



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR AGENDA

Newport Beach City Hall
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, February 13, 2014 – 3:30 p.m.

Brenda Wisneski, Zoning Administrator

Staff Members:

Melinda Whelan, Assistant Planner
Benjamin M. Zdeba, Assistant Planner

A) CALL MEETING TO ORDER

B) MINUTES OF JANUARY 30, 2014

C) PUBLIC HEARING ITEMS

**Item No. 1. Ochs Residence Modification Permit No. MD2013-017 (PA2013-197)
444 Isabella Terrace Council District 6**

Summary: A modification permit for a new second-story cantilevered deck to encroach 18 inches into the required 15-foot front setback along Rivera Terrace. The property is located in the R-1-6,000 (Single-Unit Residential) District.

Recommended

Action: 1) Conduct public hearing; and
2) Adopt Resolution No. ___ approving Modification Permit No. MD2013-017 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities).

**Item No. 2. Pirozzi Restaurant Minor Use Permit No. UP2014-001 (PA2013-249)
2929 East Coast Highway Council District 6**

Summary: A minor use permit to add a Type 47 (On-Sale General, Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) License to a food service, eating and drinking establishment located within the building formerly occupied by Kentucky Fried Chicken (KFC). No late hours (after 11:00 p.m.) are proposed as part of this application. The property is located in the CC (Commercial Corridor) District.

This hearing is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Zoning Administrator's agenda be posted at least seventy-two (72) hours in advance of each regular hearing and that the public be allowed to comment on agenda items before the Zoning Administrator and items not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. The Zoning Administrator may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this hearing, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the Community Development Department at least forty-eight (48) hours prior to the hearing to inform us of your particular needs and to determine if accommodation is feasible at 949-644-3200.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ___ approving Minor Use Permit No. UP2014-001 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities).

**Item No. 3. 441 Old Newport Parking Modification Permit No. MD2013-023 (PA2013-228)
441 Old Newport Boulevard Council District 2**

Summary: A Modification Permit request to make use of a combination of vehicle lifts, tandem parking spaces, surface parking spaces and valet parking to accommodate the 56 minimum required parking spaces for proposed medical offices in an existing office building. The property is located in the OG (Office General) District.

Recommended

- Action:
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ___ approving Modification Permit No. MD2013-023 subject to the recommended findings and conditions.

CEQA

Compliance: The project is categorically exempt under Section 15303, of the State CEQA (California Environmental Quality Act) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

D) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Zoning Administrator. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Zoning Administrator has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

E) ADJOURNMENT

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

The agendas, minutes, and staff reports are available on the City's web site at: www.newportbeachca.gov/zoningadministrator and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

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

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, January 30, 2014
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
 Benjamin M. Zdeba, Assistant Planner

B. MINUTES of January 16, 2014

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 **Katayama Tentative Parcel Map No. NP2013-031 (PA2013-239)** **CD 2**
306 and 308 Old Newport Boulevard

Benjamin Zdeba, Assistant Planner, provided a brief project description stating that the Tentative Parcel Map was for a commercial property currently developed with two smaller buildings separated by a shared parking area. He further stated that the property is comprised of one full, 60-foot-wide legal lot and 45.10 feet of the abutting lot. It was noted that the re-subdivision would comply with the minimum requirements for a new subdivision prescribed in Zoning Code Section 20.20.030 and that no alterations were being proposed to the commercial buildings as part of the proposal. In response to written public comments, Mr. Zdeba clarified that there was a previous parcel map for the southerly adjacent property which took 14.90 feet from one of the subject lots, leaving the remainder of 45.10 feet.

Applicant's representative Daryl Christian of Christian Land Services on behalf of the Owner stated that he had reviewed the draft resolution and the required conditions. He added that the reason for the Tentative Parcel Map was to re-subdivide the property into two separate parcels to be sold separately. Mr. Christian requested clarification on draft Condition of Approval number 11 which referenced "Marigold Avenue". Staff clarified the inclusion of Marigold Avenue was an error and the correct Condition of Approval was already included as number 9.

The Zoning Administrator opened the public hearing. One member of the public, Mr. Jim Mosher, stated the depth quoted in the draft resolution was incorrect, discussed the changes made to the southerly adjacent property, and expressed confusion relative to the distinction terms "parcel" and "lot".

Mr. Christian provided clarification that lots result from an original tract map whereas parcels are created and comprised of lots and/or portions of lots by way of a parcel map and clarified the scope of the project.

Zoning Administrator Wisneski asked whether or not the parking would still comply on the property. Staff indicated the parking situation would remain unchanged and would still comply.

Seeing no other persons from the public wishing to comment, Zoning Administrator Wisneski closed the public hearing and acted to approve the item as submitted with the omission of Condition of Approval number 11.

Action: Approved

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

A member of the public, Mr. Jim Mosher, stated that the Zoning Code states that City projects need to be consistent with the Zoning Code unless City Council waives it with a resolution and that he has never seen a City project receive a resolution of waiver through the Zoning Administrator. Because of this, Mr. Mosher is curious as to whether or not the Planning Division routinely reviews the City's own public works projects to see if they are in any way requiring modification or variance from zoning codes.

Zoning Administrator Wisneski explained that the Zoning Administrator does not review capital improvement projects in public rights-of-way because that is not a zoning issue. Mr. Mosher gave an example of a bathroom being built in a park to which Ms. Wisneski responded that Planning does review those and they require discretionary review at times. Additionally Planning conducts CEQA review on those projects.

Mr. Jim Mosher also commented that some residential projects that go to the Zoning Administrator go on to Coastal Commission for further approval and are perhaps given an Approval in Concept (AIC) or a statement that they qualify for a categorical exclusion. He explained that the categorical exclusion says they have to comply with the 1976 version of the zoning code to qualify for the exclusion. He went on to ask whether or not anybody checks for compliance with the 1976 building code before sending in the categorical exclusion after it goes through Zoning Administrator.

Zoning Administrator Wisneski stated that as far as categorical exclusions, she believes that categorical exclusions incorporate the necessary development standards that were reflective of the 1976 zoning code because it talks about parking requirements and density; therefore, she believes that by following the categorical exclusion, they are then referring to the 1976 standards.

E. ADJOURNMENT

The hearing was adjourned at 3:47 p.m.

The agenda for the Zoning Administrator Hearing was posted on January 24, 2014, at 2:30 p.m. in the Chambers binder and on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on January 24, 2014, at 2:45 p.m..



Brenda Wisneski, AICP, Zoning Administrator



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT
February 13, 2014
Agenda Item No. 1:

SUBJECT: Ochs Residence Modification - (PA2013-197)
444 Isabella Terrace
▪ Modification Permit No. MD2013-017

APPLICANT: Laidlaw Schultz Architects

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

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-1-6,000 (Single-Unit Residential)
- **General Plan:** RS-D (Single-Unit Residential Detached)

PROJECT SUMMARY

The applicant proposes a modification permit for a new second-story cantilevered deck to encroach 18 inches into the required 15-foot front setback along Rivera Terrace.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. ZA2014-___ denying Modification Permit No. MD2013-017 (Attachment No. ZA 1).

DISCUSSION

- The subject property is located within the Corona Highlands single-family community. The community is characterized by a mix of two-story structures built atop sloping lots which slope downward toward the ocean and perimeter lots that have views of either Buck Gully or Pelican Hill Golf Club. The property is one of the larger lots in the community consisting of two legal lots and is approximately 14,300 square feet in area.

- The property is currently developed with a 6,490-square-foot single-family residence that was constructed in 1955 with large additions occurring in 1973, 1980, and 1994. Several other building permits have been obtained for retaining walls and site walls to create usable outdoor area on the Rivera Terrace frontage of the property.
- In 2013, a building permit was issued for a 1,043-square-foot remodel including construction of a second-story cantilevered deck on the Rivera Terrace frontage. The deck approved and constructed as part of this building permit encroaches six (6) inches into the required 15-foot front setback consistent with Section 20.30.110 (Setback Regulations and Exceptions) which allows such encroachment for railing and is considered compliant with the Zoning Code.
- The proposed alteration of the approved second-story deck would extend the structure an additional 12 inches into the front setback for a total of 18 inches.
- Section 20.52.050 (Modification Permits) of the Zoning Code allows deviations of 10 percent of the required setback area with the approval of a modification permit. This code section recognizes that relief from specified development standards, including minimal setback projections, may be appropriate when doing so is consistent with the purposes of the Zoning Code and the General Plan, and does not negatively impact the community at large or the neighborhood of the specified development.
- Staff believes that, although the proposed project would not be detrimental to the neighborhood and could be compatible, not all required findings can be made to recommend approval. In this case, staff believes there are no practical difficulties relative to the site nor are there unique physical circumstances. Furthermore, staff believes there is a practical alternative that provides similar benefit to the property owner, but does not necessitate a modification permit. See page 2 of Attachment No. ZA 1 Draft Resolution for Denial for further explanation.

ENVIRONMENTAL REVIEW

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

Should the Zoning Administrator act to approve the request, the project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities). This exemption includes minor additions and alterations of accessory structures to existing single-family residences.

PUBLIC NOTICE

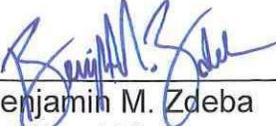
Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-

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 for Denial |
| | ZA 2 | Draft Resolution for Approval |
| | ZA 3 | Vicinity Map |
| | ZA 4 | Applicant's Project Description and Justification |
| | ZA 5 | Photos |
| | ZA 6 | Project Plans |

Attachment No. ZA 1

Draft Resolution for Denial

RESOLUTION NO. ZA2014-____

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH DENYING MODIFICATION PERMIT NO. MD2013-017 FOR A 10-PERCENT SETBACK ENCROACHMENT LOCATED AT 444 ISABELLA TERRACE (PA2013-197)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Scott Laidlaw, with respect to property located at 444 Isabella Terrace, and legally described as Lots 152 and 153 of Tract Number 1237, requesting approval of a modification permit.
2. The applicant proposes a modification permit for a new second-story cantilevered deck to encroach 18 inches into the required 15-foot front setback along Rivera Terrace.
3. The subject property is located within the Single-Unit Residential (R-1-6,000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (0.0 - 5.9 DU/AC) (RSD-A).
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.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050.E (Required Findings, Modification Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of the findings for a Modification Permit are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

- B. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*
- C. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*
- D. *There are no alternatives to the Modification Permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*
- E. *The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

In this particular case, staff believes not all findings can be made for the following reasons:

1. The subject property is located in the northernmost section of the Corona Highlands and has a required 15-foot front setback along Rivera Terrace. The interior lots are generally 60 feet in width and are characterized by a sloping double frontage with most vehicular access taken from the higher side of the property and decks with outdoor living areas situated at the lower side. The subject property is comprised of two, legal lots thereby doubling the lot width and making it one of the larger lots in the community. The majority of the area within the 15-foot front setback and a large area adjacent to it have been graded and covered by hardscape in conjunction with an in-ground pool. The outdoor living areas afforded to the property owner are comparable to those existing within the immediate vicinity.
2. The Corona Highlands community is characterized by an underlying slope that descends toward the ocean. The slope on the subject property is no different from that on other properties within the immediate vicinity.
3. The subject property was recently remodeled with a second-floor cantilevered deck that complies with the Zoning Code requirements. The deck was constructed in the same location where the proposed extension would take place. This presents an alternative that not only exists, but provides similar benefits to the property owner without necessitating a modification permit.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby denies Modification Permit No. MD2013-017.

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 13TH DAY OF FEBRUARY, 2014.

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

Attachment No. ZA 2

Draft Resolution for Approval

RESOLUTION NO. ZA2014-___

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-017 FOR A 10-PERCENT SETBACK ENCROACHMENT LOCATED AT 444 ISABELLA TERRACE (PA2013-197)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Scott Laidlaw, with respect to property located at 444 Isabella Terrace, and legally described as Lots 152 and 153 of Tract Number 1237, requesting approval of a modification permit.
2. The applicant proposes a modification permit for a new second-story cantilevered deck to encroach 18 inches into the required 15-foot front setback along Rivera Terrace.
3. The subject property is located within the Single-Unit Residential (R-1-6,000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (0.0 - 5.9 DU/AC) (RSD-A).
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 under the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) of the Guidelines for CEQA.
2. This exemption includes minor additions and alterations of accessory structures to existing single-family residences

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050.E (Required Findings, Modification Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of the findings for a Modification Permit are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

Finding:

- B. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

Finding:

- C. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

Finding:

- D. *There are no alternatives to the Modification Permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

Finding

- E. *The granting of the modification would not be detrimental to public health, safety, or welfare to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Fact in Support of Finding

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-017, 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 13TH DAY OF FEBRUARY, 2014.

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

EXHIBIT "A"

CONDITIONS OF APPROVAL

DRAFT

Attachment No. ZA 3

Vicinity Map

VICINITY MAP



Modification Permit No. MD2013-017
PA2013-197

444 Isabella Terrace

Attachment No. ZA 4

Applicant's Project Description and Justification

September 26, 2013

Community Development Department
Planning Division
100 Civic Center Drive
Newport Beach CA 92660
www.newportbeachca.gov

RE: 444 Isabella Terrace Modification Permit Request

As agent representing Peter and Gail Ochs of 444 Isabella Terrace, I submit for your review this letter of justification with the attached Planning Permit Application. The property owner proposes to construct a deck which would encroach an additional 12" further than the currently permitted 6". This deviation would fall under the 10% setback modification limits of the Zoning Code. The proposed deck is a cantilevered structure with a glass guardrail. The client's goal is to create an outdoor dining/living space which takes advantage of the only view opportunity the physical characteristics of the site provides at the main living level; while simultaneously enhancing the rear elevation thru improved articulation. The proposal includes converting a portion of the existing living area into deck area, resulting in a decrease to the interior square footage.

The proposal is compatible with existing development in the neighborhood. Raised decks are common, as other owners have provided for themselves large outdoor living spaces. In fact, the owner directly to the East has a supported deck that is encroaching at least 18" into the setback. The entire length of the proposed deck is limited to 18'-4", while the cantilevered design and glass guardrail soften any visually detrimental effects. Also, the existing canopy structure on the eastern side of the proposal provides a counterpoint which will help balance the deck's optical encroachment.

The modification is required because the physical character of the site, the structure, and the intended use limit the location of the deck to the proposed area. It is a sloping site that falls away from the south-western corner of the lot. As it slopes down along Rivera Terrace (towards Seaward) a view corridor opens up to reveal ocean and hillside views. To achieve the client's goal with the highest and best utilization of the home's interior organization, and still take advantage of the view, the proposal must be where it is located. Experience has shown that a minimum 6' of depth is required for a functional outdoor space. While we are devoting a portion of the existing living space to this new outdoor element, further impingement would significantly compromise the practicality of the interior room. The current outdoor living space is used for a swimming pool and is located in the upslope corner of the Southern part of the property where there is little view opportunity. However, the pool area does provide a much more generous setback, therefore providing an average setback (including the proposed deck) far greater than the 15' requirement.

Granting of the modification is necessary due to practical difficulties associated with the property. The property borders streets on both ends and is thus burdened with two front yard 15' setback designations per setback map S-10C. However, because the property slopes rather steeply the actual front yard (where the entry is located) is at grade while the same level on the downslope side is elevated a full story above grade. If the lot was flat the client could simply build a patio on grade without violating the setback rules. However, building the deck a full level lower (so that it is on grade) would eliminate any of the proposal's benefits since the view would no longer be available. Strict application of the setback map results in a physical hardship because the slope of the site forces the owner to build a deck which would otherwise be on grade. Furthermore if the property was not assigned with the technical complication of a dual front yard designation, the proposed deck would be well outside the typical 6' required rear yard setback of this zone. Granting of the modification would not create a condition which is inconsistent with the zoning code's purpose and intent for the setback regulation, which states:

"to ensure the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; space for privacy, landscaping, and recreation; protection of natural resources; and safety from fire and geologic hazards.

The physical characteristics of the site make it so that the deck would not violate any of the existing elements mentioned above, and would have the added benefit (because we are removing interior space) of creating the type of modulated façade the zoning code aspires to in its design guidelines.

There are no practical alternatives to the Modification permit which would provide similar benefits to the applicant. Granting of the Modification would in no way be detrimental to the public health, safety, or welfare of the occupants. Ultimately the modification will benefit nearby properties, the neighborhood, and the City, by reducing density and providing modulation to a largely flat portion of the façade. Therefore, I ask that you review and approve the subject Planning Permit Application. Thank you in advance for your review of the application and do not hesitate to contact me with any questions.

Sincerely,

Scott Laidlaw
Laidlaw Schultz Architects

cc: Peter Ochs

Attachments:
Planning Permit Application
(1) sets of full-size plans
(5) sets of reduced plans
Filing Fee
Mailing labels
Electronic Copy of all the attachments

December 2, 2013

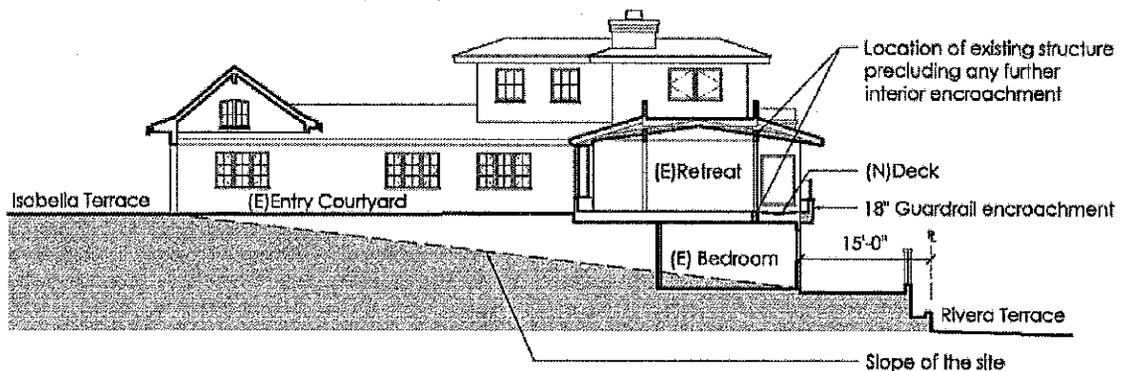
Community Development Department
Planning Division
100 Civic Center Drive
Newport Beach CA 92660
www.newportbeachca.gov

RE: 444 Isabella Terrace Modification Permit Request

As agent representing Peter and Gail Ochs of 444 Isabella Terrace, I submit for your review this letter of justification with the attached Planning Permit Application. The property owner proposes to construct a deck which would encroach an additional 12" further than the currently permitted 6". This deviation would fall under the 10% setback modification limits of the Zoning Code. The proposed deck is a cantilevered structure with a glass guardrail. The client's goal is to create an outdoor dining/living space that simultaneously enhances the rear elevation of the home. The new deck takes advantage of the only view opportunity the physical characteristics of the site provide at the main living level. The proposal includes converting a portion of the existing living area into deck area, resulting in a net decrease to the interior square footage.

The required findings needed to justify the modification are as follows:

Finding #1: The proposal is compatible with existing development in the neighborhood. Raised decks are common, as other owners have provided for themselves large outdoor living spaces. In fact, the owner directly to the East has a supported deck that is encroaching at least 18" into the setback. The entire length of the proposed deck is limited to 18'-4". The cantilevered design, glass guardrail, and similar surrounding structures will make the encroachment imperceptible.



Finding #2 (see diagram): The modification is required because the physical character of the site, the structure, and the intended use limit the location of the deck to the proposed

area. It is a sloping site that falls away from the south-western corner of the lot. As it slopes down along Rivera Terrace (towards Seaward) a view corridor opens up to reveal ocean and hillside views. To achieve the client's goal with the highest and best utilization of the home's interior organization, and still take advantage of the view, the proposal must be where it is located. While we are devoting a portion of the existing living space to this new outdoor element, further impingement is precluded by structural limitations we can't feasibly alter. Since we can't get the additional space needed to meet the space requirements of a useable outdoor deck by going further in we need to push out 12" instead.

Finding #3 (see diagram): Granting of the modification is necessary due to practical difficulties associated with the property. The property slopes rather steeply as a result the actual front yard (where the entry is located) is at grade while the same level on the downslope side is elevated a full story above grade. If the lot was flat the client could simply build a patio on grade without violating the setback rules. However, building the deck a full level lower (so that it is on grade) would eliminate any of the proposal's benefits since the view would no longer be available. Strict application of the setback map results in a physical hardship because the slope of the site leaves the owner without the opportunity to create a conforming outdoor living space that is at the

Finding #4: There is no detrimental effect to the surrounding neighbors, occupants, neighborhood or general public so it is not necessary to make this finding. In fact, the neighbors will benefit from the reduction in mass of the wall and added articulation. Granting of the modification would not create a condition which is inconsistent with the zoning code's purpose and intent for the setback regulation, which states:

"to ensure the provision of open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; space for privacy, landscaping, and recreation; protection of natural resources; and safety from fire and geologic hazards.

The physical characteristics of the site make it so that the deck would not violate any of the existing elements mentioned above.

Finding #5: There are no practical alternatives to the Modification permit which would provide similar benefits to the applicant. Granting of the Modification would in no way be detrimental to the public health, safety, or welfare of the occupants. Ultimately the modification will benefit nearby properties, the neighborhood, and the City, by increasing density and providing modulation to a largely flat portion of the façade. The neighbors support the modification as demonstrated by the attached letter. Therefore, I ask that you review and approve the subject Planning Permit Application. Thank you in advance for your review of the application and do not hesitate to contact me with any questions.

Sincerely,

Scott Laidlaw
Laidlaw Schultz Architects

Attachment No. ZA 5

Site Photos



Photo 1: Downstreet view from Rivera Terrace showing frontage prior to alterations.



Photo 2: Closeup view from Rivera Terrace. Under construction with conforming second-story deck (six-inch encroachment).



Photo 3: Panoramic view from Rivera Terrace.

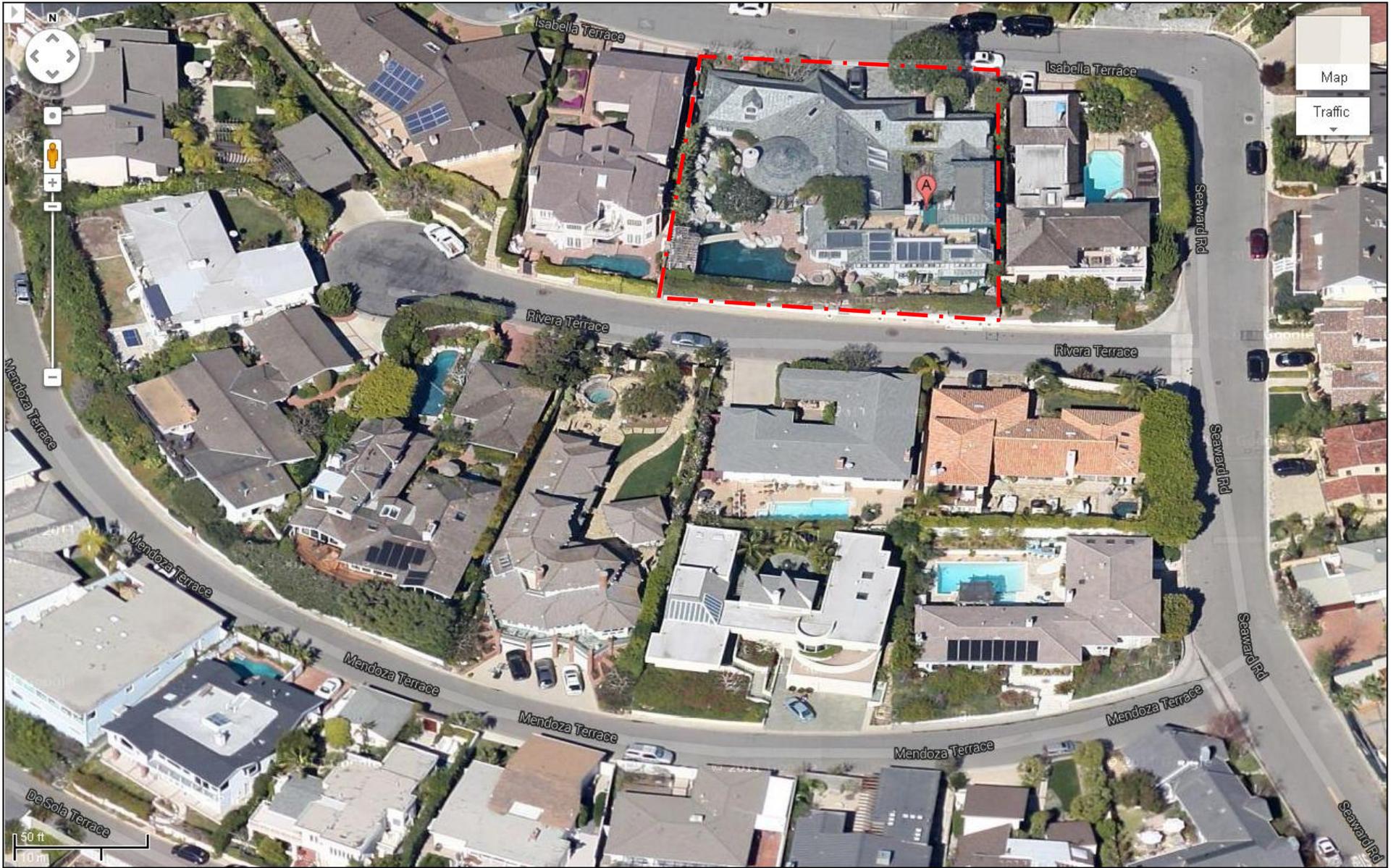


Photo 4: An oblique aerial photograph depicting the amount of outdoor living area provided on the lot under the existing condition.

Attachment No. ZA 6

Project Plans

- (N) Tub, Shower, or Tub/Shower combination w. anti-scalding features. Provide 12" round cleanouts. WGI covering of shower shall be tile, or approved equal, to a height of min. 72" abv. drain inlet. Float tile over cement plaster backing.
- Flagstone Flooring
- (E) Fireplace
- Soffit
- Refrigerator
- Overhead cabinet
- Dishwasher
- Full Height cabinets
- Crown molding overhead
- +36 counter
- (E) Fixtures to remain
- Stove with hood above to provide min. 100 cfm
- Kitchen sink
- 42" high guardrail. Re: detail on A.400
- Porcelain tile over Dextotex per ICC Report ESR1757
- Line of roof overhead
- Line of (E) Elec. cabinet canopy
- Line of Proposed deck abv.

- All dimensions are to be to the finished face or centerline of the partition U.N.O.
- G.C. to layout (in paint) the locations of all partitions, doors, lighting, ceiling elements, sprinklers, switches, dimmers, thermostats, power & comm. outlets, millwork and furniture for approval by the Architect prior to construction.
- It is the responsibility of the contractor to bring to the attention of the Architect any field conditions that do not allow construction or installation as drawn.
- Do not scale drawings. Dimensions as indicated take precedent over drawings.
- Provide continuous metal backing for reinforcing of walls to hang millwork, furniture shelving or cabinetry.
- Provide millwork shop drawings for Architect's approval. Millwork to comply with the recommendations of the Woodwork Institute of California (WIC).
- Any door hardware associated with millwork provided doors is to be ordered by the millworker.
- G.C. to provide full-time superintendents' supervision on the project.
- All bathroom accessories, such as grab bars, towel bars, soap dishes, etc. on or within walls shall be sealed against moisture. Provide backing as required.
- Avoid cut tiles and brick. Layout to consider final requirement, adjust as necessary. Notify Architect of changes.

Legend:

===== (E) Wall to remain

----- (E) Wall to be Removed

⊙ (N) Wall

⊙ Smoke detector, Re: A.500

| Type/No. | Size (w/h) | Operation | Frame | Notes |
|----------|----------------|-----------------|-------|--|
| A1 | 3'-4" x 5'-4" | Awning | Clad | Replace (E) window in kind. Verify (E) dimensions in the field |
| A2 | 4'-0" x 5'-4" | Awning | Clad | Replace (E) window in kind. Verify (E) dimensions in the field |
| B1 | 12'-0" x 5'-6" | Mulled Awning | Clad | Remove (E) windows and reuse (E) structure where possible |
| B2 | 13'-2" x 5'-6" | Mulled Awning | Clad | Remove (E) windows and reuse (E) structure where possible |
| C1 | 9'-1" x 4'-2" | Mulled Casement | Clad | Replace (E) window in kind. Verify (E) dimensions in the field |
| C2 | 9'-1" x 3'-4" | Mulled Casement | Clad | Replace (E) window in kind. Verify (E) dimensions in the field |
| D1 | 2'-6" x 4'-2" | Casement | Clad | Replace (E) window in kind. Verify (E) dimensions in the field |
| D2 | 3'-0" x 4'-2" | Casement | Clad | Replace (E) window in kind. Verify (E) dimensions in the field |
| D3 | 2'-4" x 3'-4" | Casement | Clad | Replace (E) window in kind. Verify (E) dimensions in the field |
| E1 | 4'-2" x 5'-4" | Fixed | Clad | - |
| F1 | 3'-9" x 5'-4" | Casement | Clad | - |

General Notes:

- All Doors and windows shall be Kabco & Kabco Aluminum Clad.
- Refer to Title-24 for U Value and SHGC
- Provide Finish Sample For Owner / Architect Approval
- Provide Shop Drawings for Approval
- All Glazing with Multiple Panes shall be True Divided Lites
- Contractor to Field Measure all Openings Prior to Fabricating New Windows
- All Exposed Hardware to be approved by architect and owner
- Provide hidden pocket screens with max. transparency of operable windows
- Fenestrations must have temporary and permanent labels.

Key Notes:

- Manufacturer to provide details and calculations for municipal review prior to installation.

Legend:

GL - 1/2" Glass

Dual - Dual Glazed Unit

Clad - Aluminum clad wood

Wd - Wood

T - Denotes Tempered/Safety Glazing as per Code Req. (Lower Corner) Refer to 2/A.002 for additional criteria

SC - Solid Core Wood Veneer

Window Types:

General Notes:

- All Doors and windows shall be Loewen Aluminum Clad with stain grade Douglas fir interior and have double clear glass, with U value of .49 and SHGC of .21, or manufacturer of equal quality.
- Provide Shop Drawings for Approval
- All Glazing with Multiple Panes shall be True Divided Lites
- Contractor to Field Measure all Openings Prior to Fabricating New Doors.
- All Exposed Hardware to be Oil Rubbed Bronze
- Coordinate locksets with owner
- All door assemblies to be a U-factor of 0.49

Legend:

GL - 1/2" Glass

Dual - Dual Glazed Unit

Clad - Aluminum clad wood

Wd - Wood

T - Denotes Tempered/Safety Glazing as per Code Req. (Lower Corner) Refer to 2/A.002 for additional criteria

SC - Solid Core Wood Veneer

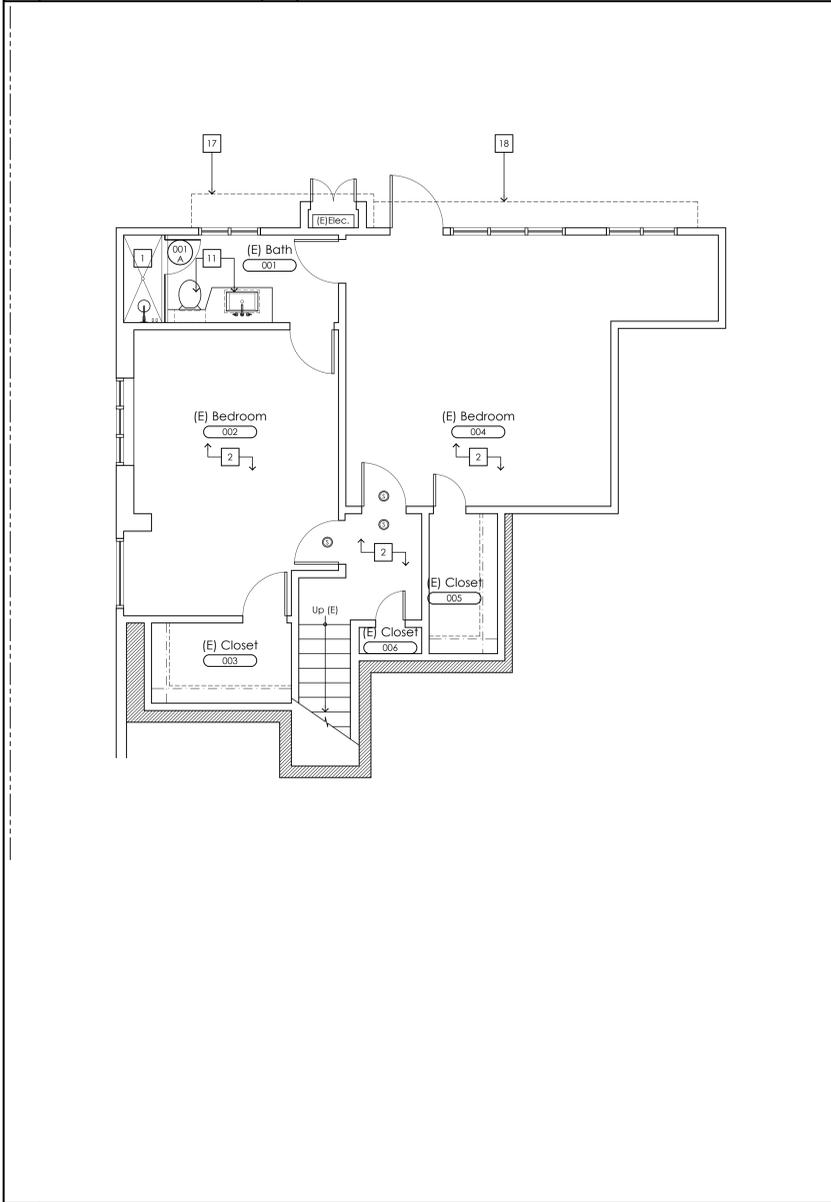
Door Types:

6 Key Notes

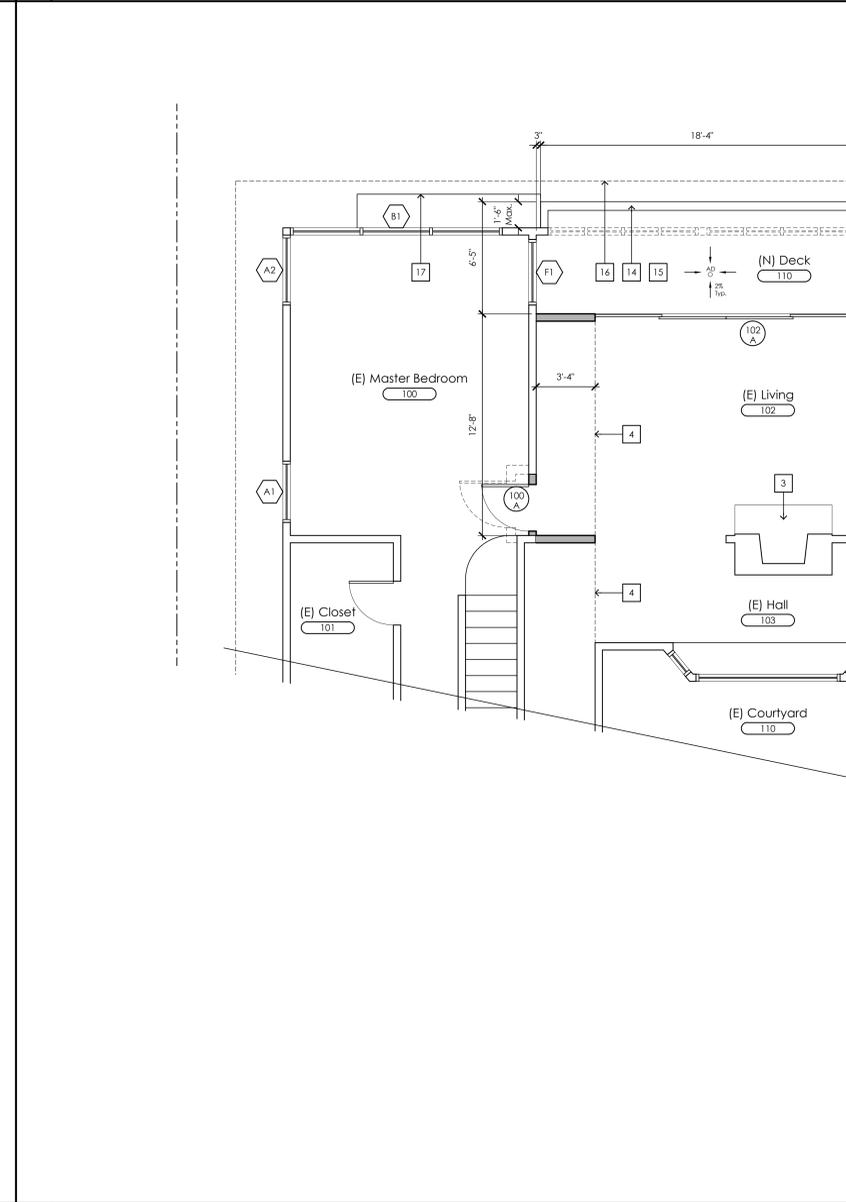
5 General Notes + Legend

4 Window Schedule

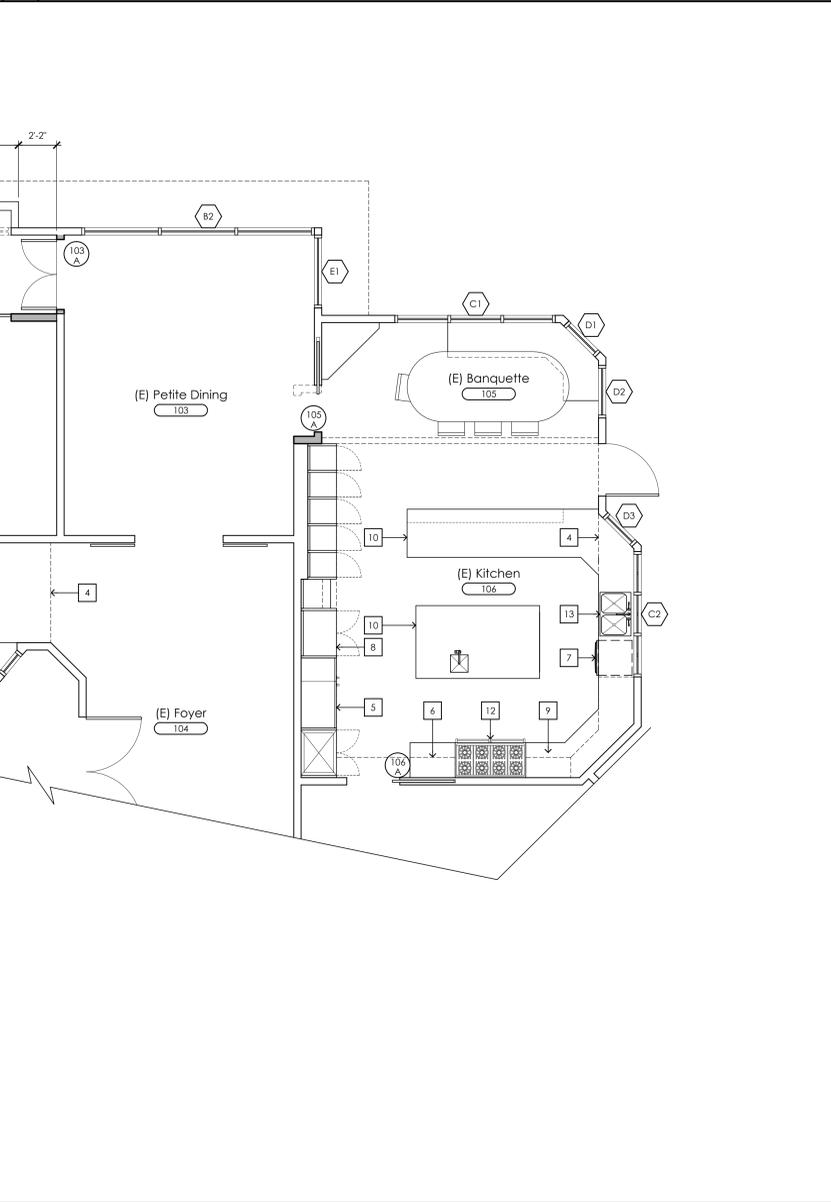
3 Door Schedule



2 Basement Scale: 1/4" = 1'-0"



1 Main Level Scale: 1/4" = 1'-0"



3 Door Schedule Scale: 1/4" = 1'-0"



PROJECT
Ochs Residence
 444 Isabella Terrace
 Corona Del Mar, CA 92625

DRAWING DESCRIPTION
Floor Plans

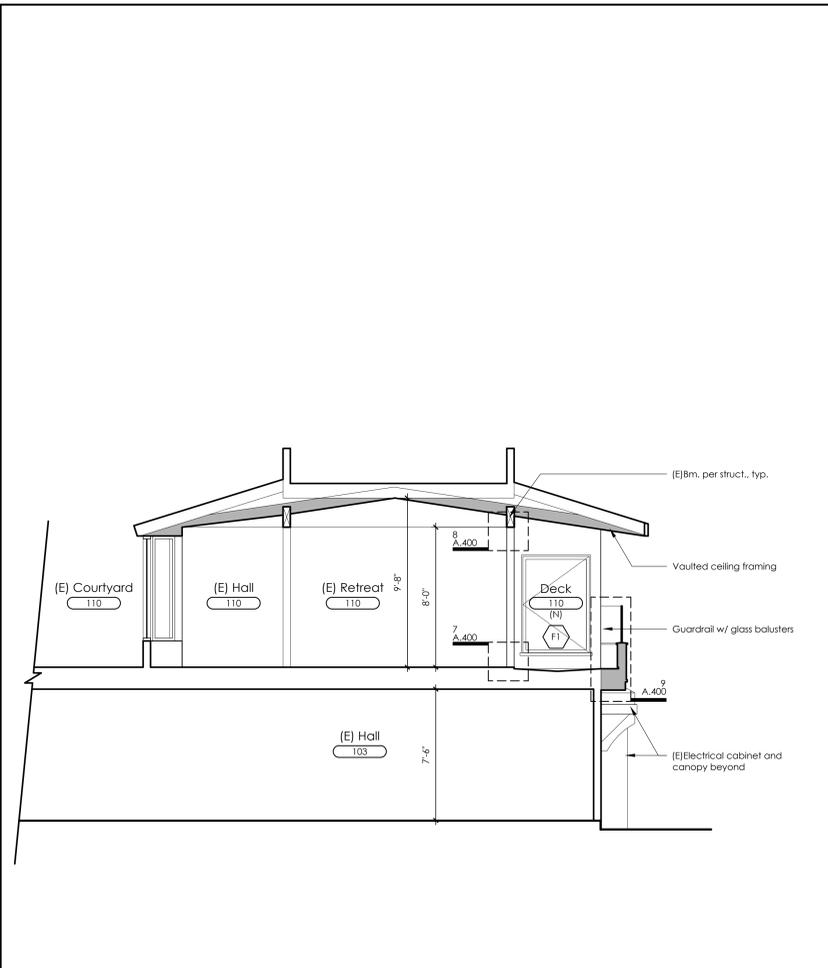
DATE: 08.02.2013
 ISSUE/REVISION: Plan Check
 08.08.2013
 CORRECTIONS: Corrections
 08.25.2013
 PLANNING APP. Planning App.

REVIEW
 SDL
 SDL
 SDL

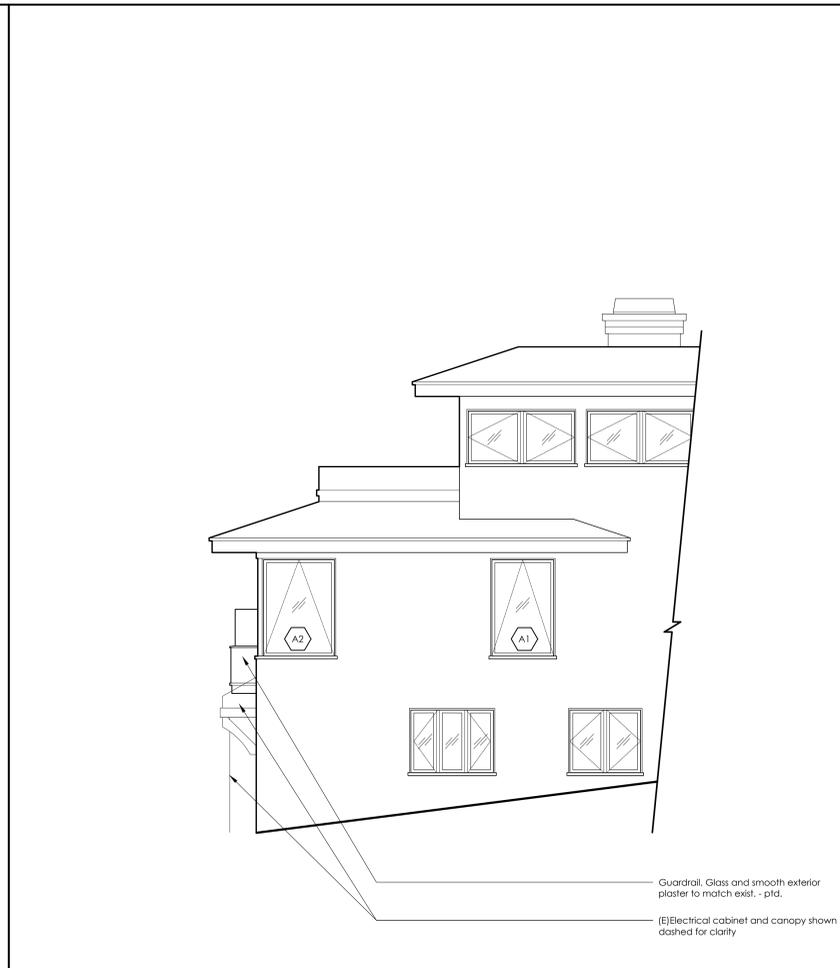
A.200 SHEET NO.

All drawings and written material appearing herein constitute original and unmodified work of the architect and may not be duplicated, used or disclosed without the written consent of Laidlaw Schultz Architects.

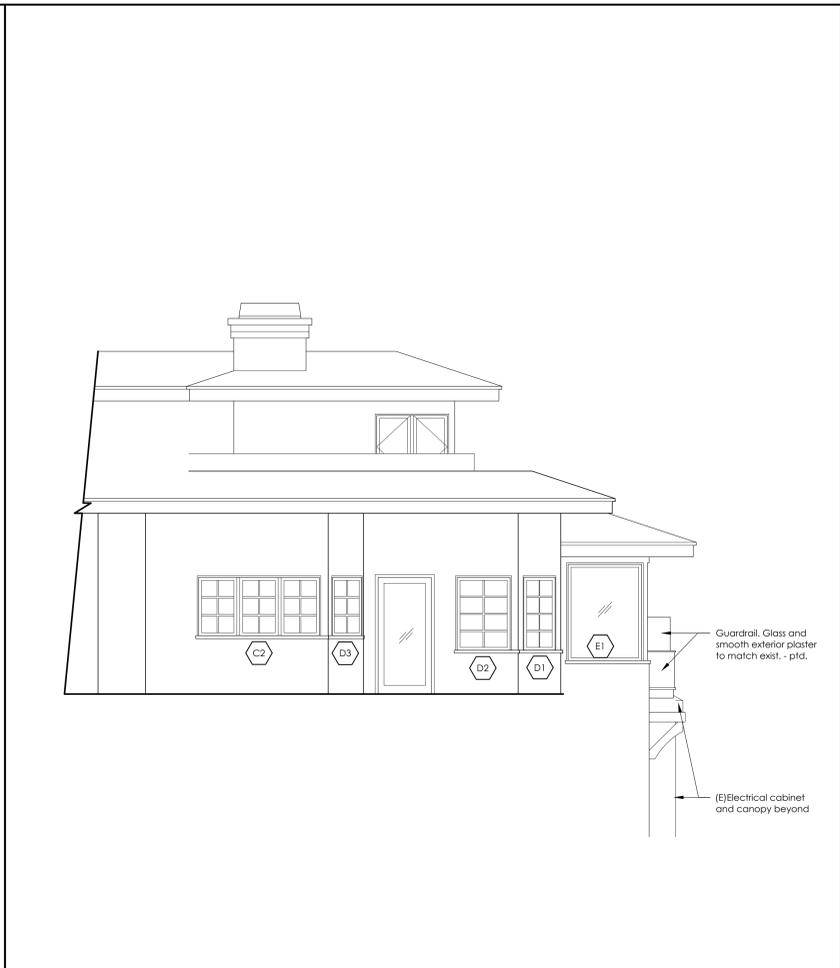
2111 Second Avenue
 Corona del Mar, CA 92625-2322
 (949) 645-9982 Fax: (949) 645-9554
 www.LSarchitects.com



4 Section

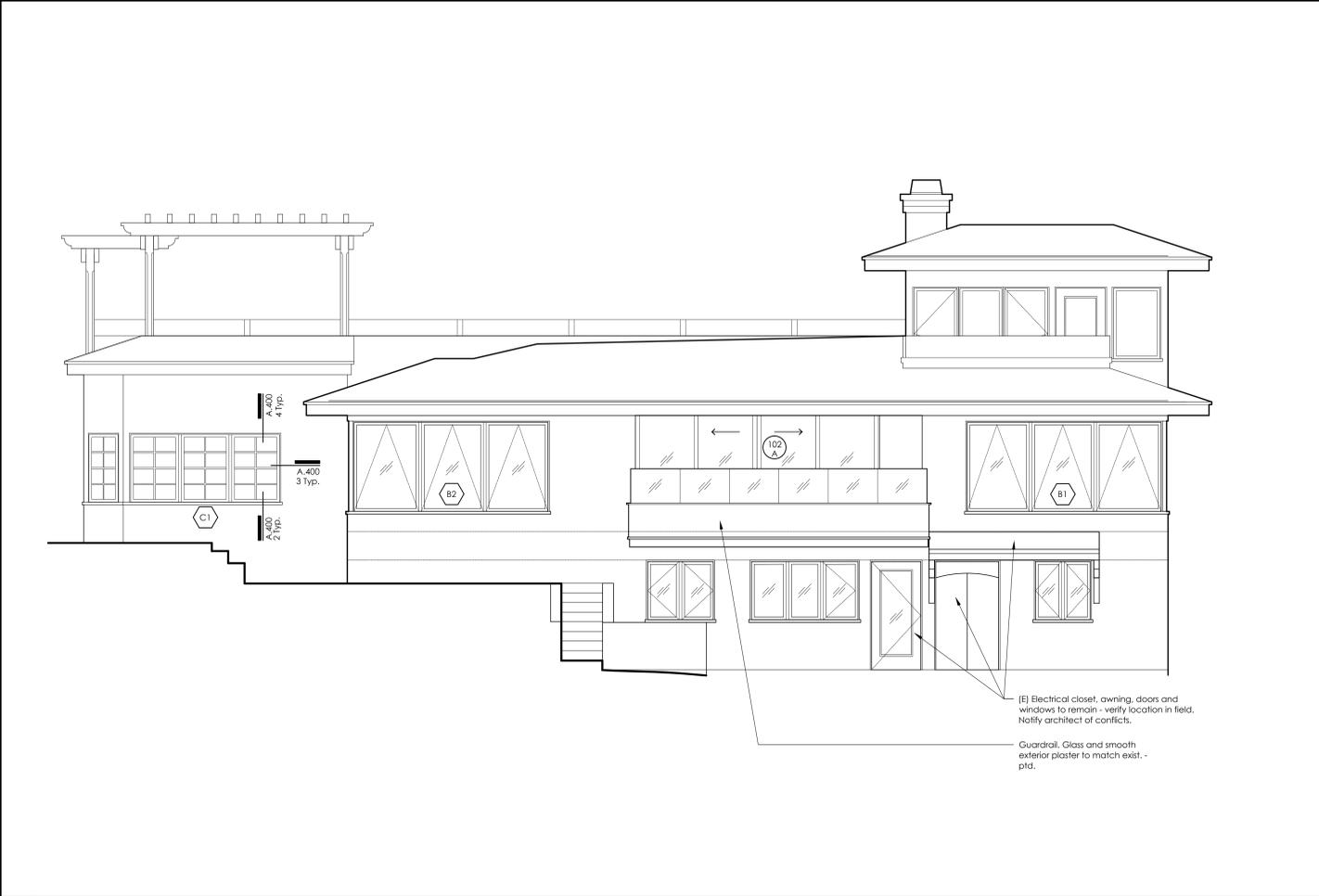


2 Eastern Elevation



1 Western Elevation

Scale: 1/4" = 1'-0"



3 Southern Elevation



3a Existing Partial Southern Elevation

*Note: (E)existing to remain, UNO Re: A.200

Scale: 1/4" = 1'-0"



PROJECT
Ochs Residence
 444 Isabella Terrace
 Corona Del Mar, CA 92625

DRAWING DESCRIPTION
 Exterior Elevations

| DATE | ISSUE/REVISION | REVIEW |
|------------|----------------|--------|
| 08.02.2013 | Plan Check | SDL |
| 08.08.2013 | Corrections | SDL |
| 08.25.2013 | Planning App. | SDL |



A.300
 SHEET NO.

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 2111 Second Avenue
 Corona del Mar, CA 92625-2322
 (949) 645-9982 Fax: (949) 645-9954
 www.LSarchitects.com



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

**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

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

| | | |
|--------------|------|---|
| 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 13TH DAY OF FEBRUARY, 2014.

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.

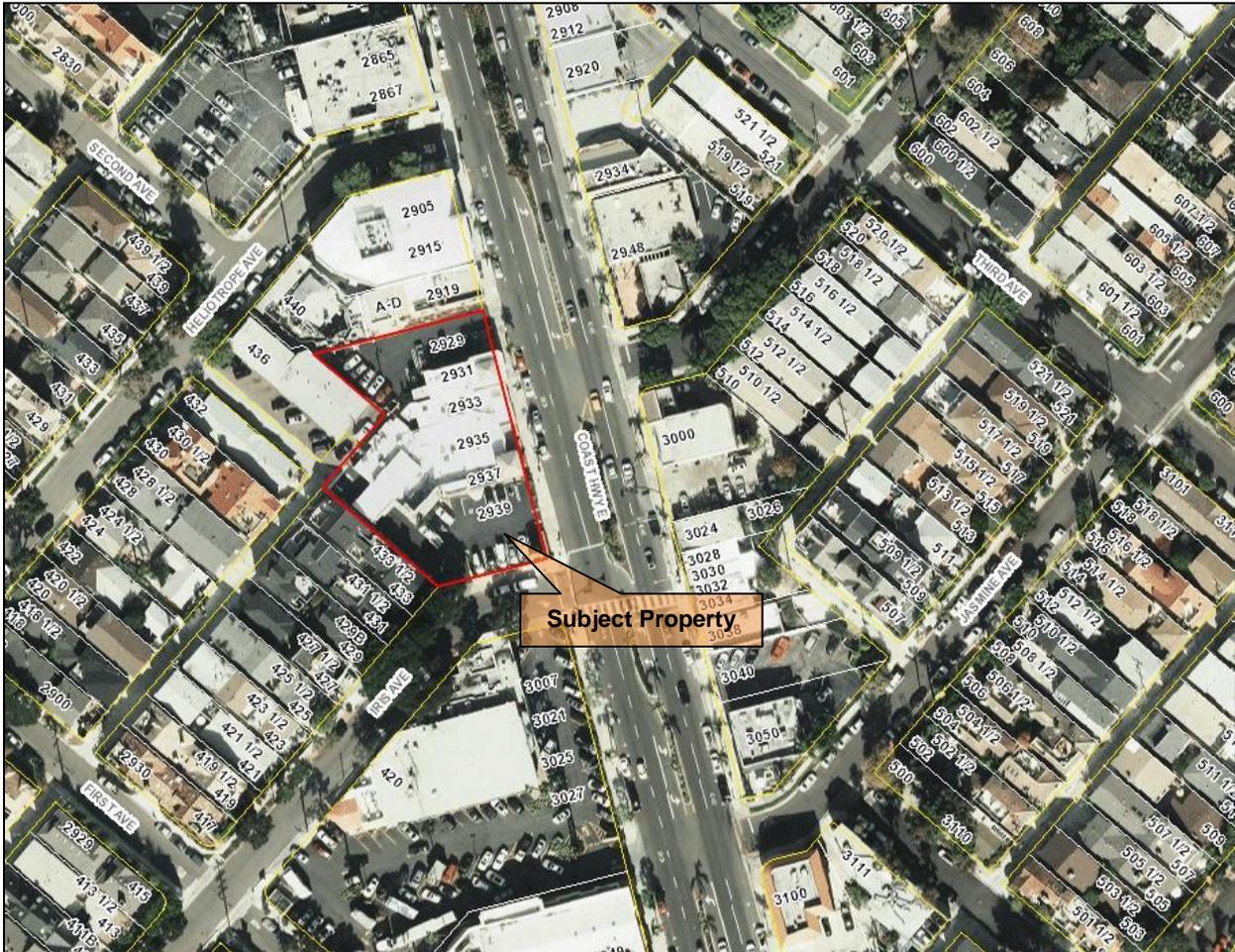
POLICE DEPARTMENT

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

2107 N. BROADWAY, SUITE 106

SANTA ANA, CA 92706

E-MAIL: ABCLAW@RABLAKE.COM

TELEPHONE (714) 667-7171

FACSIMILE (714) 667-0477

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

*RE: Pirozzi Restaurant
December 18, 2013
Page 2*

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

RE: Pirozzi Restaurant
December 18, 2013
Page 3

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-tent 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.

RE: Pirozzi Restaurant
December 18, 2013
Page 4

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.

*RE: Pirozzi Restaurant
December 18, 2013
Page 5*

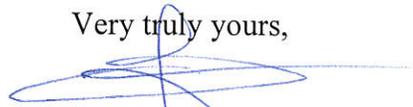
TRAINING

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

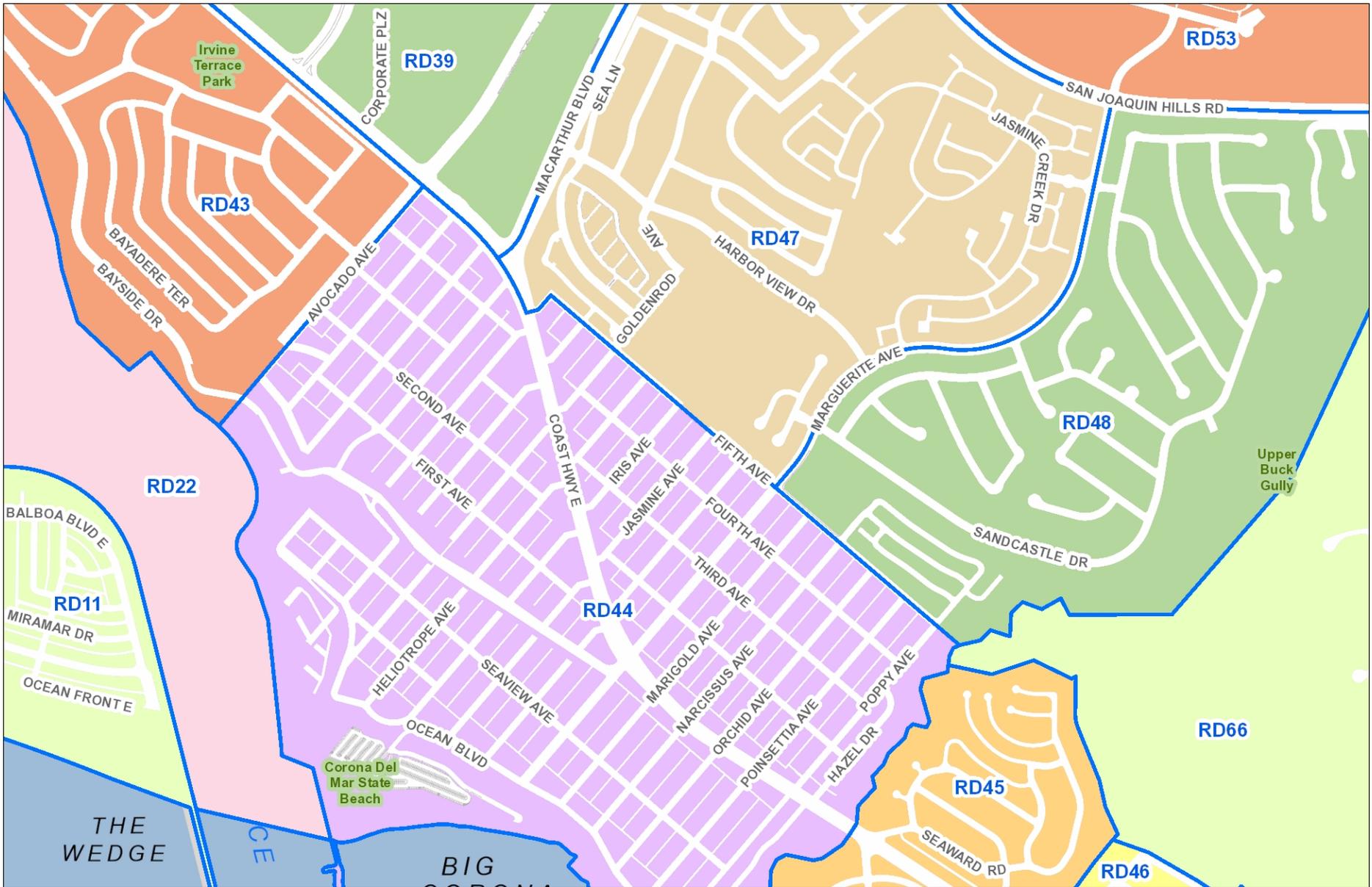
Highest Volume Crime in
RD44
Vandalism

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

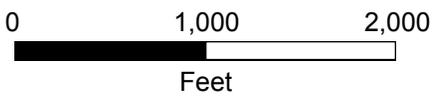
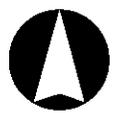
Highest Volume Crime in
RD45
Burg/Theft From Auto

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 |
| Grand Total | 2 |



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

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 | 12 | IBERICO, SPANISH SUPER PROSCIUTTO* Free range, acorn-fed Iberian black pigs (melts in your mouth) | 30 | D.O.P GORGONZOLA DOLCE Creamy and rich with black fig marmalade | 9 | NODINI Lightly breaded Mozzarella, flash fried, pomodoro basil sauce | 9 |
| WILD BOAR SALAMI | 9 | SOPRESSATA CALABRESE Spicy salami | 8 | BURRICOTTA (BURRATA STUFFED WITH RICOTTA) | 11 | SCAMORZE (SMOKED MOZZARELLA) Wrapped in speck, baked, bruschetta tomatoes | 9 |
| BLACK TRUFFLE SALAMI | 11 | SPECK Smoked Prosciutto | 9 | ITALIAN black lava salt, rosemary EVO, arugula | 9 | BURRATA Sea salt, unfiltered EVO, Italian artichokes, olives | 12 |
| TARTUFOTTO Italian truffle infused cooked ham | | DUCK PROSCIUTTO Tender black pepper crusted duck prosciutto | 12 | PARMIGIANO Organic pear, organic Italian honey, caramelized walnuts | | | |
| PARMA PROSCIUTTO Cured for 14 months | 10 | | | | | | |

*Not available for mix and match

da dividere

TO SHARE

| | |
|---|-----------|
| OLIVE FRITTE Fontina stuffed Castelvetro olives, lightly flash-fried, Greek oregano | 9 |
| ZUCCA (AN ALESSA FAVORITE) House-made organic butternut squash ricotta ravioli, brown butter sage sauce | 9 |
| MAMMA MIA Alessa's favorite meal - 3 meatballs, ragu', burrata, fresh basil | 16 |
| CALAMARI FRITTI Crispy-fried Calamari, arrabbiata sauce | 13 |
| BRUSCHETTA AL POMODORO Roma tomatoes, basil, garlic Alessa's way | 12 |

insalata

FARMER'S CHOICE

| | |
|--|----------------------|
| ARUGULA & FENNEL Wild arugula, fennel, oregano, lemon EVO, shaved Parmigiano, chopped tomato ADD SHRIMP \$2 EA. ADD CHICKEN \$6 | 9 |
| CAESAR Shaved Parmigiano, croutons, anchovy-lemon dressing | Full 8 Side 5 |

carpaccio

THE ITALIAN METHOD TO THINLY SLICE MEAT, SEAFOOD AND VEGETABLES

| | |
|---|-----------|
| FILET MIGNON Local lemon juice, arugula, shaved Parmigiano | 14 |
| 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 | 13 |
| HEIRLOOM TOMATO & BURRATA Arugula, Castelvetro, Cerignola olives with creamy mozzarella | 15 |

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 | 15 |
| CALABRIA Mild Italian sausage, spicy salami, smoked Mozzarella, arrabbiata sauce | 15 |
| MARGHERITA Pomodoro sauce, Mozzarella, basil, EVO | 13 |
| BURRATA E MELENZANE Pomodoro sauce, burrata, basil, eggplant | 15 |
| DI PARMA Mozzarella, Ricotta, Prosciutto, arugula | 15 |
| FUNGHI MISTI Wild mixed mushrooms, Fontina, truffle oil | 15 |
| SALSICCE Italian sausage, sautéed mushrooms, Mozzarella, tomato sauce | 15 |
| PIZZA VEGETARIANA Pomodoro sauce, seasonal vegetables, Mozzarella | 15 |

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

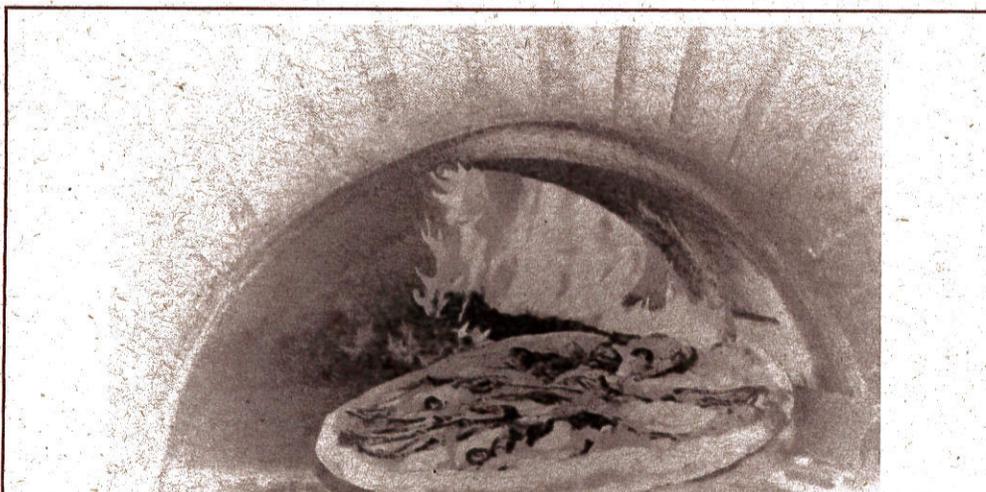
900 gradi

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



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
(949) 644-3200 Fax: (949) 644-3229
www.newportbeachca.gov

**CITY OF NEWPORT BEACH
ZONING ADMINISTRATOR STAFF REPORT**
February 13, 2014
Agenda Item No. 3

SUBJECT: Medical Office Parking Modification- (PA2013-228)
441 Old Newport Boulevard
▪ Modification Permit No. MD2013-023

APPLICANT: Ocean View Medical Investors, LLC.

PLANNER: Melinda Whelan, Assistant Planner
(949) 644-3221, mwhelan@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** OG (Office General)
- **General Plan:** CO-G (General Commercial Office)

PROJECT SUMMARY

A Modification Permit request to utilize a combination of vehicle lifts, tandem parking spaces, surface parking spaces and valet parking to accommodate the 56 minimum required parking spaces for a proposed medical office use in an existing office building. A semi-enclosed carport structure is proposed to be located on the northerly property line and will have spaces for eleven vehicle lifts (22 parking spaces.) Valet parking will be provided during normal business hours to ensure effective use of the vehicles lifts and tandem spaces.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. _ approving Modification Permit No. MD2013-023 No. (Attachment No. ZA 1).

DISCUSSION

- The subject property is currently developed with an 11,540 square foot office building that has recently been renovated and remodeled with the intent of being used for medical offices.
- The applicant's goal is to convert the entire building to medical office use. To do so, requires that 56 parking spaces be provided on-site. There are currently 45 surface parking spaces.
- Due to site constraints, the applicant is proposing the approval of a modification permit for access to parking spaces (vehicle lifts, tandem) pursuant to Section 20.52.050B of the zoning code.
- The proposed carport structure consists of solid plaster walls on the back, sides and, as recommended by staff, a solid roof. The front of the structure would be partially screened by horizontal wood siding that will match the existing wood siding located on stairwell elements of the office building.
- The proposed plans show a metal roof. Staff believes that the roof materials should be of a more permanent construction and consist of the same or similar construction as the walls to better match the construction of the office building. Additionally, per the building code, a 30-inch parapet must also be constructed along the roof adjacent to the property line. Conditions of approval have been included in the draft resolution that address both of these roof related issues.
- The structure will be screened by landscaping on three sides. The existing ficus tree/hedge will remain along the northerly property line, landscaping will be planted on the westerly side and a metal trellis landscape screen with additional landscaping will be installed on the easterly side facing Old Newport Boulevard.
- A condition of approval is included in the draft resolution requiring that the lifts be commercial/industrial grade (not residential lifts) to help ensure the usefulness and longevity. Additionally, a condition is included requiring that a final valet plan be approved by the City Traffic Engineer and Community Development Director prior to final inspection of building permits for medical office tenant improvements. Finally, staff recommended that the site be valet parked during all business hours.
- Staff believes that the proposed vehicle lifts, tandem spaces and surface spaces combined with the implementation of a valet parking management plan provide the code required parking for medical office uses and that the findings for approval can be made.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction or Conversion of Small Structures). The project consists of a semi-enclosed parking structure for eleven vehicles and has an overall footprint of approximately 2,500 square feet. The Class 3 exemption allows for the construction of commercial buildings up to 10,000 square feet in size and for the construction of accessory structures.

PUBLIC NOTICE

Notice of this hearing 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:



Melinda Whelan
Assistant Planner

GR/msw

Attachments: ZA 1 Draft Resolution
 ZA 2 Vicinity Map
 ZA 3 Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2014-

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2013-023 TO ALLOW THE USE OF VEHICLE LIFTS AND TANDEM SPACES TO ACCOMMODATE A PORTION OF THE 56 REQUIRED PARKING SPACES FOR A MEDICAL OFFICE BUILDING LOCATED AT 441 OLD NEWPORT BOULEVARD (PA2013-228)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Ocean View Medical Investors, with respect to property located at 441 Old Newport Boulevard, and legally described as Parcel 1 of Parcel Map No. 80-719, in the City of Newport Beach, County of Orange, State of California, as shown on a map filed in Book 163, Pages 31 and 32 of Parcel Maps in the office of the Orange County Recorder requesting approval of a conditional use permit.
2. The subject property is located within the Office General (OG) Zoning District and the General Plan Land Use Element category is General Commercial Office (CO-G).
3. The applicant requests a modification permit request to utilize a combination of vehicle lifts, tandem parking spaces, surface parking spaces and valet parking to accommodate the 56 minimum required parking spaces for a proposed medical office use in an existing office building. A semi-enclosed carport structure is proposed to be located on the northerly property line and will have spaces for eleven vehicle lifts (22 parking spaces.) Valet parking will be provided during normal business hours to ensure effective use of the vehicles lifts and tandem spaces.
4. The subject property is not located within the coastal zone.
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 the requirements of the California Environmental Quality Act Guidelines under Class 3 (New Construction or Conversion of Small Structures).
2. The Class 3 exemption allows for the construction of commercial buildings up to 10,000 square feet in size and for the construction of accessory structures. The project

consists of a semi-enclosed parking structure for 11 vehicles and has an overall footprint of approximately 2,200 square feet.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.050.E (Modification Permits – Required Findings) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

- A-1. The existing office building was originally constructed in 1981 and the owner is nearing completion of interior and exterior alterations and renovations. 45 parking spaces are currently provided on site.
- A-2. Old Newport Boulevard is developed with a mix of commercial, office and service uses. Office buildings in the area are developed with a mix of surface parking lots and podium parking.
- A-3. The proposed carport structure will be screened from neighboring properties and Old Newport Boulevard by existing and new trees and shrubs. Additionally, the front façade of the parking structure has been designed to be architecturally compatible with the recently renovated office building.
- A-4. Valet and tandem parking arrangements for office, restaurant and commercial buildings is used at developments/businesses within the City. When operated according to an approved valet plan and by a professional valet service, valet parking has proven a proficient way to maximize parking efficiency and on-site parking demand.
- A-5. Access to the site and the off-site parking is from Old Newport Boulevard and has been determined to be adequate for the use and is compatible with the other commercial lots in the area.

Finding:

- B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

- B-1 The existing office building and parking lot were originally developed in 1981. The existing surface parking lot design provides 45 parking spaces. Due to the lot size, width and depth, additional surface parking spaces cannot be provided.
- B-2 The additional parking requirements for a medical office use necessitates the need for additional parking.
- B-3 Although parking and retrieving vehicles from the lifts may take longer than if surface parking is used, employees of the offices will be required to utilize the lifts to help alleviate prolonged waiting time for customers and clients of the medical offices.

Finding:

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

- C-1 The available on-site area to provide parking has been maximized and can accommodate a maximum of 56 parking spaces while still providing some parking lot landscaping.
- C-2 The request meets the intent of the Code by providing the required number of parking spaces on-site without the need to use off-site parking spaces.

Finding:

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

- D-1 An alternate solution would be to construct a parking structure or subterranean parking. Both of those options would require a significant change to the scope of work and may result in a structure with undesirable build, bulk, or scale.
- D-2 No changes to ingress or egress from the site is proposed and the on-site circulation is not expected to be impacted by the uses of the eleven vehicle lifts and tandem valet parking.

Finding:

- E. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

- E-1 The parking lot has been reviewed for adequate access and circulation for use by employees, patrons and access by emergency vehicles.
- E-2 Prior to implementation of the proposed project and occupying the existing general office building with more than 20% of existing floor area with medical office floor a valet parking management plan is required to be reviewed and approved by the Public Works Department and Community Development.
- E-3 Conditions of approval have been included with this resolution to ensure fire services and utilities are protected in place.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2013-023, 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 13TH DAY OF FEBRUARY, 2014.

By:

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

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. This Modification 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.
4. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
5. 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.
6. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
7. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or holidays.
8. Trash pick-up for shall be scheduled outside of regular business hours because a required parking space blocks access to the trash enclosure.
9. The roof of the vehicle lift shall be concrete or another solid roof material, not the metal roof as depicted on the plans. The roof design and type of construction is subject to the review and approval by the Community Development Director prior to the issuance of building permits.
10. During regular business hours, employees of the office building are required to use the vehicle lifts unless the lifts are full upon their arrival.

11. Prior to the issuance of certificates of occupancy for medical office uses, the vehicle lifts shall be fully operational.
12. Prior to the issuance of certificates of occupancy for medical office uses, a valet parking management plan must be approved by the Traffic Engineer and Community Development Director. The valet parking management plan shall include signage, pick-up/drop off location(s), hours of operation.
13. The entire parking lots (surface spaces, tandem spaces, vehicle lift spaces) shall be valet parked during business hours.
14. Annual monitoring reports shall be prepared and submitted to the City. The first report will be during 12 months after the commencement of use of the valet plan and vehicle lifts. The report shall include average daily parking demand and space occupancy and maintenance log that identifies how many days the vehicle lifts were not available due to maintenance issues.
15. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
16. 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 441 Old Newport Parking Modification Permit including, but not limited to MD2013-023 (PA2013-228). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

PUBLIC WORKS/UTILITIES

1. All improvements shall be constructed as required by Ordinance and the Public Works Department.
2. Reconstruct all existing broken and/or otherwise damaged concrete sidewalk panels, driveway approaches and curb and gutter along the Old Newport Boulevard frontage.

3. All existing drainage facilities in the public right-of-way, including the existing curb drains along Old Newport Boulevard frontage shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements.
4. An encroachment permit is required for all work activities within the public right-of-way.
5. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
6. All on-site drainage shall comply with the latest City Water Quality requirements.
7. Parking spaces and drive aisles shall be per City Standards STD-805-L-A and STD-805-L-B. unless otherwise shown on the approved plans to accommodate the vehicle lifts and tandem spaces.
8. The existing private trees along the Old Newport Boulevard frontage on 441 Old Newport Boulevard are overgrown into power lines and adjacent property. These trees shall be trimmed back behind the property line at all times or removed.
9. The hedge along the north property line of 441 Old Newport Boulevard is encroaching into the Old Newport Boulevard public right-of-way/sidewalk. This hedge shall be trimmed back behind the property line at all times.
10. The applicant is responsible for all upgrades to the City's utilities as required to fulfill the project's demand, if applicable.
11. New and existing fire services shall be protected by a City-approved double-check detector assembly and installed per STD-517-L.
12. New and existing commercial domestic water and landscaping meter(s) shall be protected by a City-approved reduced pressure backflow assembly and installed per STD-520-L-A.
13. All traffic signage shall comply with the current California Manual of Uniform Traffic Control Devices. All traffic striping shall comply with the current Caltrans standard plans.
14. Parking layout and circulation at 441 Old Newport Boulevard is subject to approval by the City Traffic Engineer prior to permit issuance for the medical use and parking lot.

BUILDING DIVISION

1. A geotechnical report is required at time of plan check submittal.
2. Exterior walls within 10 feet of the property line are required to have a one hour fire resistive rating.

3. A 30-inch high parapet wall is required for fire rated exterior walls.
4. Class A roof material is required for the carport structure.

DRAFT

Attachment No. ZA 2

Vicinity Map

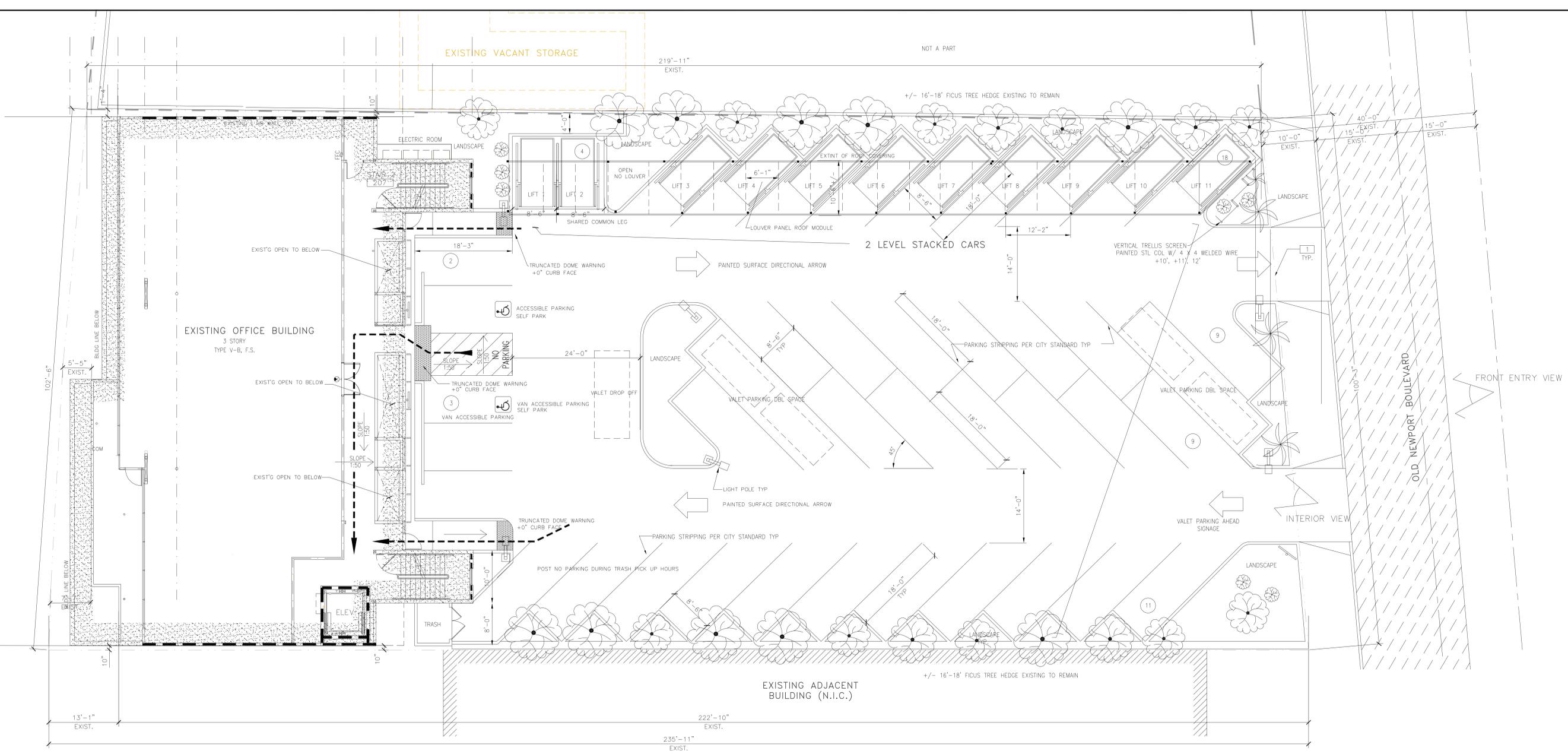
VICINITY MAP



Modification Permit No. MD2013-023
PA2013-228
441 Old Newport Boulevard

Attachment No. ZA 3

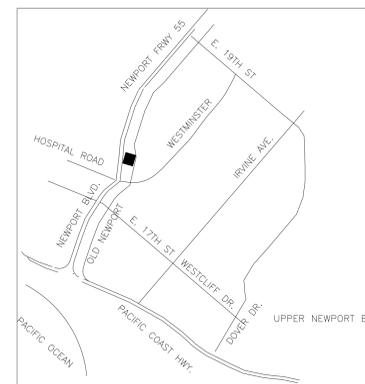
Project Plans



441 OLD NEWPORT BLVD.

SITE PLAN

1/8" = 1'- 0"



VICINITY MAP

PROJECT ADDRESS: 441 OLD NEWPORT BLVD.
NEWPORT BEACH, CA 92660
OWNER: OCEAN VIEW MEDICAL PARTNERS LLC
2601 MAIN STREET # 920
IRVINE, CA 92614
949 721-8600

BUILDING CODE 2010 CALIFORNIA BUILDING CODE AND CITY AMENDMENTS
2010 CMC, CEC AND CPC.
BUILDING TYPE V-B

ZONING: OFFICE GENERAL OG

PROJECT DESCRIPTION:
INSTALLATION OF 11 AUTO LIFTS TO INCREASE TOTAL PARKING PROVIDED TO 56
UTILIZATION OF EQUIPMENT WILL BE PROVIDED BY ON SITE VALET SERVICE
RE-CONFIGURE TWO STANDARD STALLS TO ALLOW TANDEM PARKING

AREA BREAKDOWN
SITE AREA: 23,080 SF
BUILDING AREA: 11,540 SF

PARKING PROVIDED
SURFACE PARKING: 45
RAISED LIFT STALLS: 11
TOTAL PROVIDED: 56
INCLUDES 1 STANDARD ACCESSIBLE AND 1 VAN ACCESSIBLE STALL

PROJECT STATISTICS

| REV. | DATE | ISSUED FOR |
|------|----------|---------------------------------------|
| | 3/25/13 | CITY COUNCIL SUBMITTAL REVISION |
| | 10/30/13 | MODIFICATION SUBMITTAL FOR AUTO LIFTS |
| | 1/10/14 | MODIFICATION SUBMITTAL REVISION 1 |

JOB NUMBER 441 NEWPORT BLVD

SITE PLAN

SHEET TITLE

A1

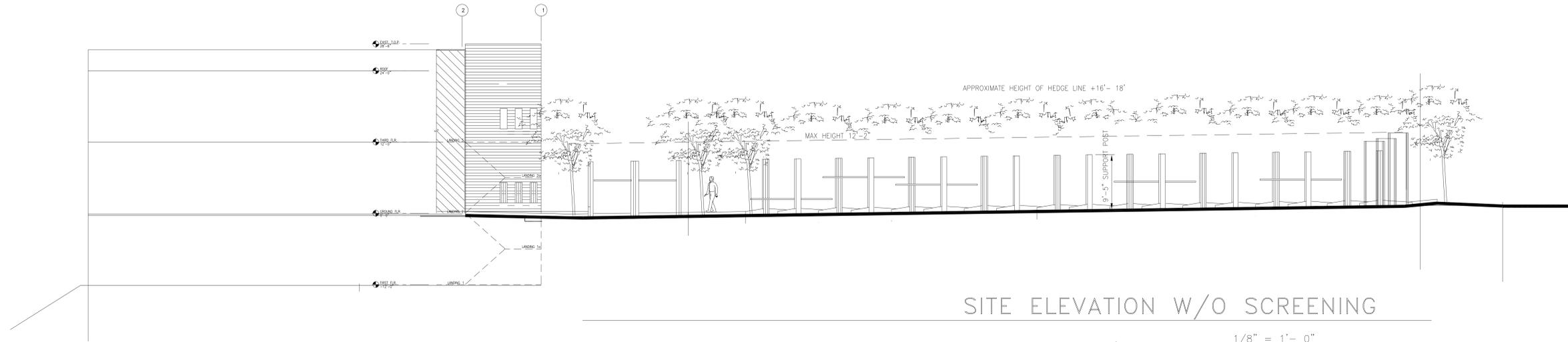
SHEET NUMBER 10

| REV. | DATE | ISSUED FOR |
|----------|---------------------------------------|------------|
| 3/25/13 | CITY COUNCIL SUBMITTAL REVISION | |
| 10/30/13 | MODIFICATION SUBMITTAL FOR AUTO LIFTS | |
| 1/10/14 | MODIFICATION SUBMITTAL REVISION 1 | |

441 NEWPORT BLVD
JOB NUMBER

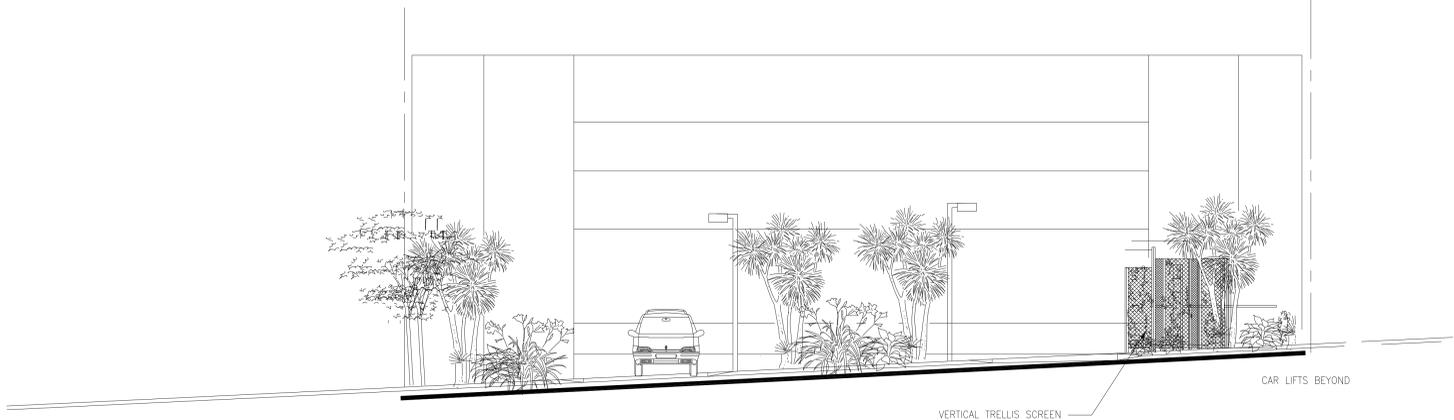
SITE ELEVATION
DETAILS
SHEET TITLE

A2
SHEET NUMBER 20



SITE ELEVATION W/O SCREENING

1/8" = 1'- 0"



FRONT ENTRY ELEVATION

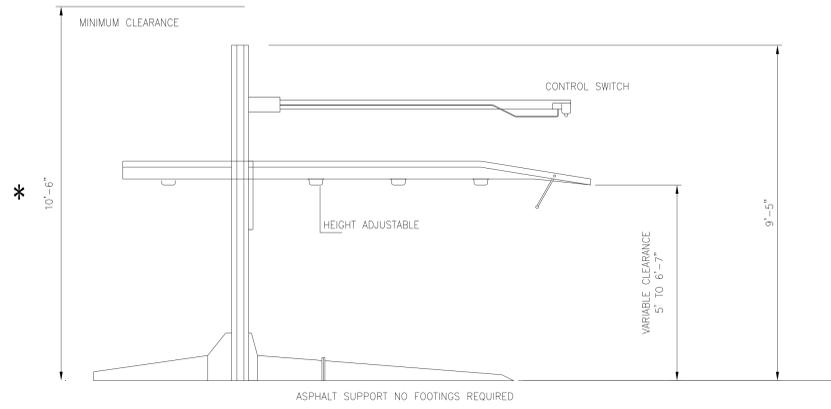
1/8" = 1'- 0"

SEE ARTIST CONCEPTION BELOW

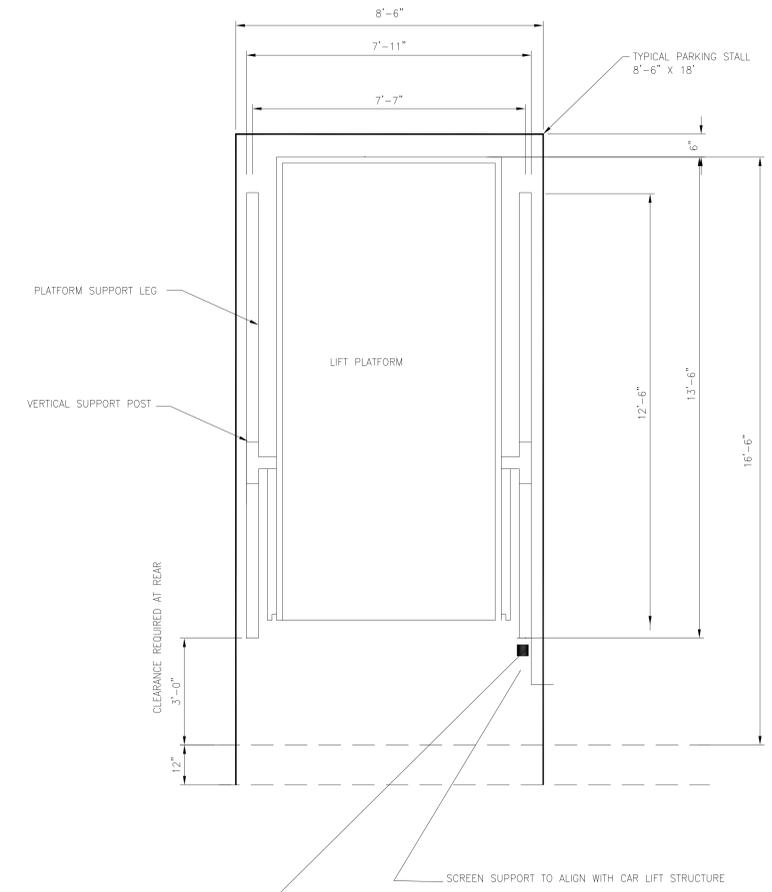
| RECOMMENDED CLEARANCES FOR DP003 | |
|----------------------------------|--------------------------|
| STACKED VEHICLE TYPES | TOTAL HEIGHT REQUIREMENT |
| SEDAN + SEDAN | 10'-6" |
| SUV + SEDAN | 12'-2" |

MAX HEIGHT CLEARANCE 12'-2"

* REFER TO RECOMMENDED CLEARANCE DIMENSIONS FOR DP003



ASPHALT SUPPORT NO FOOTINGS REQUIRED



PLATFORM SUPPORT LEG

VERTICAL SUPPORT POST

CLEARANCE REQUIRED AT REAR

SCREEN SUPPORT TO ALIGN WITH CAR LIFT STRUCTURE



ARTIST CONCEPTION
VIEW FROM DRIVE EXIT

AUTO LIFT SIDE ELEVATION

DETAIL PLAN AUTO LIFT

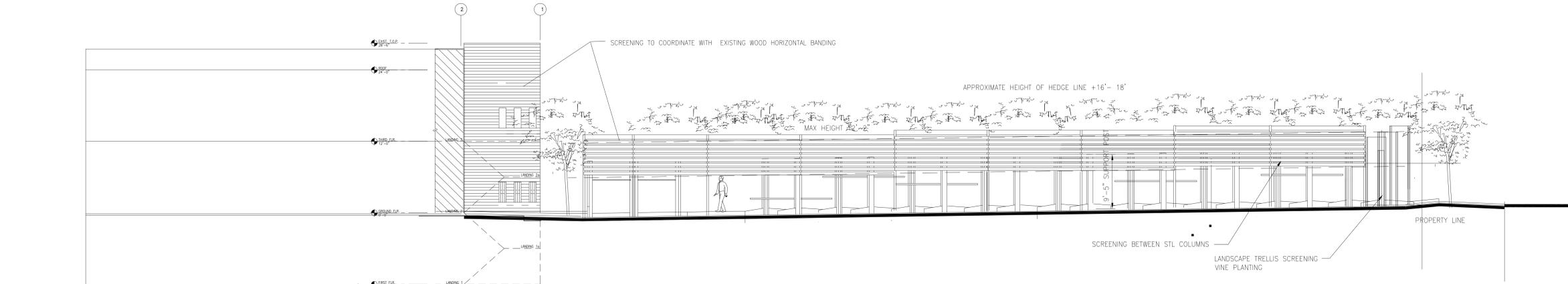
PARKPLUS DP003 - L11

| REV. | DATE | ISSUED FOR |
|------|----------|---------------------------------------|
| | 3/25/13 | CITY COUNCIL SUBMITTAL REVISION |
| | 10/30/13 | MODIFICATION SUBMITTAL FOR AUTO LIFTS |
| | 1/10/14 | MODIFICATION SUBMITTAL REVISION 1 |

JOB NUMBER 441 NEWPORT BLVD

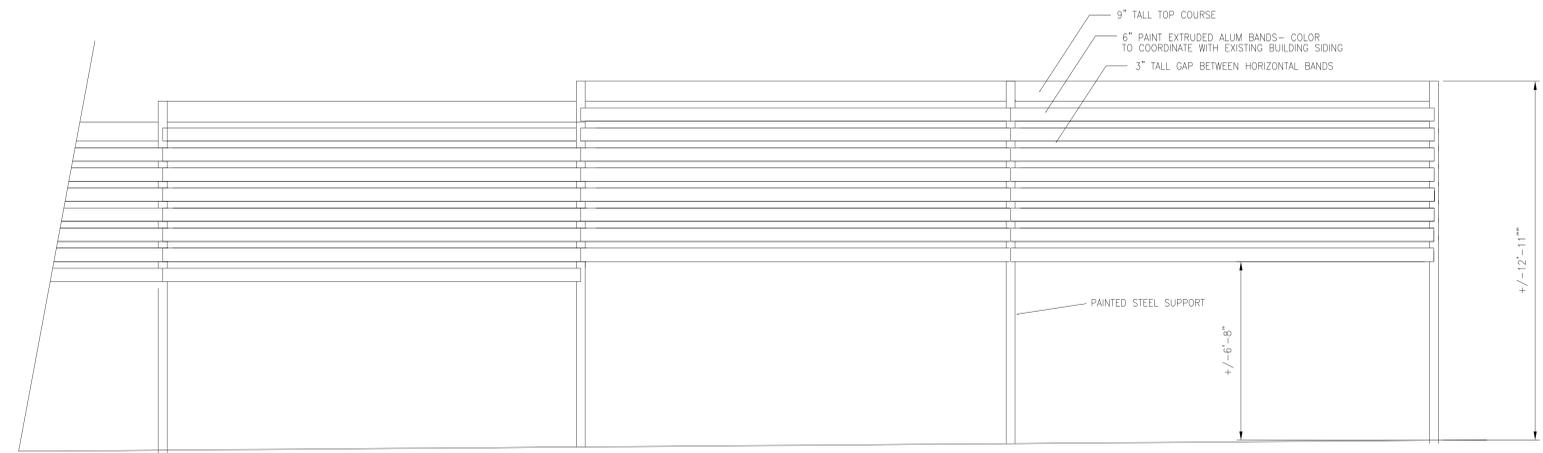
SITE ELEVATION
DETAILS
SHEET TITLE

A3
SHEET NUMBER 21



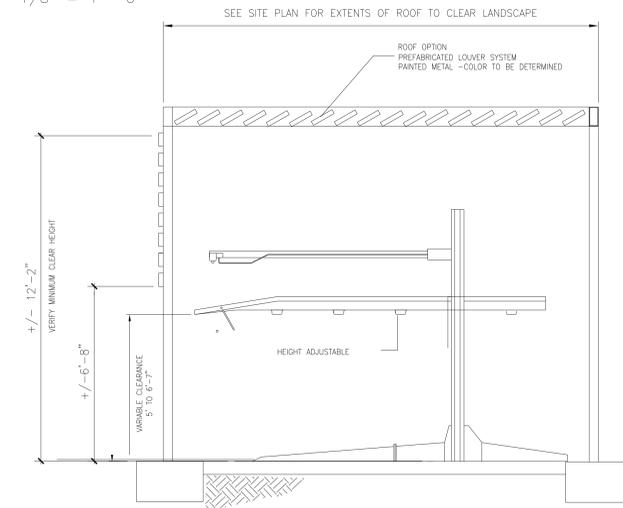
PROPOSED SITE ELEVATION WITH SCREENING

1/8" = 1'-0"



ELEVATION DETAIL

3
A3



SECTION

3/8" = 1'-0"

2
A3



ARTIST CONCEPTION
VIEW FROM PARKING AREA