



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

March 19, 2026
Agenda Item No. 2

SUBJECT: 2350 Bristol Street Driveway Access (PA2025-0112)
▪ Staff Approval

SITE LOCATION: 2350 Bristol Street

APPLICANT: Mira Patel, Newmeyer Dillon

OWNER: 2350 SE Bristol LLC

PLANNER: Daniel Kopshever, Assistant Planner
949-633-3235, dkopshever@newportbeachca.gov

PROJECT SUMMARY

In accordance with Section 20.54.070 (Changes to an Approved Project) of the Newport Beach Municipal Code (NBMC), the applicant requests a staff approval to allow employee and delivery vehicles to use the existing rear driveway on Zenith Avenue, finding the operation consistent with the original entitlements for the commercial office building, as issued by the Orange County Board of Supervisors on August 20, 1986 (Use Permit No. UP 86-21P and Site Development Permit No. SP 86-52P). Pursuant to Section 20.12.020 (Rules of Interpretation) of the NBMC, the Community Development Director is referring this decision to the Planning Commission.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Article 18, Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Resolution No. PC2026-____ denying the Staff Approval filed as PA2025-0112 (Attachment No. PC 1).

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INTRODUCTION

Project Setting

The subject property is a 0.7-acre parcel, located within the northern portion of Newport Beach, and addressed at 2350 Bristol Street (Project Site). The Project Site is bounded to the north by Bristol Street, a one-way arterial roadway with traffic heading in an easterly direction, professional office buildings to the east, Zenith Avenue to the south with a residential neighborhood beyond, and vacant parcels to the west. The Project Site is developed with an 18,136-square-foot, three-story professional office building that was originally constructed in 1987. It is primarily occupied by a law firm, which is considered a professional and business office land use. The office is served by a 65-space parking lot, with a portion of the parking tucked under the upper levels of the office building and the remainder located behind the building, in a surface lot. Vehicular access to the site is provided by way of a driveway on Bristol Street. As shown in Figure 1 below, there is also a driveway located near the southwest corner of the property, which connects the Project Site to Zenith Avenue (Zenith Driveway).



Figure 1, Aerial photograph of the Project Site

Entitlement History

The Project Site is within an area known as Santa Ana Heights or Bayview Heights, which was under the jurisdiction of the County of Orange (County) until it was annexed into the City of Newport Beach's (City) jurisdiction in 2008. The office building, then known as the "Travcoa Building," was originally approved by the County Planning Commission on June 17, 1986, pursuant to Use Permit No. UP86-21P and Site Plan No. SP86-52P. UP 86-21P/SP 86-52P authorized the construction of a 14,500-square-foot office building on three parcels and approved a parking modification and variance for building height. Because negotiations were still on-going for the acquisition of an adjacent fourth parcel at the time of the hearing, the initial Planning Commission approval was for a smaller building footprint and project site than the current condition.

UP 86-21P/SP 86-52P was appealed to the County Board of Supervisors. On August 20, 1986, the Board of Supervisors denied the appeal and approved two versions of the project. The Board of Supervisors approved a 14,500-square-foot building on three parcels (Site Plan A) or an 18,000-square-foot building on four parcels (Site Plan B). Both site plans included concrete bollards across the Zenith Driveway with a clear note stating, "Conc. Bollards – Movable for Emergency Access." While Site Plan A and B are excerpted below as Figures 2 and 3 for ease of reference, all plans associated with the original entitlements are provided as Attachment No. PC 2.

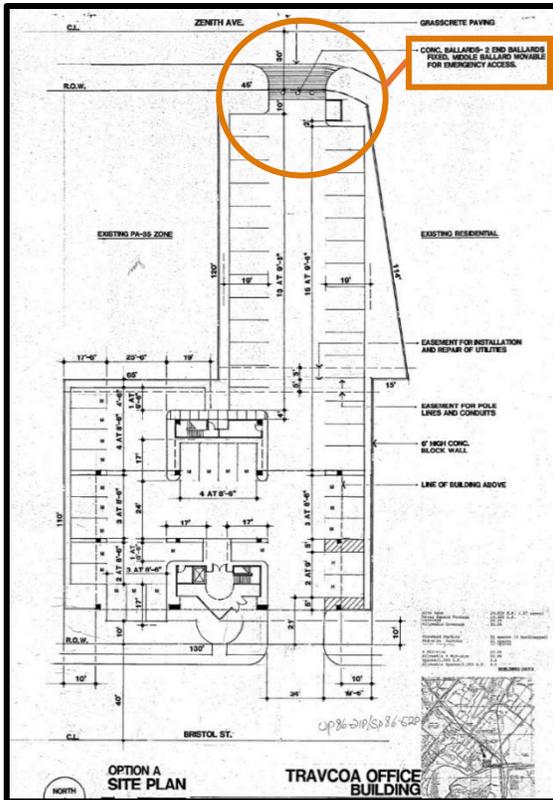


Figure 2, Site Plan A

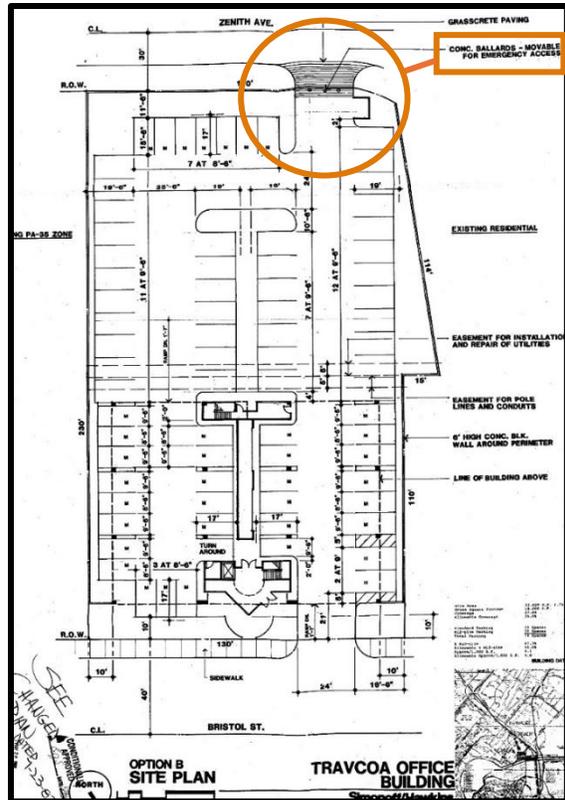


Figure 3, Site Plan B

Although the Board of Supervisors approved both site plans, it issued a single resolution with one set of Conditions of Approval, which is available as Attachment No. PC 3.

Revised Plan and Controlled Emergency Access

A revised site plan stamped and dated July 23, 1987, shows the proposed four-parcel build out. Included in the plans is a revision to the Zenith Driveway, with the concrete bollards removed. However, as noted below in Figure 4, there is a large “X” drawn through the revised design for the Zenith Driveway and a handwritten note stating that an unrestricted driveway configuration was not approved, to see the original approval, and to see a subsequent Controlled Emergency Access plan approved by the Orange County Fire Prevention Bureau.

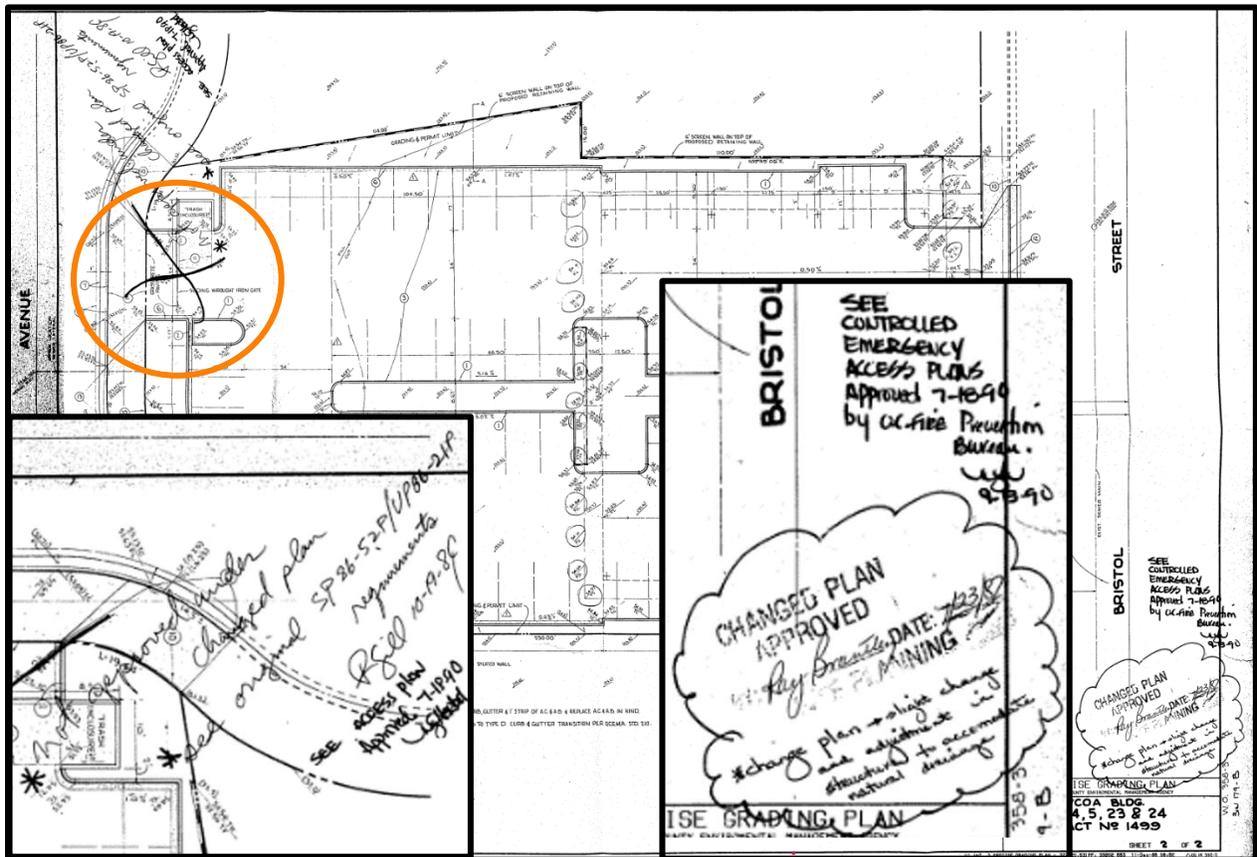


Figure 4, 1987 Revised Plan – Selected Areas Enlarged for Legibility

The Controlled Emergency Access Plan stamped and dated July 18, 1990, shows the Zenith Driveway to be constructed with a heavy-duty chain and a lock, keyed for Fire Department access. The Controlled Emergency Access plan is shown as Figure 5 on the following page for ease of reference and is included as a larger format in Attachment No. PC 4.

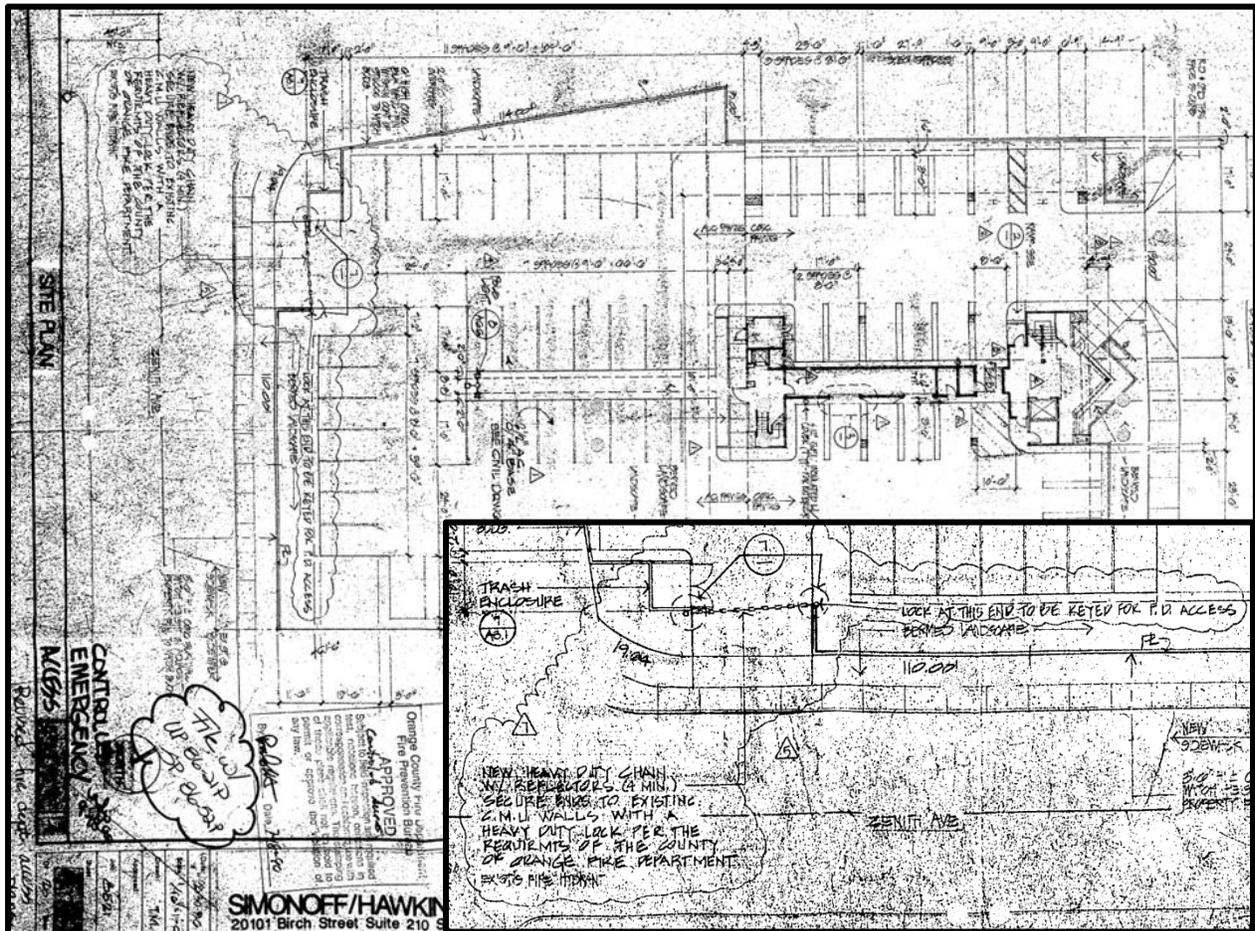


Figure 5, Controlled Emergency Access Plan – Selected Area Enlarged for Legibility

In addition to the plans shown above, the Zenith Driveway is shown with additional configurations in building permit plan sets. The site plan for the building shell (Permit No. BP52461) shows the Zenith Driveway with a sliding wrought iron gate and the grading plan (Permit No. BP55889) also shows the Zenith Driveway with a sliding wrought iron gate. While there are various configurations for the Zenith Driveway shown over the years, the most recent recorded condition is the Controlled Emergency Access Plan shown in Figure 5.

Code Enforcement Activity

In December 2024, the City’s Code Enforcement Division first began receiving complaints regarding employee vehicles using the Zenith Driveway. Upon review of the entitlements noted above, Code Enforcement issued a Notice of Violation on December 18, 2024. To date, there have been four Code Enforcement cases related to employee vehicles using the Zenith Driveway and parking on the street in the adjacent residential neighborhood, requiring six site visits by a code enforcement officer and four phone calls.

Project Description

The applicant is requesting a staff approval consistent with Section 20.54.070 (Changes to an Approved Project) of the NBMC to allow the Zenith Driveway to be used by employees and delivery drivers (Project). The applicant has submitted a letter of justification, available as Attachment No. PC 5, which acknowledges the Zenith Driveway as required for emergency access but interprets UP 86-21P/SP 86-52P as not expressly limiting the Zenith Driveway to emergency access. The applicant asserts that “non-emergency vehicles have entered and exited onto Zenith Avenue for nearly 40 years without incident and continued use will allow for adequate and safe maneuvering to enter and exit the subject property onto Bristol Street, which is a multi-lane, higher-speed arterial, in a forward direction as required by Section 20.40.070 (Development Standards for Parking Areas) of the NBMC.” The applicant further notes that the Project Site has one driveway along Bristol Street, which immediately enters into a covered entrance with approximately eight feet of clearance. Further, on the northern side of this driveway, there are bushes and structures that make visibility a safety issue for vehicles exiting the property southbound onto Bristol Street. A Google Street View image of the site entrance from Bristol Street is shown below in Figure 6, and additional site photographs from this entrance are provided as Attachment No. PC 6.



Figure 6, Google Street View image of existing driveway conditions from Bristol Street

While Section 20.54.070 of the NBMC allows the Community Development Director (Director) to authorize minor changes to an approved plan, the Director referred the Project to the Planning Commission for review, pursuant to Section 20.12.020 (Rules of Interpretation) of the NBMC to allow for additional notice and engagement of the affected surrounding property owners.

DISCUSSION

Analysis

The Planning Commission may only approve the request if it finds that the changes remain substantially consistent with the original approvals and meet the following four required findings:

- A. *The changes are consistent with all applicable provisions of this Zoning Code;*
- B. *The changes 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;*
- C. *The changes 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; and*
- D. *The changes do not result in an expansion or change in operational characteristics of the use.*

Staff has determined the proposed changes do not meet all four of these findings for the reasons below.

The Project directly conflicts with Subsection 20.90.190(B) (Public Improvements – Circulation Plan) of the NBMC. This Subsection acknowledges that Santa Ana Heights has long been heavily impacted by nonresidential traffic attempting to avoid congested conditions on surrounding arterials. A primary consideration of the Circulation Plan was the reduction of traffic within residential areas. The Circulation Plan continues that, with the development of business park uses adjacent to residential uses, another consideration was the separation of business park and residential traffic. Adding nonresidential traffic onto a residential street is inconsistent with Subsection 20.90.190(B) and is therefore inconsistent with Finding A above.

Furthermore, while allowing the Project would not affect the land use classification of the property, staff believes the language within UP 86-21P/SP 86-52P clearly indicates that the Zenith Driveway was intended to be for emergency access only. In addition to the concrete bollards and notes shown on both Site Plans A and B, Condition of Approval (COA) No. 19 of UP 86-21P/ SP 86-52P called the Zenith Driveway “controlled emergency access,” as follows:

Prior to the issuance of any building permits, construction details for the controlled emergency access shall be approved by the Fire Chief. These details shall include width, clear height, and means of emergency vehicle override. Prior to issuance of any certificate of use and occupancy, emergency access shall be operational in a manner meeting the approval of the Manager, Construction Division.

In addition, the revised site plan from 1987 (Figure 4 above) and the subsequent Controlled Emergency Access Plan (Figure 5 above) both explicitly denied an unrestricted configuration that would have allowed uncontrolled access. This again affirms that the Zenith Driveway is intended to only be used for emergency access. Since the emergency-only restriction was a specific feature and condition of the original approval, allowing unrestricted vehicle use would directly conflict with Finding C.

Moreover, allowing employee and delivery vehicles to use the Zenith Driveway would also change operational characteristics of the use to be more disruptive. Increased traffic through the residential neighborhood, rather than the arterial road of Bristol Street, could negatively affect nearby residential uses. To date, the Code Enforcement division has received four complaints regarding employees using the driveway and parking on nearby residential streets.

Lastly, the Project was reviewed by the City's Public Works Department, which expressed concerns with allowing unrestricted use of the Zenith Driveway as proposed. As shown in Figure 7 below, the Zenith Driveway provides a depth of approximately 16 feet from the property line to the exiting gate. Public Works issued comments noting that, for unrestricted use of the Zenith Driveway, the gated entry would need to be set back so that vehicles using that driveway do not impact the public right-of-way, including the sidewalk. The existing condition does not support vehicles queuing while waiting to enter the Project Site. It should also be noted that, regardless of location, vehicle queuing is not permitted within the public right-of-way, pursuant to Section 20.40.030(B) (Requirements for Off-Street Parking - Permanent Availability Required) of the NBMC, which is in this case, the residential street of Zenith Avenue.



Figure 7, Photograph of existing Zenith Driveway condition with car entering

Summary and Alternatives

Staff believes that all findings for approval in support of the proposed project cannot be made. Facts that conflict with the required findings, as described above, are presented in the draft Resolution (Attachment PC No. 1). Should the Planning Commission vote to deny the project, the Zenith Driveway may still be used for emergency access, but the employee and delivery vehicles would only be permitted to access the site from the primary driveway on Bristol Street.

The following alternatives are available to the Planning Commission should it support the project:

1. The Planning Commission may suggest specific project modifications or operational changes that are necessary to alleviate concerns, such as allowing only delivery vehicles to use the Zenith Driveway. If the changes would be substantial, the item should be continued to a future meeting to allow revisions to the project and so that staff may draft associated conditions of approval; or
2. If the Planning Commission believes the facts in support of findings can be made, the Planning Commission may approve the application as requested.

Environmental Review

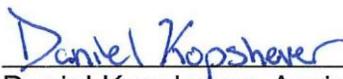
The project is statutorily exempt from CEQA under Article 18, Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential significant effect on the environment.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant, and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:



Daniel Kopshever, Assistant Planner



Benjamin M. Zdeba, AICP
Acting Deputy Community
Development Director

JP/djk

ATTACHMENTS

PC 1 Draft Resolution

PC 2 Plans Associated with UP86-21P and SP86-52P

PC 3 UP86-21P and SP86-52P

PC 4 Controlled Emergency Access plan

PC 5 Project Description/Justification

PC 6 Applicant Provided Site Photos

PC 7 Applicant Provided Plans

01/18/23