

Attachment No. PC 5

Project Description/Justification

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2350 SE Bristol, LLC ("Property Owner") hereby applies for Staff Approval to clarify the 1986 Use Permit ("Permit") related to the development and uses for the property located at 2350 SE Bristol Street in Newport Beach ("Subject Property"). The Property Owner seeks to continue to use the back driveway/gate located along Zenith Avenue for necessary and safe ingress/egress to the Subject Property for larger/delivery vehicles and employees.

Staff Approval should be granted as the driveway/gate on Zenith Avenue was previously approved in 1986 and was not expressly limited in the Permit (Exhibit A). Further, the continued use of the driveway/gate will allow for "adequate and safe maneuvering" to enter/exit the Subject Property onto Bristol Street (a multi-lane, higher-speed arterial) in a forward direction as required by the later-adopted Newport Beach Municipal Code ("NBMC") § 20.40.070. (See Attachment 1 below.)

Attachment 1

When the Subject Property development was approved in 1986 by the County of Orange ("County"), the Permit stated that the back gate was to be made available for access by emergency vehicles. (See Exhibit A.) There was no limitation on the use of the Zenith Avenue driveway/gate by other vehicles, such a delivery trucks, customers, employees, etc. In fact, for nearly 40 years, the driveway/gate was used for such purposes, without incident.

During that same 40 year period, Bristol Street (which was once a County road) has been widened into a Major Arterial (tens of thousands of vehicles per day) and the speed increased. Not to mention, the actual speed of traffic heading southbound along Bristol Street is much greater than the posted speed of 45 per hour. Thus, the safety of the Subject Property's owners, tenants, employees and vendors (including delivery vehicles) is of paramount importance. An aerial site picture with dimensions and other various photos of the Subject Property are attached hereto as Exhibit B.

As the City is aware, many vehicles traveling along southbound Bristol Street merged off of SR 73 -- a freeway/tollway with higher speeds. Further, as vehicles pass the Subject Property, many of them are merging back onto SR 73 and/or turning right or left onto Jamboree, another major arterial. It is easy to see that most vehicles traveling southbound on Bristol Street are passing the Subject Property at high speeds, some well over 65 miles per hour.

The Subject Property has one driveway along on Bristol Street, which immediately enters into an 8' garage style/covered entrance. (See Exhibit B pictures.) At the driveway entrance, there are also several bushes and other structure-type materials at the northern side of the driveway, which can make it difficult for vehicles exiting the Subject Property to see oncoming vehicles traveling on southbound Bristol Street. This can create certain safety concerns related to site distance issues. Of note, most if not

all of the neighboring properties near the Subject Property, have at least two driveways (entrances/exits); one along Bristol Street and another either on the side or in the back of the property.

As a result, it is much safer for most vehicles to enter the Subject Property from Bristol Street and exit onto Zenith Avenue. For larger vehicles, and due to the limitations on turning radii within the parking area/aisles, it is safer for those vehicles to enter from Zenith Avenue and exit in a forward direction onto Bristol Street. This of course is assuming such vehicles are lower than eight (8) feet; as vehicles over such height would have to enter/exit the Subject Property from Zenith Avenue. As the later-adopted NBMC requires (adopted after the 1986 Permit), vehicles should not be backing out of the Bristol Street driveway and onto a heavily traveled, high-speed, major arterial.

Finally, as the City does not permit street parking along Bristol Street (or Spruce Avenue), all vehicles (including larger vehicles) must enter/exit the Subject Property to access the same. This further supports the continued use of the Zenith Avenue driveway/gate for safe access to and from the Subject Property.

For the reasons stated, the Property Owner respectfully requests Staff Approval to re-confirm that the Zenith Avenue driveway/gate can continue to be used for the necessary and safe ingress/egress for larger/delivery vehicles and employees.

By submitting this application and request, the Property Owner does not waive any rights to claim that the Permit already allows the existing uses of the Zenith Avenue driveway/gate to continue, and expressly reserves all rights thereto.