



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

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

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

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending June 24, 2016

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

- Item 1: Ruby's Diner Outdoor Dining Staff Approval No. SA2016-009 (PA2016-084)
Site Address: 2305 East Coast Highway
- Action: Approved Council District 6
- Item 2: The Cannery Staff Approval No. SA2015-014 (PA2015-201)
Site Address: 3010 Lafayette Road
- Action: Approved Council District 1
- Item 3: Verizon Wireless Limited Term Permit No. XP2016-004 (PA2016-098)
Site Address: 1155 Camelback Street
- Action: Approved Council District 4

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.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application No. **Staff Approval No. SA2016-009 (PA2016-084)**
Ruby's Diner Outdoor Dining

Applicant **Ruby's Diner**

Site Address **2305 East Coast Highway**
Ruby's Diner Staff Approval

Legal Description **Parcel No. 2, Page 43, Book 81**

On **June 23, 2016**, the Community Development Director approved Staff Approval No. SA2016-009 authorizing outdoor dining for the existing eating and drinking establishment and finding said outdoor dining to be minor and in substantial conformance with Use Permit No. UP1942. This approval is based on the following findings and subject to the following conditions.

ZONING DISTRICT/GENERAL PLAN

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

I. BACKGROUND

Ruby's Diner is located on the corner of East Coast Highway and Acacia Avenue within a single-story building that has been occupied by a restaurant since constructed in 1956. Ruby's Diner moved into the existing restaurant space in 1994. Ruby's Diner shares the property with a dry cleaner operation that occupies the rear portion of the lot. Ruby's Diner is a full service restaurant with operating hours from 6:30 a.m. to 9:00 p.m. Sunday through Thursday and 6:30 a.m. until 10:00 p.m. on Friday and Saturday. The interior net public area is approximately 1,550 square feet with 98 seats and 5 to 12 employees per shift.

Discretionary Approval History

On June 19, 1980, the Planning Commission approved Use Permit No. UP1942 authorizing the sale of beer and wine at the existing restaurant (Coco's at the time). The Use Permit included a condition limiting the hours of operation from 7:00 a.m.

to 11:00 p.m. The Use Permit did not limit the net public area or the number of seats.

On August 4, 1988, the Planning Commission approved an amendment to the Use Permit, Use Permit No. UP1942A, to extend the hours of operation to 6:00 a.m. until Midnight, Sunday through Thursday, and 6:00 a.m. until 1:00 a.m., Friday and Saturday. The amendment also allowed additional signage for the restaurant. Other than a minor interior remodel in 1994, the floor plan, including the number of seats (98), has not changed.

II. PROPOSED CHANGES

Ruby's Diner proposes to add outdoor dining with 5 two-seat tables for a total of 10 seats within approximately 99 square feet adjacent to the public sidewalk on East Coast Highway. The area is within their private property and is approximately six percent (99 square feet) of the existing interior net public area (1,550 square feet). The tables and chairs will be brought into the restaurant at closing and returned each morning. The area will not include a barrier or fence and there will be no alcohol service outside of the restaurant. The existing awning would be extended over the proposed outdoor dining area. Existing planters in front of the restaurant will be demolished to accommodate this area. The 5 tables will include one (1) handicap accessible table. The floor area, net public area, total number of interior seats, and operational characteristics will not change.

III. FINDINGS

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

Finding:

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

Facts in Support of Finding:

1. Restaurants are a permitted use in Commercial Corridor Zoning District (CC), subject to the approval of a use permit. The proposed changes are consistent with the operational characteristics approved by Use Permit No. UP1942.
2. Adequate off-street parking is provided with the designated 27 stalls in their parking lot across Acacia Avenue which was a part of the approval of the Use Permit. Per the Zoning Code additional parking is not required for

outdoor dining that is 25 percent or less than the interior net public area of the restaurant. The 99 square feet is approximately 6 percent of the interior net public area (1,550 square feet).

3. The proposed outdoor dining will remain consistent with the operational characteristics of the previously approved Use Permit.

Finding:

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

Facts in Support of Finding:

1. The proposed addition of the outdoor dining to the existing restaurant will not compromise the original Class 1 (Existing Facilities) exemption under the California Environmental Quality Act (CEQA) Guidelines since the request involves removable exterior seating that comprises an area of 99 square feet.

Finding:

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

Facts in Support of Finding:

1. The proposed outdoor dining does not involve a feature that was specifically addressed in the staff report or the minutes prepared for Use Permit No. UP1942.
2. Use Permit No. UP1942 does not limit the area of dining or the number of seats for the restaurant.

Finding:

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

Facts in Support of Finding:

1. The proposed outdoor dining with an additional 10 seats is accessory to the main dining room and does not represent a substantial change in the operational characteristics of the existing restaurant that was approved.

2. The proposed outdoor dining does not result in additional employees. The hours of operation will remain as conditioned by Use Permit No. UP1942A.

IV. DETERMINATION

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

CONDITIONS

1. All applicable conditions of approval for Use Permit No. UP1942 shall remain in effect.
2. The outdoor dining shall provide a maximum of 10 seats and remain in substantial conformance with the approved site plan found in Attachment No. CD 2.
3. One (1) of the outdoor dining tables shall be handicap accessible and meet the requirements of the California Building Code.
4. Alcohol service is not permitted to the outdoor seating unless a redesign including adding the minimum required barrier, an amendment to this Staff Approval and the necessary requirements and/or amendment to the Alcohol Beverage Control (ABC) license are obtained.
5. The awning shall maintain a minimum vertical clearance of 8 feet.
6. The outdoor dining shall not encroach onto the public right-of-way.
7. The Community Development Director may add to or modify conditions to this staff approval, or revoke this staff approval upon determination that the operations, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community or if the property is operated or maintained so as to constitute a public nuisance.
8. This staff approval shall expire unless exercised within twenty-four (24) months from the end of the appeal period, in accordance with Section 20.54.060 of the Newport Beach Municipal Code.
9. To the fullest extent permitted by law, the 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 staff approval of

the Ruby's Diner Outdoor Dining including, but not limited to, Staff Approval No. SA2016-009 (PA2016-084). 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.

APPEAL PERIOD: An appeal or call for review 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.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Melinda Whelan
Assistant Planner

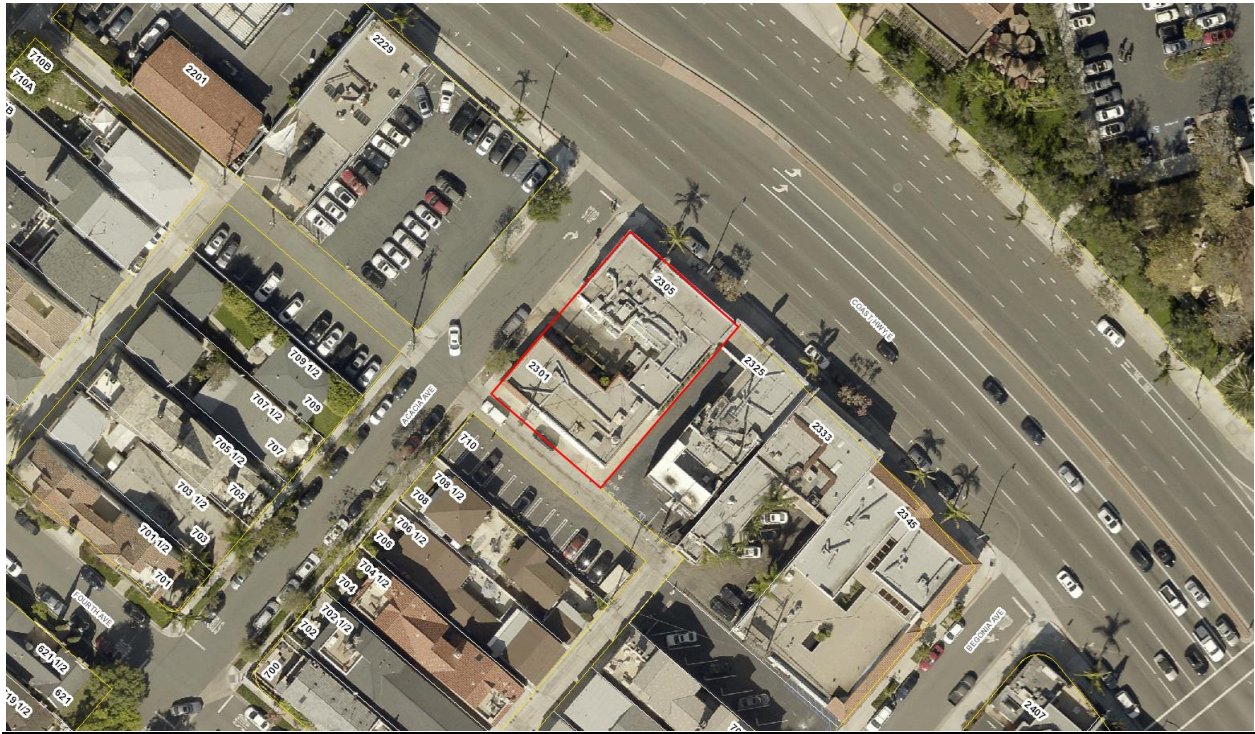
JM/msw

Attachments: CD 1 Vicinity Map
CD 2 Existing and Revised Floor Plan
CD 3 Conditions of Approval for Use Permit No. UP1942 and UP1942A

Attachment No. CD

Vicinity Map

VICINITY MAP

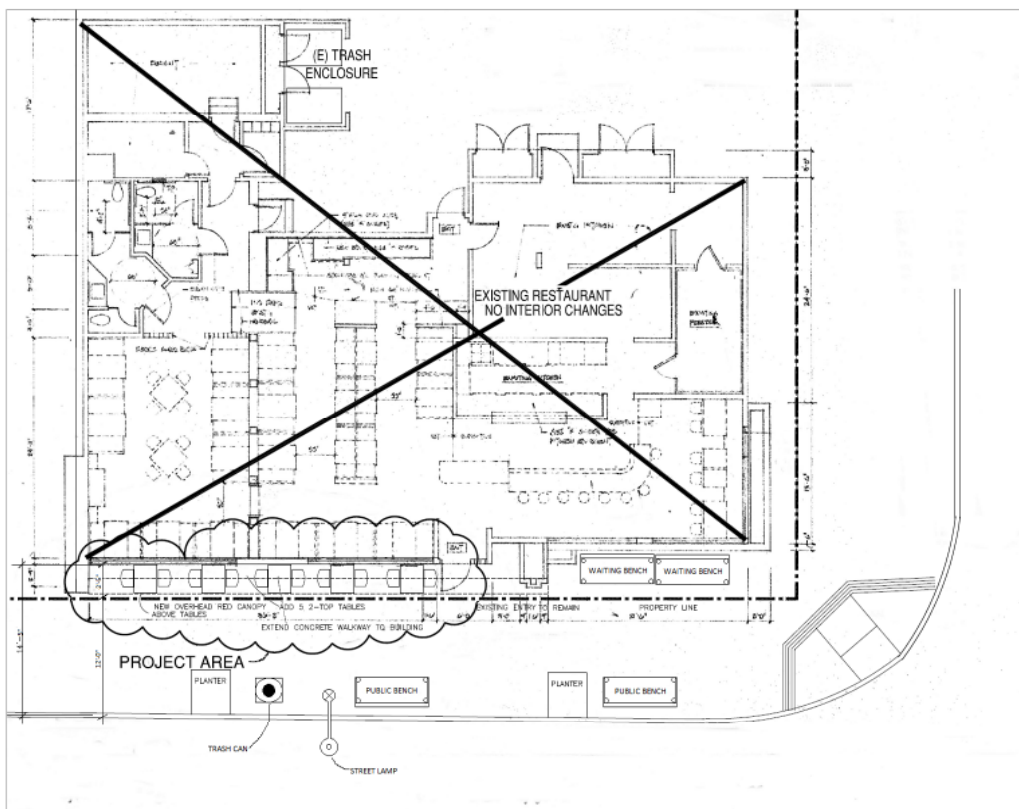


Staff Approval No. SA2016-009
PA2016-084

2305 East Coast Highway

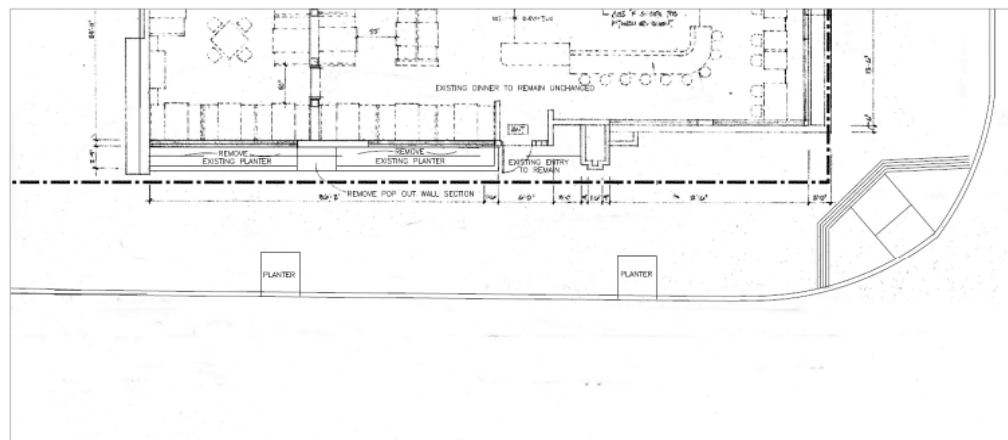
Attachment No. CD 2

Existing and Revised Seating Plan



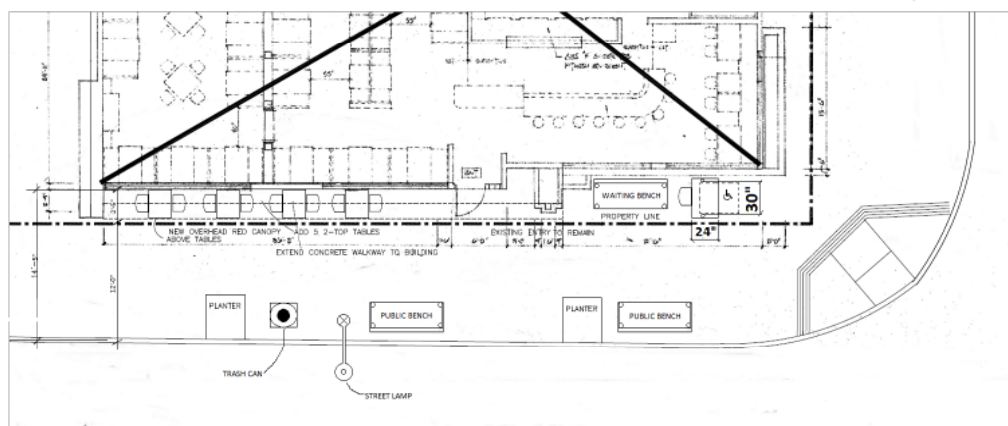
OVERALL BUILDING W/ REVISED ADDED SEATING AREA

SCALE: 1/8"=1'-0"



ENLARGED EXISTING STORE FRONT FLOOR PLAN

SCALE: 1/8"=1'-0"



ENLARGED REVISED ADDED SEATING AREA FLOOR PLAN

SCALE: 1/8"=1'-0"



PROPOSED STREET ELEVATION

SCALE: 1/8"= 1'-0"



New
Sidewalk
Patio eating area

Ruby's
2305 E. PCH
Corona Del Mar
California

Consultants:

Title:

Project Number:

Drawn by: Brian V
Date: July 24, 2014

Revision:

REVISED 5/4/16

Sheet:

A2.1

Attachment No. CD 3

Conditions of Approval for Use Permit No.
UP1942 and UP1942A

August 4, 1988

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 MERRILL
 PERSON
 POMEROY
 WINBURN

CITY OF NEWPORT BEACH

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	<p>2. That the project will not have any significant environmental impact.</p> <p>3. That repair of the sidewalk and drive aprons on Acacia Avenue adjacent to the parking lot will improve pedestrian safety.</p> <p>4. That public improvements may be required of a developer in accordance with Section 20.80.060 of the Municipal Code.</p> <p>5. That the restaurant has continued to utilize the parking lot across Acacia Avenue for many years, despite the absence of a formal off-site parking agreement.</p> <p>6. That both the restaurant site and the parking lot site are held by one owner, and the two parcels are covered by the same lease.</p> <p>7. That operation of the restaurant for additional hours could be disturbing to nearby residents, with noise in the parking lot of particular concern.</p> <p>8. That the approval of this amendment to Use Permit No. 1942 will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.</p> <p><u>CONDITIONS:</u></p> <p>1. That development shall be in substantial conformance with the approved floor plan.</p> <p>2. That all applicable conditions of approval of Use Permit No. 1942 as approved by the Planning Commission on June 19, 1980 shall remain in effect.</p> <p>3. That the restaurant shall be open for business only between the hours of 6:00 a.m. and 12:00 midnight Sunday through Thursday and 6:00 a.m. and 1:00 a.m. Friday and Saturday.</p> <p>4. That all employees of the facility shall park in the parking lot across Acacia Avenue, and not in</p>	

August 4, 1988

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the neighboring residential area.

5. That all improvements be constructed as required by Ordinance and the Public Works Department.
6. That the deteriorated drive aprons and portions of sidewalk be reconstructed along the Acacia Avenue frontage under an encroachment permit issued by the Public Works Department. That all work be completed within 60 days of the approval of this amendment.
7. That the telephones within the parking lot shall be relocated so that they comply with sight distance requirements of City Standard 110 L.
8. That the off-site parking lot shall be restriped in accordance with a plan approved by the City Traffic Engineer. Said lot shall provide at least 23 parking spaces for the restaurant use.
9. That a landscape plan, including provision for three foot high walls as appropriate, shall meet the approval of the Planning Department and the Parks, Beaches, and Recreation Department.
10. That a security chain shall be installed at the Acacia Avenue access which chain shall be secured at the close of business hours each night.
11. That the management of the restaurant shall control the off-site parking in the parking lot to the satisfaction of the City Traffic Engineer and the Planning Department. This may include a requirement to install a one-way spiked traffic control device to ensure that the alley access is used for egress only.
12. That signs shall be posted at the alley egress indicating the direction of access to East Coast Highway, northbound.
13. That a washout area for refuse containers be provided in such a way as to allow direct drainage into the sewer system and not into the Bay or storm drains unless otherwise approved by the Building Department and the Public Works Department.
14. That a trash compactor be provided in the restaurant facility.

August 4, 1988

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15. That a sign shall be provided indicating that the parking lot is for the use of the restaurant.
16. That the applicant shall notify the Planning Department within thirty days if use of the off-site parking lot is lost.
17. That all windows shall be closed at all times. All doors shall be closed at all times except when patrons are entering or leaving the restaurant facility so that sound shall be confined to the interior of the restaurant.
18. That the Planning Commission may add to or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit upon a determination that the operation which is the subject of this amendment causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
19. That this use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090 A of the Newport Beach Municipal Code.

EXHIBIT "D"

FINDINGS:

1. That the proposed signs will be compatible with surrounding land uses.
2. That the proposed signs will not have any significant environmental impact.
3. That the off-site pole sign has existed for many years at the same location.
4. That the site of the off-site sign will be utilized by the applicants for parking purposes.
5. That numerous other roof signs exist in the surrounding area, and the restaurant's location in the midst of many other such signs precludes the effective use of a ground sign, pole sign, or a projecting sign, particularly in view of the low height of the building.

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6. That the granting of this exception will not be contrary to the purpose of Chapter 20.06 of the Municipal Code, and will not be materially detrimental to the health, safety, comfort or general welfare of persons residing in the neighborhood, or detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.

CONDITIONS:

1. That development shall be in substantial conformance with the approved plot plan and elevation except as noted in the following conditions.
2. That the off-site sign shall be utilized only so long as the applicant has use of the parking on the property, and that the applicant shall inform the Planning Department within thirty days if the use of said parking is lost.
3. That the sign shall state that the parking is for the use of the applicant's business.

* * *

Use Permit No. 3071 (Amended)(Public Hearing)

Item No. 10

Request to amend a previously approved use permit which allowed the expansion of the operational characteristics of the existing Newport Beach Tennis Club. The proposed amendment includes a request to construct a new locker room and fitness center for the exclusive use of tennis club members. the proposal also includes a modification to the Zoning Code so as to allow the use of compact parking spaces for a portion of the required off-street parking spaces; and the acceptance of an environmental document.

UP3071A

Continued to 9-22-88

LOCATION: Lot 66, Tract No. 6905, located at 2601 Eastbluff Drive, on the westerly side of Eastbluff Drive, between Vista del Oro and Vista del Sol, in the Bluffs.

ZONES: R-4-B-2, PRD and C-N-H

APPLICANT: Newport Beach Tennis Club, Newport Beach

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Cokas
Haldrup
McLaughlin
Thomas

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5. The offsite parking lot is directly across Acacia Avenue from the restaurant site, and therefore, is so located to be useful to the proposed development.
6. The offsite parking spaces will not create undue traffic hazards in the surrounding areas.
7. The restaurant site and the offsite parking lot are in the same ownership.
8. The approval of Use Permit No. 1942 will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City.

CONDITIONS

1. That an offsite parking agreement shall be approved by the City Council, guaranteeing that a minimum of 23 parking spaces shall be provided on Lot Nos. 5 and 6, Tract No. 682, for the duration of the subject restaurant facility located at 2305 East Coast Highway.
2. The development shall be in substantial conformance with the approved plot plan and floor plan.
3. That all improvements be constructed as required by Ordinance and the Public Works Department.
4. That a 10 foot radius corner cutoff at the southeast corner of Acacia Avenue and East Coast Highway shall be dedicated to the public.
5. That approximately 300 square feet of tree damaged sidewalk be reconstructed on the southeast corner of East Coast Highway and

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Acacia Avenue and that the existing tree be root pruned or replaced as approved by the Parks, Beaches and Recreation Department.

- 6. That arrangements be made with the Public Works Department to guarantee the satisfactory completion of required improvements.
- 7. That the restaurant facility shall be limited to the hours from 7:00 a.m. to 11.00 p.m.

* * *

Request to consider an amendment to Title 20 of the Newport Beach Municipal Code as it pertains to amending the expiration dates for use permit, variances, site plan review, and modification applications, and the acceptance of an Environmental Document.

Item #5
Amendment
No. 547
APPROVED

INITIATED BY: The City of Newport Beach

The Public Hearing was opened in conjunction with this item. There being no one wishing to be heard, the hearing was closed.

A motion to approve was then made by Commissioner Haidinger.

Commissioner Beek raised the following questions concerning the provision in the Code that the City Council had sixty days after receipt of the petition from the Planning Commission in which to act: What was the point in the Code telling City Council how fast to act when they were the ones that write the code?; Did this really have any effect, and what happened if they didn't obey? This refers to page 3 of the Staff Report under Hearings, item #2, and also to page 6, Hearing Time.

Current Planning Administrator Laycock replied that this particular section was already included on page 4, Permits, and that the same wording was being added to other sections of the Code for consistency.

Motion

x

9/6



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Application No.	Staff Approval No. SA2015-014 (PA2015-201)
Applicant	Robinson Hill Architecture, Inc. – Alex Arie
Owner	Cannery LLC
Site Address	3010 Lafayette Road The Cannery
Legal Description	Lot Nos. 1 though 7, Block 429, Lancaster’s Addition

On **June 24, 2016**, the Community Development Director approved Staff Approval No. SA2015-014. The Director determined that the proposed first floor bar area was a minor change to an existing restaurant (The Cannery), and in substantial conformance with Use Permit No. UP1521. The Use Permit established the restaurant with tandem parking on-site, and an off-site parking lot. No other changes were proposed with this application. This approval is based on findings and subject to the following conditions.

ZONING DISTRICT/GENERAL PLAN

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

BACKGROUND

Existing Design and Operational Characteristics

The Cannery is an existing two-story restaurant. The first floor is used as the primary dining area with the second floor used as a bar and lounge. The first floor consists of 2,579 square feet of interior net public area and 132 seats. The outdoor patio consists of 1,346 square feet and 26 seats. The second floor consists of 2,208 square feet of interior net public area and 115 seats. The applicant indicates the restaurant currently operates Monday through Thursday, 11:30 a.m. to 9 p.m, Friday and Saturday, 11:30 a.m. to 10 p.m., and Sunday, 11 a.m. to 9 p.m. The restaurant possesses active Type 47 (On Sale General – Eating Place) and 58 (Caterer Permit) ABC licenses.

Discretionary Approval History

On April 29, 1971, the Planning Commission approved Use Permit No. UP1521 subject to 12 conditions of approval (Attachment No. CD 2). The approval established a

restaurant use in a rebuilt two-story building. The first floor consisted of dining area and kitchen facilities and the second floor was designated the bar and lounge area. There were no restrictions on the hours of operation. In approving the use, the Planning Commission required the City Council to approve a parking agreement. The agreement addressed parking in the off-site lot across Lafayette Avenue (Condition No. 10 of Attachment No. CD 2). The condition provided that flexibility shall be maintained in the parking arrangement subject to the approval of the Director of Community Development.

On October 24, 1972, the City Council adopted Resolution No. 7863 authorizing an off-site parking agreement provided 91 parking spaces (53 on-site and 38 off-site) were available for the restaurant use.

On May 29, 1973, the City Council adopted Resolution No. 7990 authorizing an amended off-site parking agreement due to minor modifications to the seating capacity of the restaurant. The change resulted in a capacity of 244 seats and the provision of 86 parking spaces (49 on-site, 37 off-site).

On November 26, 1973, the City Council adopted Resolution 8140 authorizing an amended off-site parking agreement due to an increase in seating capacity and number of parking spaces (Attachment No. CD 3). The amendment resulted in a seating capacity of 278 seats and a requirement for 93 parking spaces (48 on-site and 45 off-site at a rate of 1 space per 3 seats). The recorded parking agreement is included as Attachment No. CD 4.

On April 13, 1993, ADA upgrades to the on-site parking lot finished. The result was a loss of four parking spaces with 89 spaces remaining (44 on-site, 45 off-site).

On August 2, 2001, tenant improvements to the restaurant finished including additional ADA spaces in the on-site lot bringing the total to 92 spaces (47 on-site, 45 off-site). Parking was compliant with the 271 seats provided ($271 / 3 = 90.3$).

On February 21, 2003, the Planning Director approved Accessory Outdoor Dining Permit No. OD2002-003 (PA2002-240). The approval authorized the expansion of the existing outdoor dining area up to a maximum of 1,416 square feet and 57 seats. All applicable conditions of UP1521 remained in force.

PROPOSED CHANGES

The applicant proposes to convert a 249-square-foot portion of dining area at the first floor to a bar area. A total of 272 seats would remain for patrons of the restaurant. The interior net public area at the first floor would decrease by 95 square feet to accommodate the improvements. No other changes are proposed. The applicant's project description is included as Attachment No. CD 5.

Pursuant to Zoning Code Section 20.48.030 (Alcohol Sales) the restaurant is required to amend their existing use permit only if there is a substantial change in operation or

objectionable condition that constitute a public nuisance. A substantial change constitutes a change in type of liquor license, an increase in the floor area devoted to alcohol sales by 25 percent or more or by 250 square feet or more, whichever is less, or if there is a reinstatement of alcohol sales after revocation or suspension. The existing second floor bar and lounge area exceeds 1,000 square feet. Therefore, any increase in floor area devoted to alcohol sales that is equal to or greater than 250 square feet constitutes a substantial change. The proposed bar area is 249 square feet. In addition, there is no documented pattern of violations or a pattern of complaints.

FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. This Staff Approval is based on the following findings and facts in support of the findings.

Finding:

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

Facts in Support of Finding:

1. Food service, eating and drinking establishments with alcohol service and late hours require a conditional use permit in the MU-W2 (Mixed-Use Water Related) Zoning District.
2. The existing restaurant operates pursuant to Use Permit No. UP1521. The approval established the restaurant use with tandem parking on-site, and an off-site parking lot.
3. The proposed conversion of dining area to a bar area is consistent with the operational characteristics and conditions approved by Use Permit No. UP1521.
4. The proposed bar area is not a substantial change to the existing alcohol sales establishment pursuant to Section 20.48.030 (Alcohol Sales) of the Zoning Code.
5. The proposal does not result in a change in type of retail liquor license, and does not involve a reinstatement of alcohol sales. The existing establishment possesses active Type 47 (On-Sale General Eating Place) and 58 (Caterer Permit) ABC licenses.
6. The proposal results in an increase of 249 square feet of floor area devoted to alcohol sales. The Zoning Code defines a substantial change as an increase in the floor area or shelf space principally devoted to alcohol sales by 25 percent or more or by 250 square feet or more, whichever is less. The proposal represents

less than 25 percent of the existing second floor area devoted to alcohol sales (bar/lounge), and is less than 250 square feet.

7. The proposal does not change the occupancy classification of the restaurant and will not increase the maximum occupant capacity.
8. The restaurant has not exhibited a pattern of documented violations or complaints.

Finding:

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

Facts in Support of Finding:

1. The previously approved restaurant was not subject to a negative declaration or Environmental Impact Report.
2. The proposed project involves the conversion of interior dining area to a bar area and qualifies for a categorical exemption under Class 1 (Existing Facilities). The Class 1 exemption consists of 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 including interior or exterior alterations involving such things as interior partitions. In this case the interior improvements constitute minor changes and the existing restaurant will maintain the same size and operate in substantially the same capacity as it did prior to the change.

Finding:

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

Facts in Support of Finding:

1. The proposed conversion of dining area to bar area does not involve a feature that was specifically addressed in the staff report, meeting minutes, or subject to a condition of approval for Use Permit No. UP1521. The net public area and configuration of first floor dining and second floor bar and lounge areas were not specifically addressed.
2. Resolution 8140 and the associated off-site parking agreement acknowledge that the restaurant would operate with a capacity of 278 seats, requiring 93 off-street parking spaces (1 space per 3 seats). The applicant's proposal maintains 272

seats and 92 off-street parking spaces consistent with the parking requirements associated with the off-site parking agreement.

Finding:

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

Facts in Support of Finding:

1. The proposed conversion of interior dining area to a bar area does not result in an expansion of the restaurant or change operational characteristics of the use. The improvements will reduce the existing net public area by 95 square feet. The restaurant will continue to operate pursuant to Use Permit No. UP1521.
2. The proposal does not result in an increase in the occupant load of the restaurant.

DETERMINATION

This staff approval has been reviewed and a determination has been made that the proposed conversion of first floor dining area to a bar area is in substantial conformance with Use Permit No. UP1521.

CONDITIONS OF APPROVAL

1. First floor bar area devoted to the service of alcohol shall not exceed 249 square feet as shown on the approved plan.
2. 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 The Cannery Staff Approval including, but not limited to, the SA2015-014 (PA2015-201). 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.

APPEAL PERIOD

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

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Jason Van Patten, Assistant Planner

GR/jvp

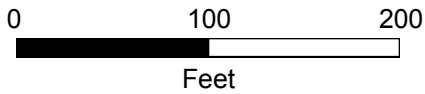
Attachments: CD 1 Vicinity Map
 CD 2 Use Permit No. UP1521
 CD 3 Resolution 8140
 CD 4 Recorded Parking Agreement
 CD 5 Applicant's Project Description
 CD 6 Project Plans

Attachment No. CD 1

Vicinity Map



Newport
Beach
GIS



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

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. CD 2

Use Permit No. UP1521

Adjourned Planning Commission Meeting
Place: Council Chambers
Time: 8:00 P.M.
Date: April 29, 1971

MINUTES

ROLL CALL

INDEX

Jakosky
Watson
Dosh
Adkinson
Brown
Glass
Martin

Present X X X X X X
Absent X

EX-OFFICIO MEMBERS

Laurence Wilson, Asst. Community Development Director
Dennis O'Neil, Asst. City Attorney
Benjamin B. Nolan, City Engineer

STAFF MEMBERS

James D. Hewicker, Zoning Administrator
Helen Herrmann

Prior to consideration of the following item, Chairman Jakosky stepped down because he owns waterfront property. Commissioner Adkinson stepped down for the same reason and because he also represents surety interests in the development.

The hearing was conducted by Vice Chairman Watson.

Request to permit a restaurant in an M-1 District, to include tandem parking on-site, and an off-site parking lot.

Location: Lots 1 thru 7, Block 429, Lancaster's Addition, located at 3010 Lafayette Street, on the east side of Lafayette Street between 30th Street and 31st Street.

Zone: M-1

Applicant: Unger Pacific Inc., Newport Beach

Owner: Same as applicant

Zoning Administrator Hewicker presented the application to the Commission and Mr. Craig Combs, architect representing Unger Pacific, Inc., as well as Mr. Robert Unger addressed the Commission.

There was a lengthy discussion regarding the advisability of allowing tandem parking, the widening of Lafayette Avenue and the construction of a walkway along the bay front. Mr. Unger indicated his concern regarding public access to the walkway because of the fishing fleet and the clutter of ropes and gear and the desire to maintain a maritime atmosphere. Instead of

Item 1.

USE PERMIT NO. 1521

APPROVED

April 29, 1971

ROLL CALL

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Martin
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Jakosky

a walkway, a public pier was proposed which would extend six feet bayward from the 30th Street end. He explained that if the fishing fleet should abandon the area, he would agree to opening up the waterfront walk to the public. Mr. Unger noted further that the restaurant complex would contain 7750 sq. ft. accommodating 250 persons while an additional 2150 sq. ft. would house specialty shops.

Mr. Jim Cleft, on behalf of Mr. Robert C. Kausen, President, of Cannery Village Merchants Association read into the record a letter outlining the goals of their organization; mainly a master plan for the area bounded by 26th Street, 32nd Street, Newport Boulevard to the Rhine, including Lido Peninsula.

After further discussion, the application was approved, subject to the following conditions:

Motion
Second
Ayes
Abstain
Absent

X
X
X
X
X

1. The applicant shall obtain a demolition permit from the Community Development Department prior to the commencement of demolition of any structure on the subject property.
2. At no time shall the off-street parking required as a result of the numerical combination of appurtenant commercial facilities and the occupancy load of the restaurant, as determined by the Director of Community Development and the Fire Marshal, exceed the available off-street parking indicated on the plot plan.
3. All parking spaces shall conform to city standards and all parking spaces abutting a property line or structure shall be provided with wheel stops. The drive-ways and off-street parking areas shall be paved and parking spaces lined thereon.
4. Landscape plans, including a watering facilities plan, prepared by a landscape architect, licensed landscape contractor or architect shall be submitted to and approved by the Director of Community Development. Landscaping shall be separated from paved areas by a raised curb six (6") inches in height.
5. All loading and unloading operations shall be performed on the site, and loading platforms and areas shall be screened by a landscape or architectural feature.
6. Standard improvements on Lido Park Drive, Lafayette Avenue, 31st Street and 30th Street shall be constructed; including curbs, gutters, drive approaches, sidewalks, street lighting and paving.
7. Plans showing the location, size and copy of all signs shall be submitted to and approved by the Director of

Jakosky
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 Dosh
 Adkinson
 Brown
 Glass
 Martin

April 29, 1971

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Community Development.

- 8. All storage of cartons, containers and trash shall be shielded from view within a building or within an area enclosed by a wall not less than six (6) feet in height.
- 9. The applicant shall acquire a harbor permit.
- 10. The parking lot located on the westerly side of Lafayette Avenue shall be subject to an off-site parking agreement prepared by the City Attorney and approved by the City Council; said parking agreement to maintain a flexibility in the parking arrangement subject to the approval of the Director of Community Development.
- 11. That a 25 foot radius corner cut-off shall be dedicated at the Lido Park Drive intersection.
- 12. That provision of a walkway along the waterfront be investigated, and the staff report back to the Planning Commission with further recommendations prior to issuance of a building permit.

Chairman Jakosky and Commissioner Adkinson returned to the dais.

Request to subdivide 0.955 acres into 5 single family residential lots and one lot to be utilized as a private driveway.

Location: Portion of Lot 17, Newport Heights, located at 2426 E. 15th Street, on the northerly side of East 15th Street between Powell Place and Gary Place.

Zone: R-1

Engineer: Ray Mercado, Garden Grove

Applicant: John Wielenga Construction, Garden Grove

Owner: Donald D. Andrews, Newport Beach

Continued until May 20, 1971 at the request of the applicant.

Motion
Second
All Ayes

X
X

Item 2.

TENTATIVE
MAP
TRACT
NO. 7410

CONTINUED
UNTIL
MAY 20

Attachment No. CD 3

Resolution 8140

RESOLUTION NO. 8140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AUTHORIZING THE EXECUTION OF AN AMENDED OFF-SITE PARKING AGREEMENT BETWEEN THE CITY OF NEWPORT BEACH AND WESTERN CANNERS COMPANY, LTD., REGARDING THE USE OF VALET PARKING ATTENDANTS

WHEREAS, the Planning Commission of the City of Newport Beach on April 29, 1971, approved Use Permit No. 1521 which allowed Western Cannery Company, Ltd., to operate a restaurant at 3010 Lafayette Street on the condition that a satisfactory off-site parking agreement be prepared by the City Attorney and approved by the City Council; and

WHEREAS, on October 24, 1972, the City of Newport Beach and Western Cannery Company, Ltd., entered into an off-site parking agreement; and

WHEREAS, minor modifications were proposed for the layout of the off-site parking lot, thereby necessitating an amendment to the agreement on May 31, 1973; and

WHEREAS, Western Cannery Company, Ltd., have proposed increasing their seating capacity, thereby requiring additional parking spaces; and

WHEREAS, these additional required parking spaces can be obtained by the use of tandem parking with valet attendants on the off-site lots; and

WHEREAS, the proposed increase in the seating capacity, the use of tandem parking and valet services will require a further amendment to the aforementioned off-site parking agreement; and

WHEREAS, the City Council has reviewed the proposal of Western Cannery Company, Ltd., to increase their seating capacity by utilizing tandem parking with valet attendants, and believes it to be satisfactory;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport Beach approves said proposal to amend said off-site parking agreement between the City of Newport Beach

and Western Cannery Company, Ltd., which will provide for tandem and valet parking on the off-site lot located at 500 31st Street for the exclusive use of the restaurant located at 2010 Lafayette Street, and the City Attorney is directed to draft the appropriate amendment incorporating the conditions of the proposal;

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute said amendment to the off-site parking agreement on behalf of the City of Newport Beach.

ADOPTED this 26th day of November, 1973.



Donald A. McFarlane
Mayor

ATTEST:

Laura Lagorio
City Clerk

CERTIFIED AS THE ORIGINAL

Laura Lagorio
CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: DEC 3 1973

Attachment No. CD 4

Recorded Parking Agreement

AMENDED OFF-SITE PARKING AGREEMENT

THIS AGREEMENT, made and entered into this 17th day of JANUARY, 197~~3~~⁴, by and between the CITY OF NEWPORT BEACH, a municipal corporation (hereinafter sometimes referred to as "CITY"), and WESTERN CANNERS COMPANY, LIMITED (hereinafter sometimes referred to as "OWNER").

RECITALS

1. Western Cannery Company, Limited, is the owner of both of those certain parcels of real property located in the City of Newport Beach, hereinafter referred to as Parcel A and Parcel B:

PARCEL A

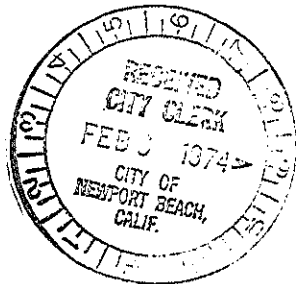
Lots 1 through 7, Block 429, Lancaster's Addition to Newport Beach, County of Orange, State of California, as per map recorded in Book 5, Page 14, of Miscellaneous Maps, recorded in the office of the County Recorder of said County, together with that portion of 31st Street, as shown on said map of Lancaster's Addition to Newport Beach, as abandoned by resolution of the City Council of the City of Newport Beach, a copy of which was recorded July 8, 1955, in Book 3131, Page 557, of Official Records of said County of Orange,

more commonly known as 3010 Lafayette Avenue, Newport Beach.

PARCEL B

Lots 11 through 14, Block 430, Lancaster's Addition to Newport Beach, County of Orange, State of California, as per map recorded in Book 5, Page 14, of Miscellaneous Maps, recorded in the office of the County Recorder of said County, except that portion of Lot 11 described as follows:

Beginning at a point on the northerly line of said lot, westerly 29.45 feet from the northeast corner of said lot; thence easterly 29.45 feet to said northeast corner; thence southerly 29.45 feet along the easterly line of said lot; thence northerly and westerly 38.97 feet along a curve concave southwesterly, having a radius of 20 feet, to the point of beginning,



more commonly known as 500 31st Street. Said parcels are shown on the attached Location Map, designated Exhibit "A", and made a part hereof by this reference.

2. At the meeting of the Planning Commission of the City of Newport Beach held on April 29, 1971, a Use Permit allowing a restaurant operation was approved on condition that the City Council approve an off-site parking agreement prior to the issuance of a building permit for the restaurant.

3. On October 24, 1972, an off-site parking agreement was entered into by and between Owner and City. On May 31, 1973, an amended off-site parking agreement was entered into by and between the parties. Owner now proposes to make further modifications to the capacity of the restaurant and to the layout of the off-site parking lot. These modifications necessitate that another amended off-site parking agreement be entered into by and between the parties.

4. Owner now proposes to operate a restaurant on said Parcel A, with a total seating capacity of 278 seats.

5. The Newport Beach Municipal Code will require a total of 93 off-street parking spaces to be provided to accommodate a seating capacity of 278 persons.

6. A total of 48 off-street parking spaces will be provided on Parcel A.

7. Section 20.38.040 of the Newport Beach Municipal Code provides for off-street parking on a separate lot, provided certain conditions are satisfied.

8. Owner will improve Parcel B as shown on the attached diagram marked "Exhibit B" and made a part hereof by this reference, to provide a total of 45 off-street parking spaces for the use and benefit of the restaurant on Parcel A. Parcel B is located directly across Lafayette Avenue from the northerly portion of Parcel A.

NOW, THEREFORE, in consideration of the approval by City of Owner's use of the property at 3010 Lafayette Avenue, Newport Beach, as a restaurant, and in consideration of approval of the use of Parcel B described hereinabove for off-site parking for said restaurant pursuant to Section 20.38.040 of the Newport Beach Municipal Code, the parties hereto agree as follows:

A. For so long as the building located on the property at 3010 Lafayette Avenue, Newport Beach, is occupied by the proposed restaurant, 45 off-street parking spaces will be provided on the lot located at the southeast corner of Lafayette Avenue and 31st Street, described as Parcel B hereinabove, for the exclusive use of the customers and business invitees of the restaurant.

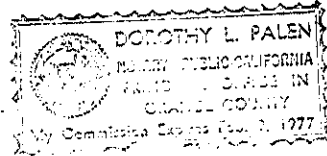
B. Owner shall restripe the off-site parking lot and relocate wheel stops in accordance with the parking plan which is attached hereto as Exhibit "B". The off-site parking lot shall be landscaped and maintained in accordance with a plan which is to be reviewed and approved by City's Director of Parks, Beaches and Recreation. Owner shall be responsible for all costs resulting from any changes in curb, gutter and drive approaches on Lafayette Avenue, 31st Street and the alley between 30th and 31st Streets which are necessitated by the revision of the parking plan on the off-site parking lot.

C. This agreement shall run with the real property described as Parcel A hereinabove and shall bind the heirs, successors and assigns of the parties hereto, and it shall be recorded in the office of the County Recorder of Orange County.

D. This agreement shall supersede the terms and conditions of that amended off-site parking agreement entered into by and between the parties hereto, dated May 31, 1973.

executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the municipal corporation herein named, and acknowledged to me that such municipal corporation executed the within instrument pursuant to a resolution of its City Council.

WITNESS my hand and official seal.



Dorothy L. Palen
Notary Public in and for said
County and State

BL 110638 1395

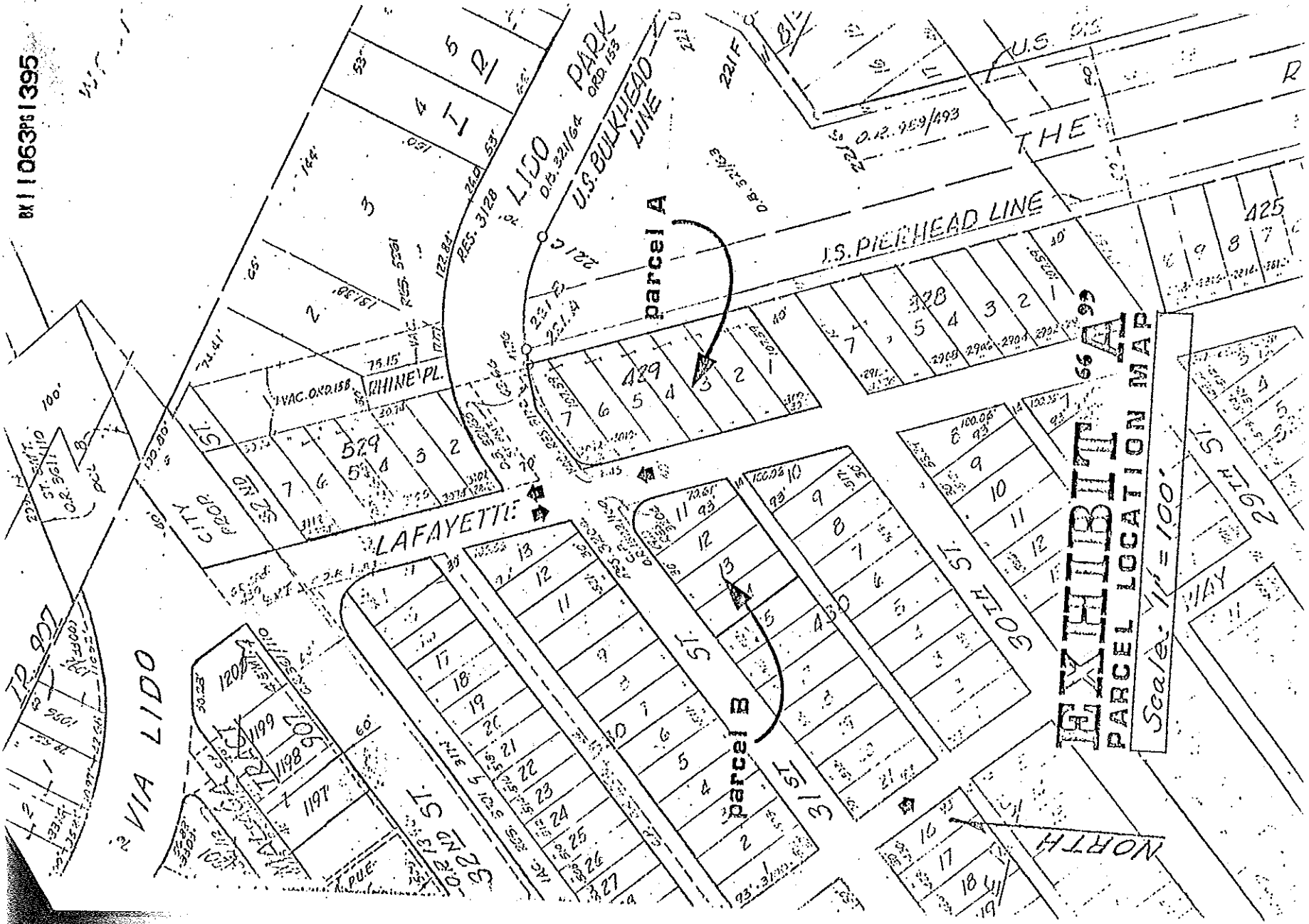


EXHIBIT A
PARCEL LOCATION MAP

Scale: 1" = 100'

NORTH

Attachment No. CD 5

Applicant's Project Description

The Cannery Newport

Scope of work;

Existing two story restaurant condition use to remain. On the first floor we are proposing a new bar area less than 249 square feet and less than 25% of the areas upstairs devoted to alcohol. Actual area proposed 249 square feet. We are adding a low partition wall to separate the dining area from bar area. No other changes are proposed, no increase in occupancy and compliance with certificate of occupancy.

Hours of Operation;

Monday - Thursday: 11:30-9pm
Friday and Saturday: 11:30-10pm
Sunday: 11am-9pm

ABC license type;

Type Number DUP- 58 383064 1

ABC lists active Type 47, no changes on ABC license type.

Number of seats;

Seating is compliant with no increase in occupancy. Existing seating 273, Proposing 272.

Number of parking spaces;

Parking is compliant based on use permit. Existing parking provided 92

20.54.070 Changes to an Approved Project

Response

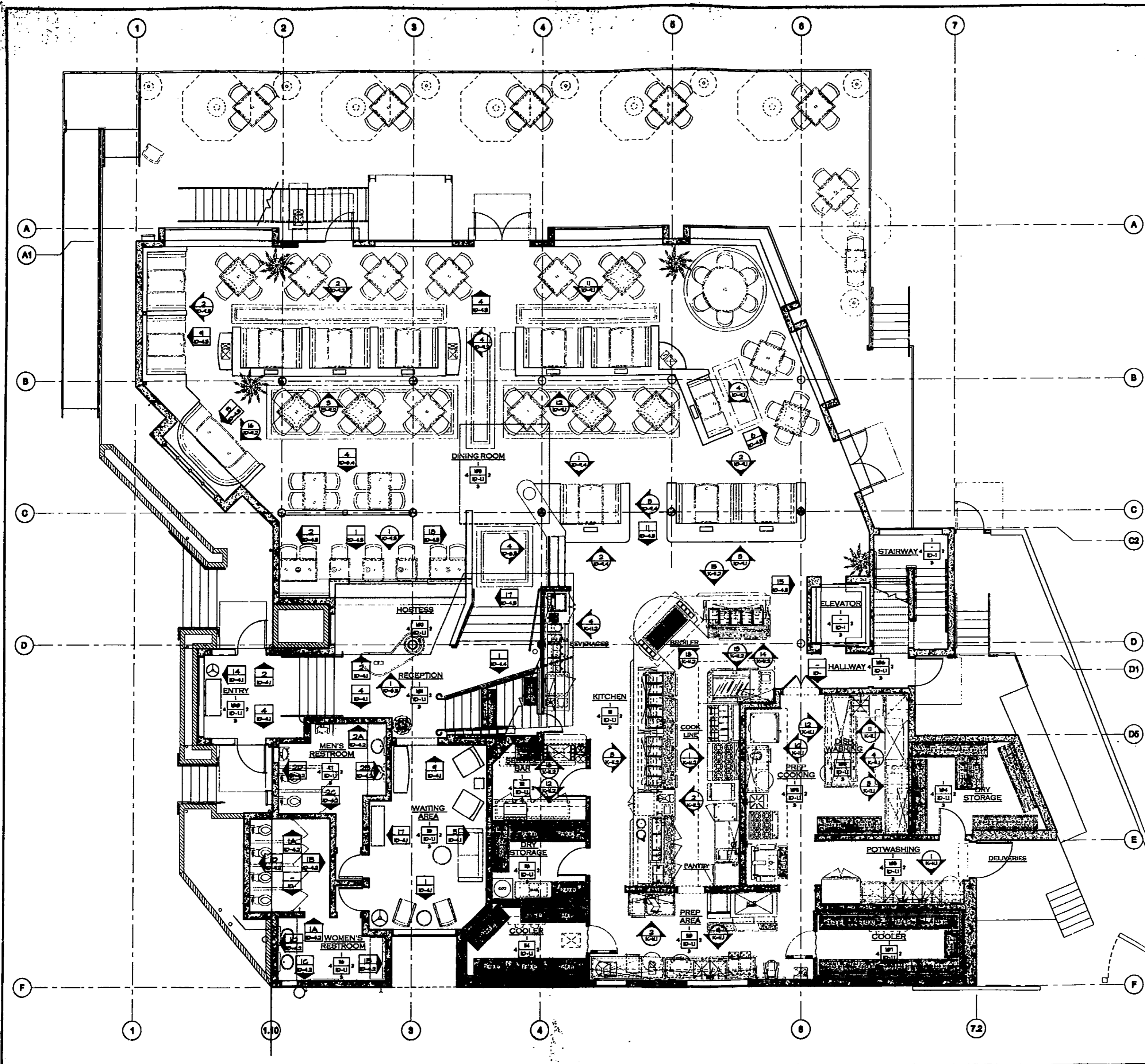
Minor Changes approved by the director without a public hearing

- a. Project is consistent with all applicable provisions of this zoning code.
- b. Project does not involve or have findings or exemptions in a negative declaration or environmental impact report for the project.
- c. Project does not involve subject of condition of approval or specific consideration by applicable review.
- d. Project does not result in an expansion or change in operational characteristics.

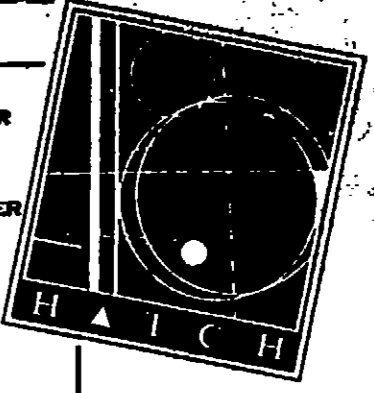
Attachment No. CD 6

Project Plans

FOR REFERENCE ONLY



- REFERENCE SYMBOLS:**
- FIXTURE ELEVATION REFERENCE NUMBER
 - INTERIOR ELEVATION REFERENCE NUMBER
 - INTERIOR ELEVATION FINISH REFERENCE SEE SHEET ID-1



HATCH DESIGN GROUP
 8105-D AIRPORT LOOP DR.
 COSTA MESA, CA 92626
 PHONE: (714) 978-8388
 FAX: (714) 978-8430

3010 LAFAYETTE AVE.
 NEWPORT BEACH, CA 92663

THE CANNERY RESTAURANT

These design plans are the property of Hatch Design Group. The reuse of these plans in part or in total without the express written consent of Hatch Design Group is prohibited. All work shall conform to the applicable building codes and regulations. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for coordinating all utility work and for protecting existing utilities. The contractor shall be responsible for maintaining access to adjacent properties and for restoring the site to its original condition. The contractor shall be responsible for all safety measures during construction. The contractor shall be responsible for all quality control measures during construction. The contractor shall be responsible for all scheduling and coordination of the project. The contractor shall be responsible for all communication with the architect and the owner. The contractor shall be responsible for all site work and for maintaining the site in a safe and secure condition. The contractor shall be responsible for all cleanup and removal of debris. The contractor shall be responsible for all final inspection and approval of the project. The contractor shall be responsible for all final payment and for providing all necessary documentation to the owner. The contractor shall be responsible for all other matters related to the project.

JOB NO. 8848
 4/4/2001
 PC # 1056-2001
 2 OF 126

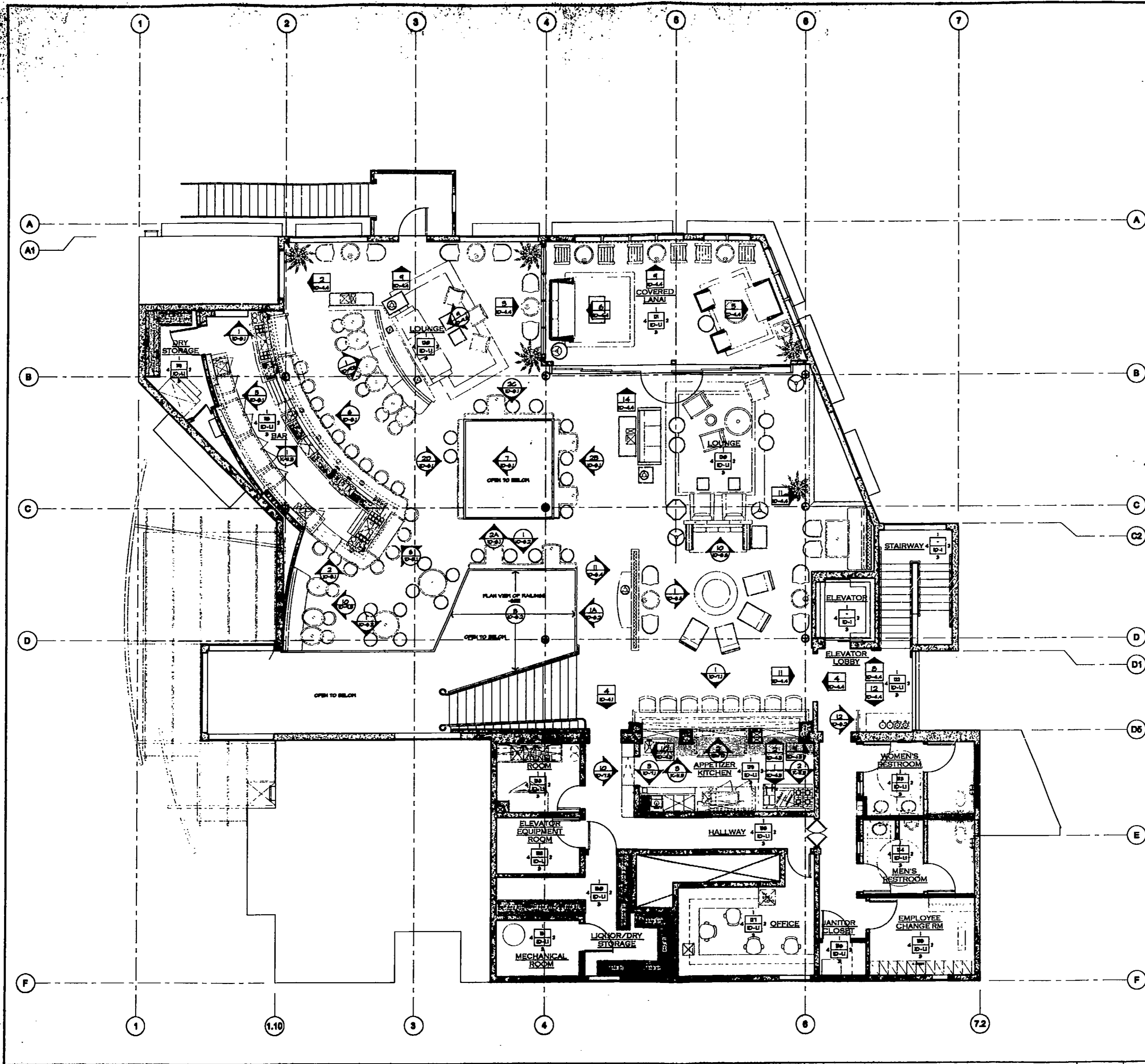
APRIL 5, 2001
 BID ISSUE

REFERENCE FLOOR PLAN

K-2.1

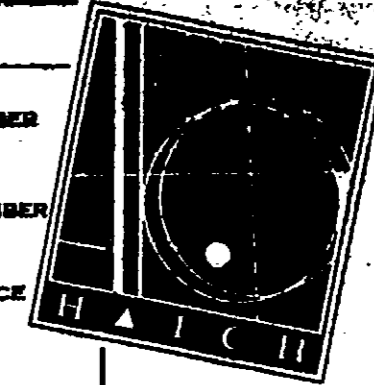
FIRST FLOOR REFERENCE FLOOR PLAN SCALE: 1/4" = 1'-0" 1

FOR REFERENCE ONLY



REFERENCE SYMBOLS:

- FIXTURE ELEVATION REFERENCE NUMBER
- INTERIOR ELEVATION REFERENCE NUMBER
- INTERIOR ELEVATION FINISH REFERENCE SEE SHEET ID-1



HATCH DESIGN GROUP
 8188-B AIRPORT LOOP, SUITE 200
 COSTA MESA, CA
 PHONE: (714) 978-2885
 FAX: (714) 978-2330

3010 LAFAYETTE AVE.
 NEWPORT BEACH, CA 92663

THE CANNERY RESTAURANT

These design plans are the property of Hatch Design Group. The re-use of these plans in part or in total without the express written consent of Hatch Design Group is prohibited.

J20 NO. 888

AM/2001

PC # 1058-2001
 63 OF 128

APRIL 5, 2001
 BID ISSUE

REFERENCE FLOOR PLAN

K-2.2

SECOND FLOOR REFERENCE FLOOR PLAN SCALE: 1/4" = 1'-0" 1



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

949-644-3200 Fax: 949-644-3229

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. **Limited Term Permit No. XP2016-004
(PA2016-098)**

Applicant **Verizon Wireless**

Site Address **1155 Camelback Street
Verizon Temporary Facility**

Legal Description **Lot 7 of Tract No. 6680**

On June 24, 2016, the Zoning Administrator approved Limited Term Permit No. XP2016-004. This approval is based on the following analysis and findings and is subject to the following conditions.

PROJECT SUMMARY

The applicant proposes to install a Class 5 (Temporary) wireless telecommunications facility at an existing Verizon Wireless site. The temporary facility, a carrier on light truck (hereafter "COLT"), would be in place for no more than 90 days during the replacement and upgrade of an existing Verizon Wireless monopole.

ZONING DISTRICT/GENERAL PLAN

- **General Plan:** Public Facilities (PF)
- **Zone:** North Ford Planned Community (PC-5)

I. BACKGROUND

Use Permit No. UP2002-015 (PA2002-075) was approved by the Planning Commission on June 20, 2002, to allow the installation and operation of an unmanned wireless telecommunications facility on an existing Southern California Edison substation site. The 50-foot tall monopole and its supporting equipment were constructed in December of 2002, and the facility has been in operation since that time.

In October of 2014, Verizon Wireless submitted an application to modify and upgrade the existing facility; however, it has been deemed that the proposed improvements would not necessitate the approval of a conditional use permit. The facility is considered an eligible facility for replacement of existing equipment under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), which prohibits local

governments from denying eligible facilities' requests to modify existing wireless towers or stations if the modification does not substantially change the dimensions of the facility. The building permit plans for the upgraded facility are currently under review. The COLT is proposed in conjunction with those plans in order to maintain existing coverage for Verizon Wireless customers.

II. FINDINGS

California Environmental Quality Act (CEQA)

Finding:

- A. *This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.*

Facts in Support of Finding:

1. This exemption applies to 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 beyond that existing at the time of the lead agency's determination. The proposed project is placement and operation of a temporary wireless telecommunications structure at a legally established and existing wireless telecommunications facility during the replacement and upgrade of said permanent facility.

Wireless Telecommunications Facility – Limited Term Permit

Pursuant to Zoning Code Section 20.49.060.H (Required Findings for Telecom Facilities), the review authority may approve or conditionally approve an application for a telecom facility only after finding each of the required findings for a limited term permit consistent with Section 20.52.040 (Limited Term Permits), and each of the following findings:

Finding:

- B. *The proposed telecom facility is visually compatible with the surrounding neighborhood.*

Facts in Support of Finding:

1. The project site is depressed approximately 25 feet from the street level, which helps to offset the overall height of the proposed COLT structure.
2. The immediately adjacent uses are a personal mini-storage facility to the east and a United States Postal Service facility to the north. The Liberty Baptist

Church is located to the west; however, it is buffered by approximately 350 feet of driveway and surface parking areas. The Belcourt Terrace condominium development is located approximately 200 feet to the south across Bison Avenue.

3. As demonstrated by the photographic visual simulations attached to this letter as Attachment No. ZA 3, the proposed COLT will have a negligible visual impact from Bison Avenue and is generally screened by existing landscaping from most viewpoints.
4. The proposed COLT will be in place no longer than 90 days. Any potential incompatibility would be alleviated once the permanent facility is completed and the COLT is removed from the site.

Finding:

- C. *The proposed telecom facility complies with height, location and design standards, as provided for in Chapter 20.49.*

Facts in Support of Finding:

1. As proposed, the COLT will be no taller than the existing monopole and is not located within any required setback area.
2. The proposed COLT will be located such that it is mostly screened or buffered by the existing foliage along the Bison Avenue frontage.

Finding:

- D. *An alternative site located further from a residential district, public park or public facility cannot feasibly fulfill the coverage needs fulfilled by the installation at the proposed site.*

Facts in Support of Finding:

1. As this is a temporary facility to maintain coverage at an existing, legally established wireless telecommunications facility during the upgrade, the same coverage needs could not be achieved by locating a temporary facility elsewhere.

Finding:

- E. *An alternative plan that would result in a higher preference facility class category for the proposed facility is not available or reasonably feasible and desirable under the circumstances.*

Facts in Support of Finding:

1. The Class 5 (Temporary) facility is not listed in Section 20.49.040 (Telecom Facility Preferences and Prohibited Locations); therefore, this finding is not applicable. As required and conditioned, it will be not be in place for longer than 90 days.

Finding:

- F. The increased height will not result in undesirable or abrupt scale changes or relationships created between the proposed telecom facility and existing adjacent developments or public spaces.*

Facts in Support of Finding:

1. Although above the allowed height of 32 feet, the proposed COLT will maintain the same height as the existing monopole to be replaced and would result in a temporary, negligible visual change.

Finding:

- G. Establishment of the telecom facility at the requested height is necessary to provide service.*

Facts in Support of Finding:

1. The existing monopole is 50 feet above grade. The height of the proposed COLT will be the same as the existing height of the monopole to help ensure adequate coverage is maintained during construction.

Finding:

- H. The operation of the requested limited duration use at the location proposed and within the time period specified 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 requested limited duration use.*

Facts in Support of Finding:

1. The Class 5 (Temporary) facility will be located entirely on private property and on a site with an existing wireless telecommunications facility to be upgraded. The proposed COLT will be substantially similar to the existing monopole in terms of height and scale.

Finding:

- I. *The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot.*

Facts in Support of Finding:

1. The subject lot is 2.272 acres in size and is occupied by a Southern California Edison substation. The proposed COLT will be located immediately adjacent to the existing Verizon Wireless telecommunications facility, well away from the substation equipment and at least 50 feet from any exterior property line.

Finding:

- J. *The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate.*

Facts in Support of Finding:

1. Access to the site is provided by way of an existing single driveway approach from Camelback Street. Being that the proposed COLT is unmanned, traffic generated by the proposed limited duration use is not expected.

Finding:

- K. *Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator.*

Facts in Support of Finding:

1. Although there are no striped parking areas, there is plenty of open paved area on-site at the proposed facility to accommodate any parking needs.

Finding:

- L. *The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.*

Facts in Support of Finding:

1. Pursuant to Zoning Code Chapter 20.49 (Wireless Telecommunications Facilities), the proposed use is a Class 5 (Temporary) installation, which is allowed subject to the approval of a limited term permit.

2. The proposed COLT will be located within the General Industry and Governmental, Educational and Institutional Facilities Area 2 of the North Ford Planned Community (PC-5) Zoning District. An existing Verizon Wireless telecommunications facility is located on-site.

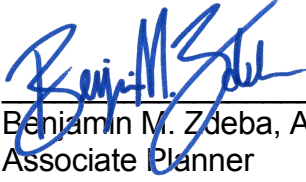
III. CONDITIONS

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 applicant shall comply with all federal, state, and local laws.
3. The facility shall be in substantial conformance with the approved plan. Any change in location or increase in height will require additional review and may necessitate a new limited term permit or similar discretionary action.
4. The Class 5 (Temporary) installation shall be in place for no more than 90 days commencing from the issuance of the building permit for the permanent site.
5. Upon final inspection and approval of the permanent facility, all temporary structures shall be removed completely. The location of the temporary facility shall be cleaned of all debris, litter or any other evidence of the limited duration use.
6. 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 Verizon Temporary Facility including, but not limited to, the Limited Term Permit No. XP2016-004 (PA2016-098). 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.

APPEAL PERIOD: An appeal or call for review 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. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Patrick J. Alford, Zoning Administrator

By:



Benjamin M. Zdeba, AICP
Associate Planner

JWC/bmz

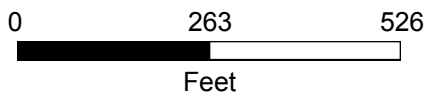
Attachments: ZA 1 Vicinity Map
 ZA 2 Applicant's Project Description and Justification
 ZA 3 Photographic Visual Simulations
 ZA 4 Project Plans

Attachment No. ZA 1

Vicinity Map



Newport
Beach
GIS



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

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

Attachment No. ZA 2

Applicant's Project Description and Justification

**City of Newport Beach
Limited Term Permit
Letter of Explanation & Project Description
1155 Camelback Street**

Verizon Wireless is in the process of deploying and upgrading the latest in 4G LTE technology to their existing network. This means each wireless facility will undergo equipment changes that will result in improved antennas, power, spectrum efficiency and capacity. Verizon's goal is to increase efficiency and enhance network coverage, call quality and data speeds for customers across the United States.

Project Description

The existing facility at 1155 Camelback Street (VZW Site Name "Bison") is a standalone monopole facility with a radome that covers the existing panel antennas. Verizon proposes to:

- Place a temporary 50' 'cell on light truck' (COLT) wireless facility on the property for 90 days during construction of the current modification (in Plan Check) proposed at the existing facility

Findings for a Limited Term Permit:

Pursuant to Section 20.52.040 (Limited Term Permits), Verizon presents each of the following findings:

a. The proposed telecom facility is visually compatible with the surrounding neighborhood.

The proposed temporary COLT facility will only be in place for 90 days or less and will not pose any visual impacts to the surrounding neighborhood as it will be very similar in appearance to the already existing wireless telecommunication facility on-site.

b. The proposed telecom facility complies with height, location and design standards, as provided for in this chapter.

The proposed temporary facility will be placed directly adjacent to the existing permanent telecom facility, so compliance with height, location, and design standards are still maintained as the appearance will be as close as possible to the existing structure.



c. An alternative site(s) located further from a residential district, public park or public facility cannot feasibly fulfill the coverage needs fulfilled by the installation at the proposed site.

The proposed temporary facility will serve to fill a specific coverage/capacity gap in the area that is already being serviced by an existing permanent facility. However, due to the fact that the existing facility must be shut down for modification and maintenance, this temporary facility will need to fill the void in service until the permanent site can be turned on again.

d. An alternative plan that would result in a higher preference facility class category for the proposed facility is not available or reasonably feasible and desirable under the circumstances.

Due to the temporary nature of this proposed telecom facility and lack of different design options for a temporary facility, a higher preference facility class category is not available and is not reasonably feasible for a temporary structure to be in place for less than 90 days.

The proposed temporary telecom facility and technology modernization to the already existing facility will continue to, and in fact, improve the network capacity, speed, and wireless communication service provided to the community, thereby enhancing the general welfare of the community.

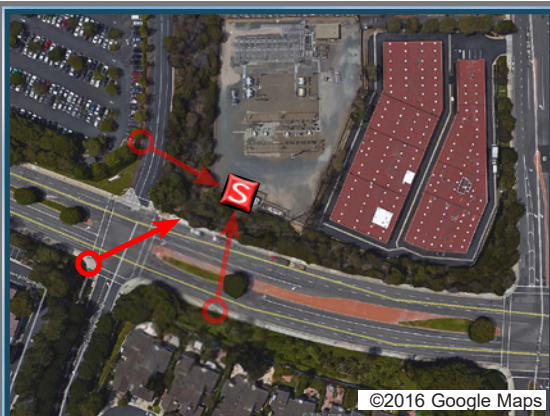
Should you have any questions regarding this application please contact me directly at (714) 319-0370.

Sincerely,

Christine Song
Project Manager
Verizon Wireless Representative
csong@core.us.com

Attachment No. ZA 3

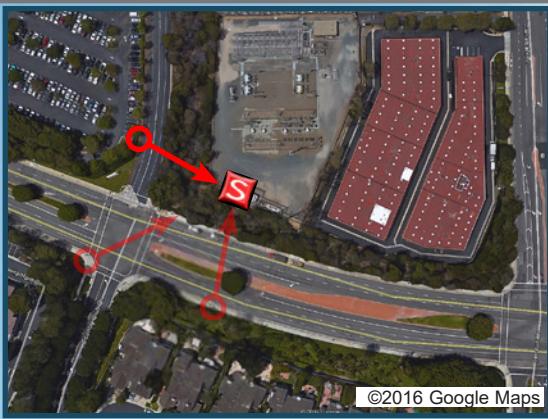
Photographic Visual Simulations



EXISTING



PROPOSED LOOKING NORTHEAST ACROSS BISON AVENUE

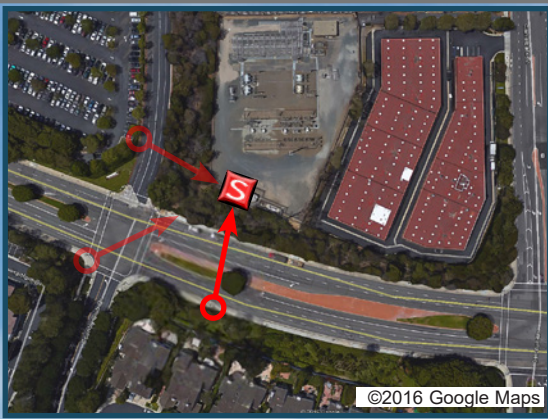


EXISTING



PROPOSED

LOOKING SOUTHEAST FROM LIBERTY BAPTIST DRIVE



EXISTING

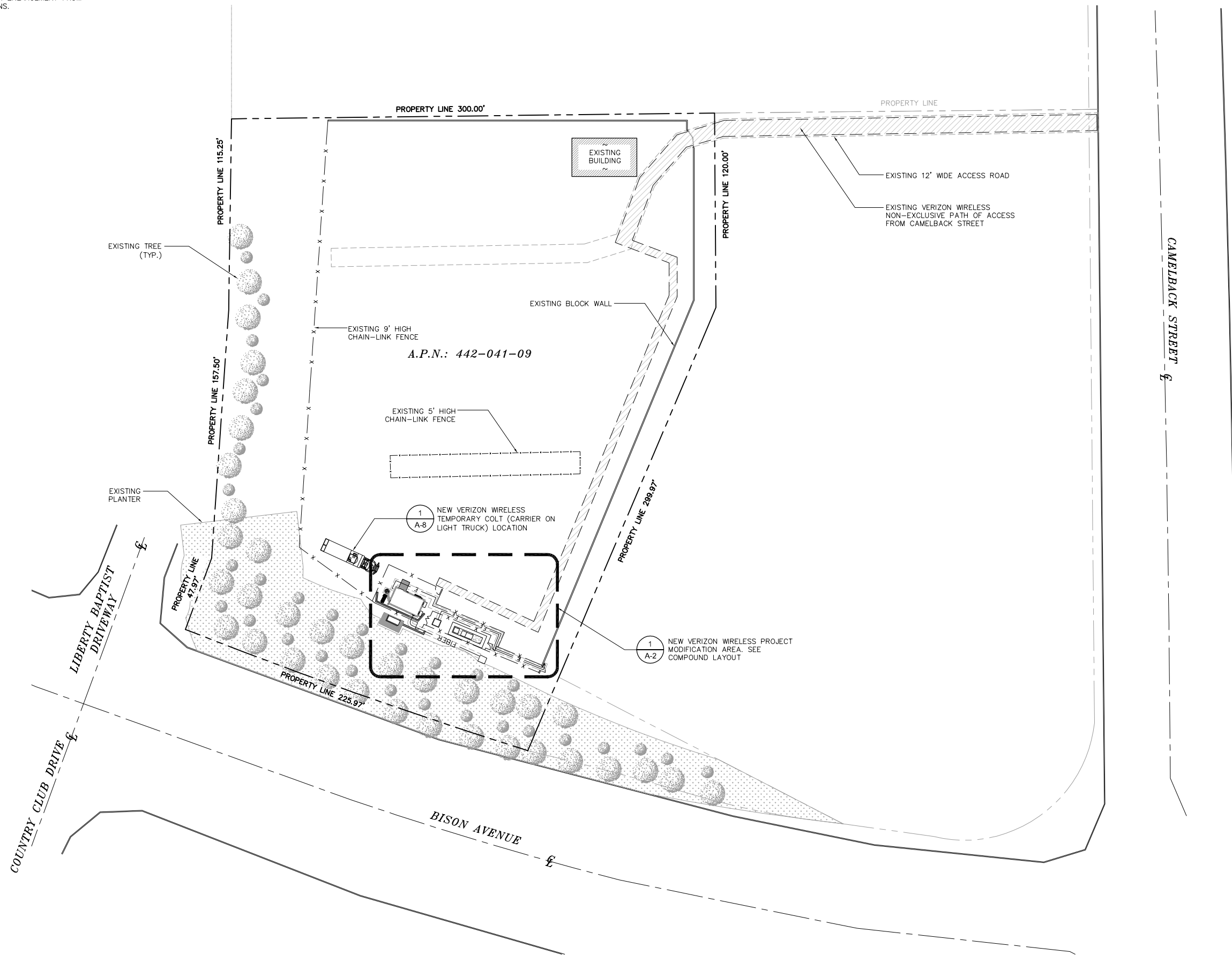


PROPOSED LOOKING NORTH ACROSS BISON AVENUE

Attachment No. ZA 4

Project Plans

SCALE NOTE:
IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE CORRECTLY, CHECK FOR REDUCTION OR ENLARGEMENT FROM ORIGINAL PLANS.



APPLICANT:

verizon

15505 SAND CANYON AVE.
BUILDING "D", FIRST FLOOR
IRVINE, CA 92618

ENGINEER:

Eukon
www.eukongroup.com

65 POST, SUITE 1000
IRVINE, CA 92618
TEL: (949) 553-8566

DRAWN BY: JR
CHECKED BY: RB

REVISIONS:

REV	DATE	DESCRIPTION
3	03/11/16	UPDATE PER TOWER CALC
2	02/29/16	SCE COMMENTS
1	02/18/16	SCE COMMENTS
0	01/25/16	100% CONSTRUCTION DRAWINGS
B	11/04/15	SAQ COMMENTS
A	10/26/15	90% CONSTRUCTION DRAWINGS

LICENSER:

PROJECT INFORMATION:

BISON

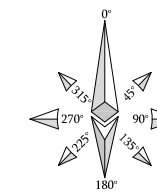
1155 CAMEL BACK ST.
NEWPORT BEACH, CA 92660

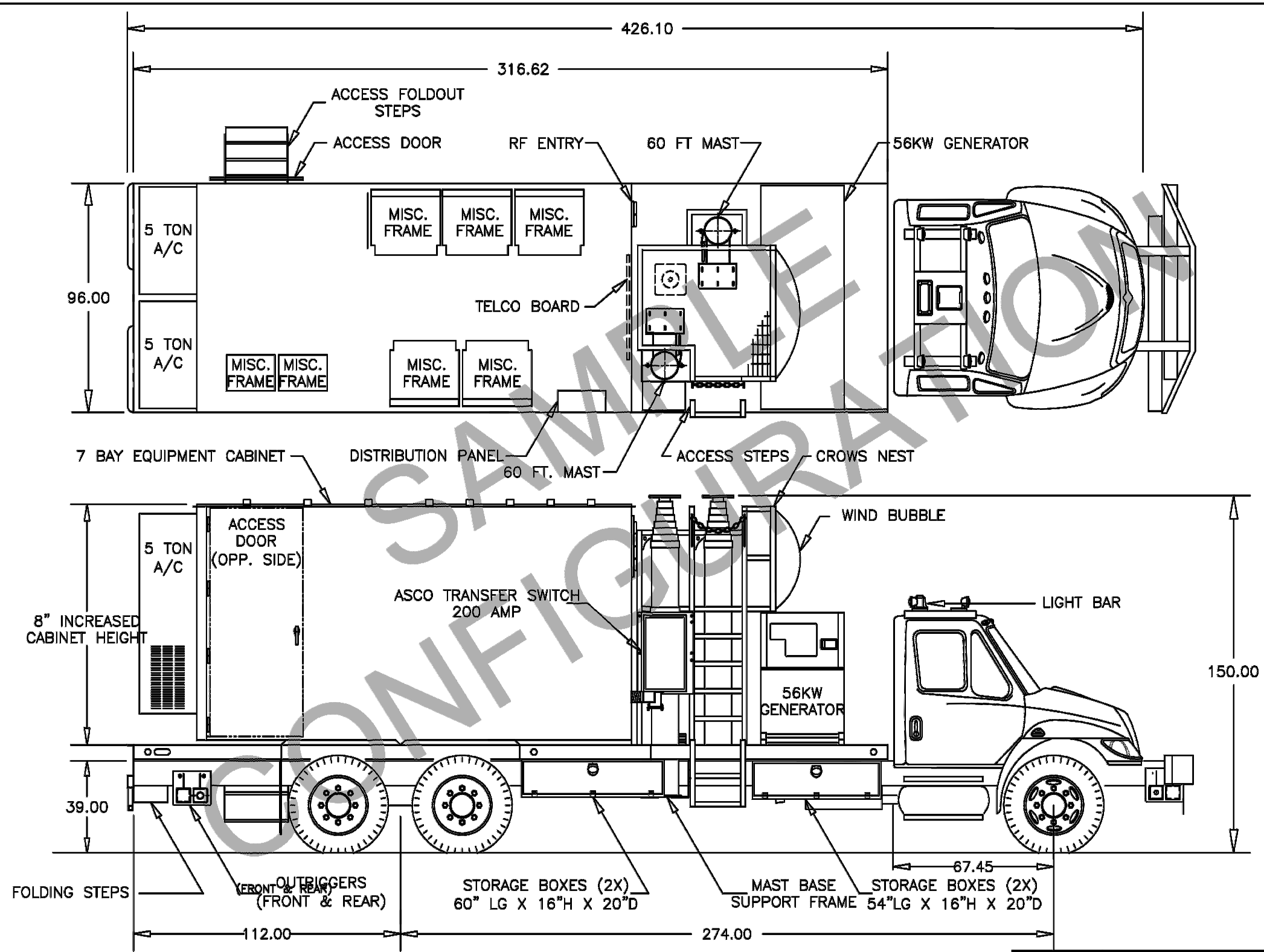
SHEET TITLE:

SITE PLAN

SHEET NUMBER:

A-1





APPLICANT:

verizon
 15505 SAND CANYON AVE.
 BUILDING "D", FIRST FLOOR
 IRVINE, CA 92618

ENGINEER:

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 www.eukongroup.com
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A	10/26/15	90% CONSTRUCTION DRAWINGS

LICENSER:

PROJECT INFORMATION:

BISON

1155 CAMEL BACK ST.
 NEWPORT BEACH, CA 92660

SHEET TITLE:

COLT DETAIL

SHEET NUMBER:

A-8

PROPRIETARY PROPOSAL

**** PROPRIETARY AND CONFIDENTIAL ****
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SUN WEST ENGINEERING, INC.
 8802 E. BROADWAY, PHOENIX, AZ 85040 (602) 875-0882

TITLE:
INTERNATIONAL (MODEL 7400) TRUCK "COW" W/ 7 BAY CABINET

PLOT SCALE: .XXXX=1 SHEET: 1 of 1
 DRAWN BY: *MCH* DATE DRAWN: 01-27-09
 REVISED: DWG. No. SW-2893R1