



**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director  
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending March 21, 2014

---

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

Item 1: Mario's Pizza Taste of Italy Staff Approval No. SA2014-005 (PA2014-022)  
4507 W. Coast Highway

Action: Approved

Council District 1

**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.

Det. Randy Parker, NBPD (*ABC License*)  
Sgt. Chuck Freeman, NBPD (*Massage Therapy - ABC License*)



## 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](http://www.newportbeachca.gov)

## **COMMUNITY DEVELOPMENT DIRECTOR** **ACTION LETTER**

**Application No.** Staff Approval No. SA2014-005 (PA2014-022)  
**Applicant** Mandy Minovi, Mario's Pizza Taste of Italy  
**Site Address** 4507 W. Coast Highway  
**Legal Description** Banning Tract Lot D Portion of Lot and Portion Section 29 Section T 6 R 10 Tract 111

On **March 19, 2014**, the Community Development Director approved Staff Approval No. SA2014-005 to allow outdoor dining at an existing restaurant and found said modification in substantial conformance with Use Permit Nos. UP988 and UP1484. This approval is based on the findings and subject to the following conditions.

### **ZONING DISTRICT/GENERAL PLAN**

- **Zone:** Commercial Neighborhood (CN)
- **General Plan:** Neighborhood Commercial (CN)

### **BACKGROUND**

The restaurant has been in operation prior to the requirement for use permits. In 1963 Use Permit No. UP988 authorized the restaurant to serve alcohol. In 1970 Use Permit No. UP1484 authorized live entertainment.

### **PROJECT SUMMARY**

The proposed outdoor dining area would provide two tables with four chairs at each table. The tables and chairs would be stored inside the restaurant at night. No alcohol service or live entertainment would be provided in the outdoor dining area.

### **FINDINGS**

Pursuant to Section 20.54.070 (Changes to an Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed outdoor dining is in substantial conformance with the existing restaurant operation:

Finding:

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

Facts in Support of Finding:

A-1. The food service establishment will continue to be consistent with the permitted land uses identified in the CN (Commercial Neighborhood) Zoning District.

A-2. There is a 21-foot-wide sidewalk area in front of the establishment. The addition of two tables and eight chairs in front of the establishment would occupy a small portion of the sidewalk area (approximately 40 square feet total) and will not impede pedestrian circulation within the area.

Finding:

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

Facts in Support of Finding:

B-1. The proposed outdoor dining area does not affect previous California Environmental Quality Act determinations related to the use or shopping center.

Finding:

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

Facts in Support of Finding:

C-1 Alcohol sales and live entertainment will not be provided on the proposed outdoor dining area, and therefore, the project does not affect Use Permit Nos. UP988 and UP1484.

Finding:

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

Facts in Support of Finding:

D-1 The outdoor dining would add only two tables and eight chairs to a restaurant that provides an interior dining area of 540 square feet with 42 seats.

D-2 The Zoning Code does not require parking for outdoor dining areas when it does not exceed 25 percent of the interior dining area. The proposed outdoor dining area (approximately 40 square feet) is well below 25 percent of the interior dining area.

### **DETERMINATION**

This staff approval has been reviewed and the determination has been made that the proposed changes to the existing food use and proposed commercial development are in substantial conformance with the original approval actions.

### **CONDITIONS**

1. The outdoor dining shall accommodate a maximum of two tables and eight chairs and shall be located in accordance with the attached plan
2. There shall be no alcohol service or live entertainment for the outdoor dining.
3. The tables and chairs shall be stored inside the restaurant when the establishment closes.

**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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Melinda Whelan  
Assistant Planner

JC/msw

Attachments: CD 1 Vicinity Map  
CD 2 Plans

# **Attachment No. CD 1**

Vicinity Map

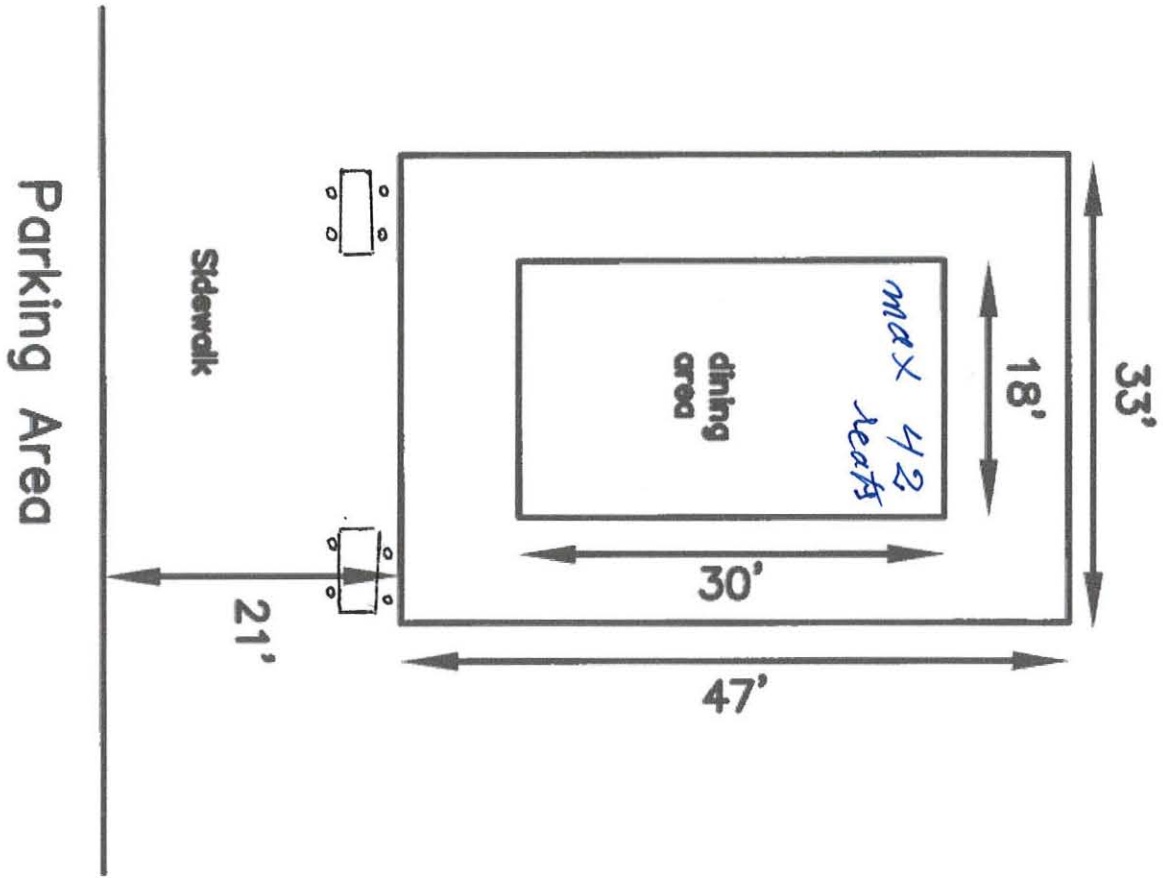


PA2014-022 Mario's Pizza Taste of Italy  
4507 W. Coast Highway

## **Attachment No. CD 2**

Plans

4507 Coast Highway, Newport Beach CA



PA2014-022 for SA2014-005  
4507 W. Coast Highway  
Mandy Minovi