



**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, Chief of Police, and/or Planning Division staff for the week ending March 25, 2016

**ZONING ADMINISTRATOR ACTIONS
MARCH 24, 2016**

- Item 1: 4203 Ford Road Lot Line Adjustment No. LA2016-001 (PA2016-011)
Site Address: 4302 Ford Road
Action: Approved by Resolution No. ZA2016-011 Council District 5
- Item 2: 1536 Vivian Lane Parking Modification No. MD2016-002 (PA2016-017)
Site Address: 1536 Vivian Lane
Action: Approved by Resolution No. ZA2016-012 Council District 3
- Item 3: 301 and 305 Via Lido Soud Lot Merger No. LM2016-001 (PA2016-027)
Site Address: 301 and 305 Via Lido Soud
Action: Approved by Resolution No. ZA2016-013 Council District 1
- Item 4: Mon Reve Dance Studio Minor Use Permit No. UP2016-005 (PA2016-023)
Site Address: 1000 Bristol Street North, Suite 26
Action: Approved by Resolution No. ZA2016-014 Council District 3
- Item 5: KIT Coffee Minor Use Permit No. UP2016-007 (PA2016-028)
Site Address: 1617 Westcliff Drive, Suite 103
Action: Approved by Resolution No. ZA2016-015 Council District 3

ACTION TAKEN BY THE CHIEF OF POLICE
(Non-Hearing Item)

Item 1: Zinqué Operator License No. OL2015-008 (PA2015-178)
Site Address: 3440 Via Oporto

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.

RESOLUTION NO. ZA2016-011

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2016-001 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 4302 FORD ROAD AND THE UNADDRESSED ADJACENT PROPERTY TO THE WEST (PA2016-011)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Pacific Bell Telephone Company, a California Corporation, with respect to property located at 4302 Ford Road and the unaddressed adjacent property to the west (Lot B), and legally described as parcel 2 and parcel 1, respectively, of a parcel map, in the City of Newport Beach, County of Orange, State of California, said map being filed in Book 65 Page 4 of Parcel Maps, records of said county, requesting approval of a lot line adjustment.
2. The applicant proposes to adjust the interior lot line between two (2) contiguous parcels located at 4302 Ford Road. Land taken from Lot B will be reallocated to 4302 Ford Road. There will be no change in the number of parcels.
3. The subject properties are located within the Public Facilities (PF) Zoning District and the General Plan Land Use Element category is Public Facilities (PF).
4. The subject properties are not located within the coastal zone.
5. A public hearing was held on March 24, 2016, 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 15305, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 5 (Minor Alterations in Land Use Limitations) of the Guidelines for CEQA.
2. This exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including minor lot line adjustments. The proposed boundary adjustment affects the property line between two (2) parcels and is for the purpose of accommodating an existing parking lot entirely on one parcel, 4302 Ford Road.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of the title.*

Facts in Support of Finding:

1. The proposed lot line adjustment will not change the existing use of either property. The General Plan Land Use Designation, Public Facilities (PF), will be maintained for both parcels.
2. The proposed lot line adjustment will not result in a development pattern that is inconsistent with the surrounding neighborhood. There is no additional development currently proposed for either property, and both properties will maintain their current zoning of Public Facilities (PF) and General Plan Land Use Designation of Public Facilities (PF).
3. The proposed lot line adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustment) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving two (2) adjacent lots where land taken from one lot is added to an adjacent lot. The original number of lots will remain unchanged after the adjustment.
4. The subdivision is consistent with the General Plan, does not affect open space areas in the City, does not negatively impact surrounding land owners, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood, as the adjustment affects an interior property line between two (2) adjacent parcels.

Finding:

- B. *The number of parcels resulting from the lot line adjustment remains the same as before the adjustment.*

Facts in Support of Finding:

1. The proposed lot line adjustment will adjust the property line between two contiguous parcels. The number of parcels remains the same as before the lot line adjustment.

Finding:

- C. *The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.*

Facts in Support of Finding:

1. Both properties are located within the Public Facilities Zoning District, which is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools. The proposed lot line adjustment will not change the existing use of the parcels affected.
2. The proposed boundary adjustment will change the internal property line between the subject properties, reallocating 13,849 square feet of land from Lot B to 4302 Ford Road. The resulting boundaries will allow an existing parking lot to be located entirely on the parcel of 4302 Ford Road.
3. There are no minimum lot width or area requirements for properties within the Public Facilities Zoning District. The proposed lot line adjustment does not result in a change in allowed land use, density, or intensity on the properties.

Finding:

- D. *Neither the lots as adjusted nor adjoining parcels will be deprived legal access as a result of the lot line adjustment.*

Facts in Support of Finding:

1. The proposed lot line adjustment affects the interior property line between two (2) adjacent parcels. Legal access to the subject properties from Ford Road is not affected by the adjustment.

Finding:

- E. *That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.*

Facts in Support of Finding:

1. Vehicular access to the existing property at 4302 Ford Road is accessed from Ford Road and the final configuration will not change. There is no developed vehicular access to Lot B.
2. There are no alleys located within or near the subject parcels.

Finding:

F. That the final configuration of a reoriented lot does not result in any reduction of the street site setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street site setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street site setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.

Facts in Support of Finding:

1. The final configuration of the adjusted parcels does not result in a requirement for revised setbacks since the parcels are not proposed to be reoriented. The required setbacks applicable to parcels in the PF zone are determined by use permit and shall continue to be determined as such.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2016-001, 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 ten (10) days following the date this Resolution was adopted unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 24th DAY OF MARCH, 2016.

BY:



Patrick J. Alford, Zoning Administrator

EXHIBIT “A”

CONDITIONS OF APPROVAL

1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. The 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 19 (Subdivisions) of the Newport Beach Municipal Code.
3. Prior to recordation of the lot line adjustment, the applicant shall submit the exhibits to the Public Works Department for final review.
4. 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 4302 Ford Road Lot Line Adjustment including, but not limited to, LA2016-001 (PA2016-011). 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.

RESOLUTION NO. ZA2016-012

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MODIFICATION PERMIT NO. MD2016-002 FOR A 25-PERCENT ADDITION TO AN EXISTING NONCONFORMING SINGLE-UNIT RESIDENCE LOCATED AT 1536 VIVIAN LANE (PA2016-017)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Eric Aust, with respect to property located at 1536 Vivian Lane, and legally described as Lot 21 in Tract 1806 requesting approval of a modification permit.
2. The applicant proposes a modification permit to allow an approximately 25-percent addition to an existing single-family residence with nonconforming parking dimensions. The Zoning Code limits additions to 10 percent of the existing gross floor area when the required parking dimensions are not provided. The nonconforming garage provides an interior width of 19 feet 4 inches and a depth of 22 feet 3 inches where a minimum 20-foot by 20-foot interior dimension is required. The garage dimensions were in compliance with the Zoning Code when the home and garage were built in 1956.
3. The subject property is located within the Single-Unit Residential Detached (R-1-6000) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on March 24, 2016, 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 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities) of the Guidelines for CEQA.
2. This exemption includes additions up to 10,000 square feet where public services and utilities are available and the area is not considered environmentally sensitive. The

proposed project is a 538-square-foot addition to an existing single-family residence in a developed neighborhood and is not within an environmentally sensitive area.

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:

1. The neighborhood is comprised of one- and two-story single-unit dwellings. The Modification Permit will allow expansion of the existing single-story, single-unit dwelling, which is compatible with other properties in the neighborhood.
2. The addition would increase the dwelling by 538 square feet, to enlarge the master bedroom and bathroom and create a bonus room. The proposed addition will comply with all applicable development standards including height, setbacks, and site coverage. The proposed addition will not intensify or alter the existing nonconforming parking or east side setback encroachment.
3. The proposed addition will result in a total floor area of approximately 2,730 square feet (including the 430-square-foot garage), which is equal or less than the bulk and scale of the other single-unit dwellings within the neighborhood.
4. The existing development on the property is a single-family dwelling. Therefore, there is no change to the density or intensity as a result of the proposed remodel and addition.

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:

1. The interior dimensions of the existing two-car garage were compliant with the Newport Beach Zoning Code at the time of construction in 1956. As a result of amendments to the Zoning Code, the two-car garage is now substandard in size, and is therefore legal nonconforming.

2. Moving the west garage wall that is not within the area of the proposed construction would be costly and significantly increase the scope of the project in order to gain 8 inches of garage width.
3. Moving the east garage wall would further encroach into an already nonconforming side setback.
4. The granting of the Modification Permit is necessary to allow a reasonable addition to an existing dwelling that was constructed in compliance with garage standards in effect at the time of original construction, and that are adequate in width for the parking of two (2) vehicles. Additionally, the driveway in front of the garage allows for up to two (2) open parking spaces onsite.

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:

1. The addition is expanding the structure towards the rear and front of the property on the west side. Increasing the width of the garage to 20 feet would affect the east side of the property and result in a practical difficulty by requiring significant structural alterations to the structure and a significant expansion in the scope of work in order to increase the depth of the garage by approximately 8 inches.
2. The existing garage provides two (2) useable garage spaces only slightly less than the required width therefore fulfilling the intent of the Zoning Code by providing adequate parking on site. Additionally, the driveway leading to the garage has dimensions approximately 16 feet wide by 23 feet long and may provide two additional open parking spaces onsite. Approval of the Modification Permit allows the applicant to continue using the existing two-car garage, which has not proven detrimental to the occupants or neighbors of the dwelling.

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:

1. The alternative would require that the applicant bring the existing two-car garage into conformance by expanding the garage width. Expanding the garage width would require significant alterations to the structure well beyond the scope of the planned

small addition. Expanding the width of the garage further into the side setback is not feasible without review and approval of a variance.

2. The other alternative is to reduce the size of the addition to not more than 10 percent of the existing floor area of the structure and comply with the requirements of the Zoning Code. Given the intent of the project is to provide a larger master bedroom and bonus room, a redesign to reduce the size of the addition will significantly impact the project and not meet the objectives of the applicant.

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:

1. The proposed one-story addition would maintain all required setbacks and will provide adequate protection for light, air, and privacy. The addition will not preclude access to the dwelling and will be consistent in scale with other dwellings in the neighborhood.
2. The existing nonconforming garage has not proven to be detrimental to the occupants of the property, nearby properties, the neighborhood, or the City and is adequate in width to park two (2) vehicles.
3. The proposed addition will result in site coverage that is less than the maximum allowed by Zoning Code.
4. The approval of this Modification Permit is conditioned such that the applicant is required to obtain all necessary permits in accordance with the Building Code and other applicable Codes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Modification Permit No. MD2016-002, 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 fourteen (14) days following the date this Resolution was adopted 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 24th DAY OF MARCH, 2016.

BY:



Patrick J. Alford, 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. Each parking space within the garage shall be permanently available and maintained for parking purposes. The interior dimensions (19 feet, 4 inches wide by minimum 20 feet deep) shall be kept clear of obstructions including cabinets, shelving, or similar that may impact the ability to adequately park two (2) vehicles.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
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. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department, including for the existing improvements that were constructed without the benefit of building permits. 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.
6. 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 property owner or the leasing agent.
7. This approval shall expire and become void unless exercised within twenty-four (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.
8. 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 1536 Vivian Lane Parking Modification including, but not limited to, MD2016-002 (PA2016-017). 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.

RESOLUTION NO. ZA2016-013

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT MERGER NO. LM2016-001 AND A WAIVER OF THE PARCEL MAP REQUIREMENT FOR A LOT MERGER LOCATED AT 301 & 305 VIA LIDO SOUD (PA2016-027)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Roberta Feuerstein, with respect to property located at 301 and 305 Via Lido Soud. The lot at 301 Via Lido Soud is legally described as the Southeasterly 35 feet of Lot 900. The lot at 305 Via Lido Soud is legally described as Lot 901 of Tract No. 907.
2. The applicant proposes a lot merger and requests to waive the parcel map requirement for two properties, under common ownership, located on the Lido Island.
3. The subject properties are located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject properties are located within the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached (RSD-C).
5. A public hearing was held on March 24, 2016, 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. The project is categorically exempt under Section 15315, of the State CEQA (California Environmental Quality Act) Guidelines - Class 15 (Minor Land Divisions). Class 15 exemption includes the division of property in urbanized areas zoned for residential, commercial, or industrial use into four (4) or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcel to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20 percent. This exemption includes a minor lot merger not resulting in the creation of any new parcel that complies with the conditions specified above.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.68.030 and 19.08.030 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

A. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.

Facts in Support of Finding:

1. The lot merger to combine two existing legal lots by removing the interior lot line between the lots will not result in the creation of additional parcels.
2. The project is in an area with an average slope of less than 20 percent.
3. The lot merger is consistent with the purpose and intent of Title 19 (Subdivisions). The proposed merger will protect land owners and surrounding residents, and will preserve the public health, safety, and general welfare of the City by consolidating two substandard lots into a conforming parcel.
4. The future development on the proposed parcel will be subject to the Zoning Code development standards.

Finding:

B. The lots to be merged are under common fee ownership at the time of the merger.

Facts in Support of Finding:

1. The two lots to be merged are under common fee ownership.

Finding:

C. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

Facts in Support of Finding:

1. The merged lots will retain the Single-Unit Residential (R-1) zoning designation, consistent with the surrounding area. The R-1 Zoning District is intended to provide for areas appropriate for a detached single-family residential dwelling unit located on a single lot.
2. The Land Use Element of the General Plan designates the subject site as Single-Unit Residential Detached (RS-D), which applies to a range of single-family residential dwelling units. The Coastal Land Use Plan designates this site as Single-Unit Residential Detached (RSD-C) which provides for density ranges from 10.0-19.9 dwelling units per acre. The land use will remain the same and the merger is consistent with the land use designations of the General Plan and Coastal Land Use Plan.
3. The subject property is not located within a Specific Plan area.
4. Section 20.18.030 of the Zoning Code establishes minimum lot area and width requirements. The proposed merger of the lots would create one 5,850 square-foot parcel that will exceed the minimum 5,000-square foot lot area standard of the Zoning Code. Also, the proposed merger of the lots would create one 65 foot wide parcel that will exceed the minimum 50 foot lot width standard of the Zoning Code.

Finding:

D. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.

Facts in Support of Finding:

1. No adjoining parcels will be deprived of legal access as a result of the merger. Legal access is provided from the front of the property along Via Lido Soud and will remain unchanged.

Finding:

E. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.

Facts in Support of Finding:

1. Properties on Lido Island consist of varying shapes and sizes. Although the proposed lot merger will create a larger lot width, it will not create an excessively large lot in comparison to many existing lots surrounding the subject property. There are many existing lots in the surrounding development that exceed the

proposed lot area, including 309 Via Lido Soud (9,450 square feet), 200 Via Dijon (6,884 square feet), and 121 Via Florence (6,863 square feet).

2. 301 and 305 Via Lido Soud are currently utilized as a single parcel and building site per Covenant and Agreement OR 19970438487. The lot merger will legally merge the two parcels into one building site.
3. The resulting lot configuration will not change the existing pattern of development since the orientation and access to the parcel would remain from Via Lido Soud.

Finding:

F. The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.

Facts in Support of Finding:

1. Future improvements on the site will be required to comply with the development standards of the Municipal Code, General Plan, and Coastal Land Use Plan.
2. The proposed lot merger combines the properties into a single parcel of land and does not result in the elimination of more than one lot.
3. Approval of the proposed lot merger would remove the existing interior lot line, and allow the property to be used as a single site. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, General Plan, and Coastal Land Use Plan.
4. The subject property is not subject to a Specific Plan.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM2016-001, 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 10 days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 (Subdivisions) of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 24th DAY OF MARCH, 2016.



Patrick J. Alford, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. The map shall be submitted to the Public Works Department for Final Map Review and Approval. All applicable fees shall be paid.
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. Prior to the issuance of building permits for construction to cross the existing interior lot line between the two (2) parcels proposed to be merged, recordation of the lot merger documents with the County Recorder shall be required.
4. Lot Merger No. LM2016-001 shall expire unless exercised within twenty-four (24) months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
5. 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 Feuerstein Lot Merger including, but not limited to, Lot Merger No. LM2016-001 (PA2016-027). 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

RESOLUTION NO. ZA2016-014

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2016-005 FOR AN INSTRUCTIONAL DANCE FACILITY LOCATED AT 1000 NORTH BRISTOL STREET, SUITE 26 (PA2016-023)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jonathan Zane, with respect to property located at 1000 Bristol Street North, Suite 26, and legally described as Parcel 1, in the City of Newport Beach, County of Orange, State of California, as shown on a Parcel Map filed in book 97, pages 18 and 19 of Parcel Maps, in the Office of the County Recorder of said County, requesting approval of a minor use permit.
2. The applicant requests a minor use permit for an instructional dance facility located in a 2,581 square-foot suite within the Plaza Newport Shopping Center.
3. The subject property is located within the PC-11 (Newport Place Planned Community – General Commercial Site 3) Zoning District and the General Plan Land Use Element category is CG (General Commercial).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on March 24, 2016 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, pursuant to Section 15301 (Class 1 – Existing Facilities).
2. Class 1 exempts minor alterations to existing facilities that involve negligible expansion of the use. This project involves an interior remodel of an existing commercial space and a change in use from a physical therapy facility to an instructional dance facility, with no expansion of use.

SECTION 3. REQUIRED FINDINGS.

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 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 land use designation for this site is CG (General Commercial). The CG designation is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs. The instructional dance facility is consistent with this land use designation, as the use will serve residents in the area.
2. 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. The subject property is located within the General Commercial Site 3 of PC-11 (Newport Place Planned Community) Zoning District. Pursuant to the PC-11 Development Plan Part II (Commercial), Section II (Permitted Uses), Group II (Commercial Uses), F (General Commercial), General Commercial sites allow for institutional, instructional, and educational uses, subject to a use permit in each case. An instructional dance facility is considered an instructional use.
2. PC-11 does not provide a specific parking rate for institutional, instructional, and educational uses. The use shares similar characteristics and intensity to the large health and fitness facility land use, as defined in the Municipal Code. This use has a parking rate of one (1) space for every 200 square feet of gross floor area. The previous use was a physical therapy medical office, which also had the parking rate of one (1) space for every 200 square feet of gross floor area. Therefore, there is no change in parking demand associated with the change of use and no additional parking is required.
3. As conditioned, the proposed use will comply with all other applicable provisions of the Zoning Code and Municipal Code.

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 proposal is to establish an instructional dance facility located in the Plaza Newport Shopping Center. The proposed suite for the facility was previously occupied by a physical therapy medical office.
2. The project site and surrounding area consist of a mixture of nonresidential uses including eating and drinking establishments, a hair and nail salon, mail services, and retail uses that serve residents and visitors to the City of Newport Beach. The instructional dance facility will continue to provide a service, consistent with existing and permitted uses in the area.
3. The existing 236-space parking lot provides adequate parking for all uses within the shopping center and the proposed instructional dance facility will not require the provision of additional parking on-site.
4. A maximum of 15 patrons and 3 employees are expected inside the facility at any one given time. The facility will provide group instruction and the patrons may be dropped off before the class starts. The operating characteristics of the facility are compatible with the existing service uses in the vicinity and will have a minimum impact on the parking at the plaza.

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.

Facts in Support of Finding:

1. The shopping center property is 3.9 acres in area, and is developed with four (4) multi-tenant buildings and a 236-space surface parking lot. The existing building and parking lot have functioned satisfactorily with the current configuration. The parking lot fronts Bristol Street and has two (2) vehicular access points in and out of the shopping center.
2. Adequate public and emergency vehicle access, public services, and utilities are provided on the property and the proposed instructional dance facility will not change this.

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, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding:

1. The proposed use will not operate with late hours, which will minimize any potential detrimental effects on the surrounding area.
2. The shopping center is not located within an area with problems of blight and deterioration.
3. The project has been conditioned requiring all doors and windows to remain closed at all times, limiting the potential for noise related impacts associated with music.
4. The proposed instructional dance facility will provide additional services to the residents in the surrounding area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2016-005, 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 fourteen (14) days following the date this Resolution was adopted unless within such time an appeal or call for review 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 24th DAY OF MARCH, 2016.



Patrick J. Alford, 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. 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 Minor Use Permit.
4. This Minor 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 an amendment to this Minor Use Permit or the processing of a new use permit.
6. Group instruction shall be limited to a maximum of 15 persons at any given time.
7. Hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m., daily.
8. Doors and windows shall remain closed at all times.
9. 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.
10. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
11. 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.
12. 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.

13. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three (3) 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.
14. 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.
15. 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 twenty (20) feet of the premises.
16. 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, including all future amendments (including Water Quality related requirements).
17. 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.
18. 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.
19. 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.
20. 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 Mon Reve Minor Use Permit including, but not limited to, UP2016-005 (PA2016-023). 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.

RESOLUTION NO. ZA2016-015

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2016-007 FOR A TAKE-OUT SERVICE LIMITED, EATING AND DRINKING ESTABLISHMENT LOCATED AT 1617 WESTCLIFF DRIVE, SUITE 103 (PA2016-028)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jee Shin on behalf of KIT Coffee, with respect to property located at 1617 Westcliff Drive, Suite 103, and legally described as Parcel 1 of Lot Line Adjustment No. LA2002-031 requesting approval of a minor use permit.
2. The applicant requests a minor use permit to allow the operation of a take-out service limited, eating and drinking establishment in an existing multi-tenant commercial building. The establishment will offer coffee, tea, and pastries and include an area for retail sales. No late hours (after 11:00 p.m.) or alcohol service are proposed as part of the application. The interior will provide six (6) seats and the 128-space on-site parking lot provides parking for employees and patrons.
3. The subject property is located in the Commercial General (CG) Zoning District and the General Plan Land Use Element category is General Commercial (CG).
4. The subject property is not located in the coastal zone.
5. A public hearing was held on March 24, 2016, 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 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The proposed project involves interior improvements to convert a vacant retail tenant space to a take-out service limited, eating and drinking establishment and involves no expansion in floor area or change in parking requirement.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings 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 the site General Commercial (CG), which is intended for areas appropriate for a wide variety of commercial activities oriented primarily to serve Citywide or regional needs.
2. The proposed establishment will occupy a tenant space in a multi-tenant commercial building and will provide a service to visitors and residents living in the immediate neighborhood and surrounding area. Therefore, the use is consistent with the CG land use category.
3. A variety of uses including office and eating and drinking establishments are permitted in the building. The proposed take-out service establishment would serve and be complementary to these 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. The property is located in the Commercial General (CG) Zoning District. The proposed establishment, which includes a kitchen, six (6) seats, no alcohol service, and no late hours, is a permitted use subject to the approval of a minor use permit pursuant to Newport Beach Municipal Code Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements).
2. The 128-space on-site parking lot provides parking for the establishment. The parking requirement for a take-out service limited, eating and drinking establishment (1 space per 250 square feet) is the same standard required of the previous retail tenant. Therefore, there is no intensification of use and the existing on-site parking is sufficient for the proposed establishment.

3. A Parking Demand Analysis prepared for the property in December 2014, evaluated parking requirements and operational needs of the site based on a mix of uses at full occupancy. The analysis concluded that the existing on-site parking lot accommodated the tenant mix proposed based on the shared parking characteristics of the site. This tenant mix accounted for a take-out service establishment in suite 103. The Planning Commission accepted this analysis at its meeting on December 4, 2014.
4. As conditioned, the proposed establishment will comply with Zoning Code standards for eating and drinking establishments, including those specific to the take-out service limited use classification, which includes a maximum of six (6) seats.

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 proposed take-out service use is appropriate given the establishment will be located in an existing multi-tenant commercial building accessible from two streets (Sherington Place and Westcliff Drive), which provides convenient access to motorists, pedestrians, and bicyclists.
2. Surrounding properties consist of residential and nonresidential uses including office and eating and drinking establishments. The proposed establishment is compatible with the existing and permitted uses in the area. Westcliff Drive buffers the entrance to the establishment from residential uses located approximately 175 feet to the north.
3. As conditioned, the allowed hours of operation will be 6 a.m. to 11 p.m. daily, which will minimize any disturbance to residents residing near the property.
4. The existing trash storage area in the parking lot is adequate to accommodate the proposed eating and drinking establishment. It is conveniently located where materials can be deposited and collected, and does not impede with the parking spaces.

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.*

Facts in Support of Finding:

1. The existing parking lot provides adequate circulation and parking spaces for employees and patrons.

2. The Fire Department reviewed the site to ensure adequate public and emergency vehicle access is provided.
3. Any proposed site improvements will comply with the Zoning Code and all Building, Public Works, 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, 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.*

Facts in Support of Finding:

1. The take-out service limited, eating and drinking establishment will occupy space in an existing multi-unit commercial building that has not proven to be detrimental to the occupants of the property or nearby properties.
2. 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.
3. The applicant is required to obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees in the establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2016-007, 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 fourteen (14) days following the date this Resolution was adopted 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 24TH DAY OF MARCH, 2016.

BY:



Patrick J. Alford, 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 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 Minor Use Permit.
3. The Minor 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 is 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. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to the Minor Use Permit or the processing of a new use permit.
5. 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.
6. Incidental seating for up to a maximum of six (6) patrons may be provided for on-site consumption of food or beverage.
7. The sale of alcoholic beverages shall be prohibited unless an amendment to the Minor Use Permit or other required application is first approved in accordance with the provisions of the Municipal Code.
8. The hours of operation are limited to between 6 a.m. and 11 p.m., daily.
9. Parking spaces shall not be assigned for exclusive use.
10. A valid business license from the City of Newport Beach with a sellers permit shall be required prior to start of business. Any contractors/subcontractors doing work at the subject site shall be required to obtain a valid business license from the City of Newport Beach prior to the commencement of any work on the subject site.
11. Approval from the Orange County Health Department is required prior to the issuance of a building permit.

12. All proposed signs shall conform to Title 20, Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code regulations or any sign program applicable to the property.
13. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00 a.m. and 10:00 p.m.		Between the hours of 10:00 p.m. and 7:00 a.m.	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

14. 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.
15. 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.
16. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
17. Strict adherence to maximum occupancy limits is required.
18. No outside paging system shall be utilized in conjunction with this establishment.
19. All trash shall be stored in the building or in dumpsters stored in the trash enclosure (three (3) walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
20. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment; however, not located on or in any public property or right-of-way.
21. 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 twenty (20) feet of the premises.

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22. 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, including all future amendments (including Water Quality related requirements).
 23. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. daily, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
 24. 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.
 25. 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.
 26. This approval shall expire and become void unless exercised within twenty-four (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.
 27. 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 KIT Coffee including, but not limited to, UP2016-007 (PA2016-028). 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.



OPERATOR LICENSE

POLICE DEPARTMENT
870 SANTA BARBARA DRIVE
NEWPORT BEACH, CA 92660
(949) 644-3681 FAX (949) 644-3794

Application No.	Operator License No. OL2015-008 (PA2015-178)
Owner/Applicant	Zinqué
Location Name	
Site Address	3440 Via Oporto
Legal Description	Lots 1121 and 1122 (and portions of Lot 1123) in Tract 907, Miscellaneous Maps, records of Orange County

On **March 23, 2016**, the Chief of Police approved the following: An operator license to allow Emmanuel Dossetti of Le Zinc Bar, LLC a full service restaurant with late hours, an outdoor dining patio, and a Type 41 (On-Sale Beer and Wine) Alcohol Beverage Control license.

Pursuant to NBMC 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance), the operation as described requires the owner/operator to obtain an Operator License through the City because the new restaurant operation occupies two existing restaurant spaces and a retail space and includes alcohol service in conjunction with late hours of operation after 11:00 p.m.

BACKGROUND

The applicant has obtained approval of a CUP to allow a food service, eating and drinking establishment, Zinqué, with late hours, a Type 41 (On Sale Beer and Wine) Alcohol Beverage Control (ABC) license, and an outdoor dining patio. The proposed establishment will occupy two existing restaurant spaces (Le Bistro and Le Bistro Café-Two) and an existing retail space. Construction of the restaurant will include a new kitchen and dining area, expansion of the outdoor dining area by decreasing interior area, creating a to-go area and window, and the addition of restrooms resulting in a gross floor area of 2,379 square feet. The to-go window is intended to provide coffee and to-go food. An existing retail space will remain on the first floor and a 291-square-foot office space to be located upstairs.

The restaurant includes 1,364 square feet of interior net public area (seating and customer areas) with 63 seats. The interior includes a wine and coffee bar "Zinc" which accommodates 14 of the 63 interior seats. The outdoor dining patio facing Newport Harbor is 795 square feet in area with 32 seats. Expanding the proposed restaurant into the abutting retail suite required the approval of Conditional Use Permit No. 2015-042 (PA2015-178).

HOURS OF OPERATION

Interior of Restaurant

- 6:30 a.m. to 12:00 midnight, Monday through Thursday*
- 6:30 a.m. to 1:00 a.m., Friday through Sunday*

Patio

- 6:30 a.m. to 12:00 midnight, daily*

To-Go Area and Window

- 6:00 a.m. to 12:00 midnight, daily

*Doors shall be closed to new customers one hour prior to the closing hour and last call for service of alcohol shall be one half hour prior to the closing hour.

REQUIRED FINDINGS

The Chief of Police has made the following findings as required by NBMC 5.25.050(Issuance of License - Criteria and Findings):

Finding:

- A. *The business or enterprise is located in a zone permitting the proposed use under Title 20 of the NBMC, and is subject to such use permits as may be required.*

Facts in Support of Finding:

1. A food service restaurant with late hours, alcohol service, and an accessory outdoor dining patio is a permitted use in the Mixed-Use Water Related (MU-W2) Zoning District with the approval of a conditional use permit.
2. Conditional Use Permit No. UP2015-042 (PA2015-178) was approved by the Planning Commission on January 21, 2016, to allow a food service eating and drinking establishment, Zinqué, with late hours, a Type 41 (On Sale Beer and Wine) Alcoholic Beverage Control (ABC) license, a to-go area with window, and an outdoor dining patio.

Finding:

- B. *In the case of a business or enterprise offering "Entertainment," as defined, the premises meets all of the criteria in Chapter 5.28.040.B.2-7 (Standards for Approval of Permit, Live Entertainment Establishments).*

Facts in Support of Finding:

1. The food service, eating and drinking establishment does not currently propose to offer live entertainment. Per Conditional Use Permit No. UP2015-042 live entertainment shall not be permitted unless an amendment to the Use Permit is approved and the operator has obtained a live entertainment permit from the Revenue Division

Finding:

- C. *The proposed site plan and improvements are consistent with the use and the plan of operations.*

Facts in Support of Finding:

1. The proposed interior floor plan is designed to accommodate 63 seats within the 1,364-square-foot net public area, consistent with the net public area approved under Use Permit No. UP 2015-042(PA2015-178) and is consistent with the operation of a food service restaurant.
2. The outdoor dining patio accommodates 32 seats within a 795-square-foot area consistent with the approved plans of Use Permit No. UP2015-042 (PA2015-178).
3. The approved floor plan includes seating principally for dining purposes with an ancillary bar area. In conjunction with the limited hours of operation of the restaurant and the food service during these hours the use of the establishment as a restaurant will be maintained and is not anticipated to convert to a bar or nightclub use.

Finding:

- D. *The plan of operations as proposed, with attached conditions in place, is adequate in light of the neighborhood in which the operation is located and supports the public health, safety, and welfare of the community.*

Facts in Support of Finding:

1. The business will be required to comply with the hours of operation as specified in the conditions of approval for the operator license.
2. Parking for Lido Marina Village is provided nearby in a structure at 3434 Via Lido and along Via Lido and Via Oporto that accommodate the proposed use as authorized under the Lido Marina Village Parking Management Program, Conditional Use Permit No. UP2014-014 (PA2014-002).
3. The operator license and conditional use permit have been conditioned to ensure the location is maintained and operated as a food service restaurant and not a bar, tavern, or nightclub.
4. A valet parking plan has been provided to Public Works in conjunction with the Lido Marina Village Parking Management Program to ensure adequate parking circulation in the area.
5. In addition to the security plan for all of Lido Marina Village as conditioned, the Operator will implement the security plan for Zinqué as submitted with the Operator's License application which was reviewed and approved by the Police Department. The plan of operations, along with the conditions of approval provided below are adequate in light of the establishment's location to ensure the public health, safety, and welfare of the community.

- D-6. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, curbs, gutters, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.

CONDITIONS OF APPROVAL

1. The business shall comply with Title 20 (Zoning Code) and any other applicable provisions of the Newport Beach Municipal Code.
2. The approval is for the operation of Zinqué, a food service, eating and drinking establishment with late hours, outdoor dining, and on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 41 (On-Sale Beer and Wine) Alcoholic Beverage Control License in conjunction with the restaurant as the principal use of the facility.
3. The applicant shall comply with all other conditions of approval set forth by Use Permit No. UP2015-042.
4. The hours of operation for the interior of the restaurant shall be limited between 6:30 a.m. to 12:00 midnight, Monday through Thursday, and between 6:30 a.m. to 1:00 a.m., Friday through Sunday. The doors shall be closed to new customers one hour prior to the closing hour and last call for alcoholic beverages shall occur one half hour prior to the closing hour of the restaurant.
5. The hours of operation for the outdoor dining patio shall be limited between 6:30 a.m. to 12:00 midnight, daily with the same instructions for closing as the interior of the restaurant found in Condition No. 4.
6. The hours of operation for the to-go area shall be limited between 6:00 a.m. to 12:00 midnight, daily.
7. At no time shall the queuing for the take-out window impede the public walkway or public right-of-way.
8. Alcohol beverage sales are not permitted from the to-go window.
9. There shall be no dancing or live entertainment allowed on the premises.
10. The restaurant and patio seats shall be configured in a dining room setting. The dining tables and chairs are not permitted to be moved to create standing areas for food and beverage service to patrons.
11. All owners, managers, and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the

certificate of occupancy. Records of each owner's, manager's, and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

12. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code, unless the Zoning Administrator first approves an amended use permit. This Operator License Permit shall be terminated if the operation is no longer maintained as a "bona fide public eating place" as defined by the California Department of Alcoholic Beverage Control.
13. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
14. Food service from the regular menu shall be available to patrons up to thirty (30) minutes before the scheduled closing time.
15. 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.
16. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
17. The Operator shall implement the security plan approved by the Police Department and found in Attachment A. Any changes to this security plan are required to be reviewed and approved by the Police Department. Failure to implement the approved security plan could jeopardize the Operator License.
18. A Special Event Permit is required for any event or promotional activity outside the normal operational characteristics of this restaurant business 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.
19. 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.
20. 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, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
21. 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.

22. All proposed signs shall be in conformance with the provisions of the PC-56 (North Newport Center Planned Community), Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code, or an approved Comprehensive Sign Program for the project site.
23. Strict adherence to maximum occupancy limits is required.
24. An outdoor sound system shall be permitted within the outdoor dining areas for music played at a background level. Music on the outdoor dining patios shall be turned off at 10:00 p.m. daily. Sound shall adhere to Chapter 10.26 of the Newport Beach Municipal Code.
25. The applicant shall post and maintain professional quality signs measuring 12 inches by 12 inches with lettering no smaller than 2 inches in height that read, "No Alcoholic Beverages Beyond This Point" at all premise exits.
26. The outdoor dining patio shall be separated from the main mall corridor with a solid decorative barrier (subject to ADA compliance) at least 36 inches high placed around the perimeter of the consumption area.
27. Patrons shall be required to show valid identification to verify age at the point of sale for alcohol.
28. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
29. A copy of this operator license shall be kept on the premises at all times and shall be made available to any member of the Police Department upon request.

OPERATOR LICENSE NONTRANSFERABLE

No operator license issued pursuant to this chapter shall be sold, transferred, or assigned by any license holder, or by operation of law, to any other person, group, partnership, corporation or any other entity, and any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such license, and such license shall be, thereafter, null and void. A license held by an individual in a corporation or partnership is subject to the same rules of transferability as contained above. License shall be valid only for the exact location specified in the license.

REVOCATION, SUSPENSION OR MODIFICATION OF LICENSE FOR CAUSE

The Chief of Police may commence a process to revoke, suspend, or modify an operator license issued under the provisions of this chapter should there be reasonable suspicion of any of the following:

- A. The licensee has ceased to meet the requirements for issuance of license;

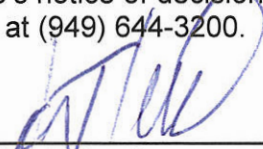
- B. The applicant gave materially false, fraudulent, or misleading information within the application;
- C. Impacts emanating from the establishment for which the license was issued has substantially interfered with the peace and quiet of the neighborhood;
- E. The licensed business or activity has operated in violation of any of the requirements of this chapter, the license as issued, or any condition thereof. The Chief of Police shall notify the operator of the commencement of such revocation, suspension or modification process and shall conduct an investigation to determine if, and to what degree, one or more of the foregoing has occurred. Upon completion of the investigation, the Chief of Police may add, delete or modify the license conditions. The Chief of Police shall notify the applicant regarding the determination of the operator license, on the outcome of the investigation, and the action taken. The applicant or any interested party may appeal a determination or an added or modified condition of approval to the City Manager in the manner set forth in Section 5.25.050.C-D (Issuance of License-Criteria and Findings).

Public Notice

Notice of this application was 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 at least 21 days prior to the decision date, consistent with the provisions of the Municipal Code.

Appeal Period

The determination of the Chief of Police to deny or to place conditions upon the approval of an operator license shall be appealable by the applicant or any interested party. Such appeal shall be made in writing to the City Manager, within fifteen (15) days of the postmark date of the Chief of Police's notice of decision. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

By: 

Jon T. Lewis
CHIEF OF POLICE

Attachments:

- PD 1 Planning Commission Resolution No. 2008
- PD 2 Zinqué Security Plan
- PD 2 Lido Marina Village Security Plan
- PD 3 Project Plans

Attachment No. PD 1

Planning Commission Resolution No. 2008

RESOLUTION NO. 2008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING CONDITIONAL USE PERMIT NO. UP2015-042 FOR A FOOD SERVICE, EATING AND DRINKING ESTABLISHMENT WITH LATE HOURS, A TYPE 41 ALCOHOL LICENSE, AND OUTDOOR DINING PATIO LOCATED AT 3440, 3442 AND 3446 VIA OPORTO (PA2015-178)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Emmanuel Dosseti, representing Le Zinc Bar LLC, with respect to property located at 3440, 3442 and 3446 Via Oporto, and legally described as Lots 1121 and 1122 (and portions of Lot 1123) in Tract 907, Miscellaneous Maps, records of Orange County. The applicant requests approval of a conditional use permit.
2. The applicant proposes a conditional use permit to allow a food service eating and drinking establishment, Zinqué, with late hours, a Type 41 (On Sale Beer and Wine) Alcoholic Beverage Control (ABC) license, an outdoor dining patio. The interior net public area is 1,364 square feet and accomodates up to 63 seats and the outdoor dining patio includes 795 square feet and accommodates 32 seats.
3. The subject property is located within the MU-W2 (Mixed-Use Water Related) Zoning District and the General Plan Land Use Element category is MU-W2 (Mixed-Use Water Related).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is MU-W (Mixed-Use Water Related).
5. A public hearing was held on January, 21, 2016, in the Council Chambers 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 Planning Commission 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 operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion

of use. The proposed project involves the interior alteration of an existing commercial building. Therefore, the project qualifies for a categorical exemption under Class 1.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales), the Planning Commission must make the following finding for approval of a new alcoholic beverage license:

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:

1. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. Alcohol service is intended for the convenience of customers dining at the restaurant. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages including the requirement to obtain an Operator License will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
2. The subject property is located in an area with a significant variety of land uses including commercial, retail, office, and marine-related resources. The business hours, operational characteristics, and floor plan have been limited so as to maintain the compatibility of the proposed use with surrounding land uses.
3. The Balboa Peninsula is generally characterized by a high number of visitors, in which commercial and residential zoning districts are located in close proximity to one another. This location in Lido Marina Village has greater distance from sensitive land uses than other commercial areas. The draft resolution includes conditions of approval to further minimize negative impacts to surrounding land uses and ensure that the use remains compatible with the surrounding community.

Pursuant to Section 20.22.020 (Mixed-Use Zoning Districts, Land Uses and Permit Requirements) of the Newport Beach Municipal Code, eating and drinking establishments classified as Food Service, Late Hours, require the approval of a conditional use permit within the MU-W2 (Mixed-Use Water Related) Zoning District.

In accordance with Section 20.52.020.F (Conditional Use Permit, Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

B. *The use is consistent with the General Plan and any applicable Specific Plan.*

Facts in Support of Finding:

1. The MU-W2 (Mixed-Use Water Related) General Plan and CLUP land use designations apply to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. Although the subject property and surrounding development does not include residential uses, the proposed eating and drinking establishment is consistent with the visitor-serving land uses intended for the MU-W2 (Mixed-Use Water Related) land use designation of the General Plan and CLUP.
2. The requested outdoor dining patio hours are compatible with the goals established for Lido Marina Village. Land Use Goal 6.9 (Lido Village) of the General Plan emphasizes the need for, "a pedestrian-oriented village environment that reflects its waterfront location, providing a mix of uses that serve visitors and local residents." The proposed enlarged outdoor dining patio and the take-out area and window provides an amenity for coastal visitors to enjoy the bay frontage.
3. Land Use Element Policy LU5.2.2 (Buffering Residential Areas) suggests that commercial uses adjoining residential neighborhoods should be designed to be compatible and minimize impacts to these uses. There is no dancing or live entertainment proposed and the only music will be ambient or background music.
4. The Circulation Element Goal 7.1 (Parking) is to ensure that an adequate supply of convenient parking is available throughout the City. Analysis provided by the Lido Marina Village Parking Demand Analysis and in accordance with the approved Parking Management Program (Planning Commission Resolution No. 1966) demonstrates that an adequate supply of parking will be provided based upon the shared use of parking within Lido Marina Village.
5. Pursuant to Coastal Land Use policies the project will provide public access via a public walkway along the water front with a width of approximately 9-feet, 10-inches.
6. The project site is not located within a Specific Plan area.

Finding:

C. *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. The MU-W2 (Mixed-Use Water Related) zoning district applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-

serving commercial, and residential dwelling units on the upper floors. Eating and drinking establishments classified as Food Service, Late-Hours require the approval of conditional use permit within the MU-W2 (Mixed-Use Water Related) Zoning District.

2. Section 20.48.090.F.3.b (Eating and Drinking Establishments, Outdoor Dining) also requires that the review authority consider the relationship of outdoor dining to sensitive noise receptors. The outdoor dining patio closing hour of 12:00 midnight, daily, will minimize noise impacts to residents located across Newport Harbor.
3. The proposed use and required parking is consistent with the Lido Marina Village Parking Management Program authorized under Planning Commission Resolution No. 1966.
4. As conditioned, the proposed project will comply with Newport Beach Municipal Code standards for eating and drinking establishments.
5. The eating and drinking establishment is consistent with the Lido Marina Village Design Guidelines. The renovation of the existing establishment will support local establishments within Lido Marina Village and improve the pedestrian streetscape.
6. The existing development is conforming to the 0.5 Floor Area Ratio (FAR). The floor area will actually be reduced with the proposed larger outdoor dining patio area.

Finding:

- D. *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. An eating and drinking establishment has operated in this building since 1981 and another eating and drinking establishment has operated since 1997. The commercial spaces are being combined and improved with a new kitchen, dining areas, and restrooms and the existing infrastructure is adequate to accommodate the new eating and drinking establishment. The location is compatible with other commercial uses in the area and serves as a key restaurant anchor within Lido Marina Village. The eating and drinking establishment also serves as an important visitor-serving use that benefits the area, which is in furtherance of the City's Coastal Land Use Plan and the Coastal Act.
2. The subject property is located in a relatively dense commercial village area with multiple uses within a short distance of each other. Lido Marina Village is conducive to a significant amount of walk-in patrons. No on-site parking is available for the subject property but adequate parking is provided in the Lido Marina Village parking structure and adjacent streets (Central Avenue and Via Oporto) as authorized under the approved Parking Management Program for Lido Marina Village (Planning Commission Resolution No. 1966).

3. The operational conditions of approval will promote compatibility with the surrounding uses. The floor plan provides tables and counter areas to accommodate 63 interior seats and 32 outdoor dining patio seats. The hours of operation have been limited to stagger and minimize the demand for police services in the area. The applicant is required to maintain substantial conformance with the approved floor plan in conjunction with a Type 41 (On Sale Beer and Wine) alcohol license so that the restaurant's primary use is an eating and drinking establishment and not a bar, lounge, or night club. Live entertainment is not permitted.
4. The take-out window and area has more limited hours of operation of 10:00 p.m. and 10:30 p.m. to minimize any impacts to the surrounding neighborhood.
5. The proposed use will not necessitate high levels of lighting or illumination and all outdoor lighting must conform to Newport Beach Municipal Code Section 20.30.070 (Outdoor Lighting).

Finding:

- E. *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.*

Facts in Support of Finding:

1. The project site is located within an existing commercial building with the majority of the space previously used for an eating and drinking establishment. The interior construction includes a new kitchen and dining area, expansion of the outdoor dining area by moving the wall facing the Bay, the addition of a to-go area and counter and the addition of restrooms. The design, size, location, and operating characteristics of the use are compatible with the surrounding Lido Marina Village development.
2. Adequate public and emergency vehicle access, public services, and utilities exist for the site.
3. The design of the tenant improvements will comply with all Building, Public Works, and Fire Codes, and will be approved by the Orange County Health Department.

Finding:

- F. *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, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The tenant improvements to the existing commercial building should have a positive impact on the area and may promote further revitalization of commercial properties located in Lido Marina Village. The eating and drinking establishment will serve the surrounding community.
2. The project includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. Turning music at the patio off at 10:00 p.m. will ensure the restaurant will remain in compliance with Chapter 10.26 (Community Noise Control) of the Newport Beach Municipal Code.
3. The project includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The limited hours reduce impacts to surrounding land uses and sufficient parking is available in the area to accommodate the eating and drinking establishment. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance within the facility, adjacent properties, or surrounding public areas, sidewalks, or parking lots of the restaurant, during business hours, if directly related to the patrons of the establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit No. UP2015-042 (PA2015-178), 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 following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Use Permit No. UP2020 and Amended Use Permit No. UP2020, Planning Director's Use Permit No. PDUP013 and Accessory Outdoor Dining Permit No. OD0043 which upon vesting of the rights authorized by this Conditional Use Permit No. UP2015-042 (PA2015-178) shall become null and void.

PASSED, APPROVED, AND ADOPTED THIS 21st DAY OF JANUARY, 2016.

AYES: Hillgren, Koetting, Lawler, Weigand

NOES: None

ABSTAIN: None

ABSENT: Brown, Kramer, Zak

BY:  for
Kory Kramer, Chairman


BY:  for
Peter Koetting, Secretary

EXHIBIT "A"**CONDITIONS OF APPROVAL****PLANNING**

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. Conditional Use Permit No. UP2015-042 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. 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.
5. This Conditional Use Permit may be modified or revoked by the City Council or Planning Commission should they determine 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.
6. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Conditional Use Permit or the processing of a new Conditional Use Permit.
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. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
9. 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.
10. Prior to issuance of building permits, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Conditional Use Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only

and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Conditional Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

11. The hours of operation for the interior of the restaurant shall be limited between 6:30 a.m. to 12:00 midnight, Monday through Thursday, and between 6:30 a.m. to 1:00 a.m., Friday through Sunday. The doors shall be closed to new customers one hour prior to the closing hour and last call for alcoholic beverages shall occur one half hour prior to the closing hour of the restaurant.
12. The hours of operation for the outdoor dining patio shall be limited between 6:30 a.m. to 12:00 midnight, daily with the same instructions for closing as the interior of the restaurant found in Condition No. 11.
13. The hours of operation for the to-go area shall be limited between 6:00 a.m. to 12:00 midnight, daily.
14. That the "net public area" shall not exceed 1,364 square feet for the interior of the subject restaurant facility.
15. At no time shall the queuing for the take-out window impede the public walkway or public right-of-way.
16. The accessory outdoor dining shall be used only in conjunction with the related adjacent establishment. The outdoor dining patio shall be limited to 795 square feet in area.
17. The restaurant and patio seats shall be configured in a dining room setting. The dining tables and chairs are not permitted to be moved to create standing areas for food and beverage service to patrons.
18. The height of the boundary wall of the accessory outdoor dining area shall be marked on the approved plans. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.
19. There shall be no dancing allowed on the premises.
20. Live entertainment shall not be permitted unless an amendment to this Use Permit is approved and the operator has obtained a live entertainment permit from the Revenue Division.
21. The installation of roof coverings shall not have the effect of creating a permanent enclosure of the outdoor patio area. The use of umbrellas for shade purposes shall be permitted. The use of any other type of overhead covering shall be subject to review and approval by the Community Development Director and may require an amendment to this permit.

22. All proposed signs shall be in conformance with any approved Comprehensive Sign Program for the project site and provisions of Chapter 20.67 of the Newport Beach Municipal Code.
23. No temporary “sandwich” signs shall be permitted, either on-site or off-site, to advertise the restaurant facility. Temporary signs shall be prohibited in the public right-of-way unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
24. All lighting shall conform with the standards of Section 20.30.070 (Outdoor Lighting). The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
25. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time period unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

26. 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.
27. An outdoor sound system shall be permitted within the outdoor dining areas for music played at a background level. Music on the outdoor dining patios shall be turned off at 10:00 p.m. daily. Sound shall adhere to Chapter 10.26 of the Newport Beach Municipal Code.
28. 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.

29. 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.
30. All trash shall be stored within the building, except when placed for pick-up by refuse collection agencies. 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, including all future amendments (including Water Quality related requirements).
31. Trash receptacles for patrons shall be conveniently located inside of the establishment. 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.
32. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the trash container on pick-up days.
33. 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 Zinqué **Conditional Use Permit** including, but not limited to, **Conditional Use Permit No. UP2015-042**. 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 Conditions

34. The Operator License required to be obtained pursuant to Chapter 5.25 of the Municipal Code, may be subject to additional and/or more restrictive conditions such as a security plan to regulate and control potential late-hour nuisances associated with the operation of the establishment.
35. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
36. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Newport Beach Municipal Code.
37. 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.
38. Alcohol beverage sales are not permitted from the to-go window.
39. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
40. Food service from the regular menu shall be available to patrons up to thirty (30) minutes before the scheduled closing time.
41. 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.
42. 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.
43. 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, and debris from

the premises and on all abutting sidewalks within 20 feet of the premises. Gaffiti shall be removed within 48 hours of written notice from the City.

44. 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.

Fire Department Conditions

45. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. California Fire Code Section 609.2.
46. Each required commercial kitchen exhaust hood and duct system required by Section 609 with a Type I hood shall be protected with an approved automatic fire-extinguishing system installed in accordance with the fire code (C.F.C Section 904.2.1).
47. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exist: CFC Sec. 903.2.1.2.
 - a. The fire area exceeds 5,000 square feet;
 - b. The fire area has an occupant load of 100 or more;
 - c. The fire area is located on a floor other than a level of exit discharge serving such occupancies; or
 - d. The structure exceeds 5,000 square feet. (As per Nbfd amendment to CFC).

Building Division Conditions

48. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. A building permit is required to allow the change in use to an eating and drinking establishment. 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. Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.
49. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
50. Strict adherence to maximum occupancy limits is required.
51. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Division.

52. A grease interceptor shall be installed prior to the establishment opening for business to the satisfaction of the Building Division.
53. A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep and 72-inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Director and Public Works Director in conjunction with the approval of an alternate drainage plan.
54. A portion of the bar counter shall be lowered to be a maximum height of 34 inches and accessible seating shall be provided at the bar counter.
55. Kitchen exhaust fans shall be installed/maintained in accordance with the California Mechanical Code. A permit from the South Coast Air Quality Management District shall be obtained for the control of smoke and odor.
56. Portable propane heaters shall be prohibited on the outdoor patio. Natural gas or electric heaters are allowed if installed per their listing and the California Electrical or Plumbing Code.

Public Works Conditions

57. County Sanitation District fees shall be paid prior to the issuance of any building permits.
58. Provide a minimum 4-foot-wide walkway clear of obstructions at all times in front of the queuing area for the take-out window along Via Oporto.

Attachment No. PD 2

Zinqué Security Plan

zinqué

Security measures for ALL SERVERS AND BARTENDERS

Learn to recognize the warning signs of intoxication. By practicing good judgment and common sense, you can help to keep our patrons safe.

Our goal is to provide you at Zinqué with the right information and training to prevent patron intoxication and alcohol-impaired driving when you are serving alcoholic beverages. Assess how much a person has been drinking by recognizing the signs of intoxication and using the following methods for intervening with intoxicated guests.

Signs of Intoxication

While alcohol affects everyone differently, the signs of intoxication generally include:

- Slurred or slowed speech
- Tendency to lose a train of thought
- Red eyes, inability to focus
- Decreased alertness
- Staggering or the inability to walk
- Fine motor skills are affected, such as the inability to light a cigarette
- Drinking faster than usual
- Being overly friendly

How Much is Too Much?

To monitor how much a guest is drinking, the SMART (Server & Managers Alcohol Responsibility Training) program suggests using the traffic light system rather than counting how many drinks a guest has had. Here's how it works:

- **Green:** Patron shows no sign of impairment, is in a good mood, and is not drinking rapidly. Guest gets a green light!
- **Yellow:** Patron is not yet intoxicated, may be drinking quickly, is either in a "down" mood or out to celebrate, and may be showing some signs of impairment. Your goal is to stop serving before a guest is intoxicated, so serve this guest with caution!
- **Red:** Patron is showing signs of intoxication, may be in a depressed, aggressive or bad mood, is drinking fast, and seems intent on becoming drunk. Stop! This guest should not be served alcohol.

Dealing with Intoxicated Patrons

You have both the right and the duty to refuse service to an intoxicated patron. This puts you at risk, so keep the following in mind:

- Politely deny service. Offer food or alcohol-free alternatives.

- Tact and courtesy go a long way in preventing explosive situations.
- Avoid threatening statements, such as "You are drunk." Instead, put the focus on yourself. For example, "If I serve you another drink, I could lose my job."
- Offer to call a taxi or a friend for a ride.
- Be firm. Once you have refused service, do not bargain or back down.
- Stay calm and remain in control. Move on to serving other customers or attend to other tasks to keep yourself busy.

If removal of a drunk patron becomes necessary, it should be done as quickly and with the least amount of force as possible. Using unreasonable force may result in injury and subsequent legal action. If there is the chance of a violent reaction from a patron, be prepared to call the police for assistance.

In the event of an incident, fill out a Liquor Liability Incident Form, which documents the measures taken to control an intoxicated person, and helps to defend liability in the event of an alcohol-related accident.

Intervening with an intoxicated patron may seem difficult, but your actions are critical. When you take the appropriate steps to prevent intoxicated patrons and alcohol-impaired driving, everyone benefits.



RESTAURANT EMPLOYEE SAFETY & SECURITY MANUAL

**AN EMPLOYEE GUIDE TO SAFETY POLICIES & PROCEDURES
TO SUPPORT A SAFE AND SECURE ENVIRONMENT**

LEGAL DISCLAIMER TO USERS OF THIS FORM EMPLOYEE HANDBOOK:

THE MATERIALS PRESENTED HEREIN ARE FOR GENERAL REFERENCE ONLY. FEDERAL, STATE AND/OR LOCAL LAWS, OR INDIVIDUAL CIRCUMSTANCES, MAY REQUIRE THE ADDITION OF POLICIES, AMENDMENT OF INDIVIDUAL POLICIES, AND/OR THE ENTIRE HANDBOOK TO MEET SPECIFIC SITUATIONS. THESE MATERIALS ARE INTENDED TO BE USED ONLY AS GUIDES AND SHOULD NOT BE USED, ADOPTED, OR MODIFIED WITHOUT THE ADVICE OF LEGAL COUNSEL. THESE MATERIALS ARE PRESENTED, THEREFORE, WITH THE UNDERSTANDING THAT THE COMPANY IS NOT ENGAGED IN RENDERING LEGAL, ACCOUNTING, OR OTHER PROFESSIONAL SERVICE. IF LEGAL ADVICE OR OTHER EXPERT ASSISTANCE IS REQUIRED, THE SERVICES OF A COMPETENT PROFESSIONAL SHOULD BE SOUGHT.

COMMITMENT TO SAFETY

ZINQUÉ RECOGNIZES THAT EMPLOYEES DRIVE OUR BUSINESS. AS OUR MOST CRITICAL RESOURCE, EMPLOYEES WILL BE SAFEGUARDED THROUGH TRAINING AND PROCEDURES THAT FOSTER PROTECTION OF HEALTH AND SAFETY. ALL WORK CONDUCTED BY **ZINQUÉ'S** EMPLOYEES WILL TAKE INTO ACCOUNT THE INTENT OF THIS POLICY. NO DUTY, NO MATTER WHAT ITS PERCEIVED RESULT, WILL BE DEEMED MORE IMPORTANT THAN EMPLOYEE HEALTH AND SAFETY.

ZINQUÉ IS FIRMLY COMMITTED TO THE SAFETY OF OUR EMPLOYEES. WE ARE COMMITTED TO PROVIDING A SAFE WORKING ENVIRONMENT AND WILL DO EVERYTHING POSSIBLE TO PREVENT WORKPLACE ACCIDENTS.

WE VALUE OUR EMPLOYEES NOT ONLY AS EMPLOYEES BUT ALSO AS HUMAN BEINGS CRITICAL TO THE SUCCESS OF THEIR FAMILIES AND THE LOCAL COMMUNITY.

EMPLOYEES ARE ENCOURAGED TO REPORT ANY UNSAFE WORK PRACTICES OR SAFETY HAZARDS ENCOUNTERED ON THE JOB. ALL ACCIDENTS/INCIDENTS (NO MATTER HOW SLIGHT) ARE TO BE IMMEDIATELY REPORTED TO THE SUPERVISOR ON DUTY.

A KEY FACTOR IN IMPLEMENTING THIS POLICY WILL BE THE STRICT COMPLIANCE TO ALL APPLICABLE FEDERAL, STATE AND LOCAL POLICIES AND PROCEDURES. FAILURE TO COMPLY WITH THESE POLICIES MAY RESULT IN DISCIPLINARY ACTIONS.

RESPECTING THIS, **ZINQUÉ** WILL MAKE EVERY REASONABLE EFFORT TO PROVIDE A SAFE AND HEALTHFUL WORKPLACE THAT IS FREE FROM ANY RECOGNIZED OR KNOWN POTENTIAL HAZARDS. ADDITIONALLY, **ZINQUÉ** SUBSCRIBES TO THESE PRINCIPLES:

1. ALL ACCIDENTS ARE PREVENTABLE THROUGH IMPLEMENTATION OF EFFECTIVE SAFETY AND HEALTH CONTROL POLICIES AND PROGRAMS.
2. SAFETY AND HEALTH CONTROLS ARE A MAJOR PART OF OUR WORK EVERY DAY.
3. ACCIDENT PREVENTION IS GOOD BUSINESS. IT MINIMIZES HUMAN SUFFERING, PROMOTES BETTER WORKING CONDITIONS FOR EVERYONE, HOLDS **ZINQUÉ** IN HIGHER REGARD WITH CUSTOMERS AND INCREASES PRODUCTIVITY. THIS IS WHY **ZINQUÉ** WILL COMPLY WITH ALL SAFETY AND HEALTH REGULATIONS WHICH APPLY TO THE COURSE AND SCOPE OF OPERATIONS.
4. MANAGEMENT IS RESPONSIBLE FOR PROVIDING THE SAFEST POSSIBLE WORKPLACE FOR EMPLOYEES. CONSEQUENTLY, MANAGEMENT OF **ZINQUÉ** IS COMMITTED TO ALLOCATING AND PROVIDING ALL OF THE RESOURCES NEEDED TO PROMOTE AND EFFECTIVELY IMPLEMENT THIS SAFETY POLICY.
5. EMPLOYEES ARE RESPONSIBLE FOR FOLLOWING SAFE WORK PRACTICES AND COMPANY RULES, AND FOR PREVENTING ACCIDENTS AND INJURIES. MANAGEMENT WILL ESTABLISH LINES OF COMMUNICATION TO SOLICIT AND RECEIVE COMMENTS, INFORMATION, SUGGESTIONS AND ASSISTANCE FROM EMPLOYEES WHERE SAFETY AND HEALTH ARE CONCERNED.
6. MANAGEMENT AND SUPERVISORS OF **ZINQUÉ** WILL SET AN EXEMPLARY EXAMPLE WITH GOOD ATTITUDES AND STRONG COMMITMENT TO SAFETY AND HEALTH IN THE WORKPLACE. TOWARD THIS END, MANAGEMENT MUST MONITOR COMPANY SAFETY AND HEALTH PERFORMANCE ALONG WITH WORKING CONDITIONS TO ENSURE THAT PROGRAM OBJECTIVES ARE ACHIEVED.
7. OUR SAFETY PROGRAM APPLIES TO ALL EMPLOYEES AND PERSONS AFFECTED OR ASSOCIATED IN ANY WAY WITH **ZINQUÉ** OPERATIONS. EVERYONE'S GOAL MUST BE TO CONSTANTLY IMPROVE SAFETY AWARENESS AND TO PREVENT ACCIDENTS AND INJURIES.

EVERYONE AT **ZINQUÉ** MUST BE INVOLVED AND COMMITTED TO SAFETY. THIS MUST BE A TEAM EFFORT. TOGETHER, WE CAN PREVENT ACCIDENTS AND INJURIES. TOGETHER, WE CAN KEEP EACH OTHER SAFE AND HEALTHY IN THE WORKPLACE.

EMMANUEL DOSSETTI

OWNER

EMPLOYEE SAFETY RESPONSIBILITIES

THE PRIMARY RESPONSIBILITY OF EMPLOYEES OF **ZINQUÉ** IS TO WORK IN A SAFE MANNER TO PREVENT INJURY TO THEMSELVES AND OTHERS.

AS A CONDITION OF EMPLOYMENT, EMPLOYEES *MUST* BECOME FAMILIAR WITH, OBSERVE AND OBEY **ZINQUÉ'S** RULES AND ESTABLISHED POLICIES FOR HEALTH, SAFETY AND PREVENTING INJURIES WHILE AT WORK. ADDITIONALLY, EMPLOYEES *MUST* LEARN THE APPROVED SAFE PRACTICES AND PROCEDURES THAT APPLY TO THEIR WORK.

BEFORE BEGINNING SPECIAL WORK OR NEW ASSIGNMENTS, EMPLOYEES SHOULD REVIEW APPLICABLE AND APPROPRIATE SAFETY RULES.

IF EMPLOYEES HAVE ANY QUESTIONS ABOUT HOW A TASK SHOULD BE DONE SAFELY, THEY MAY NOT BEGIN THE TASK BEFORE DISCUSSING THE SITUATION WITH A SUPERVISOR. TOGETHER, THEY WILL DETERMINE THE SAFE WAY TO DO THE JOB.

IF, AFTER DISCUSSING A SAFETY SITUATION WITH A SUPERVISOR, EMPLOYEES HAVE ADDITIONAL QUESTIONS OR CONCERNS, THEY ARE REQUIRED TO CONTACT THE SAFETY COORDINATOR.

EMPLOYEES ARE NEVER REQUIRED TO PERFORM WORK THAT THEY BELIEVE IS UNSAFE OR THAT THEY THINK IS LIKELY TO CAUSE INJURY OR A HEALTH RISK TO THEMSELVES OR OTHERS.

GENERAL SAFETY RULES

CONDUCT

HORSEPLAY AND PRACTICAL JOKES ARE NOT ALLOWED. EMPLOYEES ARE REQUIRED TO WORK IN A CAUTIOUS MANNER AND TO DISPLAY ACCEPTED LEVELS OF BEHAVIOR. CONDUCT THAT PLACES THE EMPLOYEE OR OTHERS AT RISK, OR THAT THREATENS OR INTIMIDATES OTHERS, IS FORBIDDEN.

DRUGS AND ALCOHOL

USE AND/OR POSSESSION OF ILLEGAL DRUGS OR ALCOHOL ON COMPANY PROPERTY OR ON COMPANY TIME ARE FORBIDDEN. REPORTING FOR WORK WHILE UNDER THE INFLUENCE OF ILLEGAL DRUGS OR ALCOHOL IS FORBIDDEN.

HOUSEKEEPING

YOU ARE RESPONSIBLE TO KEEP YOUR WORK AREA CLEAN AND SAFE. CLEAN UP SEVERAL TIMES THROUGHOUT THE DAY, DISPOSING OF TRASH AND WASTE IN APPROVED CONTAINERS, WIPING UP ANY DRIPS/SPILLS IMMEDIATELY, AND PUTTING EQUIPMENT AND TOOLS AWAY AS YOU ARE FINISHED WITH THEM.

THE FOLLOWING AREAS MUST REMAIN CLEAR OF OBSTRUCTIONS:

- AISLES/EXITS
- FIRE EXTINGUISHERS AND EMERGENCY EQUIPMENT
- ALL ELECTRICAL BREAKERS, CONTROLS AND SWITCHES

INJURY REPORTING

ALL WORK-RELATED INJURIES MUST BE REPORTED TO YOUR SUPERVISOR IMMEDIATELY. FAILURE TO IMMEDIATELY REPORT INJURIES CAN RESULT IN LOSS OF WORKERS' COMPENSATION BENEFITS. AFTER EACH MEDICAL APPOINTMENT RESULTING FROM A WORK-RELATED INJURY, YOU MUST CONTACT YOUR SUPERVISOR TO DISCUSS YOUR PROGRESS. YOU MUST ALSO GIVE YOUR SUPERVISOR ANY PAPERWORK THAT YOU RECEIVED AT THE APPOINTMENT.

ZINQUÉ PROVIDES TRANSITIONAL RETURN TO WORK (LIGHT DUTY) JOBS FOR PERSONS INJURED AT WORK. TRANSITIONAL WORK IS MEANT TO ALLOW THE INJURED OR ILL EMPLOYEE TO HEAL UNDER A DOCTOR'S CARE WHILE SHE/HE REMAINS PRODUCTIVE. EMPLOYEES ARE REQUIRED TO RETURN TO WORK IMMEDIATELY UPON RELEASE.

OFF-SITE SAFETY

- A. EMPLOYEES OF ZINQUÉ ARE REQUIRED TO FOLLOW ALL OFF-SITE SAFETY AND SECURITY PROCEDURES DURING CLIENT VISITS.
- B. IF YOUR CLIENT HOST DOES NOT ADVISE YOU REGARDING SAFETY HAZARDS, CONSIDER THE FOLLOWING:
- EMERGENCY EXIT LOCATION(S)
 - KEEP YOUR EYE ON THE PATH YOU ARE WALKING AND AVOID ANY TRIPPING/SLIPPING HAZARDS, AND WHEN ON STAIRS, MAINTAIN THREE POINT CONTACT (HAND ON RAIL AND FEET ON STAIRS)
 - WEAR SHOES THAT SUPPORT YOUR FEET AND ARE SLIP RESISTANT
 - AVOID CLOTHING THAT IS EITHER CONSTRICTIVE OR TOO LOOSE

THESE RULES ARE ESTABLISHED TO HELP YOU STAY SAFE AND INJURY FREE. VIOLATION OF THE ABOVE RULES, OR CONDUCT THAT DOES NOT MEET MINIMUM ACCEPTED WORK STANDARDS, MAY RESULT IN DISCIPLINE, UP TO AND INCLUDING DISCHARGE.

WHEN WORKING AT DIFFERENT LOCATIONS, EMPLOYEES ARE REQUIRED TO FOLLOW THE ABOVE RULES, AS WELL AS ALL LOCATION RULES AND PROCEDURES, AND WORK IN A MANNER THAT REFLECTS POSITIVELY ON THE COMPANY. BEFORE OPERATING ANY EQUIPMENT AT A CUSTOMER LOCATION, PERMISSION MUST FIRST BE SECURED FROM THE CUSTOMER CONTACT.

SAFETY ORIENTATION TRAINING

ZINQUÉ IS COMMITTED TO PROVIDING SAFETY- AND HEALTH-RELATED ORIENTATION AND TRAINING FOR ALL EMPLOYEES AT ALL LEVELS OF THE COMPANY. **ZINQUÉ** WILL MAINTAIN AND SUPPORT A PROGRAM TO EDUCATE AND FAMILIARIZE EMPLOYEES WITH SAFETY AND HEALTH PROCEDURES, RULES AND SAFE WORK PRACTICES. THE TRAINING SUBJECTS AND MATERIALS HAVE BEEN DEVELOPED USING INDUSTRY BEST PRACTICES CRITERIA AND SITE-SPECIFIC DATA.

THE TRAINING MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

1. COMPANY-SPECIFIC ACCIDENT AND INCIDENT DATA
2. HAZARDS ASSOCIATED WITH THE WORK AREA
3. HAZARDS ASSOCIATED WITH A SPECIFIC JOB OR TASK
4. OPERATION OF SPECIFIC EQUIPMENT
5. PERSONAL PROTECTIVE EQUIPMENT (PPE)
6. EMERGENCY PROCEDURES
7. EMPLOYEE ACCIDENT REPORTING REQUIREMENTS
8. RETURN TO WORK PROGRAM
9. ANY OSHA-REQUIRED TRAINING NOT INCLUDED OR ADDRESSED ABOVE

PERIODIC INSPECTIONS

IT IS THE POLICY OF OUR COMPANY THAT WORKPLACES ARE SUBJECT TO PERIODIC SAFETY AND HEALTH INSPECTIONS TO ENSURE IMPLEMENTATION AND EXECUTION OF OUR POLICIES AND PROCEDURES AS THEY RELATE TO EMPLOYEES, CONTRACTORS AND VENDORS.

ALL EMPLOYEES ARE RESPONSIBLE FOR COOPERATING DURING THESE INSPECTIONS, AND MANAGERS AND SUPERVISORS ARE RESPONSIBLE FOR INITIATING CORRECTIVE ACTIONS TO IMPROVE ITEMS DISCOVERED DURING WALK-THROUGH INSPECTIONS.

INCIDENT REPORTING

1. EMPLOYEES MUST REPORT ANY WORK-RELATED INJURY OR SUSPECTED INJURY TO A SUPERVISOR, JOBSITE FOREMAN OR TO HUMAN RESOURCES IMMEDIATELY, AND THEY MUST COMPLETE AN **INCIDENT REPORT FORM**. FAILURE TO PROMPTLY REPORT AN INJURY MAY RESULT IN DISCIPLINARY ACTION.
2. HUMAN RESOURCES WILL FILL OUT A **FORM 5020** FOR THE INJURED EMPLOYEE TO TAKE TO THE TREATING MEDICAL PRACTITIONER. THE EMPLOYEE MUST RETURN THIS FORM TO HUMAN RESOURCES BY THE NEXT BUSINESS DAY.
3. AFTER EACH DOCTOR'S APPOINTMENT, THE EMPLOYEE MUST REPORT TO A SUPERVISOR AND HUMAN RESOURCES TO REVIEW PROGRESS.
4. **ZINQUÉ** PROVIDES LIGHT DUTY WORK FOR EMPLOYEES RECOVERING FROM INJURY. EMPLOYEES ARE REQUIRED TO RETURN TO LIGHT DUTY WORK AS SOON AS THE DOCTOR ALLOWS.
5. AN ACCIDENT INVESTIGATION WILL BE CONDUCTED TO DETERMINE THE ROOT CAUSE OF THE ACCIDENT. THE INJURED EMPLOYEE, AS WELL AS ANY WITNESSES TO THE INCIDENT, WILL BE ASKED TO HELP WITH THE INVESTIGATION.

INCIDENT REPORT FORM

INCIDENT REPORT

****FOR INTERNAL USE ONLY****

GUEST DOES NOT RECEIVE A COPY

IN THE EVENT OF AN INCIDENT:

1. RECORD ALL RELEVANT INFORMATION SURROUNDING THE POTENTIAL CLAIM IN THE FORM PROVIDED BELOW. THIS INCLUDES DENYING ENTRY TO ANYONE WHO IS INTOXICATED, REFUSING SERVICE, EJECTING PATRONS, USE OF FALSE ID AND RECORDING AN ACCIDENT OR ALTERCATION. INCLUDE THE NAMES OF ALLEGED INTOXICATED PERSON AND CONTACT INFORMATION OF ANY WITNESSES, STAFF OR VOLUNTEERS THAT WERE PRESENT OR HAVE INFORMATION RELEVANT TO THE INCIDENT.
2. ONCE A CLAIM OR POTENTIAL CLAIM IS IDENTIFIED, IMMEDIATELY CONTACT A MANAGER.
3. REFER ANY DISCUSSIONS WITH THE CLAIMANT (INJURED PARTY) TO HUB INTERNATIONAL. DO NOT DISCUSS OR ADMIT LIABILITY WITH POTENTIAL CLAIMANTS.

ESTABLISHMENT NAME: ZINQUÉ

DATE: _____

NAME OF ALLEGED INTOXICATED PERSON OR PERSON(S) INJURED: _____

ARRIVAL TIME: _____ **DEPARTURE TIME:** _____

BRIEF DESCRIPTION OF INCIDENT/COMPLAINT:

INTERVENTION STRATEGIES USED:

BARTENDERS/SERVERS ON STAFF: _____

WITNESSES NAME(S) _____

ADDRESS: _____

TELEPHONE: HOME _____ **MOBILE** _____

AUTHORITIES CONTACTED? YES R NO R

IF YES, WHOM: _____

ADDITIONAL COMMENTS: PLEASE NOTE ANY RELEVANT FACTS THAT YOU ARE AWARE OF REGARDING THE ALLEGED INTOXICATED PERSON, INJURY OR PROPERTY DAMAGE/LOSS.

PREPARED BY: _____ **POSITION:** _____

DATE: _____

WORKER'S COMP FORM 5020

State of California EMPLOYER'S REPORT OF OCCUPATIONAL INJURY OR ILLNESS		Please complete in triplicate (type if possible) Mail two copies to:		OSHA CASE NO.				
Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers compensation benefits or payments is guilty of a felony.		California law requires employers to report within five days of knowledge every occupational injury or illness which results in lost time beyond the date of the incident DR requires medical treatment beyond first aid. If an employee subsequently dies as a result of a previously reported injury or illness, the employer must file within five days of knowledge an amended report indicating death. In addition, every serious injury, illness, or death must be reported immediately by telephone or telegraph to the nearest office of the California Division of Occupational Safety and Health.						
E M P L O Y E R	1. FIRM NAME		1a. Policy Number		Please do not use this column			
	2. MAILING ADDRESS: (Number, Street, City, Zip)		2a. Phone Number		CASE NUMBER			
	3. LOCATION if different from Mailing Address (Number, Street, City and Zip)		3a. Location Code		OWNERSHIP			
	4. NATURE OF BUSINESS; e.g., Painting contractor, wholesale grocer, sawmill, hotel, etc.		5. State unemployment insurance acct. no.					
6. TYPE OF EMPLOYER:		Private	State	County	City	School District	<input type="checkbox"/> Other Gov'l. Specify: _____	INDUSTRY
7. DATE OF INJURY / ONSET OF ILLNESS (mm/dd/yyyy)		8. TIME INJURY/ILLNESS OCCURRED		9. TIME EMPLOYEE BEGAN WORK		10. IF EMPLOYEE DIED, DATE OF DEATH (mm/dd/yyyy)		OCCUPATION
11. UNABLE TO WORK FOR AT LEAST ONE FULL DAY AFTER DATE OF INJURY? Yes No		12. DATE LAST WORKED (mm/dd/yyyy)		13. DATE RETURNED TO WORK (mm/dd/yyyy)		14. IF STILL OFF WORK, CHECK THIS BOX:		
15. PAID FULL DAYS WAGES FOR DATE OF INJURY OR LAST DAY WORKED? Yes No		16. SALARY BEING CONTINUED? Yes No		17. DATE OF EMPLOYER'S KNOWLEDGE /NOTICE OF INJURY/ILLNESS (mm/dd/yyyy)		18. DATE EMPLOYEE WAS PROVIDED CLAIM FORM FORM (mm/dd/yyyy)		SEX
19. SPECIFIC INJURY/ILLNESS AND PART OF BODY AFFECTED, MEDICAL DIAGNOSIS if available, e.g., Second degree burns on right arm, tendonitis on left elbow, lead poisoning								AGE
I N J U R Y	20. LOCATION WHERE EVENT OR EXPOSURE OCCURRED (Number, Street, City, Zip)		20a. COUNTY		21. ON EMPLOYER'S PREMISES? Yes No		DAILY HOURS	
	22. DEPARTMENT WHERE EVENT OR EXPOSURE OCCURRED, e.g., Shipping department, machine shop.		23. Other Workers injured or ill in this event? Yes No				DAYS PER WEEK	
	24. EQUIPMENT, MATERIALS AND CHEMICALS THE EMPLOYEE WAS USING WHEN EVENT OR EXPOSURE OCCURRED, e.g., Acetylene, welding torch, farm tractor, scaffold						WEEKLY HOURS	
	25. SPECIFIC ACTIVITY THE EMPLOYEE WAS PERFORMING WHEN EVENT OR EXPOSURE OCCURRED, e.g., Welding seams of metal forms, loading boxes onto truck.						WEEKLY WAGE	
I L L N E S S	26. HOW INJURY/ILLNESS OCCURRED. DESCRIBE SEQUENCE OF EVENTS. SPECIFY OBJECT OR EXPOSURE WHICH DIRECTLY PRODUCED THE INJURY/ILLNESS, e.g., Worker stepped back to inspect work and slipped on scrap material. As he fell, he brushed against fresh weld, and burned right hand. USE SEPARATE SHEET IF NECESSARY						COUNTY	
							NATURE OF INJURY	
							PART OF BODY	
							SOURCE	
ATTENTION This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes. See CCR Title 8 14300.29 (b)(6)-(1D) & 14300.35(b)(2)(E)2. Note: Shaded boxes indicate confidential employee information as listed in CCR Title 8 14300.35(b)(2)(E)2.						EVENT		
E M P L O Y E	35. OCCUPATION (Regular job title, NO initials, abbreviations or numbers)						SECONDARY SOURCE	
	37. EMPLOYEE USUALLY WORKS _____ hours per day, _____ days per week, _____ total weekly hours		37a. EMPLOYMENT STATUS regular, full-time part-time temporary seasonal		37b. UNDER WHAT CLASS CODE OF YOUR POLICY WHERE WAGES ASSIGNED		EXTENT OF INJURY	
	39. GROSS WAGES/SALARY \$ _____ per _____		39. OTHER PAYMENTS NOT REPORTED AS WAGES/SALARY (e.g. tips, meals, overtime, bonuses, etc.)? Yes No					
	Completed By (type or print)		Signature & Title				Date (mm/dd/yyyy)	
* Confidential information may be disclosed only to the employee, former employee, or their personal representative (CCR Title 8 14300.35), to others for the purpose of processing a workers' compensation or other insurance claim; and under certain circumstances to a public health or law enforcement agency or to a consultant hired by the employer (CCR Title 8 14300.30). CCR Title 8 14300.40 requires provision upon request to certain state and federal workplace safety agencies.								

RETURN TO WORK PROGRAM

IT IS OUR GOAL TO PREVENT WORK-RELATED INJURIES FROM HAPPENING. WE ARE ALWAYS CONCERNED WHEN ONE OF OUR EMPLOYEES IS INJURED OR ILL DUE TO A WORK-RELATED CONDITION. WE BELIEVE THAT SUCH ABSENCES REPRESENT A GREAT COST BOTH TO **ZINQUÉ** AND TO ITS EMPLOYEES, AND WE WANT OUR INJURED EMPLOYEES TO RECEIVE THE BEST POSSIBLE MEDICAL TREATMENT IMMEDIATELY TO ENSURE THE EARLIEST FEASIBLE RECOVERY AND RETURN TO WORK.

ZINQUÉ HAS A WORKERS' COMPENSATION PROGRAM AVAILABLE FOR EMPLOYEES WHO HAVE SUFFERED WORK-RELATED INJURIES. THE PROGRAM'S ADMINISTRATOR WILL DETERMINE, BASED UPON THEIR GUIDELINES, WHETHER AN EMPLOYEE IS ELIGIBLE FOR WAGE LOSS OR MEDICAL EXPENSES UNDER THAT PROGRAM.

ZINQUÉ WANTS TO PROVIDE MEANINGFUL WORK ACTIVITY FOR ALL EMPLOYEES WHO BECOME UNABLE TO PERFORM ALL, OR PORTIONS, OF THEIR REGULAR WORK ASSIGNMENTS. THUS, WE HAVE IMPLEMENTED A RETURN TO WORK PROGRAM, WHICH INCLUDES TRANSITIONAL OR LIGHT DUTY WORK. THE RETURN TO WORK PROGRAM IS TEMPORARY AND NOT TO EXCEED SIX MONTHS.

EMPLOYEE PROCEDURES

- ALL WORK-RELATED INJURIES SHOULD BE REPORTED IMMEDIATELY TO A SUPERVISOR NO LATER THAN THE END OF THE SHIFT IN WHICH THE INJURY OCCURS.
- IF A POST-ACCIDENT DRUG SCREEN IS NOT PERFORMED THE SAME DAY AS THE INJURY, THE EMPLOYEE WILL ONLY BE PAID UP TO ONE HOUR WHILE TAKING TIME OUT TO HAVE THE DRUG SCREEN SAMPLE COLLECTED.
- EMPLOYEES MUST COMPLETE AND SIGN A REPORT OF INJURY OR ILLNESS FORM.
- WHEN MEDICAL TREATMENT IS SOUGHT, INJURED EMPLOYEES MUST ADVISE THEIR SUPERVISORS THAT THEY ARE SEEKING TREATMENT AND OBTAIN A RETURN TO WORK EVALUATION FORM. REGARDLESS OF THE CHOICE OF PHYSICIANS, THE RETURN TO WORK FORM MUST BE COMPLETED FOR EACH PRACTITIONER VISIT. **ZINQUÉ** WILL NOT ACCEPT A GENERAL NOTE STATING ONLY THAT YOU ARE TO BE OFF WORK.
- UNDER THIS PROGRAM, TEMPORARY LIGHT-DUTY WORK IS AVAILABLE FOR UP TO 60 DAYS (WITH A REVIEW OF YOUR PROGRESS EVERY 30 DAYS) WHILE YOU ARE TEMPORARILY UNABLE TO WORK IN YOUR REGULAR JOB CAPACITY. TRANSITIONAL OR LIGHT DUTY WORK BEYOND 60 DAYS, UP TO A MAXIMUM OF SIX MONTHS, WILL BE EVALUATED ON A CASE-BY-CASE BASIS.
- IF YOU ARE UNABLE TO RETURN TO YOUR REGULAR JOB, BUT ARE CAPABLE OF PERFORMING TRANSITIONAL DUTY, YOU MUST RETURN TO TRANSITIONAL DUTY. FAILURE TO DO SO WILL RESULT IN YOUR NOT BEING ELIGIBLE FOR FULL DISABILITY BENEFITS UNDER THE WORKERS' COMPENSATION PROGRAM AND MAY RESULT IN DISQUALIFICATION FOR CERTAIN EMPLOYEE BENEFITS AND, IN SOME CASES, BE A BASIS FOR TERMINATION.
- EMPLOYEES WHO ARE UNABLE TO WORK AND OF WHOSE ABSENCES **ZINQUÉ** APPROVES MUST KEEP THE COMPANY INFORMED ON A WEEKLY BASIS OF THEIR STATUS. FAILURE TO DO SO WILL RESULT IN A REDUCTION IN BENEFITS AVAILABLE AND DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION FROM EMPLOYMENT.
- IF YOU ARE UNABLE TO RETURN TO YOUR REGULAR JOB OR TRANSITIONAL DUTY, YOUR ABSENCE MUST BE APPROVED UNDER THE FAMILY MEDICAL LEAVE ACT (FMLA) PROGRAM. FOR THIS PURPOSE, YOU NEED TO COMPLETE A FAMILY MEDICAL LEAVE REQUEST FORM AND SUBMIT IT TO THE HUMAN RESOURCES DEPARTMENT. YOU MUST ALSO HAVE YOUR PRACTITIONER COMPLETE BOTH THE RETURN TO WORK EVALUATION FORM AND RETURN TO WORK REQUEST /PHYSICIAN'S AUTHORIZATION FORM.
- EMPLOYEES WHO ARE NOT ELIGIBLE FOR LEAVE UNDER FMLA MUST RETURN TO LIGHT DUTY OR REGULAR WORK IF AT ALL POSSIBLE. IF YOU ARE UNABLE TO RETURN TO ANY AVAILABLE WORK, YOUR JOB POSITION MAY BE FILLED AFTER A REASONABLE TIME. WHEN ABLE TO DO SO, YOU WILL BE ENTITLED TO RETURN TO A SUITABLE POSITION IF AVAILABLE AND CONSISTENT WITH ANY LIMITATIONS. HOWEVER, YOU MUST KEEP **ZINQUÉ** REGULARLY INFORMED OF YOUR STATUS AND ANY CHANGES IN YOUR CONDITION.
- EMPLOYEES MUST PROVIDE A RETURN TO WORK FORM INDICATING THEY ARE CAPABLE OF RETURNING TO FULL DUTY. PERMANENT RESTRICTIONS WILL BE EVALUATED ON A CASE-BY-CASE BASIS AND RELATE TO THE PERFORMANCE OF ESSENTIAL JOB FUNCTIONS. NO PERMANENT LIGHT DUTY POSITIONS WILL BE CREATED.
- COOPERATE WITH OUR THIRD-PARTY ADMINISTRATOR AND PROVIDE ACCURATE AND COMPLETE INFORMATION AS SOON AS POSSIBLE SO THAT YOU RECEIVE ALL BENEFITS TO WHICH YOU ARE ENTITLED. IF YOU HAVE PROBLEMS OR CONCERNS, PLEASE CONTACT THE HUMAN RESOURCES DEPARTMENT.

EMERGENCY ACTION PLAN

GENERAL EMERGENCY GUIDELINES

EMPLOYEES SHOULD REVIEW THE FOLLOWING GUIDELINES TO PREPARE FOR AN EMERGENCY.

- STAY CALM AND THINK THROUGH YOUR ACTIONS.
- KNOW THE EMERGENCY NUMBERS: FIRE/POLICE/AMBULANCE/911
- INTERNAL EMERGENCY NUMBER **323-600-4539**
- HUMAN RESOURCES **323-600-4539**
- KNOW WHERE EXITS ARE LOCATED.
- IN THE EVENT OF ANY EMERGENCY, DO NOT TAKE ELEVATORS; USE THE STAIRS.
- DO NOT HESITATE TO CALL OR ALERT OTHERS IF YOU BELIEVE THAT AN EMERGENCY IS OCCURRING; YOU WILL NOT BE PUNISHED.
- FIRST AID SUPPLIES AND EMERGENCY EQUIPMENT ARE LOCATED IN **THE KITCHEN** FOR USE BY THOSE WHO ARE AUTHORIZED AND PROPERLY TRAINED.

EVACUATION

- EMPLOYEES WILL BE NOTIFIED OF A FIRE ALARM EITHER BY THE FIRE ALARM SYSTEM OR BY A PAGED ANNOUNCEMENT.
- UPON BECOMING AWARE OF A FIRE ALARM, EMPLOYEES SHOULD IMMEDIATELY EVACUATE THE FACILITY WITHOUT DELAY TO RETRIEVE PERSONAL BELONGINGS OR TO WAIT FOR CO-WORKERS. ALSO, ALL DOORS SHOULD BE CLOSED AS THE LAST PERSON PASSES THROUGH. USE OF ELEVATORS IS PROHIBITED DURING FIRE ALARM SITUATIONS.
- SUPERVISORS SHOULD BE THE LAST PEOPLE TO LEAVE THE AREA. CHECK THE JOB SITE TO BE SURE THAT ALL PERSONNEL HAVE EVACUATED.
- ANY EMPLOYEE HAVING A MOBILITY, VISUAL, HEARING OR OTHER CONDITION THAT MAY HINDER THEM FROM BECOMING AWARE OF AN EMERGENCY OR EVACUATING SHOULD REQUEST SPECIAL ASSISTANCE THROUGH HUMAN RESOURCES.
- UPON EXITING THE BUILDING, ALL PERSONNEL SHOULD REPORT FOR A HEAD COUNT.
- IF ANY EMPLOYEE IS MISSING, AN IMMEDIATE REPORT SHOULD BE MADE TO THE INCIDENT COMMANDER WHO WILL IN TURN REPORT TO THE FIRST AVAILABLE FIRE DEPARTMENT OFFICER.
- EMPLOYEES SHOULD STAY TOGETHER IN A GROUP SO THAT PERIODIC UPDATES ON THE SITUATION CAN BE ISSUED.
- THE ORDER TO RE-OCCUPY A JOB SITE OR BUILDING WILL BE ISSUED BY THE INCIDENT COMMANDER.
- IN THE EVENT OF INCLEMENT WEATHER, THE INCIDENT COMMANDER WILL MAKE ARRANGEMENTS FOR ALL PERSONNEL TO MOVE TO SHELTER.

FIRE SAFETY

- EMPLOYEES SHOULD ALERT OTHER PERSONS IN THE IMMEDIATE HAZARD AREA.
 - ANY EMPLOYEE CAN ACTIVATE A FIRE ALARM OR CALL **911** TO PAGE AN EMERGENCY ANNOUNCEMENT.
 - TRAINED EMPLOYEES CAN USE A FIRE EXTINGUISHER, FOLLOWING THESE GUIDELINES:
 - P=PULL THE SAFETY PIN**
 - A=AIM THE NOZZLE AT THE BASE OF THE FIRE**
 - S=SQUEEZE THE OPERATING LEVER**
 - S=SWEEP SIDE TO SIDE COVERING THE BASE OF THE FIRE**
- *WHEN USING A FIRE EXTINGUISHER, ALL EMPLOYEES IN THE VICINITY MUST ALWAYS STAY BETWEEN THE FIRE AND AN EXIT, STAYING LOW AND BACKING AWAY WHEN THE FIRE IS EXTINGUISHED.*
- *IF THE FIRE IS TOO HOT OR TOO SMOKY, EMPLOYEES ARE ENCOURAGED TO EVACUATE IMMEDIATELY, DISCARDING THE FIRE EXTINGUISHER.*
- EMPLOYEES SHOULD NOTIFY THE INCIDENT COMMANDER OF THE LOCATION OF THE FIRE. HE OR SHE WILL RELAY THIS INFORMATION TO THE FIRE DEPARTMENT.

MEDICAL EMERGENCY

- UPON DISCOVERING A MEDICAL EMERGENCY, EMPLOYEES MUST CALL 911.
- EMPLOYEES SHOULD NOTIFY A SUPERVISOR AND REPORT THE NATURE OF THE MEDICAL EMERGENCY AND LOCATION.
- EMPLOYEES MAY STAY WITH THE PERSON INVOLVED, BEING CAREFUL NOT TO COME IN CONTACT WITH ANY BODILY FLUIDS.
- A SUPERVISOR WILL SEND TWO PERSONS (GREETERS) TO THE ENTRANCE TO AWAIT THE FIRE DEPARTMENT. ONE PERSON SHOULD CALL AND HOLD AN ELEVATOR CAR. OFTEN, TWO FIRE DEPARTMENT UNITS WILL ARRIVE, SO THE SECOND GREETER SHOULD WAIT AT THE ENTRANCE TO RECEIVE THE SECOND UNIT WHILE THE FIRST GREETER ESCORTS THE FIRE DEPARTMENT PERSONNEL TO THE SCENE.
- EMPLOYEES IN THE IMMEDIATE VICINITY OF THE EMERGENCY, BUT NOT DIRECTLY INVOLVED, SHOULD LEAVE THE AREA.
- HUMAN RESOURCES WILL MAKE ANY NECESSARY NOTIFICATIONS TO FAMILY MEMBERS OF THE PERSON SUFFERING THE MEDICAL EMERGENCY.

SEVERE WEATHER

- THE SUPERVISOR WILL MONITOR A WEATHER ALERT RADIO. IF A SEVERE WEATHER REPORT IS ISSUED, SHE/HE WILL IMMEDIATELY PAGE THE FOLLOWING ANNOUNCEMENT. THIS ANNOUNCEMENT WILL BE REPEATED THREE TIMES.
- EMPLOYEES WILL SHUT DOWN ALL EQUIPMENT AND WILL BE INSTRUCTED WHERE TO GO FOR SAFETY. THE SUPERVISOR WILL TAKE THE WEATHER RADIO WITH HER/HIM. WHEN THE SEVERE WEATHER WARNING IS CANCELLED, SHE/HE WILL SEND RUNNERS TO ADVISE THAT IT IS SAFE TO RETURN TO WORK AREAS. A GENERAL ANNOUNCEMENT WILL ALSO BE MADE.

SEXUAL HARASSMENT POLICY

ZINQUÉ DOES NOT TOLERATE HARASSMENT OF OUR JOB APPLICANTS, EMPLOYEES, CLIENTS, GUESTS, VENDORS, CUSTOMERS OR PERSONS DOING BUSINESS WITH US. ANY FORM OF HARASSMENT RELATED TO AN EMPLOYEE'S RACE, COLOR, SEX, RELIGION, NATIONAL ORIGIN, AGE, CITIZENSHIP STATUS, VETERAN STATUS OR HANDICAP IS A VIOLATION OF THIS POLICY AND WILL BE TREATED AS A DISCIPLINARY MATTER. FOR THESE PURPOSES, THE TERM HARASSMENT INCLUDES, BUT IS NOT LIMITED TO, SLURS, JOKES OR OTHER VERBAL, GRAPHIC OR PHYSICAL CONDUCT RELATING TO AN INDIVIDUAL'S RACE, COLOR, SEX, RELIGION OR NATIONAL ORIGIN; SEXUAL ADVANCES; REQUESTS FOR SEXUAL FAVORS AND OTHER VERBAL, GRAPHIC OR PHYSICAL CONDUCT OF A SEXUAL NATURE. VIOLATION OF THIS POLICY BY AN EMPLOYEE SHALL SUBJECT THAT EMPLOYEE TO DISCIPLINARY ACTION, UP TO AND INCLUDING IMMEDIATE DISCHARGE.

EXAMPLES OF CONDUCT PROHIBITED BY THIS POLICY INCLUDE BUT ARE NOT LIMITED TO:

- **UNWELCOME SEXUAL FLIRTATION, ADVANCES OR PROPOSITIONS;**
- **VERBAL COMMENTS RELATED TO AN INDIVIDUAL'S AGE, RACE, GENDER, COLOR, RELIGION, NATIONAL ORIGIN, DISABILITY OR SEXUAL ORIENTATION;**
- **EXPLICIT OR DEGRADING VERBAL COMMENTS ABOUT ANOTHER INDIVIDUAL OR HIS/HER APPEARANCE;**
- **THE DISPLAY OF SEXUALLY SUGGESTIVE PICTURES OR OBJECTS IN ANY WORKPLACE LOCATION, INCLUDING TRANSMISSION OR DISPLAY VIA COMPUTER;**
- **ANY SEXUALLY OFFENSIVE OR ABUSIVE PHYSICAL CONDUCT;**
- **THE TAKING OF OR THE REFUSAL TO TAKE ANY PERSONNEL ACTION BASED ON AN EMPLOYEE'S SUBMISSION TO OR REFERRAL OF SEXUAL OVERTURES; AND**
- **DISPLAYING CARTOONS OR TELLING JOKES THAT RELATE TO AN INDIVIDUAL'S AGE, RACE, GENDER, COLOR, RELIGION, NATIONAL ORIGIN, DISABILITY OR SEXUAL ORIENTATION.**

HARASSMENT OF OUR EMPLOYEES IN CONNECTION WITH THEIR WORK BY NON-EMPLOYEES MAY ALSO BE A VIOLATION OF THIS POLICY.

IF YOU BELIEVE THAT YOU ARE BEING SUBJECTED TO WORKPLACE HARASSMENT, YOU SHOULD:

- **TELL THE HARASSER THAT HIS OR HER ACTIONS ARE NOT WELCOME AND THEY MUST STOP, IF YOU FEEL COMFORTABLE ENOUGH TO DO SO.**
- **REPORT THE INCIDENT IMMEDIATELY TO YOUR MANAGER, THE HUMAN RESOURCES MANAGER OR THE EMPLOYEE RELATIONS DEPARTMENT.**
- **REPORT ANY ADDITIONAL INCIDENTS THAT MAY OCCUR TO ONE OF THE ABOVE RESOURCES.**

RETALIATION OF ANY KIND AGAINST AN EMPLOYEE WHO REPORTS A SUSPECTED INCIDENT OF SEXUAL HARASSMENT IS PROHIBITED. AN EMPLOYEE WHO VIOLATES THIS POLICY OR RETALIATES AGAINST AN EMPLOYEE IN ANY WAY WILL BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

WORKPLACE VIOLENCE

- ANY EMPLOYEE WHO FEELS THAT SHE/HE HAS BEEN THREATENED SHOULD IMMEDIATELY REPORT THEIR CONCERN TO THE SUPERVISOR AND TO HUMAN RESOURCES.
- IF ANY PERSON IS OBSERVED EXHIBITING THREATENING BEHAVIOR OR MAKING THREATENING STATEMENTS, THE PERSON DISCOVERING THE SITUATION SHOULD WARN OTHERS IN THE AREA AND IMMEDIATELY NOTIFY HUMAN RESOURCES, STAYING AWAY FROM THE PERSON EXHIBITING THREATENING BEHAVIOR.
- DEPENDING UPON THE LEVEL OF CONCERN, THE POLICE DEPARTMENT (911) SHOULD BE CALLED IMMEDIATELY.
- NEVER ATTEMPT TO CONFRONT ANY PERSON EXHIBITING THREATENING BEHAVIOR.

IF YOU HAVE REASON TO BELIEVE THAT EVENTS IN YOUR PERSONAL LIFE COULD RESULT IN ACTS OF VIOLENCE OCCURRING AT WORK, YOU ARE URGED TO CONFIDENTIALLY DISCUSS THE ISSUE WITH HUMAN RESOURCES SO THAT A PREVENTION PLAN CAN BE DEVELOPED.

ROBBERIES

1. GREET ALL CUSTOMERS THAT COME INTO THE RESTAURANT.
2. IF AN ARGUMENT OR FIGHT BREAKS OUT ON THE PREMISES, CALL THE POLICE, AND DO NOT USE PHYSICAL FORCE.
3. DO NOT BE DRAWN OUTSIDE THE RESTAURANT FOR ANY REASON.
4. DO NOT TRY TO PHYSICALLY STOP A SHOPLIFTER OR ROBBER.
5. KEEP THE ROBBERY AS SHORT AS POSSIBLE – DO NOT RESIST OR ARGUE WITH A ROBBER.
6. KEEP YOUR HANDS VISIBLE AT ALL TIMES.
7. WARN THE ROBBER OF THE MOVEMENTS YOU ARE GOING TO MAKE, SUCH AS REACHING FOR A BAG OR OPENING THE CASH REGISTER.
8. DO NOT CHASE OR FOLLOW THE ROBBER AS HE LEAVES; CALL THE POLICE.
9. DO NOT PULL A WEAPON IF YOU ARE BEING HELD UP.

OSHA COMPLIANCE PROGRAMS

HAZARD COMMUNICATION

1. **ALL EMPLOYEES HAVE A RIGHT TO KNOW WHAT CHEMICALS THEY WORK WITH, WHAT THE HAZARDS ARE AND HOW TO HANDLE THEM SAFELY.**
2. **SAFETY DATA SHEETS (SDS) ARE DOCUMENTS PROVIDED BY THE SUPPLIER OF A CHEMICAL. SDS DETAIL THE CHEMICAL CONTENTS, ASSOCIATED HAZARDS, AND GENERAL SAFE HANDLING GUIDELINES. AT ZINQUÉ, THE SDS COLLECTION IS LOCATED AT THE COUNTER. EMPLOYEES ARE FREE TO UTILIZE THE SDS AS NEEDED.**
3. **GENERAL RULES FOR HANDLING CHEMICALS IN AN OFFICE ENVIRONMENT ARE:**
 - **READ ALL LABEL WARNINGS AND INSTRUCTIONS.**
 - **FOLLOW INSTRUCTIONS FOR QUANTITY – MORE IS NOT ALWAYS BETTER.**
 - **MINIMIZE CONTACT WITH CHEMICALS – USE DOUBLE-LAYER CLOTHS OR GLOVES TO PROTECT YOUR SKIN AND KEEP YOUR FACE CLEAR OF THE AREA TO REDUCE INHALATION.**
 - **ALWAYS WASH YOUR HANDS AFTER HANDLING CHEMICALS.**
 - **IF A CHEMICAL ENTERS YOUR EYE(S), IMMEDIATELY HOLD OPEN THE INJURED EYE(S) AND RINSE WITH CLEAN, COOL WATER FOR 15 MINUTES. THEN BE SURE TO REPORT THE INJURY IMMEDIATELY.**
 - **ANY QUESTIONS OR CONCERNS REGARDING CHEMICALS SHOULD BE REPORTED TO YOUR MANAGER OR HUMAN RESOURCES.**
4. **ALL CHEMICAL CONTAINERS MUST BE LABELED TO IDENTIFY CONTENTS AND HAZARDS. MOST LABELS USE NUMBERS TO RANK THE HAZARD LEVEL IN THREE IMPORTANT AREAS:**
 - **FIRE** (RED BACKGROUND COLOR) - WILL THE MATERIAL BURN?
 - **HEALTH** (BLUE BACKGROUND) - IS THE MATERIAL DANGEROUS TO MY BODY?
 - **REACTIVITY** (YELLOW BACKGROUND) - IS THE MATERIAL DANGEROUSLY UNSTABLE?

AFTER EACH HAZARD (FIRE, HEALTH AND REACTIVITY), A NUMBER FROM 1-4 WILL BE ASSIGNED. THE NUMBER REFLECTS THE DEGREE (OR AMOUNT) OF HAZARD:

- 0** = MINIMAL
- 1** = SLIGHT
- 2** = MODERATE
- 3** = SERIOUS
- 4** = EXTREMELY HAZARDOUS

BLOODBORNE PATHOGENS

1. **BLOOD AND OTHER BODILY FLUIDS CAN CARRY PATHOGENS, WHICH ARE CAPABLE OF CAUSING DISEASES IN OTHERS. THIS INCLUDES HIV, WHICH LEADS TO AIDS, AND HEPATITIS.**
2. **BECAUSE WE CANNOT TELL BY LOOKING AT A PERSON IF THEY ARE INFECTED WITH A PATHOGENIC DISEASE, WE MUST TAKE PRECAUTIONS FOLLOWING AN ILLNESS OR INJURY WHEN BODILY FLUIDS ARE RELEASED.**
3. **IN THE EVENT OF A PERSON LOSING BODILY FLUIDS, STAY AWAY FROM THE AREA AND WARN OTHERS TO DO THE SAME. YOU CAN STILL STAY CLOSE TO THE ILL/INJURED PERSON TO SUPPORT HIM/HER, JUST BE SURE TO STAY OUT OF CONTACT WITH ANY BODILY FLUIDS.**
4. **IN THE EVENT THAT YOU FIND SPILLED BODILY FLUIDS, A SYRINGE OR OTHER CONTAMINATED MEDICAL MATERIALS, DO NOT ATTEMPT CLEAN UP BY YOURSELF – IMMEDIATELY CALL HUMAN RESOURCES OR A MANAGER FOR INSTRUCTIONS.**

PERSONAL PROTECTIVE EQUIPMENT (PPE)

INSPECT PPE PRIOR TO EACH USE. DO NOT USE DAMAGED PPE. YOU ARE REQUIRED TO MAINTAIN AND KEEP PPE CLEAN.

FIRE PREVENTION & ELECTRICAL SAFETY

FIRE PREVENTION

1. SMOKING IS ONLY ALLOWED IN DESIGNATED EXTERIOR SMOKING AREAS.
2. CLEAN EXHAUST SYSTEMS REGULARLY AND EMPTY GREASE TRAPS TO PREVENT ACCUMULATION OF GREASE AND OILY RESIDUES ON SURFACES.
3. PACKAGE AND REMOVE GARBAGE AND TRASH FREQUENTLY.
4. KEEP TABLES WITH CANDLES AWAY FROM WALLS AND DRAPERIES.
5. KEEP COMBUSTIBLE MATERIALS A SAFE DISTANCE FROM COOKING EQUIPMENT.
6. CLEAN DUCTS AND FLUES REGULARLY.
7. CHECK ELECTRICAL CORDS FOR WEAR AND TEAR REGULARLY.
8. ONLY TRAINED AND AUTHORIZED EMPLOYEES ARE ALLOWED TO USE A PORTABLE FIRE EXTINGUISHER IN THE EVENT OF AN EMERGENCY.

ELECTRICAL SAFETY

1. WITH THE EXCEPTION OF INDEPENDENTLY FUSED MULTI-TAP CORDS FOR COMPUTERS, EXTENSION CORDS ARE NOT ALLOWED.
2. KEEP ELECTRIC CORDS OUT OF AREAS WHERE THEY WILL BE DAMAGED BY STEPPING ON OR KICKING THEM.
3. TURN ELECTRICAL APPLIANCES OFF WITH THE SWITCH, NOT BY PULLING OUT THE PLUG.
4. TURN ALL APPLIANCES OFF BEFORE LEAVING FOR THE DAY.
5. NEVER RUN CORDS UNDER RUGS OR OTHER FLOOR COVERINGS.
6. ANY ELECTRICAL PROBLEMS SHOULD BE REPORTED IMMEDIATELY.

THE FOLLDWING AREAS MUST REMAIN CLEAR AND UNOBSTRUCTED AT ALL TIMES:

- EXIT DOORS
- AISLES
- ELECTRICAL PANELS
- FIRE EXTINGUISHERS

GENERAL SAFETY PRECAUTIONS

LIFTING

1. PLAN THE MOVE BEFORE LIFTING; ENSURE THAT YOU HAVE AN UNOBSTRUCTED PATHWAY.
2. TEST THE WEIGHT OF THE LOAD BEFORE LIFTING BY PUSHING THE LOAD ALONG ITS RESTING SURFACE.
3. IF THE LOAD IS TOO HEAVY OR BULKY, USE LIFTING AND CARRYING AIDS SUCH AS HAND TRUCKS, DOLLIES, PALLET JACKS AND CARTS, OR GET ASSISTANCE FROM A CO-WORKER.
4. IF ASSISTANCE IS REQUIRED TO PERFORM A LIFT, COORDINATE AND COMMUNICATE YOUR MOVEMENTS WITH THOSE OF YOUR CO-WORKER.
5. POSITION YOUR FEET 6 TO 12 INCHES APART WITH ONE FOOT SLIGHTLY IN FRONT OF THE OTHER.
6. FACE THE LOAD.
7. BEND AT THE KNEES, NOT AT THE BACK.
8. KEEP YOUR BACK STRAIGHT.
9. GET A FIRM GRIP ON THE OBJECT USING YOUR HANDS AND FINGERS. USE HANDLES WHEN THEY ARE PRESENT.
10. HOLD THE OBJECT AS CLOSE TO YOUR BODY AS POSSIBLE.
11. WHILE KEEPING THE WEIGHT OF THE LOAD IN YOUR LEGS, STAND TO AN ERECT POSITION.
12. PERFORM LIFTING MOVEMENTS SMOOTHLY AND GRADUALLY; DO NOT JERK THE LOAD.
13. IF YOU MUST CHANGE DIRECTION WHILE LIFTING OR CARRYING THE LOAD, PIVOT YOUR FEET AND TURN YOUR ENTIRE BODY. DO NOT TWIST AT THE WAIST.
14. SET DOWN OBJECTS IN THE SAME MANNER AS YOU PICKED THEM UP, EXCEPT IN REVERSE.
15. DO NOT LIFT AN OBJECT FROM THE FLOOR TO A LEVEL ABOVE YOUR WAIST IN ONE MOTION. SET THE LOAD DOWN ON A TABLE OR BENCH AND THEN ADJUST YOUR GRIP BEFORE LIFTING IT HIGHER.
16. NEVER LIFT ANYTHING IF YOUR HANDS ARE GREASY OR WET.
17. WEAR PROTECTIVE GLOVES WHEN LIFTING OBJECTS THAT HAVE SHARP CORNERS OR JAGGED EDGES.

LADDERS & STEPLADDERS

1. READ AND FOLLOW THE MANUFACTURER'S INSTRUCTIONS LABEL AFFIXED TO THE LADDER IF YOU ARE UNSURE HOW TO USE THE LADDER.
2. DO NOT USE LADDERS THAT HAVE LOOSE RUNGS, CRACKED OR SPLIT SIDE RAILS, MISSING RUBBER FOOT PADS OR ARE OTHERWISE VISIBLY DAMAGED.
3. KEEP LADDER RUNGS CLEAN AND FREE OF GREASE, AND REMOVE ALL BUILDUP.
4. DO NOT PLACE LADDERS IN A PASSAGEWAY OR DOORWAY WITHOUT POSTING WARNING SIGNS OR CONES THAT DETOUR PEDESTRIAN TRAFFIC AWAY FROM THE LADDER. LOCK THE DOORWAY THAT YOU ARE BLOCKING WITH THE LADDER, AND POST SIGNS THAT WILL DETOUR TRAFFIC AWAY FROM YOUR WORK.
5. DO NOT PLACE A LADDER AT A BLIND CORNER OR DOORWAY WITHOUT DIVERTING FOOT TRAFFIC BY BLOCKING OR ROPING OFF THE AREA.
6. ALLOW ONLY ONE PERSON ON THE LADDER AT A TIME.
7. FACE THE LADDER WHEN CLIMBING UP OR DOWN.
8. MAINTAIN A THREE-POINT CONTACT BY KEEPING BOTH HANDS AND ONE FOOT OR BOTH FEET AND ONE HAND ON THE LADDER AT ALL TIMES WHEN CLIMBING UP OR DOWN THE LADDER.
9. ALWAYS FACE THE LADDER WHEN PERFORMING WORK, AND DO NOT LEAN BACKWARD OR SIDWAYS FROM THE LADDER. DO NOT JUMP FROM LADDERS OR STEP STOOLS.
10. DO NOT STAND ON TABLES, CHAIRS, BOXES OR OTHER IMPROVISED CLIMBING DEVICES TO REACH HIGH PLACES. USE THE LADDER OR STEPSTOOL.
11. DO NOT STAND ON THE TOP TWO RUNGS OF ANY LADDER.
12. DO NOT STAND ON A LADDER THAT WOBBLER, OR THAT LEANS TO THE LEFT OR RIGHT OF CENTER.
13. WHEN USING A STRAIGHT OR EXTENSION LADDER, EXTEND THE TOP OF THE LADDER AT LEAST 3 FEET ABOVE THE EDGE OF THE LANDING.
14. SECURE THE LADDER IN PLACE BY HAVING ANOTHER EMPLOYEE HOLD IT IF IT CANNOT BE TIED TO THE STRUCTURE.
15. DO NOT MOVE A ROLLING LADDER WHILE SOMEONE IS ON IT.
16. DO NOT PLACE LADDERS ON BARRELS, BOXES, LOOSE BRICKS, PAILS, CONCRETE BLOCKS OR OTHER UNSTABLE BASES.
17. DO NOT CARRY ITEMS IN YOUR HANDS WHILE CLIMBING UP OR DOWN A LADDER.

HOUSEKEEPING

1. DO NOT PLACE MATERIALS, SUCH AS BOXES OR TRASH, IN WALKWAYS AND PASSAGEWAYS.
2. SWEEP DEBRIS SURROUNDING EQUIPMENT, TRASH RECEPTACLES OR DISHWASHING STATIONS TO PREVENT SLIPS, TRIPS AND FALLS.
3. MOP UP WATER AROUND DRINKING FOUNTAINS, DRINK DISPENSING MACHINES AND ICE MACHINES IMMEDIATELY.
4. DO NOT STORE OR LEAVE ITEMS ON STAIRWAYS.
5. DO NOT BLOCK OR OBSTRUCT STAIRWELLS, EXITS OR ACCESSES TO SAFETY AND EMERGENCY EQUIPMENT SUCH AS FIRE EXTINGUISHERS OR FIRE ALARMS.
6. DO NOT BLOCK THE WALKING SURFACES OF ELEVATED WORKING PLATFORMS, SUCH AS SCAFFOLDS, WITH TOOLS OR MATERIALS THAT ARE NOT BEING USED.
7. STRAIGHTEN OR REMOVE RUGS AND MATS THAT DO NOT LIE FLAT ON THE FLOOR.
8. REMOVE ANY PROTRUDING NAILS FROM EXPOSED SURFACES OR BEND THEM DOWN INTO THE LUMBER BY USING A CLAW HAMMER.
9. RETURN TOOLS TO THEIR STORAGE PLACES AFTER USING THEM.
10. USE CAUTION SIGNS OR CONES TO BARRICADE SLIPPERY AREAS, SUCH AS FRESHLY MOPPED FLOORS.

JOB-SPECIFIC SAFETY PRECAUTIONS

KITCHEN PERSONNEL SAFETY

1. DO NOT REMOVE SAFETY GUARDS PROVIDED ON THE EQUIPMENT. WHEN A SAFETY GUARD IS REMOVED FOR THE PURPOSE OF MAKING REPAIRS OR CLEANING, REPLACE THE GUARD BEFORE THE EQUIPMENT IS PUT INTO OPERATION.
2. DO NOT PLACE HEATED POTS OR PANS IN A POSITION SUCH THAT THE HANDLES ARE PROTRUDING OVER THE EDGE OF RANGE, TABLE OR COUNTER.
3. DO NOT FILL POTS, PANS, BUCKETS OR COOKERS MORE THAN 2/3 FULL.
4. WHEN ADDING INGREDIENTS TO HOT LIQUIDS, ADD SMALL PORTIONS AT A TIME TO PREVENT SPLASHING.
5. USE THE RELEASE VALVE TO RELEASE PRESSURE BEFORE OPENING PRESSURIZED STEAM KETTLES OR PRESSURE COOKERS.
6. TRANSPORT HOT LIQUIDS IN CLOSED CONTAINERS.
7. USE CARTS FOR MOVING LARGE, HOT ITEMS SUCH AS COFFEE URNS, CONTAINERS OF HOT WATER OR CONTAINERS OF HOT FOOD.
8. USE THE CART WHEEL LOCKING LEVER TO PREVENT MOVEMENT WHILE REMOVING ITEMS FROM THE CART.
9. TURN OFF GAS SUPPLY AND ELECTRICAL CURRENT FOR APPLIANCES WHEN THEY ARE NOT IN USE.
10. TURN OFF CIRCUIT BREAKERS TO KITCHEN COOKING EQUIPMENT WHEN CLEANING THE EQUIPMENT.

GLASSWARE

1. DO NOT PLACE DRINKING GLASSES INSIDE EACH OTHER OR STACK GLASSWARE THAT IS NOT MEANT TO BE STACKED.
2. CARRY ONE RACK OF GLASSWARE AT A TIME.
3. VISUALLY INSPECT ALL GLASSWARE FOR CRACKS OR CHIPS BEFORE HANDLING: IF YOU DISCOVER CHIPS OR CRACKS, DISPOSE OF THE GLASS OR GLASSES IN THE APPROPRIATE RECEPTACLE.
4. DO NOT USE A DRINKING GLASS TO SCOOP ICE – ALWAYS USE THE METAL SCOOP OR PAN.
5. WHEN A GLASS IS BROKEN IN THE ICE BIN, POOR HOT WATER INTO THE BIN TO MELT DOWN THE ICE, LETTING THE MELTED ICE EMPTY THROUGH THE DRAIN AND REMOVING THE GLASS USING A WHISK BROOM AND DUST PAN. THEN, HOSE DOWN MINUTE PIECES OF GLASS INTO THE DRAIN WITH CLEAN WATER, AND WIPE THE BIN DRY WITH A TOWEL BEFORE REFILLING IT WITH ICE.
6. DO NOT SUBMERGE HOT GLASS IN COLD WATER OR SUBMERGE COLD GLASS IN HOT WATER.

SLICERS

1. TURN OFF SLICERS BEFORE MAKING MEASUREMENTS, ADJUSTMENTS OR REPAIRS.
2. DO NOT STOP LOOKING AT WHAT YOU ARE SLICING WHILE YOU ARE USING A SLICER.
3. DO NOT PLACE YOUR HAND ON TOP OF THE BLADE GUARD WHILE YOU ARE OPERATING THE SLICER.
4. WEAR A WIRE MESH OR KEVLAR GLOVE WHEN CLEANING THE EXPOSED EDGE OF THE SLICER KNIFE.
5. DO NOT REMOVE THE SAFE OPERATING INSTRUCTION LABELS FROM THE SLICER
6. PLACE MEAT ON THE SLICER, AND SLIDE THE GUARD OVER THE END OF THE MEAT OPPOSITE THE BLADE.
7. SET THE MACHINE TO THE DESIRED SLICING WIDTH.
8. TURN THE SWITCH TO THE 'ON' POSITION.
9. GRIP THE HANDLE ON THE CHASSIS GUARD WITH YOUR RIGHT HAND AND THE HANDLE ON THE MACHINE WITH YOUR LEFT HAND.
10. SLIDE THE CHASSIS BACK AND FORTH TO ACHIEVE THE DESIRED AMOUNT OF SLICED MEAT.

KNIVES/SHARP INSTRUMENTS

1. WHEN HANDLING KNIFE BLADES AND OTHER CUTTING TOOLS, DIRECT SHARP POINTS AND EDGES AWAY FROM YOU.
2. CUT IN THE DIRECTION AWAY FROM YOUR BODY WHEN USING KNIVES.
3. USE A KNIFE THAT HAS BEEN SHARPENED; DO NOT USE KNIVES THAT HAVE DULL BLADES.
4. DO NOT USE KNIVES THAT HAVE BROKEN OR LOOSE HANDLES.
5. DO NOT USE KNIVES AS SCREWDRIVERS, PRY BARS, CAN OPENERS OR ICE PICKS.
6. DO NOT LEAVE KNIVES IN SINKS FULL OF WATER.
7. DO NOT PICK UP KNIVES BY THEIR BLADES.
8. CARRY KNIVES WITH THEIR TIPS POINTED TOWARD THE FLOOR.
9. DO NOT CARRY KNIVES, SCISSORS OR OTHER SHARP TOOLS IN YOUR POCKETS OR AN APRON UNLESS THEY ARE FIRST PLACED IN THEIR SHEATH OR HOLDER.
10. DO NOT ATTEMPT TO CATCH A FALLING KNIFE.
11. STORE KNIVES IN KNIFE BLOCKS OR IN SHEATHS AFTER USING THEM.
12. DO NOT USE HONING STEELS THAT DO NOT HAVE DISC GUARDS.

MIXERS

1. DO NOT PUT YOUR HANDS IN THE MIXING BOWL WHILE THE MIXING BOWL AND MIXER ARE IN OPERATION.
2. USE THE STOMPER TO PUSH MEAT THROUGH THE GRINDER ATTACHMENT OF A MIXER.

OVENS

1. USE OVEN MITTENS WHEN REMOVING HOT FOOD FROM THE OVEN.
2. CLEAR A SPACE ON THE TABLE FOR PLACING HOT FOOD BEFORE REMOVING THE FOOD FROM THE OVEN.
3. WEAR EYE PROTECTION, RUBBER GLOVES AND APRON WHEN USING AN OVEN CLEANER.

MICROWAVE OVENS

1. DO NOT OPERATE A MICROWAVE OVEN IF IT HAS A BENT DOOR, BROKEN HINGES/LATCHES OR CRACKING IN ITS SEALS.
2. USE CAUTION WHEN REMOVING HOT ITEMS FROM THE MICROWAVE.
3. DO NOT PLACE METAL CONTAINERS OR OTHER METAL OBJECTS IN MICROWAVE OVENS.
4. DO NOT PLACE MEAT IN THE MICROWAVE THAT WEIGHS LESS THAN OR GREATER THAN THE MANUFACTURER'S CAPACITY LIMITS POSTED ON THE MICROWAVE DOOR.

REFRIGERATED COOLER

1. IF REQUIRED BY YOUR MANAGER, WEAR A BACK BELT/BRACE WHEN STOCKING SHELVES.
2. CHECK FOR LOOSE PRODUCT ON THE TOP OF THE CASES PRIOR TO REMOVING A CASE WHEN RESTOCKING SHELVES.

DISHWASHER

1. WEAR RUBBER GLOVES WHEN WASHING AND SANITIZING DISHES AND COOKING EQUIPMENT.
2. IF GLASSWARE BREAKS IN THE SINK, USE TONGS TO REMOVE THE LARGE FRAGMENTS OF GLASS, OPEN THE DRAIN AND RUN THE WATER TO WASH ANY REMAINING SMALL GLASS FRAGMENTS DOWN THE DRAIN.
3. REMOVE ALL CHIPPED OR CRACKED DISHES AND GLASSWARE FROM USE.

STOREROOM/STOCKROOM:

1. STACK HEAVY OR BULKY STORAGE CONTAINERS ON MIDDLE AND LOWER SHELVES OF THE STORAGE RACK.
2. DO NOT STACK BOXES, CASES OR PACKAGES OF PRODUCT ABOVE THE NUMBER OR HEIGHT RECOMMENDED BY THE SUPPLIER. CHECK WITH YOUR MANAGER IF YOU ARE UNSURE.
3. DO NOT USE RAZORBLADES, SCREWDRIVERS OR KNIVES THAT WERE NOT SUPPLIED BY THE COMPANY TO OPEN BOXES OR CASES.
4. DO NOT LIFT SLIPPERY OR WET OBJECTS; USE A HAND TRUCK.
5. FOLLOW THE SAFE HANDLING INSTRUCTIONS LISTED ON THE LABEL OF THE CONTAINER OR LISTED ON THE CORRESPONDING SAFETY DATA SHEET (SDS) WHEN HANDLING EACH CHEMICAL STORED IN THE STOCKROOM.
6. DO NOT SMOKE WHILE HANDLING FLAMMABLE CHEMICALS OR CHEMICALS LABELED AS SUCH.
7. DO NOT STORE CHEMICALS LABELED "FLAMMABLE" NEAR SOURCES OF IGNITION, SUCH AS SPACE HEATERS.
8. DO NOT HANDLE OR LOAD ANY CONTAINERS OF CHEMICALS IF THEIR CONTAINERS ARE CRACKED OR LEAKING.
9. OBEY ALL SAFETY AND DANGER SIGNS POSTED IN THE WORKPLACE.

COMPACTOR SAFETY

1. ONLY AUTHORIZED PERSONS MAY OPERATE THE TRASH COMPACTOR.
2. OPEN THE LOADING DOOR, AND PLACE EMPTY CARTONS AND OTHER TRASH INTO THE LOADING CHUTE.
3. DO NOT LOAD CHEMICALS, FLAMMABLE MATERIALS OR HAZARDOUS WASTE INTO THE COMPACTOR.
4. CHECK THE GAUGE FREQUENTLY IN ORDER TO DETERMINE WHEN THE COMPACTOR IS FULL.
5. MAKE SURE THE LOADING DOOR IS CLOSED AND THE INTERLOCKS ARE ENGAGED BEFORE STARTING THE COMPACTOR.
6. WHEN THE GAUGE REGISTERS AS FULL, PUSH THE START BUTTON FOR THE TRASH TO BE COMPACTED.
7. REFER TO PROPER LOCKOUT/TAGOUT PROCEDURES BEFORE ATTEMPTING TO REMOVE OBSTACLES.
8. NEVER CLIMB INSIDE THE COMPACTOR UNIT.

HAZARDOUS MATERIALS

1. FOLLOW THE INSTRUCTIONS ON THE LABEL AND IN THE CORRESPONDING SAFETY DATA SHEET (SDS) FOR EACH CHEMICAL PRODUCT USED IN YOUR WORKPLACE.
2. USE PERSONAL PROTECTIVE CLOTHING OR EQUIPMENT (PPE) SUCH AS NEOPRENE GLOVES, RUBBER BOOTS, SHOE COVERS, RUBBER APRONS AND PROTECTIVE EYEWEAR WHEN USING CHEMICALS LABELED FLAMMABLE, CORROSIVE, CAUSTIC OR POISONOUS.
3. DO NOT USE PROTECTIVE CLOTHING OR EQUIPMENT THAT HAS SPLIT SEAMS, PIN HOLES, CUTS, TEARS OR OTHER SIGNS OF VISIBLE DAMAGE.
4. EACH TIME YOU USE YOUR GLOVES, WASH THEM BEFORE REMOVAL BY USING COLD TAP WATER AND NORMAL HAND WASHING MOTION. ALWAYS WASH YOUR HANDS AFTER REMOVING THE GLOVES.

MACHINE SAFETY

1. DO NOT REMOVE, ALTER OR BYPASS ANY SAFETY GUARDS OR DEVICES WHEN OPERATING MECHANICAL EQUIPMENT SUCH AS MECHANICAL POWER PRESSES, PRESS BRAKES, METAL WORKING LATHES, RADIAL ARM SAWS, DRILLS, HORIZONTAL MILL, PUNCH PRESS OR WHEN BENDING OR FORMING MATERIALS.
2. REPLACE GUARDS BEFORE STARTING THE MACHINE, AS SOON AS POSSIBLE AFTER MAKING ADJUSTMENTS OR REPAIRS.
3. DO NOT TRY TO STOP A WORKPIECE AS IT GOES THROUGH ANY MACHINE. IF THE MACHINE BECOMES JAMMED, DISCONNECT THE POWER BEFORE CLEARING THE JAM.
4. DO NOT WEAR LOOSE CLOTHING, JEWELRY OR TIES AROUND MACHINERY WHERE IT COULD BECOME STUCK.
5. READ AND OBEY SAFETY WARNINGS POSTED ON OR NEAR ANY MACHINERY.
6. LONG HAIR MUST BE CONTAINED UNDER A HAT OR HAIR NET REGARDLESS OF GENDER.

HAND TOOL SAFETY

1. DO NOT CONTINUE TO WORK IF YOUR SAFETY GLASSES BECOME FOGGED. STOP WORK AND CLEAN THE GLASSES UNTIL THE LENSES ARE CLEAR.
2. TAG WORN, DAMAGED OR DEFECTIVE TOOLS "OUT OF SERVICE," AND DO NOT USE THEM.
3. DO NOT USE A TOOL IF THE HANDLE SURFACE HAS SPLINTERS, BURRS, CRACKS OR SPLITS.
4. DO NOT USE IMPACT TOOLS SUCH AS HAMMERS, CHISELS, PUNCHES OR STEEL STAKES THAT HAVE MUSHROOMED HEADS.
5. WHEN HANDING A TOOL TO ANOTHER PERSON, DIRECT SHARP POINTS AND CUTTING EDGES AWAY FROM YOURSELF AND THE OTHER PERSON.
6. DO NOT CARRY SHARP OR POINTED HAND TOOLS SUCH AS SCREWDRIVERS, SCRIBES, CHISELS OR FILES IN YOUR POCKET OR APRON UNLESS THE TOOL OR YOUR POCKET IS SHEATHED.
7. DO NOT PERFORM MAKE-SHIFT REPAIRS TO TOOLS.
8. DO NOT THROW TOOLS FROM ONE LOCATION TO ANOTHER OR FROM ONE EMPLOYEE TO ANOTHER.
9. TRANSPORT HAND TOOLS ONLY IN TOOL BOXES OR TOOL BELTS. DO NOT CARRY TOOLS IN YOUR HAND OR CLOTHING, ESPECIALLY WHEN USING A LADDER.

HAND TRUCK SAFETY

1. WHEN LOADING HAND TRUCKS, KEEP YOUR FEET CLEAR OF THE WHEELS.
2. DO NOT EXCEED THE MANUFACTURER'S LOAD-RATED CAPACITY. READ THE CAPACITY PLATE ON THE HAND TRUCK IF YOU ARE UNSURE.
3. PLACE THE LOAD SO THAT IT WILL NOT SLIP, SHIFT OR FALL. USE THE STRAPS, IF THEY ARE PROVIDED, TO SECURE THE LOAD.
4. FOR EXTREMELY BULKY OR PRESSURIZED ITEMS, SUCH AS GAS CYLINDERS, STRAP OR CHAIN THE ITEMS TO THE HAND TRUCK.
5. TIP THE LOAD SLIGHTLY FORWARD SO THAT THE TONGUE OF THE HAND TRUCK GOES UNDER THE LOAD.
6. PUSH THE TONGUE OF THE HAND TRUCK ALL THE WAY UNDER THE LOAD THAT IS TO BE MOVED.
7. KEEP THE CENTER OF GRAVITY OF THE LOAD AS LOW AS POSSIBLE BY PLACING HEAVIER OBJECTS BELOW THE LIGHTER OBJECTS.
8. PUSH THE LOAD SO THAT THE WEIGHT WILL BE CARRIED BY THE AXLE AND NOT THE HANDLES.
9. IF YOUR VIEW IS OBSTRUCTED, ASK A SPOTTER TO ASSIST IN GUIDING THE LOAD.
10. DO NOT WALK BACKWARD WITH THE HAND TRUCK UNLESS YOU ARE GOING UP RAMPS.
11. WHEN GOING DOWN AN INCLINE, KEEP THE HAND TRUCK IN FRONT OF YOU SO THAT IT CAN BE CONTROLLED AT ALL TIMES.
12. MOVE HAND TRUCKS AT A WALKING PACE.
13. STORE HAND TRUCKS WITH THE TONGUE UNDER A PALLET, SHELF OR TABLE.

OFFICE SAFETY

1. DO NOT WORK ON ANY COMPUTER OR OTHER ELECTRICAL OFFICE MACHINES IF YOUR HANDS ARE WET OR IF YOU ARE STANDING ON DAMP FLOORS.
2. NEVER USE CARBON TETRACHLORIDE FOR TYPEWRITER CLEANING.
3. DO NOT MOUNT PENCIL SHARPENERS SO THAT THEY PROTRUDE BEYOND THE EDGES OF DESKS OR TABLES.
4. DO NOT STAND ON A SWIVEL CHAIR.
5. DO NOT RAISE THE SEATS ON SWIVEL CHAIRS BEYOND THE POINT WHERE YOUR FEET CAN TOUCH THE FLOOR.
6. DO NOT COMPACT MATERIAL IN THE WASTE BASKET WITH YOUR HANDS OR YOUR FEET.
7. DO NOT USE CARDBOARD BOXES AS WASTE RECEPTACLES
8. DO NOT LEAVE FILE DRAWERS OPEN; ALWAYS USE THE HANDLES TO CLOSE THEM.
9. DO NOT STACK FILE CABINETS ON TOP OF ONE ANOTHER.
10. OPEN ONE FILE CABINET DRAWER AT A TIME.
11. PUT HEAVY FILES IN THE BOTTOM DRAWERS OF FILE CABINETS.

FOOD SAFETY

1. SEPARATE RAW, COOKED AND READY-TO-EAT FOODS WHILE SHOPPING, PREPARING OR STORING.
2. KEEP REFRIGERATOR SURFACES CLEAN AND STERILIZED.
3. WASH HANDS THOROUGHLY BEFORE AND AFTER SHIFTS AND AT REGULAR INTERVALS DURING SHIFTS.
4. REFRIGERATE PERISHABLE FOOD PRODUCTS PROMPTLY, AND DEFROST FOODS PROPERLY.

FOOD SERVICE

1. EMPLOYEES MUST USE DRY POT HOLDERS OR TOWELS TO HANDLE HOT OR FROZEN ITEMS.
2. EMPLOYEES MUST CAP ALL OPEN FLAMES BEFORE PUSHING BANQUET CARTS.
3. LIDS MUST BE PLACED ON COFFEE POTS AND POTS OF HOT LIQUIDS BEFORE PICKING THEM UP TO MOVE THEM.
4. EMPLOYEES MUST USE A DRY TOWEL OR AN OVEN MITT WHEN TAKING PLATES OUT OF THE PLATE WARMERS.
5. EMPLOYEES MUST NEVER SUBMERGE HOT GLASS IN COLD WATER OR SUBMERGE COLD GLASS IN HOT WATER.
6. EMPLOYEES MAY NEVER SCOOP ICE FROM THE ICE MACHINE WITH A DRINKING GLASS.
7. AT LEAST TWO WORKERS SHOULD CARRY TABLES DURING BANQUET ROOM SET UP OR TEAR DOWN.

EMPLOYEE LIQUOR LIABILITY AGREEMENT FORM

AS A CONDITION OF EMPLOYMENT, I AGREE TO THE FOLLOWING COMPANY RULES REGARDING THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES. IN CONJUNCTION WITH ABC, ZINQUÉ IS REQUIRING THAT EVERY EMPLOYEE (SERVER, BARTENDER, BARISTA, BUSSE) THAT SERVES ALCOHOLIC BEVERAGES TO PUBLIC IS CERTIFIED WITH LEAD, TIPS OR EQUIVALENT CERTIFICATION. THE COURSE CAN BE TAKEN ONLINE AT:

[HTTP://PROCERTEDUCATION.COM/ALCOHOL-SERVER-COURSES/4580359282](http://PROCERTEDUCATION.COM/ALCOHOL-SERVER-COURSES/4580359282)

1. I HAVE COMPLETED 'S FORMAL LIQUOR LIABILITY TRAINING PROGRAM. ANY QUESTIONS I HAD REGARDING THE PROGRAM HAVE BEEN FULLY EXPLAINED TO ME TO MY SATISFACTION.
2. I WILL NOT SELL BEER, ALE, WINE OR LIQUOR TO ANY PERSON THAT IS NOT OF LEGAL DRINKING AGE AT THE TIME OF THE SALE.
3. I WILL NOT SELL ANY BEER, ALE, WINE OR LIQUOR TO ANY PERSON WHO APPEARS INTOXICATED OR IS ACTING DISORDERLY.
4. I UNDERSTAND THE STATE, COUNTY AND CITY LAWS REGARDING THE LEGAL HOURS OF THE DAY DURING WHICH I MAY SELL BEER, ALE, WINE OR LIQUOR TO A CUSTOMER. I WILL NOT SELL OR SERVE BEER, ALE, WINE OR LIQUOR TO ANYONE DURING THE RESTRICTED HOURS.
5. I WILL NOT PURCHASE ANY BEER, ALE, WINE OR LIQUOR FROM MY EMPLOYER FOR THE USE OR BENEFIT OF ANY UNDERAGE PERSON OR ANY INTOXICATED PERSON.
6. I UNDERSTAND ZINQUÉ WILL ONLY ACCEPT CERTAIN FORMS OF PERSONAL IDENTIFICATION AS OUTLINED IN MY TRAINING PROGRAM, AND I WILL ACCEPT NO OTHER FORM OF I.D. FROM ANYONE PURCHASING BEER, ALE, WINE OR LIQUOR.
7. IF ANY CUSTOMER DOES NOT CLEARLY APPEAR TO BE AT LEAST 30 YEARS OLD, I WILL REQUEST ACCEPTABLE IDENTIFICATION AND VERIFY THAT THE CUSTOMER IS OF LEGAL AGE BEFORE MAKING THE SALE.
8. I UNDERSTAND THAT IF I DO MAKE AN ILLEGAL SALE OF BEER, ALE, WINE OR LIQUOR, I MAY BE PERSONALLY ARRESTED AND CHARGED WITH A CRIMINAL OFFENSE. IF I AM FOUND GUILTY I COULD BE FINED, JAILED OR BOTH. I UNDERSTAND I AM PERSONALLY RESPONSIBLE FOR MY ATTORNEY FEES AS WELL AS PAYING ANY ASSESSED FINES.
9. I UNDERSTAND THAT ANY INFRACTION OF ZINQUÉ RULES CONCERNING THE SALE OF BEER, ALE, WINE OR LIQUOR COULD RESULT IN AUTOMATIC TERMINATION.
10. I UNDERSTAND THAT MY ACTIVITIES WILL BE MONITORED BY ZINQUÉ AS WELL AS BY STATE AND LOCAL LAW ENFORCEMENT INVESTIGATORS.

I HAVE READ, UNDERSTAND AND AGREE TO COMPLY WITH THE LIQUOR LIABILITY POLICY RULES AS STATED ABOVE.

EMPLOYEE SIGNATURE

DATE

EMPLOYEE ACKNOWLEDGEMENT FORM

ZINQUÉ IS FIRMLY COMMITTED TO YOUR SAFETY. WE WILL DO EVERYTHING POSSIBLE TO PREVENT WORKPLACE ACCIDENTS AND ARE COMMITTED TO PROVIDING A SAFE WORKING ENVIRONMENT FOR ALL OF OUR EMPLOYEES. WE VALUE YOU NOT ONLY AS AN EMPLOYEE BUT ALSO AS A HUMAN BEING CRITICAL TO THE SUCCESS OF YOUR FAMILY, THE LOCAL COMMUNITY AND . YOU ARE ENCOURAGED TO REPORT ANY UNSAFE WORK PRACTICES OR SAFETY HAZARDS ENCOUNTERED ON THE JOB. ALL ACCIDENTS/INCIDENTS (NO MATTER HOW SLIGHT) ARE TO BE IMMEDIATELY REPORTED TO THE SUPERVISOR ON DUTY.

A KEY FACTOR IN IMPLEMENTING THIS POLICY WILL BE A STRICT COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, LOCAL AND **ZINQUÉ** POLICIES AND PROCEDURES. FAILURE TO COMPLY WITH THESE POLICIES MAY RESULT IN DISCIPLINARY ACTION. RESPECTING THIS, **ZINQUÉ** WILL MAKE EVERY REASONABLE EFFORT TO PROVIDE A SAFE AND HEALTHFUL WORKPLACE THAT IS FREE FROM ANY RECOGNIZED OR KNOWN POTENTIAL HAZARDS. ADDITIONALLY, **ZINQUÉ** SUBSCRIBES TO THESE PRINCIPLES:

1. ALL ACCIDENTS ARE PREVENTABLE THROUGH IMPLEMENTATION OF EFFECTIVE SAFETY AND HEALTH CONTROL POLICIES AND PROGRAMS.
2. SAFETY AND HEALTH CONTROLS ARE A MAJOR PART OF OUR WORK EVERY DAY.
3. ACCIDENT PREVENTION IS GOOD BUSINESS. IT MINIMIZES HUMAN SUFFERING, PROMOTES BETTER WORKING CONDITIONS FOR EVERYONE, HOLDS **ZINQUÉ** IN HIGHER REGARD WITH CUSTOMERS AND INCREASES PRODUCTIVITY. THIS IS WHY **ZINQUÉ** WILL COMPLY WITH ALL SAFETY AND HEALTH REGULATIONS WHICH APPLY TO THE COURSE AND SCOPE OF OPERATIONS.
4. MANAGEMENT IS RESPONSIBLE FOR PROVIDING THE SAFEST POSSIBLE WORKPLACE FOR EMPLOYEES. CONSEQUENTLY, MANAGEMENT OF **ZINQUÉ** IS COMMITTED TO ALLOCATING AND PROVIDING ALL OF THE RESOURCES NEEDED TO PROMOTE AND EFFECTIVELY IMPLEMENT THIS SAFETY POLICY.
5. EMPLOYEES ARE RESPONSIBLE FOR FOLLOWING SAFE WORK PRACTICES, COMPANY RULES AND FOR PREVENTING ACCIDENTS AND INJURIES. MANAGEMENT WILL ESTABLISH LINES OF COMMUNICATION TO SOLICIT AND RECEIVE COMMENTS, INFORMATION, SUGGESTIONS AND ASSISTANCE FROM EMPLOYEES WHERE SAFETY AND HEALTH ARE CONCERNED.
6. MANAGEMENT AND SUPERVISORS OF WILL SET AN EXEMPLARY EXAMPLE WITH GOOD ATTITUDES AND STRONG COMMITMENT TO SAFETY AND HEALTH IN THE WORKPLACE. TOWARD THIS END, MANAGEMENT MUST MONITOR THE COMPANY'S SAFETY AND HEALTH PERFORMANCE, WORKING ENVIRONMENT AND CONDITIONS TO ENSURE THAT PROGRAM OBJECTIVES ARE ACHIEVED.
7. OUR SAFETY PROGRAM APPLIES TO ALL EMPLOYEES AND PERSONS AFFECTED OR ASSOCIATED IN ANY WAY WITH OPERATIONS. EVERYONE'S GOAL MUST BE TO CONSTANTLY IMPROVE SAFETY AWARENESS AND TO PREVENT ACCIDENTS AND INJURIES.

EVERYONE AT **ZINQUÉ** MUST BE INVOLVED AND COMMITTED TO SAFETY. THIS MUST BE A TEAM EFFORT. TOGETHER, WE CAN PREVENT ACCIDENTS AND INJURIES AND KEEP EACH OTHER SAFE AND HEALTHY IN THE WORKPLACE.

BY SIGNING THIS DOCUMENT, I CONFIRM THE RECEIPT OF 'S EMPLOYEE SAFETY HANDBOOK. I HAVE READ AND UNDERSTOOD ALL POLICIES, PROGRAMS AND ACTIONS AS DESCRIBED, AND AGREE TO COMPLY WITH THESE SET POLICIES.

EMPLOYEE SIGNATURE _____

DATE _____

Attachment No. PD 3

Lido Marina Village Security Plan

NEWPORT BEACH, CA | EST. 1971

LIDO MARINA
VILLAGE

Lido Marina Village Security Plan

3424 Via Oporto, Newport Beach, California 92663

112,029 sq. ft. of Boutique Retail,

Restaurant, Creative Office, and 47-Slip Marina

INTRODUCTION:

Lido Group Retail, LLC (“Lido Marina Village”) understands the importance of being proactive and partnering with the City of Newport Beach in order to create a successful shopping center environment that not only protects the owner’s physical asset, but assists the Newport Beach Police Department as well as protects LMV tenants, guests and the community of Newport Beach. To that end, and pursuant to the City’s request, Lido Marina Village has created a comprehensive Security Plan for City review.

Lido Marina Village employs MPP Security Services as its contracted security service. The agency employs Security Officers who have the appropriate state training and licensing as well as current Guard Cards.

SECURITY PERSONNEL: NUMBER OF OFFICERS:

Officers patrol the entire Lido Marina Village project. This includes the street of Via Oporto in front of buildings 3400-3450, the boardwalk where these buildings face the water, restrooms at the 3412/3416 & 3242/3432, elevators in the village, the 3700 building, the parking lot in front of the 3700 building, the parking lot between 3636 and 3700, the alley way, parking structure and restrooms, and trash enclosures.

The following will be the Shift Schedule:

Number of Officers: 2 Shift Hours: 4pm-12am

Number of Officers: 2 Shift Hours: 12am-7am

The first shift of two (2) officers not only handle the routine foot patrol duties for the property but also ensure that Electra guests follow the correct path of travel to and from the Electra boats in a safe manner. Once Electra boat guests come back from their cruise, they will be monitored to make sure they arrive back to their vehicles safely.

The second shift of two (2) officers will walk the property from 12pm to 7am. In addition to their regular foot patrol duties, this shift will ensure that there are no trespassers and/or homeless sleeping in the elevators or restrooms throughout the project and that no uninvited guests remain in the parking structure or the property overnight. They will also assist in obtaining rides for intoxicated patrons and will notify the Newport Beach Police Department should the intoxicated patron refuse their assistance and leave the property in an impaired state.

UTILIZATION OF OFFICERS:

Retail/Office Patrol: Officers are to patrol the retail shops, office upstairs, and restrooms in the village section of the property. While patrolling they are instructed to observe and report on any buildings for vandalism, damage, and suspicious odors. They are to report any type of this activity immediately to the Lido Marina Management and LMV Engineer. They also monitor and report on all other assigned vendors arriving and leaving the property such as janitorial, awning, sweeping, steam cleaning, and trash collection.

Retail Parking Structure Patrol: Officers are to patrol all levels of the parking structure on a regular basis. This includes restrooms at the parking structure, elevator at the parking structure, and stairwells. If a tenant employee (who is assigned to off-site parking) is found parking in the structure, officers are to advise Lido Marina Village Management right away as they may not be authorized to park in the parking structure.

SECURITY CENTRAL DISPATCH/CAMERA LOCATION: The Security Central dispatch and monitoring room is located in the garage adjacent to the main garage entry off of Via Lido. The parking structure will have six (6) security cameras. These will monitor the vehicles entering and exiting the parking structure. In addition, these will monitor the public leaving the parking structure by foot towards the village, as well as any activity at the fountain. Lastly, the cameras will monitor the parking structure equipment for any damage and vandalism. The footage from the cameras is recorded and can be reviewed for up to 30 days from the incident. Video will be made upon request to the Newport Beach Police Department.

INTOXICATED GUESTS: Those that are showing signs of intoxication in the common areas of the Shopping Center will be instructed by Security not to drive their vehicle off property and persuaded to allow the Security Officers to obtain a ride from an outside party to their place of destination. There will be designated area on the project where Security will stay in contact with the intoxicated party until an Uber/Lyft/alterative vehicle can pick them up for a ride home. If the individual or party refuses, Security will notify the Newport Beach Police Department with a description of the individual or individuals and the license plate of the vehicle if possible.

UNRULY/TRESSPASSERS: - Security will respond to all reports of a group or of individuals whose behavior has become unruly and unacceptable to the security, safety, of the property, its tenants and guests. Security will first assess the situation to determine the level of danger and then in a calm, non-physical, reasonable manner encourage a diplomatic resolution of the matter with the goal of escorting the individual off the property. However, in the case that the individual or individuals become a danger to themselves, other guests, tenants, or the property, the Newport Beach Police Department will be notified.

REPORTING - The purpose of a written or oral report is to communicate the facts of an incident in a timely, concise and accurate manner. A good written or oral report is a representation of an incident exactly as it happened. Written reports preserve the details of the incident for future reference or court presentation. Officers should be specific and make a clear distinction between what was stated or claimed by others and any factual evidence discovered. Reports should include; who did what, when, where, how and when possible, why.

These reports are reviewed by the Security Director and Property Management.

- **DAILY ACTIVITY REPORT/INCIDENT REPORTS:** All officers must complete a daily activity report for their shift. In addition, if there are specific incidents such as the ones below, an Incident Report will be written and delivered to management by the end of the Officer's Shift.
- Disorderly Conduct/Disturbances/Public Intoxication
 - Assaults/Batteries – Exterior Premises
 - Auto Thefts/Attempted Auto Thefts
 - Burglaries/Attempted Burglaries/External Theft from Motor Vehicles
 - Robberies/Armed Robberies within Interior Premises
 - Personal Accident – Injury Slip and Fall-Exterior Premises
 - Personal Accident – Injury Not Slip and Fall – Exterior Premises
 - Personal Accident - Property Damage
 - Vehicle Accident – Injury
 - Vehicle Accident – Property Damage

EMERGENCY NUMBERS:

If a Tenant feels a situation is of a life threatening nature, they have been instructed to call 911. Property or non-injury emergencies are handled by Security and Lido Marina Engineering Staff.

Non-Life Threatening Emergency Contacts

Noe Espinoza, Lido Engineer	949-514-1249
Quyen Tran, Director of Operations	714-863-9119
Dorothy Augustyniak, Property Manager	949-201-5152
Mary Vu, Assistant Property Manager	714-448-2922
Bella Terra 24/7 Security Dispatch	714-799-7537

SERVICE/DESCRIPTION

TELEPHONE

Police/Fire/Ambulance	911
Police Department - Non-Emergency	949-644-3681
Fire Department – Non-Emergency	949-644-3106
Animal Control (OC Pest Control)	949-568-8700
Poison Control	800-222-1222
Utilities	
Electric (SOCAL Edison)	1-800-990-7788
Gas (So. Cal)	1-800-427-2000
Water/Sewer (City Of NB)	949-644-3311
Telephone (Telepacific)	877-487-8722

Hospitals

Hoag Hospital Newport Beach
1 Hoag Drive, Newport Beach, CA (949) 764-4624

College Hospital Costa Mesa
301 Victoria St., Costa Mesa, CA (949) 642-2734

CONCLUSION:

Lido Marina Village encourages the support of the Newport Beach Police Department in assisting the Security Staff and Management with the well-being, safety and security of the shopping center for the benefit of, its patrons, guests, tenants, invitees, the City and the Community of Newport Beach.

Attachment No. PD 4

Project Plans

