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Newport Beach, CA 92660
(949) 854-7000

July 13, 2026

Charles S. Krolikowski
Charles.Krolikowski@ndlf.com

VIA E-MAIL AND U.S. MAIL

Newport Beach City Council
100 Civic Center Dr.
P.O. Box 1768
Newport Beach, CA 92658
citycouncil@newportbeachca.gov

Re: *City Council Hearing on Appeal of Planning Commission's Decision on
Application PA 2025-01112 for Staff Approval of Driveway Uses*
2350 SE Bristol Street, Newport Beach, CA 92660

Dear Honorable Members of the Newport Beach City Council:

Please be advised that this office represents 2350 SE Bristol, LLC ("Owner"), the owner and operator of the real property and improvements (a professional office building) located at 2350 SE Bristol Street, Newport Beach, California 92660 (APN: 439-021-25) ("Property").

The purpose of this letter is to submit further written comments on behalf of the Owner and appeal the City of Newport Beach Planning Commission's March 19, 2026, action denying the staff approval application (Application PA 2025-01112) ("Application") for the continued use of the previously approved driveways at the Property for ***necessary and safe ingress and egress***. The Owner respectfully requests that the City Council overturn the Planning Commission's denial and approve the Application at the upcoming hearing on July 14, 2026.

Although there have been some discussions with City staff regarding the possibility of installing an automatic gate or arm system at the Property's back or rear driveway (along Zenith Avenue), the Owner has elected to proceed with this appeal. Of course, this appeal is only being processed because City staff recommended that the Owner submit an administrative application with the City for the continued use of the above driveway, which was denied by the Planning Commission. By now appealing to the City Council, the Owner is exhausting its administrative remedies.

1. Introduction.

In 1986, the County of Orange ("County") approved and later ***signed-off*** on the development of the Property (which is presumed to be consistent with the approvals and conditions due to the certificate of occupancy issued) before the Property was ever annexed into the City. At the time of sign-off by the County and thereafter, there were no permanent barriers (such as concrete ballards) for the rear driveway on Zenith Avenue ("Zenith Driveway"). Rather, it appears there was a sliding gate system that could be opened and closed at any time by the then owner.

In fact, the County approval documents identify that its Construction Manager and/or Fire Chief would approve the Property's access points before the building could be occupied. In this regard, and consistent with the improvements that were actually constructed, ***the City acknowledges that two County permits (Permit No. BP52461 and BP55889) were processed with the County depicting the sliding gate system,*** which negates any argument that permanent ballards or similar system were to be used.

Further, in the County's approval documents and plans, there is no express condition, statement or indication that the Zenith Driveway was limited to emergency vehicles ***only***. Preliminary site plan application documents do not supplant the final approvals and sign-off by the County to allow the Property to operate as it was developed and approved, which included the use and operation of the Zenith Driveway. If the County sought to limit the Zenith Driveway to emergency vehicles only, it could have expressly conditioned the project accordingly, which it did not. The City has been advised of this issue multiple times. (See Exhibits A and B.)¹

When the City asserted that the unrestricted use of the Zenith Driveway was not allowed, City staff advised the Owner to apply for a modification to the County approval based on its claim that it was necessary for the continued use of the Zenith Driveway. In an abundance of caution, the Owner moved forward with the same. In addition to the prior County approvals, there is significant evidence that the continued use of the Zenith Driveway will promote safety and alleviate a potential dangerous condition related to the ***operation(s) of delivery vehicles*** that frequent the Property.

Indeed, since the last hearing before the Planning Commission, the Owner has received City traffic studies and reports that demonstrate how dangerous Bristol Street has become. For example, in a 2020 study by the City, ***in a two (2) year period, the City recorded 52 traffic accidents.*** (Exhibit C.) Similarly, in a more recent City report,

¹ As a result, ***the existing uses on the Property are vested*** (as well as legal non-conforming to the extent the City modified its regulations) and the City's post development regulations (Municipal Code and Specific Plan) have no application. (See *Goat Hill Tavern v. City of Costa Mesa* (1992) 6 Cal.App.4th 1519, 1530 ("Goat Hill").

the City reported approximately 25 accidents over a one (1) year period. (Exhibit D.) This data supports the need for increased safety measures along Bristol Street.

2. The Application Was Superfluous.

The Application being reviewed by the City Council on appeal by Owner arises from the City's issuance of a purported notice of violation issued to the Owner related to the use of the Zenith Driveway to safely access the Property. As set forth below, ***the Application is not necessary as the Property already possesses the necessary approvals (and sign-off) from the County to use and operate the Zenith Driveway for ingress and egress.***

Nevertheless, in an abundance of caution, and at the request and direction of City Staff, the Owner approved the submittal of the Application as an additional "belt and suspenders" approach for the continued use of the Zenith Driveway. Even in the Application itself, the Owner again stated that City approval was not necessary to continue to utilize the Zenith Driveway due to the prior development approvals from the County approximately 40 years ago. (Exhibit E.) Simply reviewing the approval documents and conditions, there is no definitive language or statement that the Zenith Driveway was approved for emergency vehicles only. Instead, the CUP for the Zenith Driveway identified that the back gate should be opened for emergency & fire access, but did not require that the back gate could *only* be used for such uses.

Due to the approvals (including the issuance of a Certificate of Occupancy ("COO")) and continued use of the Zenith Driveways, the ***Owner has and continues to enjoy a vested right to continue its use.*** (See *Goat Hill* [a City cannot eliminate a vested right to continue a use(s) previously approved and relied upon by the owner].) Further, because the City's land use regulations related to the Property, such as Newport Beach Municipal Code ("NBMC"), section 20.90.040(9) and the Santa Ana Heights Specific Plan (SP-7), did not apply (or even exist) to the 1986 approvals and development of the Property, any such enforcement of later-enacted regulations is improper as the property would be ***legal non-conforming***. (NBMC, § 20.38.030, subds. (A), (B); *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 540.)²

3. The Application Was Deemed Complete by City's Initial Failure to Respond.

Under NBMC section 20.50.060(A), "[t]he Director shall review each application for completeness and accuracy ***before it is accepted as being complete.***"

² *City of Oakland v. Superior Court* (1996) 45 Cal.App.4th 740, 747, fn. 1, citing from *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 397, 28 Cal.Rptr.2d 530.)

As noted in our letter to Jenny Tran dated September 26, 2025 (Exhibit A), under NBMC section 20.50.060(A)(1), an applicant or its authorized agent must be informed in writing within thirty (30) calendar days of its application filing "either that the application is complete and has been accepted for processing or that the application is incomplete and that additional specified information shall be provided before the application is deemed complete."

While we submitted the Application for the Property to the City on June 2, 2025, the City did not send its Notice of Incomplete Filing relating to the Application until July 29, 2025, nearly two months later. The City's Notice of Incomplete Filing for the Application was thus invalid because it violated NBMC section 20.50.060(A)(1) by failing to deem the Application as being incomplete or complete within the mandatory 30-day deadline. (Exhibit A, p. 1.)

Accordingly, the Application was deemed complete on July 3, 2025, because the Owner received no written notice to the contrary within 30 days of its submission on June 2, 2025.

4. The Zenith Driveway Is Not Restricted to Emergency Vehicles Only and the County Already Determined (Via Resolution) There Are No Impacts to Other Uses in the Vicinity, Nor to Public Health, Safety or Welfare.

The County approved the development of the Property in 1986, more than 20 years before it was annexed to the City. In the August 1986 ***County Board of Supervisors' Resolution*** (Exhibit F) approving the development, the County made the following findings:

- I. That the project proposed, as conditioned herein below, ***is consistent with the objectives, policies, and general land uses and programs specified in the General Plan*** adopted pursuant to the State Planning and Zoning Law.
- * * *
- III. That the ***activity*** and improvements proposed, subject to the specified conditions, are ***consistent with the provisions of the Zoning Code***, or specific plan regulations applicable to the property.
- IV. That the locations, size, design and operating characteristics of the proposed use will ***not create unusual noise, traffic or other conditions or situations that will be objectionable, detrimental or incompatible with other permitted uses in the vicinity.***
- V. That the application will ***not result in conditions or circumstances contrary to the public health and safety and the general welfare.***

(Exhibit F, pp. 1-2, emphasis added.)

Based on the County's findings, the City cannot second guess or attempt to make new findings about the impacts of the development and uses of the Property, which the County already determined were consistent with the land use regulations at the time and would not have any detrimental impacts on the neighboring properties or the general welfare.

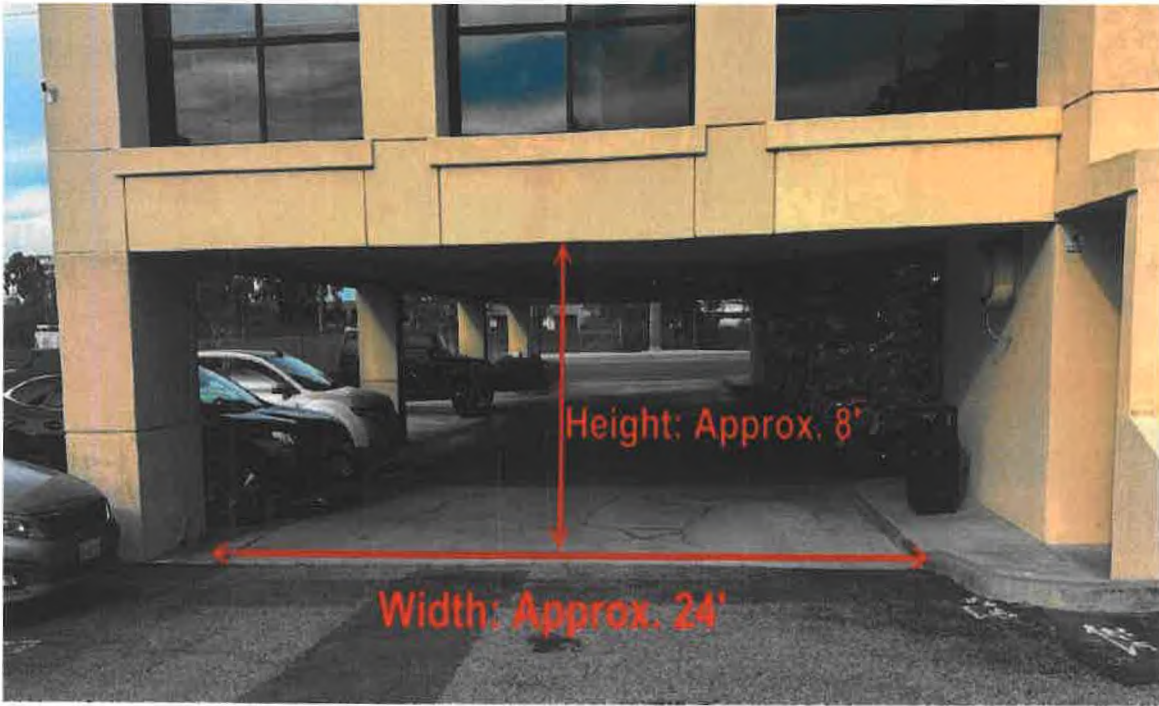
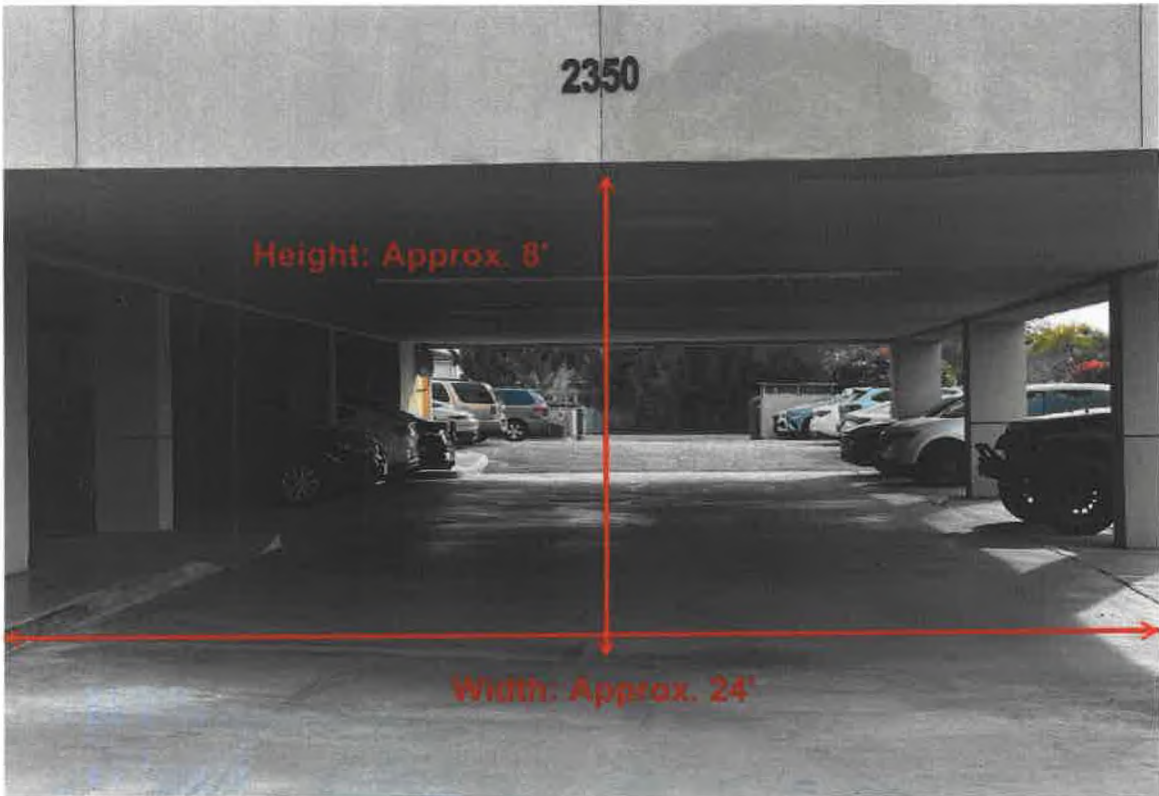
In the Conditions for the County's Resolution, there is no reference or indication that the Zenith Driveway was in anyway limited to emergency vehicles only. Rather, the Conditions only require the then developer to provide construction details (to be approved by the Fire Chief) of how the Zenith Driveway could/would provide emergency access in the event of an emergency. (Exhibit F, p. 5, Condition 19.) Due to the fact that ***the County determined that Bristol would be a "high capacity" and "high-speed" corridor*** (Exhibit F, p. 4), it makes sense that the Property would have two usable driveways for its safe operations.

Of note, Condition 19 also states that: "***Prior to the issuance of any certificate of use and occupancy***, emergency access shall be operational in a manner meeting the approval of the Manager, Construction Division." After completion of the development in 1987, the Property received its COO. What this means is that the County, the Fire Department and the Manager, determined that the Zenith Driveway, as constructed (***without any ballards***), was approved and satisfied the above condition. Simply put, there is no condition that the Zenith Driveway was limited to emergency vehicles only.

5. Both Driveways Are Necessary for the Property's Safe Operations.

Based on the high speed of traffic along Bristol Street, sight distance issues exiting the Property and the height of the drive aisle located below the building (about eight (8) feet high), the continued use of both the Bristol Street driveway ("Bristol Driveway") and the Zenith Driveway are necessary for the safe operations of the Property.

Pictures of the driveways (and access aisles) along Bristol Street and Zenith Avenue are depicted below:







The above pictures demonstrate that the location of the Property along Bristol Street (a high capacity and high-speed regional corridor), which narrows and then merges directly into the SR-73 Toll Road, ***it creates significant hazards for those attempting to turn into and out of the Bristol Driveway.*** Thus, the Zenith Driveway is necessary for anyone attempting to safely access the Property. Further, due to certain poles, signage, fencing and landscaping, the sight distance for vehicles attempting to exit the Property onto Bristol Street is limited, which is a further safety concern.

Further, when the Property was developed, southbound Bristol Street was configured differently (less lanes and merging). Based on historical maps, SR-73 in this location was not substantially completed until about 1990. Likewise, at the time of development about 40 years ago, there was more room for larger vehicles to navigate the front entrance to the Property. However, as a result of widening, street realignments, shoulder and sidewalk modifications and the on and off-ramps to SR-73, Bristol Street has undergone significant changes.

The above traffic-related issues are corroborated by the Circulation Element for Newport Beach itself, which states that "[i]n Newport Beach, natural barriers... and the John Wayne Airport superblock limit roadway connection. As a result, traffic volumes are concentrated on the roadways making regional connections (i.e., ... Bristol

Street/SR-73, ...) which increases conflict and congestion at intersections along these routes." (See Newport Beach General Plan, 7-5.) Indeed, this concentration of traffic directly increases the "conflict and congestion" on Bristol Street at the front driveway to the Property.

The distance from the back of the sidewalk to the entry of the covered driveway (about eight (8) feet tall) is only about thirteen (13) feet, which makes it difficult (if not impossible) for delivery trucks to safely enter and/or maneuver in the limited space available. As most delivery trucks are between 20 and 30 feet in length, the back of those vehicles will extend into the sidewalk and possibly into Bristol Street.

In addition, due to the approximate eight (8) foot height of the drive aisle below the building, most delivery vehicles would not be able to enter and exit the Property via Bristol Street. Below is information (Google and AI) about the type(s) of delivery vehicle, such as UPS, FedEx, USPS and Amazon that frequent the Property.

UPS uses a variety of vehicle sizes, but most neighborhood deliveries are handled by "Package Cars" (the iconic brown walk-in vans). These vehicles are typically custom-built on chassis from manufacturers like [Freightliner](#) or Morgan Olson, and their dimensions vary by the "P-series" model number (which indicates cubic foot capacity).



Typical Exterior Dimensions for Common UPS Trucks

Model	Overall Length	Outside Width	Outside Height
P1200 (Large)	~29 ft 9 in (357.5")	~8 ft (95.5" at rails)	~10 ft 4 in (124")
P1000 (Standard)	~25–28 ft	~8 ft (96")	~10–11 ft
P500 / P600 (Smaller)	~20 ft	~8 ft (96")	~10 ft

A standard UPS P1200 package car (delivery truck) typically measures approximately 30 feet (357.5 inches) long, 8 feet (95.5 inches) wide, **and over 10 feet (124 inches) high**. Inside cargo space is about 20 feet long (240 inches), 7.75 feet (93 inches) wide, and 7 feet (85 inches) high.

FedEx trucks vary by type, with common residential "step vans" typically ranging from 16 to 22 feet long and ***roughly 10–13.5 feet in height***. Larger P1000/P1200 delivery trucks have 20–22 foot bodies, while heavy-duty linehaul tractors can be up to 27.5 feet long and 13.5 feet high.



Common FedEx Delivery Truck Dimensions

For local residential and business deliveries, FedEx primarily utilizes step vans and cargo vans.

- **P1200 Step Van (Large Delivery Truck):**
 - **Overall Length:** 357.5 inches (~29.8 feet).
 - **Outside Width:** 95.5 inches (at rub rails).
 - **Outside Height:** ***124 inches (~10.3 feet)***.
- **P1000 Step Van (Standard Delivery Truck):**
 - **Body Dimensions:** 18 feet (L) x 93.5 inches (W) x 85 inches (H).
 - **Clearance Height:** ***Approximately 132 inches (11 feet) to the top of the vehicle***.
- **Ford Transit T350 (Extended Cargo Van):**
 - **Exterior Height:** 110.2 inches.

- **Cargo Height (Internal):** 81.5 inches.

The USPS Next Generation Delivery Vehicle (NGDV) is approximately 19.6 feet (235.75 inches) long, 7 feet (84.5 inches) wide, and **9.25 feet (111 inches) tall**. Designed by Oshkosh Defense, the vehicle features a 76-inch (6' 4") high cargo area, a 127-inch wheelbase, and offers significantly more cargo capacity (263 cubic feet) compared to the older LLV.



Key NGDV Dimensions & Specifications:

- **Length:** 235.75 inches (19 feet 64 inches)
- **Width:** 84.5 inches (7 feet .04 inches)
- **Height:** ***111 inches (9 feet 2 inches)***
- **Wheelbase:** 127 inches
- **Cargo Capacity:** 263 cubic feet
- **Internal Cargo Height:** 76 inches (6 feet 4 inches)
- **Gross Vehicle Weight Rating (GVWR):** 8,700 pounds



National Association of Postal Supervisors (NAPS) +1

Amazon delivery vehicles vary by type, with the common Rivian Electric Delivery Van (EDV)700 measuring roughly 278 inches (23 ft) long, 103.5 inches wide, and **115 inches tall**. Smaller Prime vans, such as the [Ram ProMaster](#), range from 195 to 213 inches long and 90-101 inches high. Larger third-party box trucks often use 26-foot lengths.



Key Amazon Vehicle Exterior Dimensions:

- **Rivian EDV-700 (Electric):** ~278" L x 103.5" W (with mirrors) x **115" H.**
- **Rivian EDV-500 (Electric):** ~248" L (6.31m) x 96" W (2.45m) x **114" H (2.9m).**
- **Ram ProMaster (High Roof):** ~213" L x 82" W x 102" H.
- **Standard 26ft Box Truck (Relay):** 26' L x ~8.5' W x **~10-13' H.**

All of the above information and delivery truck dimensions show that these vehicles would not be able to access the Property from Bristol Street due to the eight (8) foot height of the entry below the building. To the extent a delivery vehicle over eight (8) feet tall would attempt to stop/park short of the entryway, ***they would extend into the City sidewalk and could cause other vehicles to queue behind it into Bristol Street***, a high-speed corridor. Further, as there is little room to turn around, delivery vehicles would have to back up onto Bristol Street, where vehicles are zooming by at well over 60 mph, if not faster.

Thus, the Zenith Driveway is absolutely necessary for delivery vehicles to safely enter and exit the Property. Likewise, due to the high number of employees that work at the Property, it would further promote the safe operations of the Property ***and the public right of way***, if they continue to utilize the Zenith Driveway for ingress and egress.

6. The Continued Use of the Zenith Driveway is Vested, May Constitute a Legal Non-Conforming Use and The City Is Estopped from Challenging the County Approvals 40 Years Later.

Any attempts to limit the approved, historic and continuous uses of the Zenith Driveway would violate the law.

First, when the uses authorized by a use permit are timely implemented (as they were here) they mature into a vested property right. (*Goat Hill, supra*, 6 Cal.App.4th at 1530, internal citations omitted, "[w]here a permit has been properly obtained and in

reliance thereon the permittee has incurred material expense, he acquires a vested property right to the protection of which he is entitled.) "Once a use permit has been properly issued the power of a municipality to revoke it is limited." (*Ibid.*, internal citations omitted.) This is true because once a permittee has acted in reliance of the acquired permit and incurred material expense, the permittee has ***obtained a vested property right.*** (*Ibid.*)

In *Goat Hill*, the Court of Appeal affirmed the trial court's holding that the property owner had a vested property right in its use of the property. The *Goat Hill* court stated that "by simply denying renewal of its conditional use permit, the city destroyed a business which has operated legally for 35 years. The action implicates a fundamental vested right of the property owner and the trial court was correct in applying the independent judgment test." (*Id.*, at 1531.)

Second, the development of the Property was approved in 1986, before it was annexed to the City (2008), before the Santa Ana Heights Specific Plan was adopted (2010) and before the adoption of the applicable Municipal Code sections referenced in the Staff Report. As such, any uses of the Property that are arguably inconsistent with the City's regulations, would be a legal non-conforming use, i.e., grandfathered-in.

"A legal nonconforming use is one that existed lawfully before a zoning restriction became effective and that is not in conformity with the ordinance when it continues thereafter." (*Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 540, fn. 1, internal citations omitted.) "'Grandfathered' uses are nonconforming uses that are not required to seek permits under local zoning ordinances enacted after they were established. (*City of Oakland v. Superior Court* (1996) 45 Cal.App.4th 740, 747, fn. 1, citing from *Korean American Legal Advocacy Foundation v. City of Los Angeles* (1994) 23 Cal.App.4th 376, 397, 28 Cal.Rptr.2d 530; see also NBMC, § 20.38.030, subds. (A), (B).)

Third, any attempt to enforce any allegedly previously unmet conditions of approval for the Property would face a strong laches defense because the City did not challenge the County's final decision pertaining to the development/conditions within the 90-day statute of limitations to bring such a challenge. (See Gov. Code, § 66499.37.)

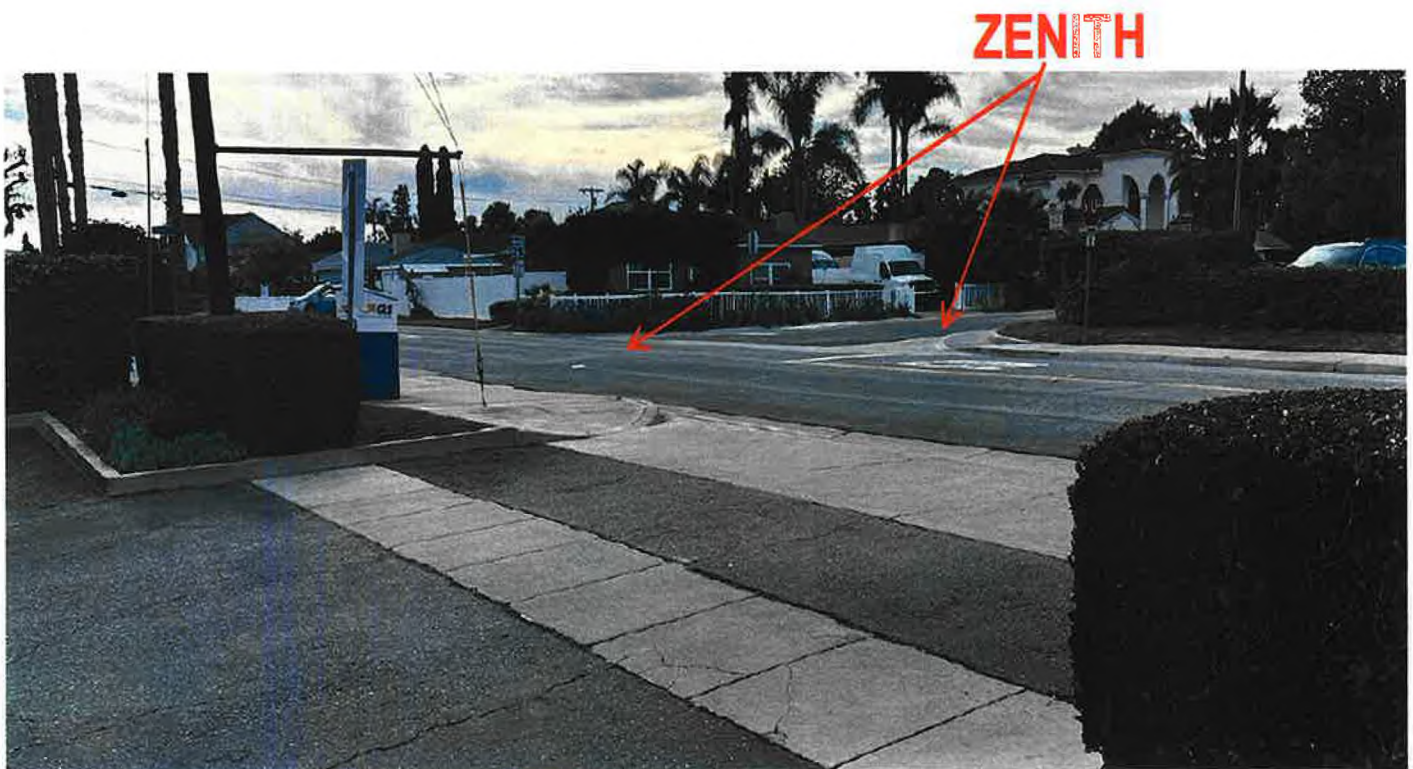
Government Code section 66499.37 provides a 90-day limitation period measured from "imposition" of the condition "to determine the reasonableness, legality, or validity of any condition attached" as pertaining to a decision about a subdivision. (*Uniwill v. City of Los Angeles* (2004) 124 Cal.App.4th 537, 543, see also *Honchariw v. County of Stanislaus* (2020) 51 Cal.App.5th 243, 255, citing from Gov. Code, § 66499.37.) Absent exceptional circumstances, the power to revoke such a permit thereafter is limited. (See Gov. Code § 66499.37, "[t]hereafter all persons are barred from any action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts, or determinations.")

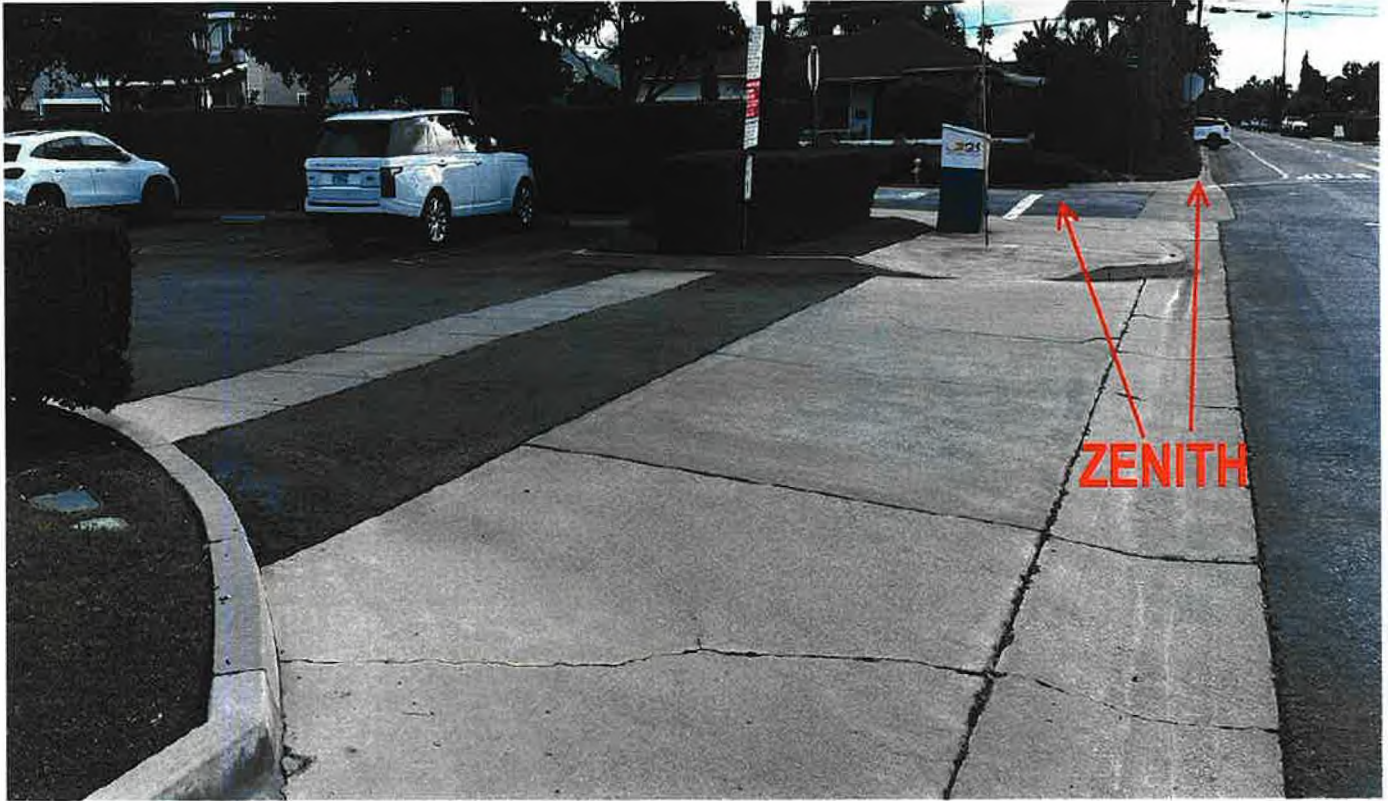
Thus, the City is not permitted to rescind the vested rights related to the approved/historic uses of the Zenith Driveway and/or impose new regulations that would impact the same.

7. Other Nearby Properties Have Two Driveways – One Within Close Proximity to Zenith Avenue.

In addition to the Property, there is at least one other nearby property along Bristol Street with two driveways, one of which is in close proximity to Zenith Avenue. The property located at 2424 SE Bristol Street, Newport Beach, CA 92660 ("2424 Bristol") contains a professional office building with drive aisles located beneath the building, and is located just **one block away** from the Property. Photos of 2424 Bristol are set forth below:







As can be seen from the above photos, 2424 Bristol has one driveway along Bristol Street and a second driveway near the intersection of Zenith Avenue and Spruce Avenue. In fact, the second or rear driveway at 2424 Bristol is located less than 20 feet away from Zenith Avenue.

Of note is the fact that the driveway along Bristol Street does not directly lead into an eight (8) foot clearance in the drive aisle under the building like the Property. As such, delivery and taller vehicles can easily access 2424 Bristol from Bristol Street, will not create any potential queuing issues, and can turn around to leave the property without having to back-up into traffic. Even with such a viable access point along Bristol Street, 2424 Bristol possesses a second driveway located just a few feet away from Zenith Avenue.

This evidence confirms that the City is attempting to treat the Property differently than other similarly situated properties in the immediate area, which could be a violation of the Equal Protection Clause.

8. Any Decision to Limit or Revoke the Uses of the Zenith Driveway Would Constitute a Compensable Taking, A Dangerous Condition and A Substantial Impairment of Access to the Property.

The taking, elimination and/or substantial impairment of access to private property constitutes a taking (inverse condemnation) to which just compensation must be paid. (See Cal. Const. art 1, § 19; U.S. Const., 5th Amend.; *Bacich v. Board of Control* (1943) 23 Cal.2d 343, 352; *Rose v. State* (1942) 19 Cal.2d 713, 727.)

California courts have recognized that property owners have a right to access the public rights of way that they abut. (*Brumer v. Los Angeles County Metropolitan Transportation Authority* (1995) 36 Cal.App.4th 1738, 1745; *People ex rel. Dep't of Public Works v. Symons* (1960) 54 Cal.2d 855, 860; *Bacich v. Board of Control* (1943) 23 Cal. 2d 343, 352; *Rose v. State* (1942) 19 Cal. 2d 713, 727.) "Compensable access impairment exists... if there is a substantial impairment of access to abutting street and from there to general system of public streets." (*San Diego Metropolitan Transit Development Bd. v. Price Co.* (1995) 37 Cal.App.4th 1541.)

Further, without the use of the Zenith Driveway, the use of the Bristol Driveway (especially by delivery vehicles) could result in the creation of a dangerous condition of public property to the extent there are any accidents or injuries/fatalities on the sidewalk or along Bristol Street. If not already on notice, the City is hereby put on notice of this potential dangerous condition pursuant to Government Code section 835, which is the statutory basis for a claim imposing liability on a public entity based on the condition of public property. (*Brown v. Poway Unified School Dist.* (1993) 4 Cal.4th 820, 829.)

9. Conclusion.

While the Owner maintains that the Application is not necessary and that City staff directed the submission of the same, for the reasons set forth herein, the Zenith Driveway was approved by the County about 40 years ago, and its continuous use and operation should be left alone. This includes the continued use of the driveway for delivery vehicles and employees.

If you have any questions or comments concerning the above, do not hesitate to contact me.

Very truly yours,



Charles S. Krolikowski

Encl.

cc: Client
Daniel Kopshever (dkopshever@newportbeachca.gov)
Aaron Harp., Esq. (aharp@newportbeachca.gov)

EXHIBIT A



Newmeyer & Dillion LLP
895 Dove Street
Second Floor
Newport Beach, CA 92660
(949) 854-7000

September 26, 2025

Charles S. Krolikowski
Charles.Krolikowski@ndlf.com

VIA E-MAIL AND U.S. MAIL

Jenny Tran
Community Development Department -
Planning Division
City of Newport Beach
100 Civic Center Dr.
P.O. Box 1768
Newport Beach, CA 92658
jtran@newportbeachca.gov

Re: Application PA 2025-01112 for Staff Approval
Property: 2350 SE Bristol Street, Newport Beach, CA 92660

Dear Ms. Tran:

As you know, our office represents the owner of the real property and improvements located at 2350 SE Bristol Street, Newport Beach, CA 92660 ("Property"). While we have attempted to work together with the City of Newport Beach ("City") to resolve any issues regarding the continued use (ingress and egress) of the rear driveway along Zenith Avenue, we continue to maintain our position that such use(s) are already permitted pursuant to the prior land use approvals (CUP) for the Property.

In an abundance of caution, on or about June 2, 2025, the ownership submitted Application PA 2025-01112 ("Application") requesting Staff Approval for the continued use of the above driveway for delivery and employee vehicles. Not until July 29, 2025, almost two months after the Application was submitted, did the City respond to the Application, deeming it incomplete and requesting additional information. However, the City's response to the Application was untimely.

Pursuant to Newport Beach Municipal Code ("NBMC") section 20.50.060(A)(1), an applicant or its authorized agent must be informed in writing within thirty (30) calendar days of its application filing "either that the application is complete and has been accepted for processing or that the application is incomplete and that additional specified information shall be provided before the application is deemed complete."

Accordingly, we hereby request that the City continue to process the Application as it was received on June 2, 2025.

6156.101 / 16499602.1

Jenny Tran
September 26, 2025
Page 2

We appreciate the City's anticipated prompt attention to this matter. If you have any questions or comments concerning this letter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'CS' or 'C. S.', followed by a small blue mark.

Charles S. Krolikowski

cc: Client

6156.101 / 16499602.1

Las Vegas | Newport Beach | Walnut Creek
newmeyerdillion.com

EXHIBIT B

Charles S. Krolikowski

From: Charles S. Krolikowski
Sent: Thursday, February 12, 2026 2:33 PM
To: 'Kopshever, Daniel'
Subject: RE: [EXTERNAL]:RE: PA2025-0112 2350 SE Bristol

Hi Daniel, as we have stated several times in our communications, and based on the original approval and development, the driveway was approved for all uses and was not limited to emergency access only. We only proposed seeking further approvals because the City claimed to the contrary in response to a complaint(s).

With that said, we intend to move forward with our application, as proposed, despite your statement that City staff would not recommend the use of the rear driveway for employees. We think this is safety issue, and to the extent the City denies the proposed application, we would certainly put the City on notice to the extent there are any accidents or injuries resulting from the inability to use the rear driveway for certain vehicles.

With respect to your e-mail below about a resubmittal, how do you propose we change or modify the application?

Regards,
Chuck

Charles S. Krolikowski
Charles.Krolikowski@ndlf.com
p 949.854.7000 - d 949.271.7233

Newmeyer & Dillion LLP
895 Dove Street, 5th Floor
Newport Beach, CA 92660

Newport Beach • Walnut Creek • Las Vegas

From: Kopshever, Daniel <DKopshever@newportbeachca.gov>
Sent: Tuesday, February 10, 2026 10:32 AM
To: Charles S. Krolikowski <Charles.Krolikowski@ndlf.com>
Subject: RE: [EXTERNAL]:RE: PA2025-0112 2350 SE Bristol

 External email >

Hi Charles,

I left you a voicemail a few weeks ago and haven't heard back for a status update. As I mentioned in my voicemail, we need to move forward with the application as it is an active code case and receiving pressure from the community. I have the project tentatively scheduled for March 19th, where we will be recommending denial of the request. Please contact me immediately if you plan to modify the request and resubmit, so that we can move the project to a later date and review.

Kind regards,



Daniel Kopshever
Assistant Planner
Community Development Department
Office: 949-644-3235
100 Civic Center Drive
Newport Beach, CA 92660



TELL A FRIEND! GO PAPERLESS! APPLY ONLINE!



Ready to apply for
a permit? Skip the
trip to the counter
and use our Online
CIVIC Portal!

From: Charles S. Krolikowski <Charles.Krolikowski@ndlf.com>
Sent: January 14, 2026 12:05 PM
To: Kopshever, Daniel <DKopshever@newportbeachca.gov>
Subject: RE: [EXTERNAL]:RE: PA2025-0112 2350 SE Bristol

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe. Report phish using the Phish Alert Button above.

Hi Daniel, when we last spoke (and after a discussion with Ms. Perez as well), it was communicated to me that it was going to be staff's position not to support the use of the rear driveway for tenants/employees regardless of the size of their vehicles. This concerns my client greatly and they are still evaluating how to proceed in light of this communication.

Regards,
Chuck

Charles S. Krolikowski
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p 949.854.7000 - d 949.271.7233

Newmeyer & Dillion LLP
895 Dove Street, 5th Floor
Newport Beach, CA 92660

Newport Beach • Walnut Creek • Las Vegas

From: Kopshever, Daniel <DKopshever@newportbeachca.gov>
Sent: Monday, January 12, 2026 9:27 AM
To: Charles S. Krolikowski <Charles.Krolikowski@ndlf.com>
Subject: [EXTERNAL]:RE: PA2025-0112 2350 SE Bristol

Hi Charles,

Do you have any update on this project?

Kind regards,



Daniel Kopshever
Assistant Planner
Community Development Department
Office: 949-644-3235
100 Civic Center Drive
Newport Beach, CA 92660



CIVIC
Ready to apply for
a permit? Skip the
trip to the counter
and use our Online
CIVIC Portal

From: Kopshever, Daniel
Sent: December 12, 2025 3:36 PM
To: Charles.Krolkowski@ndlf.com
Subject: PA2025-0112 2350 SE Bristol

Hi Charles,

My name is Danny, I took over this project from Jenny and we spoke briefly on the phone about next steps for the project. I am going to be out of the office until January 5th 2026. Please contact Joselyn Perez at jperez@newportbeachca.gov if you have any updates on how the applicant would like to proceed or if you need any information from us while I am out.

Thanks and happy holidays!

Kind regards,



Daniel Kopshever
Assistant Planner
Community Development Department
Office: 949-644-3235
100 Civic Center Drive
Newport Beach, CA 92660



EXHIBIT C



CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT

Dave Webb, Director

ENGINEERING AND TRAFFIC SURVEY FOR SPEED LIMITS

February 27, 2020

This document has been prepared by the Traffic Engineering Division, Department of Public Works, and supersedes the May 2, 2011 Engineering and Traffic Survey for Speed Limits and all addendums.

I, Antony Brine, do hereby certify that I am the Traffic Engineer for the City of Newport Beach. This report has been prepared under my supervision and its contents are true and accurate to the best of my knowledge.


Antony Brine, P.E.
Traffic Engineer

2/27/2020

Date



CERTIFIED AS A TRUE AND CORRECT COPY


CITY CLERK OF THE CITY OF NEWPORT BEACH

DATE: 3.11.2020



Roadway ID Number	Location	Direction	Speed Limit	85th Percentile Speed
7	Bison Avenue			
	Jamboree Rd to MacArthur Blvd	EB	45	47
		WB	45	45
	MacArthur Blvd to Route 73	EB	50	49
		WB	50	47
8	Bonita Canyon Drive			
	MacArthur Blvd to East City Limit	EB	50	50
		WB	50	49
9	Bristol Street North			
	Jamboree Rd to Campus Dr	EB	NA	NA
		WB	45	48
10	Bristol Street South			
	Campus Dr to Jamboree Rd	EB	45	48
		WB	NA	NA
11	Camelback Street			
	Bison Ave to Jamboree Rd	NB	40	44
		SB	40	39
12	Campus Drive			
	Bristol St South to MacArthur Blvd	NB	45	48
		SB	COUNTY OF ORANGE	
	MacArthur Blvd to Jamboree Rd	EB	45	48
		WB	CITY OF IRVINE	
13	Cliff Drive			
	Riverside Ave to Dover Dr	EB	30	34
		WB	30	32
14	Coast Highway			
	West City Limit to Superior Ave	NB	50	See Appendix B
		SB	50	See Appendix B
	Superior Ave to Hoag Dr/Balboa Coves	NB	45	See Appendix B
		SB	50	See Appendix B
	Hoag Dr/Balboa Coves to Riverside Ave	NB	40	See Appendix B
		SB	45	See Appendix B
	Riverside Ave to Tustin Ave	NB	40	See Appendix B
		SB	40	See Appendix B
	Tustin Ave to Dover Dr	NB	45	See Appendix B
		SB	40	See Appendix B
	Dover Dr to Bayside Dr	NB	50	See Appendix B
		SB	45	See Appendix B
	Bayside Dr to Jamboree Rd	NB	50	See Appendix B
		SB	50	See Appendix B
	Jamboree Rd to Avocado Ave	EB	50	54
		WB	50	56

10. Bristol Street South Summary

City of Newport Beach Speed Survey Summary			
Street:		Bristol Street South	
Segment Location:		Campus Drive to Jamboree Road	
Direction:		One Way EB	
Roadway Condition			
Number of Lanes (eastbound)		2-4 lanes/Bike Lane	
Grade		Level	
Median		One Way	
On-Street Parking		No	
Traffic Condition			
Traffic Control		Traffic Signal	
Accident History			
Total Accidents (2 Year)		52	
Accident by Speeding		3	
% Accident by Speeding		5.8	
Speed Survey			
Study Segment	Direction	Speed Limit	85 th Percentile Speed
Campus Dr to Jamboree Rd	EB	45	48
	WB	NA	NA

Discussion and Justifications:

The speed limit for this roadway is set in accordance to the California MUTCD Section 2B.13, CVC Sections 627, 21400(b) and 22358.5.

CITY OF NEWPORT BEACH VEHICLE SPEED SURVEY

85% of	102	Recorded Vehicles =	87	85th Percentile Speed =	48	MPH
--------	-----	---------------------	----	-------------------------	----	-----

# of Veh.	Cum. Veh.
-----------	-----------

Number of Vehicles

[illegible]

TOTAL NUMBER OF VEHICLES

Location: Bristol St S **Direction:** EB **No. of lanes in each direction:** 2

Between: Campus Dr and Jamboree

Begin Time: 1:33 PM **End Time:** 1:58 PM **Type of Surface:** AC **Weather:** Sunny

Posted Speed Limit: **45** 85th Perc. Speed: **48** Observer: **JR** Date: **9/24/19**

EXHIBIT D

NBPD Communications

Call Time	Event ID	Street	Nature	CloseCo
03/02/2026 11:11:57	2603020067	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	CITE
02/27/2026 00:59:24	2602270016	BRISTOL ST/BIRCH ST	VEHICLE STOP	ADV
02/25/2026 16:35:06	2602250095	BRISTOL ST/BAYVIEW PL	VEHICLE STOP	CITE
02/24/2026 02:45:48	2602240008	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	RPT
02/23/2026 01:13:10	2602230009	2112 BRISTOL ST	DRUNK DRIVER	1015
02/19/2026 10:37:54	2602190064	BRISTOL ST/BIRCH ST	VEHICLE STOP	CITE
02/10/2026 13:51:35	2602100101	BAYVIEW PL/BRISTOL ST	NON INJURY TRAFFIC COLLISIO	1022
02/09/2026 21:01:49	2602090175	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	ADV
01/23/2026 23:19:56	2601230251	BRISTOL ST/IRVINE AVE	VEHICLE STOP	ADV
01/22/2026 17:41:21	2601220125	JAMBOREE RD/BRISTOL ONRAM	TRAFFIC COLLISION WITH INJU	RPT
01/20/2026 17:45:54	2601200119	BRISTOL ST/BAYVIEW PL	TRAFFIC COLLISION WITH INJU	RPT
01/17/2026 21:45:33	2601170185	2121 BRISTOL ST	VEHICLE STOP	ADV
01/16/2026 00:22:52	2601160004	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	ADV
01/09/2026 06:13:57	2601090052	2121 BRISTOL ST	MISD HIT AND RUN JUST OCC	ASST
01/07/2026 23:14:47	2601070195	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
01/07/2026 18:08:48	2601070157	BRISTOL ST/BIRCH ST	NON INJURY TRAFFIC COLLISIO	REFX
01/07/2026 17:57:38	2601070154	BRISTOL ST/BIRCH ST	NON INJURY TRAFFIC COLLISIO	1022
01/04/2026 00:24:25	2601040004	BRISTOL ST/CYPRESS ST	VEHICLE STOP	ADV
01/02/2026 18:58:41	2601020189	BRISTOL ST/IRVINE AVE	RECKLESS DRIVER	UTL
01/02/2026 10:03:16	2601020065	BRISTOL ST/BAYVIEW PL	VEHICLE STOP	ADV
01/02/2026 02:54:18	2601020027	BRISTOL ST/IRVINE AVE	VEHICLE STOP	1015
01/01/2026 22:58:31	2601010208	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	ADV
12/23/2025 17:17:05	2512230171	BRISTOL ST/BIRCH ST	TRAFFIC COLLISION WITH INJU	RPT
12/22/2025 23:05:56	2512220244	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	ADV
12/20/2025 21:34:36	2512200267	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	CITE
12/18/2025 01:11:18	2512180011	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	ADV
12/17/2025 23:00:02	2512170224	2121 BRISTOL ST	VEHICLE STOP	ADV
12/17/2025 22:16:36	2512170217	CYPRESS ST/BRISTOL ST	VEHICLE STOP	ADV
12/15/2025 23:10:01	2512150241	2121 BRISTOL ST	VEHICLE STOP	CITE
12/13/2025 02:42:29	2512130024	BRISTOL ST/SPRUCE AVE	NON INJ ACCIDENT CITY PROP	RPT
12/11/2025 17:52:20	2512110202	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	ADV

Call Time	Event ID	Street	Nature	CloseCo
12/11/2025 08:19:59	2512110028	BRISTOL ST/SPRUCE AVE	NON INJURY TRAFFIC COLLISIO	REFX
12/09/2025 07:47:07	2512090020	IRVINE AVE/BRISTOL ST	TRAFFIC COLLISION UNK INJUR	RPT
12/02/2025 15:38:23	2512020135	BRISTOL ST/CYPRESS ST	VEHICLE STOP	ADV
11/23/2025 09:36:41	2511230055	JAMBOREE RD/BRISTOL ST	TRAFFIC COLLISION WITH INJU	RPT
11/18/2025 21:33:19	2511180168	IRVINE AVE/BRISTOL ST	VEHICLE STOP	CITE
11/15/2025 23:35:21	2511150196	BRISTOL ST/BIRCH ST	VEHICLE STOP	1015
11/03/2025 17:56:53	2511030142	BRISTOL ST/BAYVIEW PL	VEHICLE STOP	ADV
11/01/2025 19:27:06	2511010167	JAMBOREE RD/BRISTOL ST	NON INJ TRAFFIC COLLISION R	ASST
10/30/2025 08:25:51	2510300034	SPRUCE AVE/BRISTOL ST	VEHICLE STOP	CITE
10/27/2025 15:43:35	2510270135	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
10/22/2025 10:07:40	2510220060	BRISTOL ST/BIRCH ST	NON INJURY TRAFFIC COLLISIO	1022
10/22/2025 05:59:48	2510220023	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	CITE
10/20/2025 12:09:47	2510200097	BRISTOL ST/IRVINE AVE	DRUNK DRIVER	PC
10/20/2025 07:59:44	2510200042	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	CITE
10/19/2025 12:36:12	2510190095	2121 BRISTOL ST	VEHICLE STOP	ADV
10/18/2025 23:23:26	2510180268	BRISTOL ST/BIRCH ST	VEHICLE STOP	1015
10/18/2025 17:26:21	2510180161	BRISTOL ST/CYPRESS ST	VEHICLE STOP	ADV
10/16/2025 19:50:54	2510160218	JAMBOREE RD/BRISTOL ST	MISD HIT AND RUN JUST OCC	1022
10/12/2025 18:00:25	2510120176	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	ADV
10/08/2025 21:57:26	2510080192	BRISTOL ST/BAYVIEW PL	VEHICLE STOP	ADV
10/08/2025 19:34:44	2510080175	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
09/27/2025 23:11:39	2509270212	BRISTOL ST/CYPRESS ST	VEHICLE STOP	ADV
09/24/2025 11:01:51	2509240081	BRISTOL ST/BAYVIEW PL	NON INJURY TRAFFIC COLLISIO	1022
09/23/2025 23:24:46	2509230208	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	ADV
09/23/2025 22:15:37	2509230196	BRISTOL ST/BIRCH ST	VEHICLE STOP	ADV
09/21/2025 20:00:50	2509210185	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	ADV
09/20/2025 12:33:44	2509200092	JAMBOREE RD/BRISTOL ST	TRAFFIC COLLISION UNK INJUR	RPT
09/16/2025 17:44:12	2509160141	BRISTOL ST/JAMBOREE RD	MISD HIT AND RUN REPORT	ASST
09/14/2025 17:36:33	2509140166	JAMBOREE RD/BRISTOL ST	INJURY ACCIDENT CITY PROP I	RPT
09/11/2025 23:06:15	2509110226	BRISTOL ST/IRVINE AVE	VEHICLE STOP	ADV
09/11/2025 09:28:37	2509110061	IRVINE AVE/BRISTOL ST	TRAFFIC COLLISION WITH INJU	REFX
09/09/2025 21:22:50	2509090183	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	C4
09/06/2025 12:33:15	2509060102	BRISTOL ST/CYPRESS ST	VEHICLE STOP	CITE
08/26/2025 17:14:30	2508260182	BRISTOL ST/JAMBOREE RD	MISD HIT AND RUN REPORT	REFX
08/20/2025 00:08:18	2508200001	IRVINE AVE/BRISTOL ST	VEHICLE STOP	FI

Call Time	Event ID	Street	Nature	CloseCo
08/15/2025 03:10:49	2508150022	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	ADV
08/10/2025 19:10:24	2508100209	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
07/27/2025 16:25:51	2507270173	BRISTOL ST/JAMBOREE RD	RECKLESS DRIVER	GOA
07/27/2025 15:02:29	2507270148	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
07/26/2025 22:18:49	2507260274	2121 BRISTOL ST	VEHICLE STOP	FI
07/25/2025 15:56:54	2507250170	BRISTOL ST/CYPRESS ST	VEHICLE STOP	CITE
07/23/2025 21:58:25	2507230221	IRVINE AVE/BRISTOL ST	NON INJURY TRAFFIC COLLISIO	1022
07/23/2025 20:49:43	2507230201	IRVINE AVE/BRISTOL ST	VEHICLE STOP	CITE
07/22/2025 00:45:02	2507220010	SPRUCE AVE/BRISTOL ST	VEHICLE STOP	CITE
07/16/2025 23:59:57	2507160275	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	ADV
07/12/2025 13:50:32	2507120147	BRISTOL ST/IRVINE AVE	VEHICLE STOP	CITE
07/08/2025 23:03:49	2507080260	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	ADV
07/06/2025 20:45:37	2507060273	BRISTOL ST/JAMBOREE RD	MISD HIT AND RUN JUST OCC	ASST
07/03/2025 07:45:35	2507030037	IRVINE AVE/BRISTOL ST	NON INJURY TRAFFIC COLLISIO	CBD
07/02/2025 06:07:49	2507020042	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	CITE
06/25/2025 23:59:23	2506250246	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	C4
06/22/2025 05:47:44	2506220050	BRISTOL ST/JAMBOREE RD	TRAFFIC COLLISION UNK INJUR	REFX
06/15/2025 17:39:56	2506150203	IRVINE AVE/BRISTOL ST	DRUNK DRIVER	UTL
06/14/2025 16:59:38	2506140149	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
06/10/2025 21:33:09	2506100229	BRISTOL ST/JAMBOREE RD	NON INJURY TRAFFIC COLLISIO	REFX
06/09/2025 20:53:10	2506090203	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
06/05/2025 19:06:00	2506050238	BRISTOL ST/BIRCH ST	DRUNK DRIVER	GOA
06/03/2025 22:57:33	2506030253	BRISTOL ST/BIRCH ST	VEHICLE STOP	ADV
06/02/2025 13:29:53	2506020098	JAMBOREE RD/BRISTOL ST	NON INJURY TRAFFIC COLLISIO	REFX
05/29/2025 21:17:11	2505290233	BRISTOL ST/BIRCH ST	VEHICLE STOP	ADV
05/23/2025 15:19:46	2505230172	BRISTOL ST/IRVINE AVE	NON INJURY TRAFFIC COLLISIO	REFX
05/20/2025 23:41:07	2505200254	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	ADV
05/18/2025 15:10:16	2505180163	BRISTOL ST/BIRCH ST	VEHICLE STOP	CITE
05/16/2025 14:37:36	2505160161	JAMBOREE RD/BRISTOL ST	RECKLESS DRIVER	GB
05/13/2025 03:18:20	2505130024	BRISTOL ST/BIRCH ST	VEHICLE STOP	ADV
05/09/2025 16:26:07	2505090215	BAYVIEW PL/BRISTOL ST	DRUNK DRIVER RP FOLLOWING	C4
05/09/2025 02:49:23	2505090030	2121 BRISTOL ST	VEHICLE STOP	1015
04/29/2025 13:07:18	2504290125	BRISTOL ST/BIRCH ST	NON INJURY TRAFFIC COLLISIO	REFX
04/16/2025 17:06:51	2504160180	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	CITE
04/14/2025 23:10:30	2504140238	2111 BRISTOL ST	VEHICLE STOP	ADV

Call Time	Event ID	Street	Nature	CloseCo
04/09/2025 20:08:52	2504090246	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
04/08/2025 11:58:08	2504080080	BRISTOL ST/JAMBOREE RD	NON INJURY TRAFFIC COLLISIO	1022
04/08/2025 10:41:41	2504080060	IRVINE AVE/BRISTOL ST	VEHICLE STOP	CITE
04/06/2025 01:06:48	2504060014	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	CITE
04/02/2025 22:54:20	2504020258	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	RPT
04/02/2025 18:10:52	2504020205	IRVINE AVE/BRISTOL ST	DRUNK DRIVER	GOA
04/01/2025 23:21:00	2504010257	BRISTOL ST/BAYVIEW PL	VEHICLE STOP	ADV
03/29/2025 12:09:44	2503290108	2111 BRISTOL ST	VEHICLE STOP	CITE
03/29/2025 00:25:02	2503290004	JAMBOREE RD/BRISTOL ST	DRUNK DRIVER	UTL
03/28/2025 08:40:52	2503280043	BRISTOL ST/BAYVIEW PL	RECKLESS DRIVER	GOA
03/26/2025 22:38:08	2503260272	BRISTOL ST/BIRCH ST	VEHICLE STOP	ADV
03/23/2025 12:11:16	2503230115	JAMBOREE RD/BRISTOL ST	NON INJURY TRAFFIC COLLISIO	RPT
03/22/2025 21:18:35	2503220271	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
03/18/2025 10:20:05	2503180074	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	ADV
03/17/2025 05:54:09	2503170023	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	ADV
03/12/2025 21:52:33	2503120252	2121 BRISTOL ST	VEHICLE STOP	ADV
03/04/2025 20:21:21	2503040218	2121 BRISTOL ST	VEHICLE STOP	ADV
03/03/2025 23:05:31	2503030223	2121 BRISTOL ST	VEHICLE STOP	ADV
03/03/2025 12:15:59	2503030076	2580 BRISTOL ST	DRUNK DRIVER	1022
03/02/2025 00:03:05	2503020001	JAMBOREE RD/BRISTOL ST	DRUNK DRIVER	PC
02/26/2025 16:09:02	2502260130	IRVINE AVE/BRISTOL ST	RECKLESS DRIVER	GB
02/24/2025 17:55:24	2502240170	IRVINE AVE/BRISTOL ST	VEHICLE STOP	CITE
02/22/2025 19:33:40	2502220179	IRVINE AVE/BRISTOL ST	NON INJURY TRAFFIC COLLISIO	RPT
02/22/2025 08:31:16	2502220050	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	CITE
02/11/2025 22:20:51	2502110197	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
02/10/2025 11:17:36	2502100086	JAMBOREE RD/BRISTOL ST	TRAFFIC COLLISION UNK INJUR	DRX
02/04/2025 21:35:52	2502040217	BAYVIEW PL/BRISTOL ST	VEHICLE STOP	ADV
02/02/2025 15:09:14	2502020144	BRISTOL ST/BIRCH ST	RECKLESS DRIVER	GOA
01/31/2025 02:59:56	2501310017	3574 JAMBOREE RD	VEHICLE STOP	C4
01/29/2025 03:19:14	2501290015	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	1015
01/28/2025 23:23:18	2501280227	2121 BRISTOL ST	VEHICLE STOP	ADV
01/28/2025 11:49:11	2501280103	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	ADV
01/27/2025 22:18:30	2501270181	IRVINE AVE/BRISTOL ST	TRAFFIC COLLISION WITH INJU	RPT
01/27/2025 20:04:05	2501270151	BRISTOL ST/JAMBOREE RD	VEHICLE STOP	ADV
01/22/2025 15:35:41	2501220152	JAMBOREE RD/BRISTOL ST	VEHICLE STOP	CITE

Call Time	Event ID	Street	Nature	CloseCo
01/15/2025 01:08:16	2501150009	BRISTOL ST/BIRCH ST	VEHICLE STOP	ADV
01/09/2025 23:13:34	2501090211	BRISTOL ST/BAYVIEW PL	VEHICLE STOP	ADV
01/09/2025 17:30:23	2501090140	BRISTOL ST/JAMBOREE RD	NON INJURY TRAFFIC COLLISIO	ASST
01/06/2025 17:43:16	2501060138	IRVINE AVE/BRISTOL ST	RECKLESS DRIVER	GB
01/05/2025 21:58:49	2501050231	BRISTOL ST/JAMBOREE RD	RECKLESS DRIVER	UTL
01/04/2025 21:04:11	2501040186	IRVINE AVE/BRISTOL ST	VEHICLE STOP	ADV
01/03/2025 11:50:23	2501030091	BRISTOL ST/SPRUCE AVE	VEHICLE STOP	CITE

EXHIBIT E



Community Development Department Discretionary Application Owner's Affidavit

CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, California 92660
949 644-3200

newportbeachca.gov/communitydevelopment

1. Check Permits Requested:

- | | | |
|--|---|---|
| ☐ Approval-in-Concept - AIC # | ☐ Lot Merger | ☒ Staff Approval |
| ☐ Coastal Development Permit | ☐ Limited Term Permit - | ☐ Tract Map |
| ☐ Waiver for De Minimis Development | ☐ Seasonal ☐ < 90 day ☐ >90 days | ☐ Traffic Study |
| ☐ Coastal Residential Development | ☐ Modification Permit | ☐ Use Permit - ☐ Minor ☐ Conditional |
| ☐ Condominium Conversion | ☐ Off-Site Parking Agreement | ☐ Amendment to existing Use Permit |
| ☐ Comprehensive Sign Program | ☐ Planned Community Development Plan | ☐ Variance |
| ☐ Development Agreement | ☐ Planned Development Permit | ☐ Amendment - ☐ Code ☐ PC ☐ GP ☐ LCP |
| ☐ Development Plan | ☐ Site Development Review - | ☐ Zoning Clearance - ☐ ADU ☐ Use |
| ☐ Lot Line Adjustment | ☐ Major ☐ Minor | ☐ Residential Project Using Senate Bill 6 |
| | ☐ Parcel Map | ☐ Other: |

2. Project Address(es)/Assessor's Parcel No(s)

2350 SE Bristol Street, Newport Beach, CA 92660

3. Project Description and Justification (Attach additional sheets if necessary):

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.)

4. Property Owner's Affidavit*: (I) (We)

Maryam Parman

depose and say that (I am) (we are) the owner(s) of the property (ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s):

Title:

Owner

Date:

MM/DD/YEAR

Signature(s):

Title:

Date:

*May be signed by the lessee or by an authorized agent if written authorization from the owner of the record is filed concurrently with the application. Please note, the owner(s)' signature for Parcel/Tract Map and Lot Line Adjustment Application must be notarized.

Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a license, permit, or other entitlement for use is required to disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record. Please review Senate Bill 1439 - Statutes 2022 for further information.

Please be further advised, application representatives who are not exempt and are considered a "lobbyist" pursuant to the City's Ordinance No. 2020-3 must file a lobbyist registration form. Click [here](#) or contact the City Clerk's Office at 949-644-3005 for more information.

Attachment 1
2350 SE Bristol Street, Newport Beach, CA 92660

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.

EXHIBIT F

EMA
ESP
FUD

RESOLUTION OF BOARD OF SUPERVISORS
OF ORANGE COUNTY, CALIFORNIA
August 20, 1986

On motion of Supervisor Riley, duly seconded and carried,
following resolution was adopted:

WHEREAS, this Board has considered appeal of Planning Commission conditions
of approval on Use Permit UP 86-21P/Site Plan SP 86-52P in compliance with
provisions of Section 7-9-150.4 of Certified Ordinances of Orange County;

WHEREAS, this Board has considered the action of the Planning Commission on
Use Permit UP 86-21P/Site Plan SP 86-52P;

WHEREAS, this Board has considered testimony of appellant on this project;

WHEREAS, the Planning Commission also considered a site plan which included
adjacent Parcel 439-021-10 and provided for an 18,000± square foot office
building (Site Plan Alternative B); and

WHEREAS, subject discretionary permit will allow the establishment of a
14,500± square foot office building on three parcels with an off-street parking
modification and a height variance of three (3) feet for an architectural
feature;

NOW, THEREFORE, BE IT RESOLVED that the appeal is denied, the action of the
Planning Commission is amended to approve either the proposed office building of
14,500± square feet on three parcels as approved by the Planning Commission or
the proposed office building of 18,000± square feet on four parcels in accord-
ance with Site Plan Alternative B filed by the project proponent, based upon the
following findings and subject to the following conditions:

FINDINGS:

- I. That the project proposed, as conditioned herein below, is consistent with
the objectives, policies, and general land uses and programs specified in
the General Plan adopted pursuant to the State Planning and Zoning Law.
- II. That Final EIR 508, previously certified by findings on February 26, 1985,
was considered prior to approval of the project. It was determined
adequate to serve as a Program EIR for this project and satisfy all the
requirements of CEQA. It is hereby certified for this project and the
findings readopted.
- III. That the activity and improvements proposed, subject to the specified
conditions, are consistent with the provisions of the Zoning Code, or
specific plan regulations applicable to the property.
- IV. That the locations, size, design and operating characteristics of the
proposed use will not create unusual noise, traffic or other conditions or
situations that will be objectionable, detrimental or incompatible with
other permitted uses in the vicinity.

Resolution No. 86-1076
Prop Reso/Appeal of UP 86-21P
SP 86-52P of Trav. Corp. of
Amer. (Travcoa), App. by
Salerno, Appellant

RECEIVED

15 1986

EMA

- 1 V. That the application will not result in conditions or circumstances
2 contrary to the public health and safety and the general welfare.
- 3 VI. That the off-street parking requirements for a fifty (50) foot parking
4 accessway is inappropriate due to the low stacking demand created by the
one-way traffic along Bristol Street.
- 5 VII. That the proposed off-street parking facilities comply with the intent of
6 Section 7-9-145.1 "Off-Street Parking Regulations" of the Orange County
Zoning Code.
- 7 VIII. That subject project lies within the area of benefit of the San Joaquin
8 Hills Transportation Corridor. In order to find this project consistent
9 with the General Plan and to ensure that the traffic impacts have been
adequately mitigated, it is necessary to adopt a condition requiring the
developer to participate in the fee program for the corridor.
- 10 IX. That the property to which the permit applies is not located in a community
11 facilities fee area as that term is defined in Section 7-9-702.

12 **CONDITIONS:**

- 13 1. Approval of this permit application constitutes approval of the proposed
14 project to the extent of its compliance with the applicable zoning
15 regulations, but does not include any action or finding as to compliance or
16 approval of the project regarding any other applicable ordinance, regulation
17 or requirement.
- 18 2. The approval of this application is valid for a period of 24 months from the
19 date of final determination. If the use approved by this action is not
20 established within such period of time, the permit shall be terminated and
21 shall thereafter be null and void.
- 22 3. This application is approved as a precise plan for the location of the uses
23 and structures shown on the approved plot plan. Any relocation, alteration
or addition of any structure or use not specifically approved will nullify
the approving action for this permit. If any changes are proposed regarding
the location or alteration of any use or structure, a changed plan shall be
submitted to the Director of Planning, EMA for approval. If the Director of
Planning, EMA determines that the proposed change complies with the provi-
sions and the spirit and intent of this approval action, and that the action
would have been the same for the changed plan as for the approved plot plan,
he may approve the changed plan without requiring a new public hearing.

24 **Three-Parcel Development**

- 25 4. If the building permit application is for a three-parcel development, then a
26 building permit will be issued for a 14,500± square foot office building.
27 However, the issuance of certificates of use and occupancy for the
28 structures approved in this permitting action shall be governed by the
following: The Manager, Building Inspection Division in consultation with
the Manager, Current Planning and Development Assistance Division will grant

1 a certificate of use and occupancy for only 13,000± square feet gross floor
2 space for personnel occupancy.

3 Four-Parcel Development

- 4 5. If the project proponent provides satisfactory evidence to the Director, EMA
5 that the development includes Parcel 439-021-10, then a building permit will
6 be issued for an 18,000± square foot office building in accordance with Site
7 Plan Alternative B filed by the project proponent.

8 FAA Notification Requirement

- 9 6. At least thirty (30) days prior to the application for a building permit the
10 project applicant shall submit a notice of proposed construction to the FAA.
11 The FAA will then make a determination on the projects' potential to create
12 an aeronautical hazard. The project shall comply with restrictions and
13 conditions imposed by the FAA as a part of their determination.

14 Noise

- 15 7. All non-residential structures shall be sound attenuated against the
16 combined impact of all present and projected noise from exterior noise
17 sources to meet the interior noise criteria as specified in the Noise
18 Element and Land Use/Noise Compatibility Manual.

19 Prior to the issuance of any building permits, evidence prepared under the
20 supervision of an acoustical consultant that these standards will be satis-
21 fied in a manner consistent with applicable zoning regulations shall be
22 submitted to the Manager, Development Services Division in the form of an
23 acoustical analysis report describing in detail the exterior noise environ-
24 ment and the acoustical design features required to achieve the interior
25 noise standard and which indicate that the sound attenuation measures
26 specified have been incorporated into the design of the project.

- 27 8. Prior to the issuance of any grading permits, the project proponent shall
28 produce evidence acceptable to the Manager, Development Services, that:

29 A. All construction vehicles or equipment, fixed or mobile, operated within
30 1,000 feet of a dwelling shall be equipped with properly operating and
31 maintained mufflers.

32 B. All operations shall comply with Orange County Codified Ordinance
33 Division 6 (Noise Control).

34 C. Stockpiling and/or vehicle staging areas shall be located as far as
35 practicable from dwellings.

- 36 9. Prior to issuance of any certificates of use and occupancy, the developer
37 shall produce evidence acceptable to the Manager, Development Services
38 Division, that information stating this property is subject to the
overflight, sight, and sound of aircraft operating from John Wayne Airport

has been provided to the Department of Real Estate of the State of California for inclusion into the Final Subdivision Public Report.

20. Prior to sale, lease, or rental of any structure or portion thereof, the applicant/owner shall provide to each prospective purchaser, lessee, or tenant a notice and statement of acknowledgement that the property is subject to overflight, sight, and sound of aircraft operating from John Wayne Airport. The form and method of distribution of said notice and statement of acknowledgement shall be as approved by the Manager, Development Services Division.

11. Prior to recordation of the first final tract/parcel map, the landowner shall prepare and record a notice that this property may be subject to impacts from the proposed San Joaquin Transportation Corridor in a manner meeting the approval of the Manager, Development Services Division.

12. Prior to the issuance of certificates of use and Occupancy, the owner shall produce evidence to the Manager, Development Services Division, that the Department of Real Estate has been notified that the project area is adjacent to a regional transportation corridor which is shown on the Orange County Master Plan of Arterial Highways and which will pass along the side of project. The corridor is expected to be a high capacity, high-speed, limited-access facility for motor vehicles, and will have provisions for bus lanes and other mass transit type facilities along it.

Landscape

13. A. Private Landscape Design Certification:

Prior to issuance of building permits, areas to be landscaped which will be maintained privately shall be designed in accordance with a plan certified by a licensed landscape architect taking into account an approved preliminary landscape plan (if any), ZMA Standard Plans, adopted planned community, scenic corridor and specific plan requirements, Grading Code erosion control requirements, Subdivision Code, Zoning Code, and conditions of approval. Said certification shall be furnished to the Manager, Building Inspection Division.

B. Private Landscape Installation Certification:

Prior to issuance of certificates of use and occupancy, applicant shall have installed said landscaping and irrigation system and shall have installation certified by a licensed landscape architect that it was installed in accordance with a certified plan. Applicant shall furnish certification in writing to the Manager, Building Inspection Division.

Circulation/Traffic

14. Prior to the completion of an application for any building permits, the developer shall pay fees, as prescribed in the Major Thoroughfare and Bridge Fee Program for the San Joaquin Hills Transportation Corridor. If the

1 building permit application is for a three-parcel development, the fee shall
2 be based upon 13,000± square feet of office space. If the building permit
3 application is for a four-parcel development, the fee shall be based upon
18,000± square feet of office space.

- 4 15. Prior to issuance of a building permit, applicant shall design and construct
5 the following improvements in accordance with plans and specifications
meeting the approval of the Manager of Subdivision Division.

6 A. Sidewalk on South Bristol Street across the property frontage.

7 B. Sidewalk on Zenith Avenue across the property frontage.

8 Grading

- 9 16. Prior to the issuance of any precise grading permits, the applicant shall
10 design the following improvements and provide necessary dedications in a
manner meeting the approval of the Manager, Subdivision Division.

11 A. All provisions for surface drainage; and

12 B. All necessary storm drain facilities extending to a satisfactory point
13 of disposal for the proper control and disposal of storm runoff; and

14 C. Where determined necessary by the Manager, Subdivision Division, the
associated easements shall be dedicated to the County of Orange.

15 Prior to issuance of certificates of use and occupancy, or whichever comes
16 first, said improvements shall be constructed in a manner meeting the
approval of the Manager, EMA/Construction Division.

- 17 17. Prior to the issuance of a grading permit, the applicant shall submit a
18 geotechnical report to the Manager, Development Services, for his approval.
19 This report will primarily involve assessment of potential soil related
20 constraints and hazards such as slope instability, settlement, liquefaction,
21 or related secondary seismic impacts where determined to be appropriate by
the Manager, Development Services. The report shall also include evaluation
22 of potentially expansive soils and recommended construction procedures
and/or design criteria to minimize the effect of these soils on the proposed
23 development. All reports shall recommend appropriate mitigation measures
and be completed in the manner specified in the Orange County Grading Manual
and State/County Subdivision Ordinance.

24 Fire

- 25 18. Prior to the issuance of any building permits, plans for an automatic fire
26 extinguishing system shall be approved by the Fire Chief. Such systems
shall be operational prior to the issuance of a certificate of use and
occupancy.
27 19. Prior to the issuance of any building permits, construction details for the
28 controlled emergency access shall be approved by the Fire Chief. These

1 details shall include width, clear height, and means of emergency vehicle
2 override. Prior to issuance of any certificate of use and occupancy,
3 emergency access shall be operational in a manner meeting the approval of
4 the Manager, Construction Division.

4 Light/Glare

5 20. Notwithstanding the submitted site plan, the site plan shall be revised to
6 incorporate the use of nonreflective materials including recessed windows,
7 non-reflective glass and other non-glare materials, to reduce light and
8 glare on Zenith Avenue elevation. No building or grading permits or
9 certificates of use and occupancy authorized by this permit shall be issued
10 until revised plans are submitted to the Director, EMA, and found by the
11 Director or his designee to be consistent with the action of the approving
12 authority. If such revision is not submitted within sixty (60) days, or as
13 otherwise specified by the approving authority, after the date of final
14 determination, the permit shall thereafter be null and void. However, prior
15 to the expiration of this period, the Director, EMA, may grant one extension
16 of time of an additional sixty (60) days if it is requested and justified by
17 the applicant.

12 Caveats

13 21. Applicant agrees as a condition of issuance and use of this permit to defend
14 at her/his sole expense any action brought against the County because of
15 issuance of this permit or, in the alternative, the relinquishment of such
16 permit. Applicant will reimburse the County for any court costs and
17 attorney's fees which the County may be required to pay as a result of such
18 action. County may, at its sole discretion, participate in the defense of
19 any such action, but such participation shall not relieve applicant of his
20 obligations under this condition (Government Code Section 65907 requires
21 that any action to attach, review, set aside, void or annul the use permit
22 must be brought within 180 days of approval).

23 22. Failure to abide by and faithfully comply with any and all conditions
24 attached to the granting of this permit shall constitute grounds for
25 revocation of said permit.

26 /
27 /
28 /

OFFICE OF
COUNTY COUNSEL
ORANGE COUNTY

FD-192-210 (5/77)

1 AYES: SUPERVISORS THOMAS F. RILEY, RALPH B. CLARK, ROGER R. STANTON,
2 HARRIETT M. WIEDER, BRUCE NESTANDE

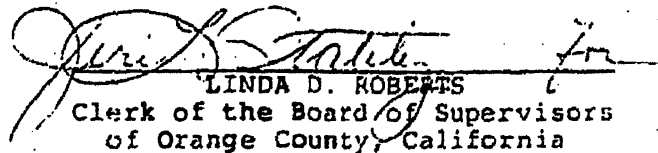
3 NOES: SUPERVISORS NONE

4 ABSENT: SUPERVISORS NONE

5 STATE OF CALIFORNIA)
6) ss.
7 COUNTY OF ORANGE)

8 I, LINDA D. ROBERTS, Clerk of the Board of Supervisors of Orange
9 County, California, hereby certify that the above and foregoing Reso-
10 lution was duly and regularly adopted by the said Board at a regular
11 meeting thereof held on the 20th day of August, 1986,
12 and passed by a unanimous vote of said Board.

13 IN WITNESS WHEREOF, I have hereunto set my hand and seal this
14 20th day of August, 1986.

15 
16 LINDA D. ROBERTS
17 Clerk of the Board of Supervisors
18 of Orange County, California

OFFICE OF
COUNTY COUNSEL
ORANGE COUNTY

FD192-208.1