale General, Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) License to an existing food service, eating and drinking establishment. No late hours (past 11:00p.m.) are proposed as part of this application.

I have included a report by Crime Analyst Caroline Staub that provides detailed statistical information related to calls for service in and around the applicant's place of business. This report indicates that this new location is within an area where the number of crimes is at least 93% over the city wide average of all reporting districts in the city. This location is also within an RD that is over the Orange County per capita of ABC licenses.

**Applicant History**

Pirozzi Restaurant is owned and operated by Chef Alessandro Pirozzi. Pirozzi currently owns two restaurants in the city of Laguna Beach. Pirozzi has created an authentic taste of Italy on Pacific Coast Highway. Pirozzi wishes to add to his continued success by replacing what was formerly a KFC with an upscale Italian restaurant.

**Recommendations**

The Police Department has no objection to the operation as described by the applicant.

**Signs and Displays**

Any signs or displays would need to conform to City requirements. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of

alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

### **Hours of Operation**

The proposed hours of operation will be 11:00 a.m. to 11:00 p.m. daily.

### **Security**

The Police Department has no recommendations.

### **Employee Training**

Require all owners, managers, and employees selling alcoholic beverages to undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.

### **Additional Comments**

For the purposes of this application, staff may also want to consider establishing conditions that would require a special event permit. A special event permit may be required for any event or promotional activity outside the normal operational characteristics of the proposed operation.

For example, events likely to attract large crowds, events for which an admission fee is charged, events that include any form of contract promoters, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

### **Other Recommended Conditions**

In addition, the Police Department has determined that the following conditions would be appropriate for the Conditional Use Permit for the business:

1. Approval does not permit Pirozzi Restaurant to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.
2. Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when offered in conjunction with food ordered from the full service menu. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.

5. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
6. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
7. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
8. There shall be no live entertainment allowed on the premises.
9. There shall be no dancing allowed on the premises.
10. Strict adherence to maximum occupancy limits is required.
11. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

If you have any questions, please contact Detective Randy Parker at (949) 644-3706.



Randy Parker, ABC/Vice/Intelligence  
Detective Division



Dale Johnson, Captain  
Detective Division Commander



Chief Jay R. Johnson

# NEWPORT BEACH POLICE DEPARTMENT

Crime Analysis Unit

870 Santa Barbara Drive · Newport Beach · CA 92660 · 949-644-3791



## 2013 CRIME AND ALCOHOL-RELATED STATISTICS

Subject:	Calls For Service		Crimes			Arrests			Citations		ABC Info	
	Part I Crimes	Part II Crimes	Crime Rate	All Arrests	DUI	Public Intoxication	Liquor Law	Alcohol Related	Active Licenses	License Per Capita		
2929 E Coast Hwy	2	0	not applicable	0	0	0	0	0	1	not applicable		
Subject RD: RD44	122	167	1,904.17	129	22	27	0	85	27	237		
Adjacent RD: RD43	24	31	1,248.70	28	5	2	0	4	5	384		
Adjacent RD: RD45	7	16	344.49	10	0	0	0	2	3	677		
Adjacent RD: RD47	26	26	763.58	19	4	2	0	2	3	1,135		
Newport Beach	2,305	3,404	2,699.82	3,191	445	584	7	852	394	217		
California	1,128,845	not available	2,994.92	1,183,470	104,345	99,017	15,904	not available	44,536	836		
National	10,266,737	not available	3,294.93	12,408,899	1,215,077	534,218	500,648	not available	not applicable	not applicable		

### Summary for Pirozzi Restaurant at 2929 E Coast Hwy (RD44)

In 2013, RD44 had a total of 289 reported crimes, compared to a city-wide reporting district average of 150 reported crimes. This reporting district is 139 crimes, or 93%, OVER the city-wide average.

The number of active ABC licenses in this RD is 27, which equals a per capita ratio of one license for every 237 residents. Orange County averages one license for every 504 residents and California averages one license for every 836 residents. This location is within an RD that is OVER the Orange County and OVER the California per capita averages of ABC licenses.

#### Notes:

Part I Crimes are the 8 most serious crimes as defined by the FBI Uniform Crime Report - Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny-Theft, Auto Theft, and Arson.

This report reflects City of Newport Beach data for calendar year 2013, through December 31.

California and National figures are based on the 2011 Uniform Crime Report, which is the most recent edition.

Crime Rate refers to the number of Part I Crimes per 100,000 people.

Number of Active ABC Licenses is the total of all types of licenses known to the NBPD as of the date of this document.

*Additional Information*

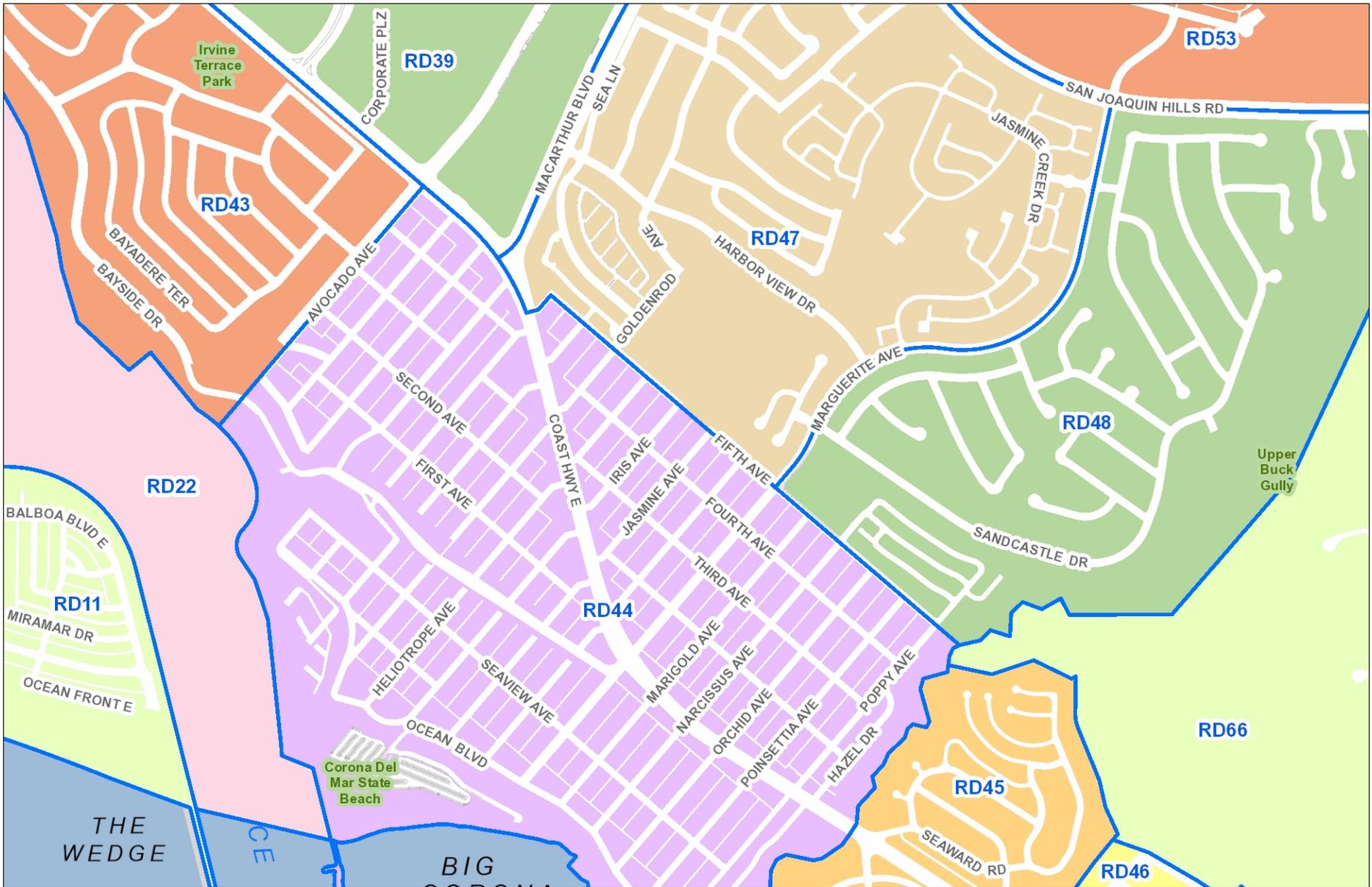
Highest Volume Crime in  
RD44  
Vandalism

Highest Volume Crime in  
RD43  
Burg/Theft From Auto  
Grand Theft

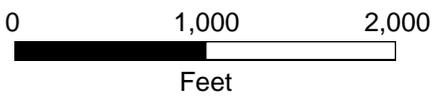
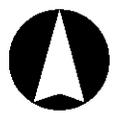
Highest Volume Crime in  
RD45  
Burg/Theft From Auto

Highest Volume Crime in  
RD47  
Burg/Theft From Auto

Calls for Service at 2929 E Coast Hwy	
PETTY THEFT RPT	1
TRAFFIC COLLISION NO INJ	1
<b>Grand Total</b>	<b>2</b>



Newport  
Beach  
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2012 photos provided by Eagle Imaging [www.eagleaerial.com](http://www.eagleaerial.com)

1/27/2014

# **Attachment No. ZA 5**

Conceptual Menu



# Pirozzi

Corona Del Mar

## prosciutto & mozzarella bar

### SALUMI MISTI 22

Select 3 meats

### SALUMI E FORMAGGI 26

Select 6 items

### FORMAGGI MISTI 19

Select 3 cheeses

#### SAN DANIELE

The king of Prosciutto, cured for 18 months

#### WILD BOAR SALAMI

#### BLACK TRUFFLE SALAMI

#### TARTUFOTTO

Italian truffle infused cooked ham

#### PARMA PROSCIUTTO

Cured for 14 months

#### 12 IBERICO, SPANISH

#### SUPER PROSCIUTTO\* 30

Free range, acorn-fed Iberian black pigs (melts in your mouth)

#### SOPRESSATA CALABRESE 8

Spicy salami

#### 9 SPECK

Smoked Prosciutto

#### 12 DUCK PROSCIUTTO

Tender black pepper crusted duck prosciutto

#### D.O.P GORGONZOLA

#### 30 DOLCE

Creamy and rich with black fig marmalade

#### 8 BURRICOTTA

(BURRATA STUFFED WITH RICOTTA)

Italian black lava salt, rosemary

EVO, arugula

#### 12 PARMIGIANO

Organic pear, organic Italian honey, caramelized walnuts

#### NODINI

12 Lightly breaded Mozzarella, flash fried, pomodoro basil sauce

#### 9 SCAMORZE

11 (SMOKED MOZZARELLA)

Wrapped in speck, baked, bruschetta tomatoes

#### BURRATA

12 Sea salt, unfiltered EVO, Italian artichokes, olives

\*Not available for mix and match

## da dividere

TO SHARE

#### OLIVE FRITTE

Fontina stuffed Castelvetro olives, lightly flash-fried, Greek oregano

#### ZUCCA (AN ALESSA FAVORITE)

House-made organic butternut squash ricotta ravioli, brown butter sage sauce

#### MAMMA MIA

Alessa's favorite meal - 3 meatballs, ragu', burrata, fresh basil

#### CALAMARI FRITTI

Crispy-fried Calamari, arrabbiata sauce

#### BRUSCHETTA AL POMODORO

Roma tomatoes, basil, garlic Alessa's way

## insalata

FARMER'S CHOICE

#### ARUGULA & FENNEL

Wild arugula, fennel, oregano, lemon EVO, shaved Parmigiano, chopped tomato

ADD SHRIMP \$2 EA. ADD CHICKEN \$6

#### CAESAR

Full 8 Side 5

Shaved Parmigiano, croutons, anchovy-lemon dressing

## carpaccio

THE ITALIAN METHOD TO THINLY SLICE MEAT, SEAFOOD AND VEGETABLES

#### FILET MIGNON

Local lemon juice, arugula, shaved Parmigiano

#### 9 OCTOPUS

Braised, black lava salt, red bell peppers, mini croutons, Italian caper berries

#### 16 GOLDEN BEETS & GOAT CHEESE

Mixed baby greens, wild berry dressing, fresh raspberries, walnuts

#### HEIRLOOM TOMATO & BURRATA

Arugula, Castelvetro, Cerignola olives with creamy mozzarella

## add ons

TO ANY SALAD, STARTER, PIZZA

ADD CHICKEN \$6

ADD SHRIMP \$2 EA

ADD SALMON \$7

## pizza

ADD PROSCIUTTO, SPECK OR SALAMI FOR \$5 EACH  
ADD FRESH VEGETABLES FOR \$4

#### BIANCA

Smoked and fresh Mozzarella, house-made sausage, Calabria chili, orange Peppadews

#### CALABRIA

Mild Italian sausage, spicy salami, smoked Mozzarella, arrabbiata sauce

#### 12 MARGHERITA

Pomodoro sauce, Mozzarella, basil, EVO

#### BURRATA E MELENZANE

Pomodoro sauce, burrata, basil, eggplant

#### DI PARMA

Mozzarella, Ricotta, Prosciutto, arugula

#### FUNGHI MISTI

Wild mixed mushrooms, Fontina, truffle oil

#### SALSICCE

Italian sausage, sautéed mushrooms, Mozzarella, tomato sauce

#### PIZZA VEGETARIANA

Pomodoro sauce, seasonal vegetables, Mozzarella

Pirozzi is owned and operated by  
Award Winning Chef Alessandro Pirozzi

PA2013-249 for UP2014-001  
2929 East Coast Highway  
Alessandro Pirozzi

## pasta

SUBSTITUTE WHOLE WHEAT PASTA FOR \$2  
SUBSTITUTE ITALIAN GLUTEN FREE PASTA  
(CONTAINS SOY) FOR \$3

- CAPPELLINI AL POMODORO** 12  
Angel hair pasta, garlic, fresh basil tomato sauce  
ADD SHRIMP \$2 EA. ADD CHICKEN \$6
- SPAGHETTI CON POLPETTE** 15  
Spaghetti, Mamma Margherita's meatballs,  
light spicy tomato sauce
- NONNA IDA'S LASAGNE** 15  
Ricotta, meatballs, ragú, Mozzarella
- LINGUINE MARECHIARO** 19  
Mussels, clams, calamari, shrimp, garlic white  
wine tomato sauce  
ALSO AVAILABLE WITH WHITE WINE SAUCE
- SEASHELL PASTA** 18  
Lobster cream sauce, shrimp, asparagus
- RIGATONI UGO D'ORSO** 16  
Grilled chicken, sun-dried tomatoes, porcini  
mushroom cream sauce
- VEGETARIANA** 13  
Whole wheat spaghetti, garden vegetables,  
garlic, tomato sauce, basil  
ADD SHRIMP \$2 EA. ADD CHICKEN \$6
- ALFREDO** 15  
House-made fettuccine, Parmigiano cream sauce

## della casa

HOUSE-MADE PASTA

- LAMB PAPPARDELLE** 20  
(ALESSANDRO'S FAVORITE)  
Spinach infused raised lamb shoulder, shaved  
ricotta salata
- BOLOGNESE** 15  
Pappardelle pasta, Bolognese sauce
- LIMONCELLO** 24  
Limoncello infused radiatori pasta, scallops,  
prawns, Pinot Grigio wine sauce

## pasta ripiena

ITALIAN HAND-FOLDED STUFFED PASTA

- MELANZANE** 17  
Smoked Mozzarella and eggplant filled ravioli,  
sautéed eggplant, tomato garlic basil sauce
- NONNA TITINA** 15  
Spinach and Ricotta filled ravioli, tomato  
basil sauce
- NONNA IDA** 17  
Meat filled ravioli, Bolognese sauce, Pecorino  
cheese
- DI CARNE** 20  
Braised short rib filled giant tortelloni, walnut  
porcini mushroom cream sauce
- VEAL OSSO-BUCO** 24  
Veal Osso-Buco filled ravioli, wild mushrooms,  
brown butter sage sauce
- ARAGOSTA** 24  
Maine lobster, fennel filled ravioli, sherry  
reduction, vodka cream sauce
- GALLINA** 16  
Rosemary chicken filled tortellini, shallots,  
vodka pink sauce
- PARMA** 16  
Meat filled tortellini, prosciutto, sage cream sauce

## gnocchi

HOUSE-MADE POTATO DUMPLINGS

- CINGHIALE** 18  
Wild boar house-made sausage, mushroom,  
Calabria chili, arrabiata sauce
- PESTO** 17  
Organic basil, parsley, pesto toasted white  
almonds

## add ons

- TO ANY SALAD, PASTA, RISOTTO, GNOCCHI  
ADD CHICKEN \$6  
ADD SHRIMP \$2 EA  
ADD SALMON \$7

## piatti

MAIN DISHES

- EGGPLANT PARMIGIANA** 17  
Lightly-breaded eggplant, Mozzarella,  
pomodoro sauce, penne al pomodoro
- POLLO PARMIGIANA** 19  
Chicken breasts, Asiago, Parmigiano, fresh  
basil tomato sauce, penne al pomodoro
- MARSALA** 19  
Pan-roasted chicken breasts, portobello  
mushrooms and Sicilian marsala wine sauce,  
sautéed spinach, rosemary potatoes

## alla griglia

FROM THE GRILL

SELECT BELOW: 1 PROTEIN, 1 SAUCE, 2 SIDES

- FILET MIGNON (8 OZ)** 29
- RIBEYE (10 OZ)** 27
- SALMON FILET** 20
- LARGE PRAWNS (3-4)** 27

## saucés

SELECT (1)

- WILD MUSHROOM**  
**AMARENA CHERRY PORT REDUCTION**  
**FRESH ORGANIC HERBS**  
**MEYER LEMON**  
**SPICY LOBSTER REDUCTION**

## contorni

SIDES

SELECT (2)

- SAUTÉED WILD MUSHROOMS**  
**BRAISED CIPOLLINE ONIONS**  
**ITALIAN MARINATED ARTICHOKEs**  
**ZUCCHINI, SHALLOTS & PANCETTA**  
**ROASTED ROSEMARY POTATOES SAUTÉED**  
**BROCCOLI**

## 900 gradi

FORNO A LEGNA

- FIorentINA** 24  
Bone in ribeye for two, marinated in fresh  
garlic, rosemary and EVO. Baked with black  
sea salt. Pancetta cipolline fingerling potatoes.
- BRANZINO AL SALE** 22  
European seabass baked under Italian rock salt,  
fresh mint infused EVO. Arugula fennel and  
cherry tomatoes.
- ANGNELLO** 22  
Australian rack of lamb baked and topped  
with melted Gorgonzola Dolce over purple  
potato puree.

## sides

- MAMMA'S MEATBALL** 3
- BRUSSELS SPROUTS** 8  
Pancetta, onion, sage butter sauce



Experience the centuries old Italian tradition of woodfired brick oven pizza.  
Recipes and cooking technique that is carefully handed down from one generation to the next.  
All Pizza is fired in a hand crafted Italian imported oven made of hundred year old bricks.

# **Attachment No. ZA 6**

Project Plans







**BILL CASKEY  
+ ASSOCIATES, INC.**

630 CAMEO HIGHLANDS DRIVE  
CORONA DEL MAR, CA 92625  
TEL: (714)624-7086  
EMAIL: bpcasg@billcaskey.com

**OWNER**  
JAMES W RAY  
2699 WHITE ROAD STE 150  
IRVINE, CA 92714

**PROJECT ADDRESS**

2929 EAST COAST HIGHWAY  
NEWPORT BEACH, CA 92625



**EXISTING KFC  
FLOOR PLAN &  
DEMOLITION PLAN**

NOTICE TO OWNERS AND CONTRACTORS:  
THE AFFORDED SET OF PLANS MAY NOT BE  
CHANGED AND/OR MODIFIED FOR ANY  
REASON UNLESS APPROVED IN WRITING BY  
THE ARCHITECT PRIOR TO THE CHANGE  
AND/OR MODIFICATION. ANY CHANGE AND/OR  
MODIFICATION WITHOUT THE ARCHITECT'S  
WRITTEN APPROVAL IS THE  
RESPONSIBILITY OF THE OWNER AND/OR  
CONTRACTOR.

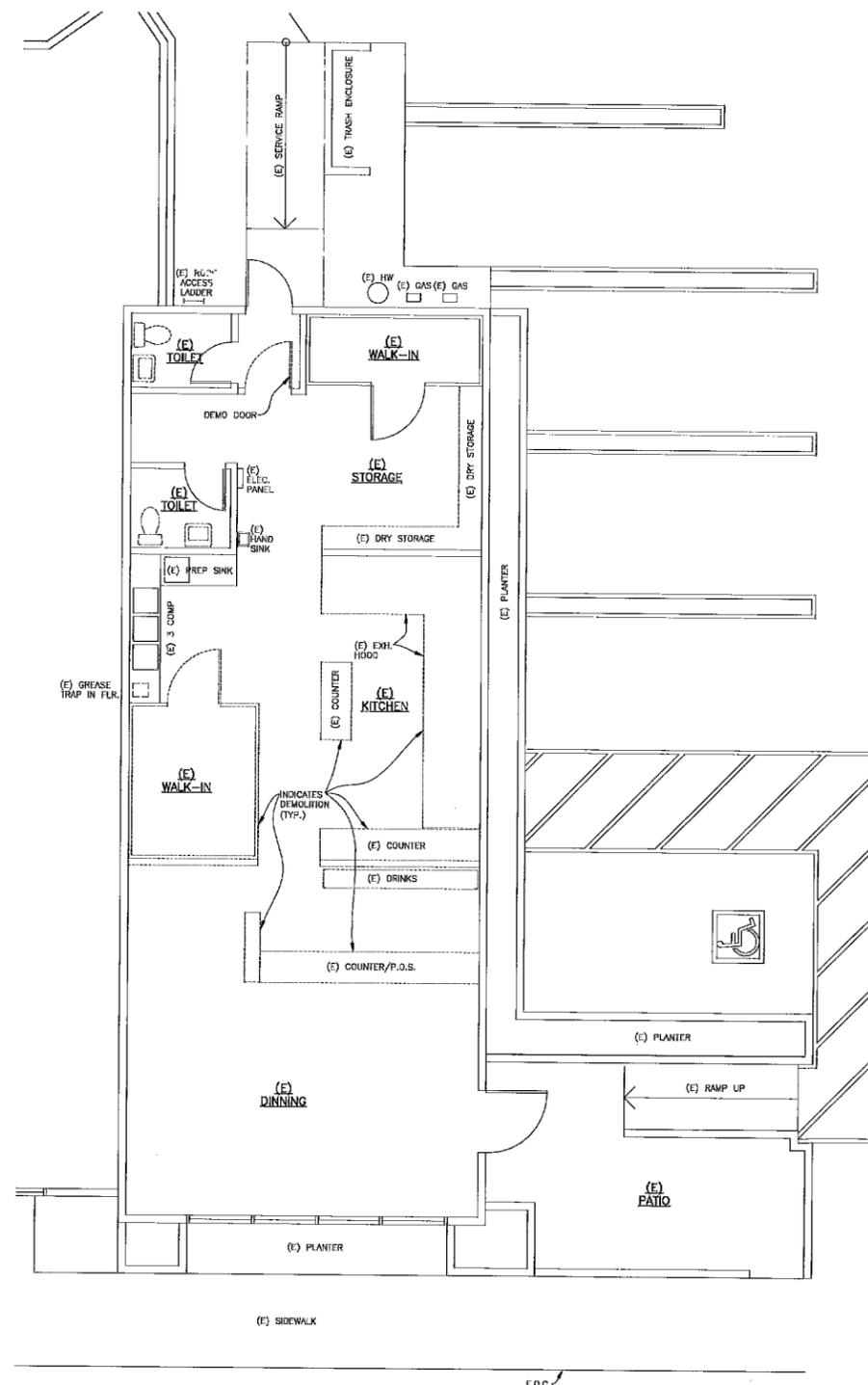
THE DRAWINGS, NOTES AND DETAILS SHOW THE  
INTENT FOR A COMPLETE SYSTEM OF  
CONSTRUCTION FOR THE PROJECT THAT MEETS  
THE FEDERAL, STATE AND LOCAL CODES AND  
MUST BE REVIEWED WITH ALL SHEETS IN THE  
SET AND ALL DISCIPLINES. THE CONTRACTOR  
AND SUBCONTRACTORS MUST REVIEW ALL  
SHEETS PRIOR TO SUBMITTING SHOP  
DRAWING SUBMITTALS AND FABRICATION OF  
MATERIALS. IF THE CONTRACTOR AND/OR  
SUBCONTRACTOR FIND ON THE DOCUMENTS  
ANY DISCREPANCIES AND CANNOT MEET THE  
INTENT OF THE DOCUMENTS, THEY SHALL  
NOTIFY THE OWNER AND ARCHITECT  
IMMEDIATELY TO REVIEW AND RESOLVE THE  
ISSUE TO MEET THE DESIGN INTENT, CODE  
COMPLIANCE AND CONSTRUCTION.

DESCRIPTION	DATE
HEALTH DEPT. SUBMITTAL	11/8/13
BUILDING DEPT. SUBMITTAL	11/8/13

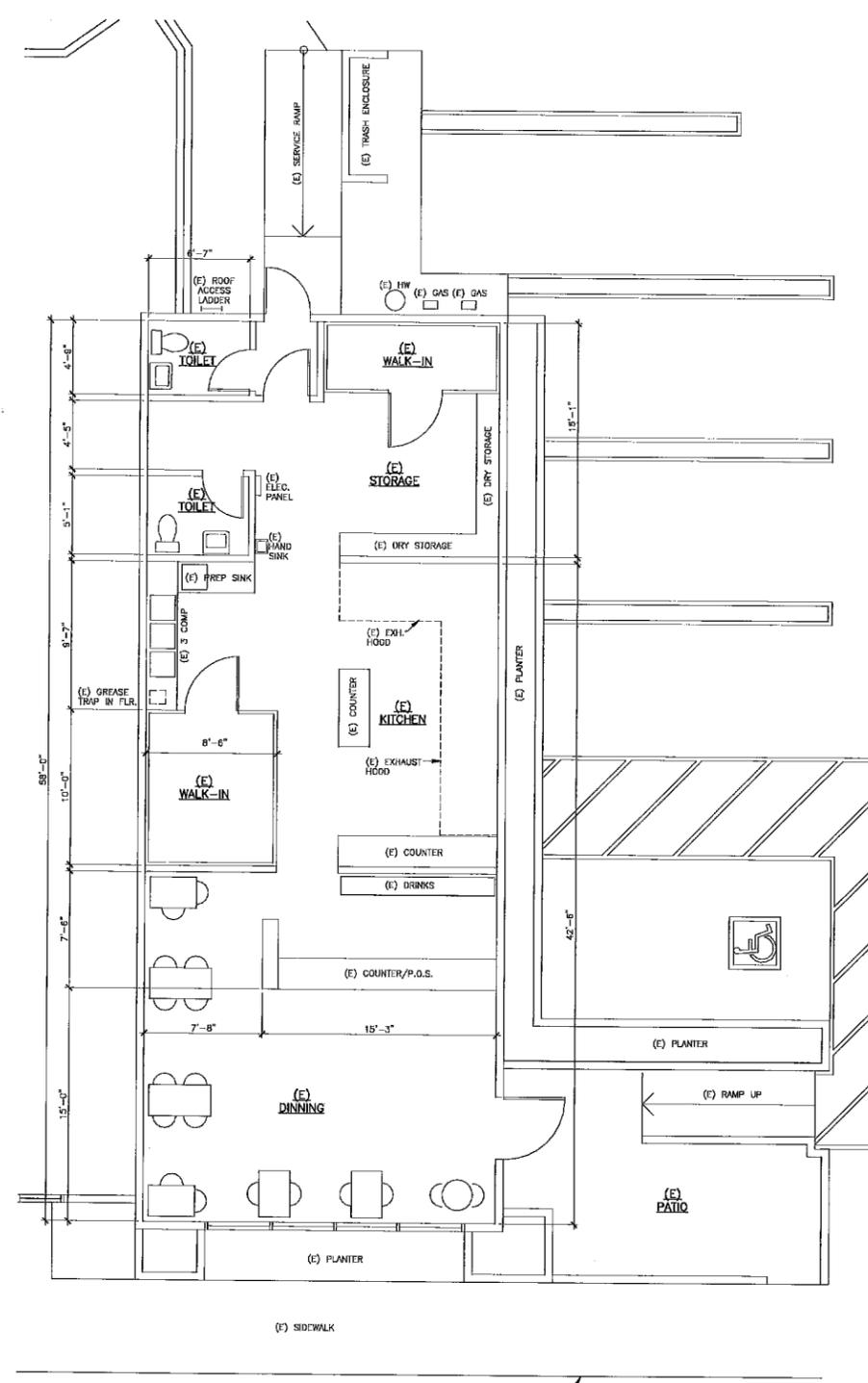
DATE: 11/8/13  
SCALE: AS NOTED  
DRAWN BY: JRM  
PROJECT NUMBER:  
SHEET NUMBER:

**A1.0**

OF



**DEMOLITION PLAN**  
SCALE: 1/4" = 1'-0"



**EXISTING FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



