

CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

- FROM: Seimone Jurjis, Community Development Director
- SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Division staff for the week ending July 22, 2022.

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

Item 1: The Quiet Woman Patio Cover – Staff Approval (PA2022-0150) Site Address: 3224 East Coast Highway

Action: Approved

Council District 6

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.



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

COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

APPLICATION:	 The Quiet Woman Patio Cover (PA2022-0150) Staff Approval
APPLICANT:	Lynne Campbell
LOCATION:	3224 East Coast Highway
LEGAL DESCRIPTION	Lot 4 of Tract 01045

On <u>July 21, 2022</u>, the Community Development Director approved a staff approval (PA2022-0150) authorizing the installation of an overhead patio cover and finding the modification to be minor and in substantial conformance with Limited Term Permit No. XP2021-032 (PA2021-230). This approval is based on the findings and subject to the following conditions.

PROJECT SUMMARY

Installation of a temporary patio cover over a 500-square-foot maximum outdoor dining area that was previously authorized for up to a one-year term with Limited Term Permit No. XP2021-032 (PA2021-230). The patio cover will be 620 square feet, to cover the outdoor dining and the accessible ramp.

ZONING DISTRICT/GENERAL PLAN

- General Plan Land Use Plan Category: CC (Corridor Commercial)
- **Zoning District:** CC (Commercial Corridor)

I. BACKGROUND

On November 10, 2021, the Zoning Administrator approved an approximately 478-square-foot (500-square-foot-maximum) outdoor dining area for up to a one-year term with Limited Term Permit No. XP2021-032.

II. PROPOSED CHANGES

Initially the temporary outdoor dining request did not include an overhead structure; however, to utilize the compact area to its fullest potential and provide protection from the sun, the applicant is now requesting an overhead patio cover. The patio cover will include three sets of narrow posts with a corrugated metal roofing to cover the previously

approved temporary outdoor dining area as well as the accessibility ramp for a total of 620 square feet. No other changes are proposed.

III. FINDINGS

Pursuant to Newport Beach Municipal Code 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:

- The Zoning designation for this site is CC (Commercial Corridor). The CC designation is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The temporary outdoor dining use is accessory to the existing food service use with outdoor dining, will be utilized for a limited duration on-site, and will contribute to the neighborhood serving use. The patio cover will benefit the temporary outdoor dining area by providing shade for the temporary outdoor dining that was approved by Limited Term Permit No. XP2021-032.
- 2. The outdoor dining and patio cover are set back 22 feet to the rear property line adjacent the alley which exceeds the minimum required 10-foot rear alley setback.

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.

Fact in Support of Finding:

1. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) and Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. 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 Class 3 exemption includes a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 2,500 square feet in floor area or 10,000 square feet in floor area in urbanized areas zoned for such use.

2. The proposed scope of work is a maximum 500-square-foot expanded outdoor dining patio at an existing restaurant for a one-year limited term and qualifies under the parameters of the Class 1 and Class 3 exemptions. The addition of the patio cover to provide shade for temporary outdoor dining does not change this finding. There are no known exceptions listed in CEQA Guidelines Section 15300.2 that would invalidate the use of these exemptions.

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 modified plan demonstrates the ability to comply with all required conditions of approval and said conditions will continue to be required through project implementation.
- An overhead structure was discussed in the November 10, 2021, Zoning Administrator staff report for Limited Term Permit No. XP2021-032 (PA2021-230) as a future possibility that would need to meet Fire Department regulations for covered areas and require a building permit. Consistent with Condition of Approval No. 37 of Limited Term Permit No. XP2021-032 (Resolution No. ZA2021-062), the patio cover will comply with Fire Department standards for covered outdoor areas.
- The patio cover is 620 square feet which is larger than the approved outdoor dining area to cover the required accessibility ramp. Consistent with Condition of Approval No. 25 of Limited Term Permit No. XP2021-032 (Resolution No. ZA2021-062), the patio cover will not encroach into the existing drive aisle or alley right of way.

Finding:

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

Facts in Support of Finding:

- 1. The patio cover does not expand the approved temporary outdoor dining area. As approved by the Limited Term Permit No. XP2021-032, the temporary outdoor dining area occupies one parking space and is limited to a maximum of 500 square feet in area. The covered patio serves to provide shade for the restaurant guests.
- 2. The patio cover is 620 square feet to cover the required accessible ramp to the outdoor dining area. The outdoor dining area and patio cover will occupy no more than one parking space, as approved by the Limited Term Permit.

IV. DETERMINATION

The Community Development Director of the City of Newport Beach hereby finds the proposed addition of the patio cover minor and in substantial conformance with Limited Term Permit No. XP2021-032 pursuant to the Findings and Conditions of the staff approval.

V. CONDITIONS OF APPROVAL

- 1. All applicable conditions of approval for Limited Term Permit No. XP2021-032 (PA2021-230) shall remain in effect for the temporary outdoor dining area and patio cover.
- 2. The applicant shall be required to cease all permitted operations and remove any temporary improvements made to the outdoor spaces, including the subject patio cover, at the end of the effective period for the Limited Term Permit No. XP2021-032 for PA2021-230 (December 31, 2022), unless an extension is granted by the Zoning Administrator in compliance with Municipal Code Section 20.52.040.J (Extension of Limited Term Permit).
- 3. A copy of this staff approval shall be scanned into all sets of the building permit plans.
- 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 Quiet Woman Patio Cover, including, but not limited to, Staff Approval of PA2022-0150. 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.

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On behalf of Seimone Jurjis, Community Development Director

By:

Whelon Melinda Whelan

Assistant Planner

Attachments: CD 1 Vicinity Map CD 2 Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval of PA2022-0150

3224 East Coast Highway

Attachment No. CD 2

Plans





Scale: ¼" = 1'-0" 1

Floor Plan

Egress Occupancy

EXISTING INTERIOR PATRON AREA (BAR & SEATING) = 1,384 SF OCCUPANCY FACTOR = FIXED SEATING PER 1004.6 98 OCCUPANTS

NEW EXTERIOR FIXED DECK SEATING = 27 OCCUPANTS







The Quiet Woman



