



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915  
(949) 644-3200 Fax: (949) 644-3229  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**CITY OF NEWPORT BEACH  
ZONING ADMINISTRATOR STAFF REPORT**

June 13, 2013  
Agenda Item No. 4

**SUBJECT:** Back Bay Tavern Minor Use Permit Amendment - (PA2013-087)  
415 Newport Center Drive  
▪ Amendment 1 to Use Permit No. UP2012-006

**APPLICANT:** Mrs. Goochs Natural Food Markets Inc., dba Whole Foods Market

**PLANNER:** Makana Nova, Assistant Planner  
(949) 644-3249, mnova@newportbeachca.gov

---

**ZONING DISTRICT/GENERAL PLAN**

- **Zone:** PC-56 (North Newport Center Planned Community)
- **General Plan:** CR (Regional Commercial)

**PROJECT SUMMARY**

Amendment No. 1 of Minor Use Permit No. UP2012-006 to extend the hours of operation for one of two restaurants, the Back Bay Tavern, within Whole Foods Market from 9:00 a.m. to 11:00 p.m. The current hours of operation are from 11:00 a.m. to 10:00 p.m. The restaurant currently operates with a Type 47 (On-Sale General for Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) license. The hours of operation for the Rotunda Bar within Whole Foods would remain unchanged from 11:00 am. to 10:00 p.m. No late hours (after 11:00 p.m.) are proposed as part of this application.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_\_ approving Amendment No. 1 to Use Permit No. UP2012-006 (Attachment No. ZA 1).



## **DISCUSSION**

- Retail Sales (supermarket) and Eating and Drinking Establishments are permitted uses within the Fashion Island subarea of the North Newport Center Planned Community Zoning District.
- Alcohol is served through a Type 47 alcoholic beverage control (ABC) license at two dining locations, Back Bay Tavern and the Rotunda Bar, within the Whole Foods Market. Both dining locations currently operate from 11:00 a.m. to 10:00 p.m.
- The Back Bay Tavern consists of a 689 square-foot dining area and 1,315-square-foot outdoor dining patio in the rear, northwest quadrant of the Whole Foods Market and offers a full line of alcoholic beverages along with a limited menu of food items.
- The applicant holds a Type 21 (Off-Sale General) and a Type 86 (Instructional Tasting) Alcoholic Beverage Control license; these license types are ancillary to the retail market use and are permitted by right.
- The applicant is pursuing an extension of the operating hours for a Type 47 (On-Sale General for Bona Fide Public Eating Place) ABC license for the Back Bay Tavern. The requested hours of operation are 9:00 a.m. to 11:00 p.m., whereas the current hours of operation are 11:00 a.m. to 10:00 p.m. The extended hours would allow for breakfast service in the morning and one additional hour of food and alcohol service before closing. Staff recommends extending the hours of operation to 7:00 a.m. to 11:00 p.m. to allow for additional flexibility with business operations during the breakfast dining hours.
- The Back Bay Tavern has separate exterior access through the outdoor dining patio, which will allow it to operate outside of the normal operating hours for Whole Foods Market, which is open from 7:00 a.m. through 10:00 p.m., daily.
- Pursuant to the Planned Community Text, the on-site sale of alcohol in conjunction with an eating and drinking establishment requires a minor use permit. An amendment to Minor Use Permit No. UP2012-006 is necessary to extend the previously permitted hours of operation.
- The second alcohol service area, the Rotunda Bar, is a 1,114 square-foot dining area located in the northeast quadrant of the store. This area will continue to offer beer and wine per the current operating hours from 11:00 a.m. to 10:00 p.m.

**ENVIRONMENTAL REVIEW**

This action is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects that have the potential for causing a significant effect on the environment (Section 15061.b.3 of the CEQA Guidelines). It can be seen with certainty that there is no possibility that changing the allowed hours of operation at an existing restaurant will have a significant effect on the environment. Therefore, this activity is not subject to CEQA.

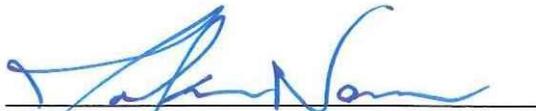
**PUBLIC NOTICE**

Notice of this application 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 prior to the decision date, 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.

**APPEAL PERIOD:**

An appeal may be filed with the Director of Community Development within fourteen (14) days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Makana Nova  
Assistant Planner

GR/mkn

- |              |      |   |
|--------------|------|---|
| Attachments: | ZA 1 | Draft Resolution                        |
|              | ZA 2 | Vicinity Map                            |
|              | ZA 3 | Applicant's Description & Justification |
|              | ZA 4 | Police Department Memo                  |
|              | ZA 5 | Site Photos                             |
|              | ZA 6 | Project Plans                           |

# **Attachment No. ZA 1**

Draft Resolution



**RESOLUTION NO. ZA2013-0##**

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING AMENDMENT NO. 1 TO MINOR USE PERMIT NO. UP2012-006 TO EXTEND THE HOURS OF OPERATION FOR BACK BAY TAVERN WITHIN WHOLE FOODS MARKET LOCATED AT 415 NEWPORT CENTER DRIVE (PA2013-087)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Mrs. Goochs Natural Foods Markets, Inc., dba Whole Foods Market, with respect to property located at 415 Newport Center Drive, and legally described as Parcel 2 of Lot Line Adjustment No. 2008-004, requesting approval of an amendment to a minor use permit.
2. The applicant proposes an Amendment No. 1 to Minor Use Permit No. UP2012-006 to extend the hours of operation for one of two restaurants, the Back Bay Tavern, within Whole Foods Market from 9:00 a.m. to 11:00 p.m. The current hours of operation are from 11:00 a.m. to 10:00 p.m. The restaurant currently operates with a Type 47 (On-Sale General for Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) license. The hours of operation for the Rotunda Bar within Whole Foods would remain unchanged from 11:00 am. to 10:00 p.m.
3. The subject property is located within the Fashion Island sub-area of the PC-56 (North Newport Center Planned Community) Zoning District and the General Plan Land Use designation is CR (Regional Commercial).
4. The subject property is not located within the coastal zone.
5. A public hearing was held on June 13, 2013 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This action is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects that have the potential for causing a significant effect on the environment (Section 15061.b.3 of the CEQA Guidelines). It can be seen with certainty that there is no possibility that changing the allowed hours of operation at an existing restaurant will have a significant effect on the environment. Therefore, this activity is not subject to CEQA.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

#### Finding

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales of the Zoning Code.*

#### Facts in Support of Finding

1. The project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of patrons eating in designated dining areas within the market. The existing operational conditions of approval under Minor Use Permit No. UP2012-006 as reviewed and recommended by the Police Department relative to the sale of alcohol will ensure compatibility with the surrounding uses and minimize alcohol related impacts.
2. Due to the high concentration of commercial land uses, the calls for service and number of arrests are greater than adjacent residential Reporting Districts; however, the Newport Beach Police Department does not consider the number significant given the type of development within this Reporting District.
3. Fashion Island does not abut sensitive land uses and is separated from other uses by parking lots, roadways and other commercial uses. The proposed use is not located in close proximity to residential districts, day care centers, park and recreation facilities, places of religious assembly, and schools. In accordance with the Section 20.48.030 (Alcohol Sales) of the Newport Beach Municipal, the Police Department has reviewed the minor use permit application and recognizes that the existing conditions of approval under Minor Use Permit No. UP2012-006 will ensure that the design and security of the restaurant areas within the market are properly addressed.
4. There are several restaurants in the Fashion Island sub-area, which provide alcohol service as an amenity to customers. The number of alcohol licenses and the type of alcohol service proposed is typical and expected to be found at a regional shopping center such as Fashion Island.
5. The market and included dining areas are permitted in the Fashion Island sub-area of the North Newport Center Planned Community. The on-site consumption of alcohol provides a public convenience by allowing the alcohol in addition to food items offered for sale.

In accordance with Section 20.52.020.F (Conditional Use Permits and Minor Use Permits, Findings and Decision) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a minor use permit are set forth:

#### Finding

*B. The use is consistent with the General Plan and any applicable specific plan;*

#### Facts in Support of Finding

1. The property is designated "Regional Commercial" (CR) by the Land Use Element of the General Plan. The retail market use and complementing restaurants within the market are consistent with that designation and are integrated as part of a retail multi-tenant commercial center.
2. The market and accessory restaurants are within the limits of the cumulative floor area allocated for the Fashion Island portion of the North Newport Center Planned Community.
3. The sit-down food and alcohol components of the restaurants within the market are compatible with the land uses found in Fashion Island.
4. The subject property is not part of a specific plan area.

#### Finding

*C. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*

#### Facts in Support of Finding

1. The PC-56 (North Newport Center Planned Community, Fashion Island Sub-Area) zoning district allows restaurant uses by right and alcohol service is permitted with the approval of a minor use permit by the Zoning Administrator. Fashion Island is intended to be a vibrant regional retail and entertainment center and a day/evening destination with a wide variety of businesses that serve visitors, residents and employees of the area. The extended hours for alcohol service at the Back Bay Tavern within the market are compatible with other uses within Fashion Island.
2. The existing conditions of approval under Minor Use Permit No. UP2012-006 and as reflected in Exhibit "A" of this resolution ensure that all conflicts with surrounding land uses are minimized to the greatest extent possible or eliminated.

#### Finding

*D. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding

1. The service of alcohol at the Back Bay Tavern will be restricted to the hours between 7:00 a.m. and 11:00 p.m., daily. No late hours of operation (after 11:00 p.m.) are proposed.
2. There are no residential properties in the immediate vicinity of the market.
3. The existing operational conditions of approval under Minor Use Permit No. UP2012-006 and as recommended by the Police Department relative to the sale of alcohol will ensure compatibility with the surrounding uses and minimize alcohol-related impacts. The conditions ensure the welfare of the surrounding community so that the business remains a market with accessory dining and does not become a bar, lounge, or nightclub.
4. Back Bay Tavern is characterized by a separate exterior access point from the Whole Foods Market through the existing outdoor dining patio. Thus, the increased hours of operation beyond the 10:00 p.m. closing hour of Whole Foods Market will not impact the primary business operations of the market and will continue to be compatible with surrounding uses within Fashion Island.
5. The market is required to comply with the California Building Code and requirements of the Alcoholic Beverage Control Department to ensure the safety and welfare of customers and employees within the market.

Finding

- E. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*

Facts in Support of Finding

1. The project site at Back Bay Tavern is located within an existing retail, market building. The dining areas within the market are designed and developed for food and beverage service and/or casual sit-down areas to consume food.
2. Adequate public and emergency vehicle access, public services, and utilities are provided within the existing infrastructure.
3. The improvements comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

- F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard*

*to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding

1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute nuisance areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the market.
2. The extended hours proposed for alcohol service at Back Bay Tavern are provided as a public convenience to market patrons utilizing this designated dining area within the market. The service of alcohol will provide an economic opportunity to maintain a successful business at this location in a way which best serves the quality of life for the surrounding community.
3. As conditioned, the owners, managers and employees selling alcohol are required to undergo and successfully complete a certified training program in responsible methods and skills for selling alcohol.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Amendment No. 1 to Minor Use Permit No. UP2012-006 (PA2013-087), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 13<sup>th</sup> DAY OF JUNE, 2013.**

---

Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"**

## CONDITIONS OF APPROVAL

**PLANNING**

1. The development shall be in substantial conformance with the approved site plan and floor plan dated with this date of approval. (Except as modified by applicable conditions of approval.)
2. This minor use permit may be modified or revoked by the Zoning Administrator upon a finding of failure to comply with the conditions set forth in Chapter 20.68 (Enforcement) of the Municipal Code, other applicable conditions and regulations governing alcohol service, or should the Zoning Administrator determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
3. Any change in operational characteristics, hours of operation, expansion in area, or other modification to the approved plans as they relate to alcohol sales, unless determined to be in substantial conformance by the Community Development Director, shall require an amendment to this minor use permit or the processing of a new use permit.
4. Amendment No. 1 to Minor Use Permit No. UP2012-006 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Zoning Code, unless an extension is otherwise granted.
5. Should the alcoholic beverage control (ABC) license be transferred, any future license holders, operators or assignees shall be notified of the conditions of this approval by either the current licensee, business operator, or the leasing company. Future licensees, operators or assignees shall submit, within 30 days of transfer of the ABC license, a letter to the Planning Division acknowledging their receipt and acceptance of the limitations, restrictions and conditions of approval of this minor use permit.
6. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
7. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this minor use permit.
8. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control (ABC) shall be a Type 47 (On-Sale General for Bona Fide Eating Place) in conjunction with the market, which is the principal use of the facility.

9. The hours of operation for sales, service and consumption of alcohol at Back Bay Tavern within Whole Foods Market are limited from 7:00 a.m. to 11:00 p.m., daily. Any increase in the hours of operation shall be subject to the approval of an amendment to this minor use permit and may be subject to approval by the Zoning Administrator.
10. The hours of operation for sales, service and consumption of alcohol for the Rotunda Bar are limited from 11:00 a.m. to 10:00 p.m., daily. Any increase in the hours of operation shall be subject to the approval of an amendment to this minor use permit and may be subject to approval by the Zoning Administrator.
11. The alcoholic beverage sales for the purpose of on-site consumption shall be limited to the designated dining areas indicated on the floor plan submitted with the application. Any change in the operation of on-sale alcoholic beverage sales or increase in the dining area devoted to alcohol sales for customers shall be subject to the approval of an amendment to this minor use permit issued by the Zoning Administrator.
12. The operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the alcoholic beverage outlet and adjacent properties during business hours. If the operator fails to discourage or correct nuisances, the Zoning Administrator may review, modify, or revoke this minor use permit in accordance with Chapter 20.96 of the Zoning Code.
13. The area outside of the retail market shall be maintained in a clean and orderly manner. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises. The operator of the retail market use shall be responsible for the clean-up of all on-site and off-site trash, garbage and litter generated by the use.
14. All trash shall be stored within dumpsters inside the mall buildings.
15. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Whole Foods Market Minor Use Permit including, but not limited to, Minor Use Permit No. UP2012-006 (PA2012-050) and Back Bay Tavern MUP Amendment No. 1 to Minor Use Permit No. UP2012-006 (PA2013-087). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs,

attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

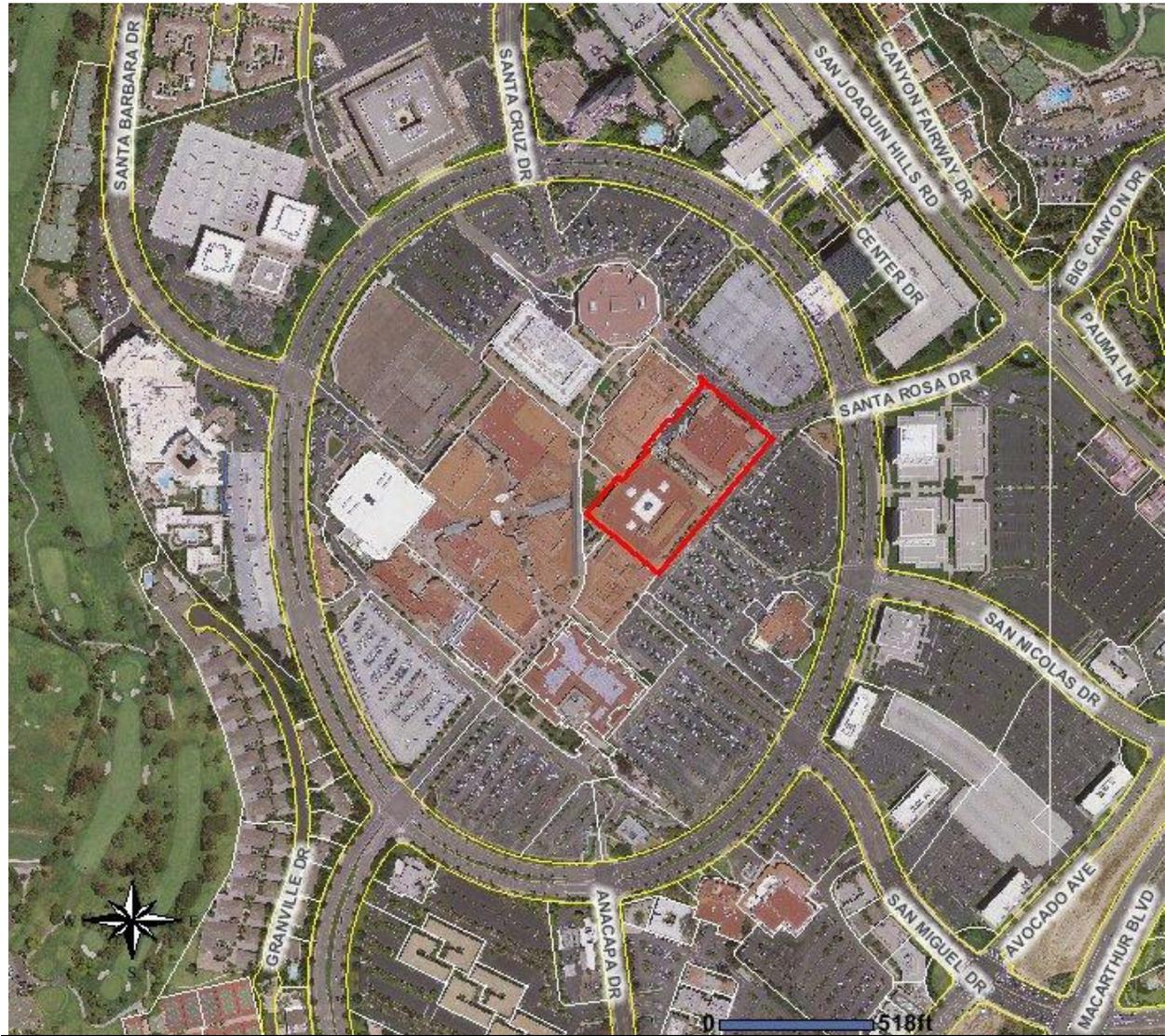
### **Police Department Conditions**

16. This approval does not permit the premises to operate as a bar, lounge, or nightclub as defined by the Newport Beach Municipal Code.
17. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the license.
18. The applicant shall post and maintain professional quality signs measuring 12 inches by 12 inches with lettering no smaller than 2 inches in height that read, "No Alcoholic Beverages Beyond This Point" at all exits leading from the dining areas to the market area.
19. The petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
20. A Live Entertainment Permit issued by the Revenue Division, when required by the procedures set forth in Chapter 5 of the Municipal Code, shall be required to allow live entertainment as incidental and accessory to the primary uses of the facility as a restaurant/retail market.
21. Dancing shall be prohibited, unless otherwise approved in conjunction with a Special Events Permit.
22. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcohol beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The retail market shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
23. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcohol beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

# **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



Amendment 1 to Use Permit No. UP2012-006  
PA2013-087

**415 Newport Center Drive**

# **Attachment No. ZA 3**

Applicant's Description & Justification



## **Attachment A**

### **Project Description**

Mrs. Gooch's Natural Food Market, Inc.

Minor Use Permit Application to Modify Existing Permit No. UP 2012-006

DBA: Whole Foods Market

415 Newport Center Drive

Newport Beach, CA 92660

### Summary of Request

Mrs. Gooch's Natural Food Markets, dba Whole Foods Market ("Whole Foods" or "Applicant") is requesting a modification to the current Minor Use Permit No. UP 2012-006 to extend the hours of operation for one of the two designated dining areas inside Whole Foods Market. This expansion of hours will allow the dining area known as Back Bay Tavern to open 2 hours early at 9:00 AM allowing the addition and service of a full breakfast menu, and extend the hours of food and alcohol sales, service and consumption by one hour to 11:00 PM. The additional hours of food and alcohol sales, service and consumption will continue to take place within the current approved and operational dining area. There will not be any alterations to the footprint, size, layout, or location of Back Bay Tavern which is currently licensed and operating with a type 47 on sale general eating place liquor license.

### Proposed Changes

This application is a request for a modification of the current Minor Use Permit No. UP2012-006 to expand the hours of operation and food and alcohol sales, service and consumption for the dining area known a Back Bay Tavern currently licensed with a type 47 on sale general eating place liquor license, to operate from 9:00 AM to 11:00 PM.

The entire premise has been open and operating since September 2012. Since its opening, Whole Foods Markets has maintained three different liquor licenses onsite—1) type 21, off sale general; 2) type 86, instructional tasting; and 3) type 47, on sale general eating place. The Applicant's vision for this premise has consistently represented and incorporated Whole Food's philosophy of providing the highest quality of natural and organic products as well as

supporting the community and encouraging local involvement. While Whole Foods Market is well known as a leader in the natural and organic supermarket, the addition of the onsite restaurant is a newer concept aimed specifically at the upscale uses associated with Fashion Island. The dining areas provide a local gathering place where the community can converge, dine and enjoy an event. In particular, Back Bay Tavern has fostered the atmosphere and following of a local pub or tavern. The tavern has various televisions scattered throughout the dining area which show various local, college, and professional sporting events. The seasonal menu with a wide variety of food, unique beer and wine offerings and the cozy quaint atmosphere has made Back Bay Tavern a dining destination for grocery shoppers and Fashion Island shoppers alike.

Within the premise there are two areas currently licensed by the type 47 liquor license. Under this requested modification, neither dining area will be altered in terms of the layout, size, or dimensions. The Applicant is not performing any construction or modifying the areas where patrons can enjoy a meal and perhaps a drink onsite. The requested change in hours only applies to the first dining area located in the northerly corner of the store. Back Bay Tavern consists of 689 square feet of interior dining space and 1,315 square feet of patio dining space and is a full service restaurant that offers patrons a full menu in conjunction with a full line of alcoholic beverages. This dining area has its own entrance and exit from the exterior of the store and patrons can also enter the dining area through the grocery store. The menu consists of updated and fresh pub inspired foods created in line with Whole Food's approach to organic and locally sourced groceries and produce. Menu selections include a range of options for all patrons and are sensitive to various dietary restrictions providing options suitable for meat eaters, pescetarians, vegetarians and vegans. A copy of the current menu, including a sample breakfast menu, has been included to illustrate some of the menu options available.

The second, more casual dining area consists of 1,114 square feet of interior dining space and 2,234 square feet of outdoor dining. In this area, patrons can purchase various food items from the eastern area of the stores to be consumed in the dining area. This area of the store is also licensed with a type 47 liquor license, but patrons may only purchase beer or wine for onsite consumption. Unlike Back Bay Tavern which has its own entrance and exit from outside the store, this dining area is only accessible from the inside of the grocery store. Therefore, Whole Foods does not want to expand the hours of food service in this dining area.

At no time are patrons permitted to remove an alcoholic drink from either dining or patio area. Both areas are staffed with team members working the registers, taking orders and supervising

patrons. A hostess is also located on each patio and cameras that monitor the areas at all time. Since the store's opening, the Applicant has operated both the market and the dining areas without incident. Whole Foods' ambition is to build off the current success of the dining options by making the various dining options available more accessible for customers.

Through the operation of Back Bay Tavern, Whole Foods has found the community has embraced this new concept and menu. Patrons have expressed a strong demand for early dining hours and the service of a full breakfast/brunch menu to be served before 11:00 AM, when Back Bay Tavern currently opens. In addition, patrons want to enjoy their breakfast while watching their favorite sporting event with friends and neighbors. In order to meet this demand, the Applicant would like to expand the hours of operation and the hours of alcohol sales, service and consumption for the type 47 liquor license to begin at 9:00 AM in Back Bay Tavern. The earlier service hours will allow Whole Foods to meet the needs of the community and provide the community with a full service breakfast menu and a location to gather and dine. The dining areas have been convenient for shoppers and other Fashion Island patrons and the addition of a breakfast menu will increase the community's ability to utilize the space, enjoy a meal and share a collective dining experience.

The popularity and convenience of dining in Back Bay Tavern has also been evident as it nears closing time. Whole Foods has experienced a large number of customers staying until 10:00 PM (when Back Bay Tavern currently closes) and these customers have expressed their desire to utilize the dining areas until 11:00 PM. Although the stores closes at 10:00 PM, Back Bay Tavern has its own separate entrance which will allow patrons to access the restaurant from the exterior of the store even after the grocery store has closed. Upon closing of the grocery store Whole Foods staff will cordon off the in-store entrance to Back Bay Tavern so that tavern patrons will not be able to access the store after closing. In addition, there will be a staff member policing this area to ensure no patrons access the grocery store after it has closed.

Whole Foods would not only like to accommodate the wishes of its customers, but feels strongly that the additional hour of foods service will be convenient for customers who are looking for unique and healthy dining option. The expansion of dining hours will further solidify the neighborhood's view of Whole Foods as a dining destination and contribute to the diversity of uses celebrated in Fashion Island. The combination of organic and unique culinary creations for onsite consumption will serve as an inspiration for customer's own homemade versions. The many uses of the store and the convenience of these offerings exemplify the essence of Fashion Island.

## **Attachment B**

### Proposed Findings

Mrs. Gooch's Natural Food Market, Inc.

Minor Use Permit Application to Modify Existing Permit No., UP 2012-006

DBA: Whole Foods Market

415 Newport Center Drive

Newport Beach, CA 92660

1. The use is consistent with the General Plan and any applicable specific plan.

The premise is located in a spaced designated as CR-Regional Commercial under the General Plan. It is not located within a specific planned area. In terms of the CR-Regional Commercial uses and guidelines relevant to the proposed project, the Land Use Element states that this designation "is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents." The Applicant's full-service supermarket with sales of a full line of alcoholic beverages for sale both on- and off-site sales and instructional tasting is fully consistent with this General Plan designation. The expanded hours of operation at the tavern are also fully consistent with the General Plan designation.

The requested modification will not alter the use of the premise, which was approved under Minor Use Permit No. UP 2012-006. The current uses—which will be continued—are fully consistent with the General Plan designation. The request to expand hours of food and alcohol sales, service and consumption in the Back Bay Tavern dining area will in no way alter the design, layout or use of the premise as a supermarket and restaurant known for its' high quality products and services. The Applicant's request is to expand the hours during which excellent natural and organic foods and beverages are consistent with other dining uses in Fashion Island. Whole Food's desire to host a variety of different uses within the same facility enhances its compatibility with the surrounding businesses. This request to add additional hours of food and alcohol sales, service and consumption further builds upon the compatibility.

Whole Foods takes the responsibility of providing the community with exceptional food options for grocery shopping and dining very seriously. This dedication has resulted in a high quality shopping experience both in terms of goods and services provided. The ambience of the store fosters an environment for community gathering and extending

the hours for Back Bay Tavern will only build up on this good will. Fashion Island has established itself as a shopping destination comprised of carefully cultivated stores and restaurants selected to compliment a cohesively designed shopping center. Whole Foods' request to expand the hours of food and alcohol sales, service, and consumption in Back Bay Tavern contributes to the perception that shopping and dining at Fashion Island exceeds typical expectations. For the above reasons, the proposed expanded use is consistent with the General Plan.

2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and Municipal Code.

The site of the proposed expanded hours of onsite food and alcohol service is in the North Newport Center Planned Community District (PC 56 zone). The North Newport Center Planned Community District ("North Newport District") is comprised of seven sub-areas, including Fashion Island, and is governed by the North Newport Center Planned Community Development Plan ("Plan").

The Plan states that Fashion Island should serve as the primary retail hub within the North Newport District and should be comprised of retail, dining and commercial entertainment uses. The Applicant's proposed expanded hours of onsite food and alcohol sales, service, and consumption is fully consistent with this zone designation. There will not be any construction or alteration to the premise which was approved under Minor Use Permit No. UP 2012-006. The premise was constructed to be integrated with the other uses within Fashion Island. Since Fashion Island is known to be a destination for unique and boutique shopping and dining, patrons of Fashion Island have come to expect the unique specialty and upscale uses within Fashion Island. Whole Foods' request to expand the hours of food and alcohol sales, service and consumption within Back Bay Tavern is fully consistent with this Plan goal.

The request for the additional dining hours is desired in order for Whole Foods to be able to satisfy customer's demand. Whole Foods has successfully offered a variety of uses and is continuing to expand on the variety of shopping and dining options available within Fashion Island. This success enhances the Applicant's compatibility within this District. Whole Foods offers an extraordinary shopping experience and Back Bay Tavern offers an exceptionally satisfying dining venue. The success of Back Bay Tavern is due to a combination of the wonderful atmosphere, creative menu and unique culinary

perspective. Likewise, Fashion Island is a carefully selected collection of shopping and dining options. In this regard, Whole Food's request to expand dining hours are part of an overall effort to integrate the shopping and dining experience exceeding what one typically expects to find in either a grocery store or tavern. This unique combination and pairing, therefore, enhance the Plan goals for the area.

In terms of the physical requirements of the PC 56 zone, the Applicant's building was previously approved by the Building Department per permit number 1096-2007 and the interior build out was approved per permit number 2244-2011.

For all of the above described reasons, the requested Modification to the Minor Use Permit No. UP 2012-006 will permit a use which is allowed in this zone and complies with all other applicable provisions of the Zoning Code and Municipal Code.

3. The design, location, size and operating characteristics of the use are compatible with the allowed uses in the vicinity.

The requested modification of Minor Use Permit No. UP 2012-006, results only in changes to the hours of operation within Back Bay Tavern. The design, location, and size of the use has been previously approved by both the Building Department per permit number 2244-2011 (Whole Foods) and permit number 1096-2007 (the shell building and site work). The requested expansion of dining hours and onsite alcohol sales, service and consumption will not result in any modifications to the premise or the layout of the store or dining areas. Therefore, the City has already determined that the premise will be physically suitable in terms of design, location and size of use. The premise was stylistically integrated with the other uses within Fashion Island.

The operating characteristics were also approved by the City per Minor Use Permit No. UP 2012-006. This request for modification will not alter the operation of either the type 21 liquor license or the type 86 liquor license. In addition, while adding a breakfast menu and extending the hours of food and alcohol sales, service and consumption in Back Bay Tavern, Whole Foods will continue to operate the entire premise in the same responsible manner with which it is currently operated. The uses and operation of all three liquor licenses—including the expanded hours of dining and alcohol sales, service and consumption within Back Bay Tavern, are fully consistent with other uses in the vicinity.

Because Fashion Island is known for its wide variety of upscale dining and shopping uses, the Applicant's combination of services, onsite and offsite food and alcohol sales, service and tasting, is consistent with other uses in the area. The additional dining hours will further strengthen the dining uses at the premise and reinforce Back Bay Tavern as a dining destination. The hours of operation of the store will continue to be 7:00 AM to 10:00 PM daily. In addition, the second and more casual dining area will continue to operate from 11:00 AM to 10:00 PM. The new, expanded hours for Back Bay Tavern will be from 9:00 AM to 11:00 PM. These hours are consistent with the hours of operation at other dining establishments throughout Fashion Island. For example, Starbucks opens at 4:30 AM. In addition, there are various restaurants such as The Cheesecake Factory, Roy's Hawaiian Fusion Cuisine, and the Yard House that are open until 11:00 PM. Island Cinemas has moving showings that do not finish running until after midnight. Therefore, Whole Food's request to keep the Back Bay Tavern open and serving a full menu until 11:00 PM is consistent with the surrounding uses.

Whole Foods has operated responsibly and without incident at this location since its opening. Overall, the company has a very thorough employee training program in regards to the sale and service of alcoholic beverages. The Applicant has an outstanding record of compliance with both the California Department of Alcoholic Beverage Control and other agencies where the Applicant's stores are located. Therefore, Whole Foods can be relied upon to ensure that the increase in the hours of onsite food and alcohol sales, service and consumption will not result in the negative impacts sometimes associated with the irresponsible sales and service of alcoholic beverage products.

For the above described reasons, the design, location, size and operating characteristics of the proposed expanded hours will be compatible with the allowed uses in the vicinity.

4. The site is physically suitable in terms of design, location, size, operating characteristics and the provision of public and vehicle (e.g. fire and medical) access and public services and utilities.

In terms of the design, location and size of use, the requested modification to Minor Use Permit number UP 2012-006, is a change in the hours of operations only. The entire premise, supermarket and tavern will not undergo any construction, remodeling or tenant improvements. The existing structure was constructed in compliance with permit number 1096-2007 and the interior layout of the store and tavern were approved by the Building Department per permit number 2244-2011. Under these

approvals, the City has already determined that the supermarket and tavern will be physically suitable in terms of the design, location and the size of use.

In terms of the utilities, fire and medical access, and public services, Whole Foods Market and Back Bay Tavern are located in Fashion Island which is a large regional shopping center. Fashion Island has been designed in a cohesive manner with accessibility in mind. Much of Whole Food's customer base has drawn heavily from patrons who already visited Fashion Island to shop, dine, view a movie screening, visit service providers or are employed within the center. The expanded hours of operation for Back Bay Tavern will not alter the current influx of patrons for the grocery store and the increased hours of food and alcohol sales, service and consumption are consistent with other existing uses in Fashion Island and their hours of operation. Therefore, Whole Foods does not anticipate that the expanded hours of operation of Back Bay Tavern will have any impact on the need for these services.

In terms of the expanded hours of alcohol service and consumption, the Applicant has a comprehensive employee training program with respect to the sale and service of alcoholic beverages. Back Bay Tavern employees have already completed training and are experienced with onsite alcohol sales, service and consumption. The operation of the premise and the tavern has not resulted in any issues or disturbances to the surrounding area since its opening. Overall, as a company operating in multiple states, Whole Foods has an outstanding record of compliance. Therefore, the Applicant can be relied upon to ensure that none of the negative impacts sometimes associated with the irresponsible sale of alcohol beverages will take place upon the premise. As a result, Whole Foods does not foresee that this request to modify existing Minor Use Permit UP 2012-006 to expand the hours of onsite food and alcohol sales, service and consumption in the Back Bay Tavern to be 9:00 AM-11:00 PM daily will have any impact on the need for public services.

For the above described reasons, the site of the Applicant's proposed modification of Minor Use Permit number UP 2012-006 to expand the hours of onsite food and alcohol sales, service and consumption to 9:00AM to 11:00 PM within the Back Bay Tavern portion of Whole Foods Market will be physically suitable for the use in terms of the design, location, size, operating characteristics and the provisions of public and vehicle access and public services and utilities.

5. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest safety or general welfare of persons residing or working in the neighborhood or the proposed use.

Whole Foods does not believe that the requested modification to Minor Use Permit number UP 2012-006 to expand the hours of onsite food and alcohol sales, service and consumption within the Back Bay Tavern to 9:00 AM to 11:00 PM will be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the neighborhood of the proposed use. Instead, the Applicant believes that the proposed use will be of benefit to the community.

The premise is located in Fashion Island, a large regional shopping center, which buffers it from any sensitive uses. There is ample parking for the premise and the traffic associated with this use. Fashion Island itself is surrounded by wide streets, a cluster of hotels, a golf course and other commercial uses which creates an additional buffering area. Much of Whole Food's customer base draws heavily from patrons visiting Fashion Island for other purposes including shopping, dining, viewing a movie or to work. The proposed expanded hours of food and alcohol sales, service and consumption within Back Bay Tavern will take place within a location that is thoroughly buffered by surrounding uses. The expanded hours of operation within Back Bay Tavern is just one of many complimentary uses that will be beneficial to the harmonious and orderly growth of the City and will not constitute a hazard to the public convenience, health, interest, safety or general welfare of persons residing or working in the neighborhood of the proposed use.

In addition, Whole Foods has an excellent record of compliance with the California Department of Alcoholic Beverage Control and other regulatory agencies wherever Whole Foods conducts business. The company has a comprehensive training program for its employees to prevent of the negative impacts sometimes associated with the irresponsible sales and service of a full line of alcoholic beverages. The Applicant welcomes input from the community, Police Department, Alcoholic Beverage Control and the Planning Staff as it relates to the operational conditions of the premise.

The request to expand the hours of food and alcohol sales, service and consumption within the dining area known as Back Bay Tavern to 9:00 AM to 11:00 PM daily is in order to meet the needs and desires of the community. The tavern has been embraced by the community and has enriched the vibrant atmosphere of the store and Fashion Island. Back Bay Tavern provides a quality and inventive menu for onsite consumption and this request is to accommodate patrons' desire and expectation to be able to pair an alcoholic beverage to accompany their meal. This is consistent with the Applicant's overall concepts for its Fashion Island location and Fashion Island's overall goals. Visitors to Fashion Island are looking to combine shopping, dining and entertainment. The expansion of the hours of operation and service within Back Bay Tavern will make the dining area more accessible. Whole Food's security measures, including monitored security cameras, employee supervision and extensive employee training, has prevented any issues from arising since the location's opening. These same methods will continue to be practiced with the additional hours of alcohol sales, service and consumption. Even operating with the expanded hours, Back Bay Tavern is only one of many restaurants with alcohol sales, service and consumption within Fashion Island and in that regards, will be compatible with the surrounding uses.

For all of the above described reasons, Whole Foods believes that the requested modification to Minor Use Permit number UP 2012-006 will not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

# **Attachment No. ZA 4**

Police Department Memo



**City of Newport Beach  
Police Department**

**M e m o r a n d u m**

May 29, 2013

**TO:** Makana Nova, Assistant Planner

**FROM:** Detective Brian Haas

**SUBJECT:** Whole Foods Market, 415 Newport Center Drive  
(Back Bay Tavern Minor Use Permit Amendment  
Use Permit No. UP2012-006 (PA2013-087).

At your request, the Police Department has reviewed the project application for Whole Foods Market located at 415 Newport Center Drive, Newport Beach. Per the project description, the applicant is requesting Amendment No.1 of Minor Use Permit No. UP2012-006 to expand the hours of operation for one of two restaurants, the Back Bay Tavern, within Whole Foods Market from 9:00 a.m. to 11:00 p.m. The current hours of operation are from 11:00 a.m. to 10:00 p.m. The restaurant currently operates with a Type 47 (On-Sale General for Bona Fide Public Eating Place) ABC license. Alcohol

Alcohol is currently served at two dining locations within the store. The gross floor area of Back Bay Tavern is 842 square feet, the interior net public area is 689 square feet, and the outdoor patio is 1,315 square feet. The establishment provides 37 interior seats and 70 seats on the patio. The license is conditioned appropriately to protect the health, safety and welfare of the community.

I have included a report by Crime Analyst Paul Caroline Staub that provides detailed statistical information related to calls for service in and around the applicant's place of business. This report indicates that this new location is within an area where the number of crimes is at least 154% above the City wide reporting district average. Additionally, this location is also within an RD that is over the Orange County per capita of ABC licenses. This RD amounts to 4.91% of DUI/Drunk arrests made in the entire City.

**Applicant History**

Whole Foods Market is known for the very high grade of natural and organic food, beverage, grocery, and related products that it sells. Whole Foods Market opened its first store in 1980 in Austin, Texas, and considered a leader in natural and organic foods with more than 310 stores in the United States and United Kingdom. Whole Foods Market actively seeks out the finest natural and organic foods available and maintains the strictest quality standards in the industry. Whole Foods Market will

cater to the same upscale, discerning customer base that frequent the current businesses within Fashion Island.

**Recommendations**

The Police Department has no objection to the operation as described by the applicant. The Police Department does not feel that the operation will have a negative impact on the community and police services provided that the current conditions remain in place with the new proposed hours of operation.

**Signs and Displays**

Any signs or displays would need to conform to City requirements. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.

**Hours of Operation**

The proposed hours of operation for the Back Bay Tavern are from 9 a.m. to 11 p.m. daily.

**Security**

The Police Department has no recommendations. This location lies within Fashion Island, which currently has security operations in place.

**Employee Training**

Require all owners, managers, and employees selling alcoholic beverages to undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages.

**Additional Comments**

For the purposes of this application, staff may also want to consider establishing conditions that would require a Special Event Permit. A Special Event Permit may be required for any event or promotional activity outside the normal operational characteristics of the proposed operation.

For example, events likely to attract large crowds, events for which an admission fee is charged, events that include any form of contract promoters, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

If you have any questions, please contact Detective Brian Haas at (949) 644-3709.

  
Dale Johnson, Captain  
Detective Division Commander

  
Brian Haas, Detective  
Vice/Intelligence/ABC



Chief Jay R. Johnson

# NEWPORT BEACH POLICE DEPARTMENT

## Crime Analysis Unit

870 Santa Barbara Drive · Newport Beach · CA 92660 · 949-644-3791



### CRIME AND ALCOHOL-RELATED STATISTICS - 2012

Subject:	Calls For Service	Crimes			Arrests				Citations	ABC Info	
		Part I Crimes	Part II Crimes	Crime Rate	All Arrests	DUI	Public Intoxication	Liquor Law	Alcohol Related	Active Licenses	License Per Capita
415 Newport Center Dr	5	0	0	<i>not applicable</i>	0	0	0	0	0	1	<i>not applicable</i>
Subject RD: RD39	5,932	176	216	8,290.16	193	23	35	0	14	36	59
Adjacent RD: RD43	647	17	18	884.50	14	5	1	0	1	5	384
Adjacent RD: RD44	4,342	119	200	1,857.34	164	27	45	2	84	26	246
Adjacent RD: RD47	617	12	19	352.42	16	1	1	0	1	3	1,135
Newport Beach	68,888	2,332	3,585	2,731.45	3,280	446	856	14	1,079	394	217
California	<i>not available</i>	1,128,845	<i>not available</i>	2,994.92	1,183,470	104,345	99,017	15,904	<i>not available</i>	44,536	836
National	<i>not available</i>	10,266,737	<i>not available</i>	3,294.93	12,408,899	1,215,077	534,218	500,648	<i>not available</i>	<i>not applicable</i>	<i>not applicable</i>

#### Summary for Back Bay Tavern at 415 Newport Center Dr (RD39)

In 2012, RD39 had a total of 392 reported crimes, compared to a city-wide reporting district average of 152 reported crimes. This reporting district is 240 crimes, or 158%, OVER the city-wide average.

The number of active ABC licenses in this RD is 36, which equals a per capita ratio of one license for every 59 residents. Orange County averages one license for every 504 residents and California averages one license for every 836 residents. This location is within an RD that is OVER the Orange County and OVER the California per capita averages of ABC licenses.

Notes:

Part I Crimes are the 8 most serious crimes as defined by the FBI Uniform Crime Report - Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny-Theft, Auto Theft, and Arson.

This report reflects City of Newport Beach data for calendar year 2012, which is the most current data available.

California and National figures are based on the 2011 Uniform Crime Report, which is the most recent edition.

Crime Rate refers to the number of Part I Crimes per 100,000 people.

Number of Active ABC Licenses is the total of all types of licenses known to the NBPD as of the date of this document.

*Additional Information*

<b>Highest Volume Crime in RD39</b>
Petty Theft

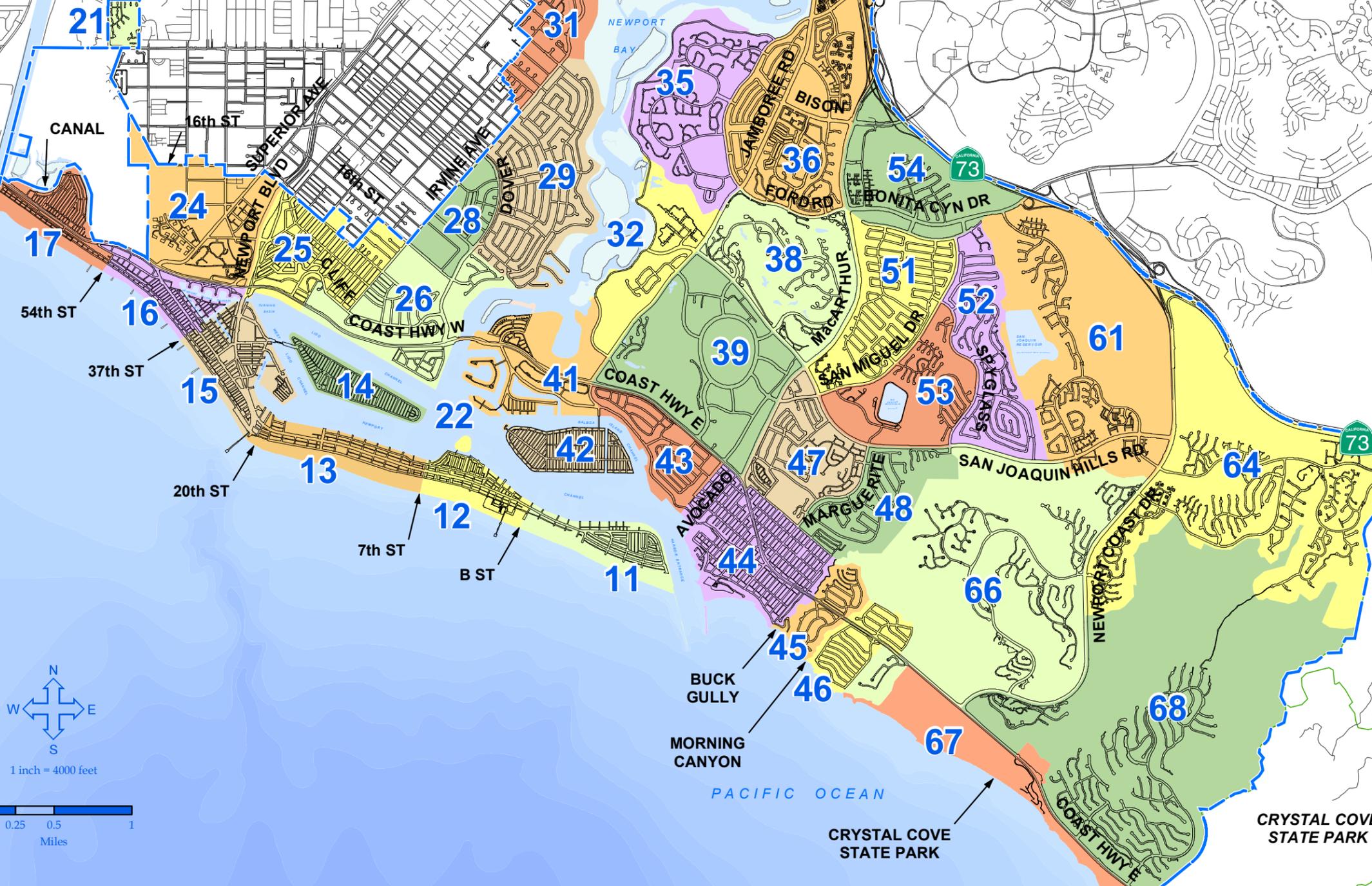
<b>Highest Volume Crime in RD44</b>
Burglary/Theft From Motor Vehicle

<b>Highest Volume Crime in RD43</b>
Burglary/Theft From Motor Vehicle

<b>Highest Volume Crime in RD47</b>
Burglary/Theft From Motor Vehicle

<b>Calls for Service at 415 Newport Center Dr</b>	
483R	1
510	1
901ND	1
ATL	1
INFO	1
<b>Grand Total</b>	<b>5</b>

**Reporting Districts**  
 Newport Beach Police Department  
 Effective Jan 1, 2008



1 inch = 4000 feet





# **Attachment No. ZA 5**

Site Photos



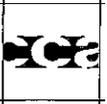




# **Attachment No. ZA 6**

Project Plans





Carlie  
Coatsworth  
Architects, Inc.

2475 Cassara Drive  
Suite 100  
Newport Beach, CA 92660  
Phone: 949.853.9622  
Fax: 949.853.1140  
www.carliecoatsworth.com

TRIVEX COMPANY **ESTABLISHED 1971**

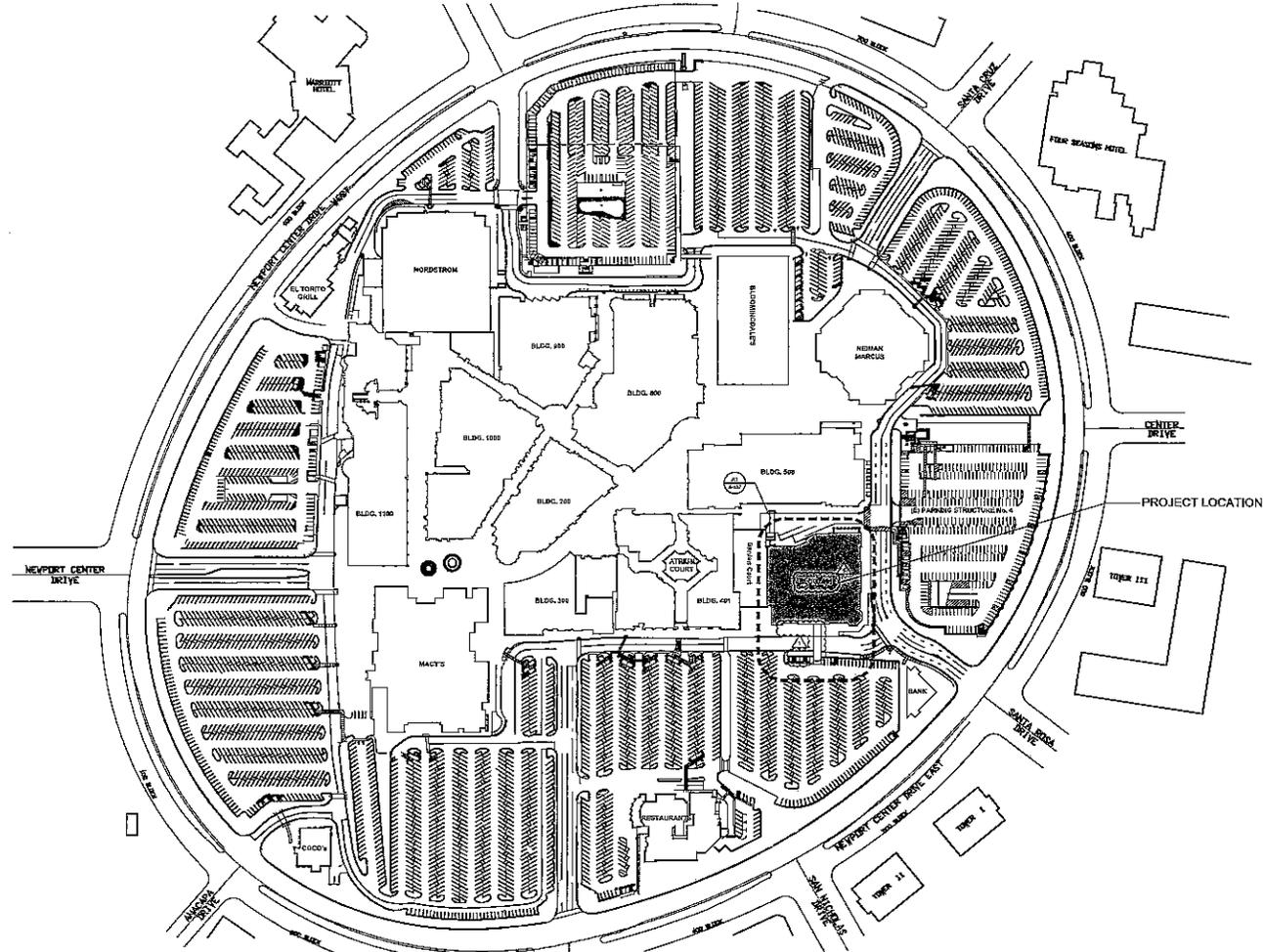
LANDSCAPE IMPROVEMENTS FOR  
**FASHION ISLAND**  
BUILDING 461  
EXTERIOR IMPROVEMENTS  
461 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CA 92660

REVISIONS:  
NO. 10/20/09 BY: BJT  
DATE: 10/20/09  
BY: JCC  
DATE: 11/10/09  
BY: JCC  
DATE: 11/10/09  
BY: JCC  
DATE: 11/10/09

PLAN CHECK # : Z244-2011  
PROJECT: 11089.014  
FILE: A-101.DWG  
DATE:  
DRAWN BY:  
SCALE: -AS NOTED  
SHEET TITLE:  
KEY PLAN

**A-101**

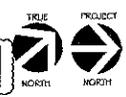
FOR REFERENCE ONLY



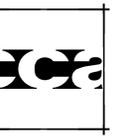
**A1 KEY PLAN (FOR REFERENCE ONLY)**

SCALE: 1" = 100'-0"

SEE PLAN FOR DIMENSIONS & NOTES FOR  
NEW YEAR 2011 OF THESE IMPROVEMENTS.  
ADVIS: REFER TO 2244-2011 FOR SCHEDULE AND CP  
TIMES FOR ALL.

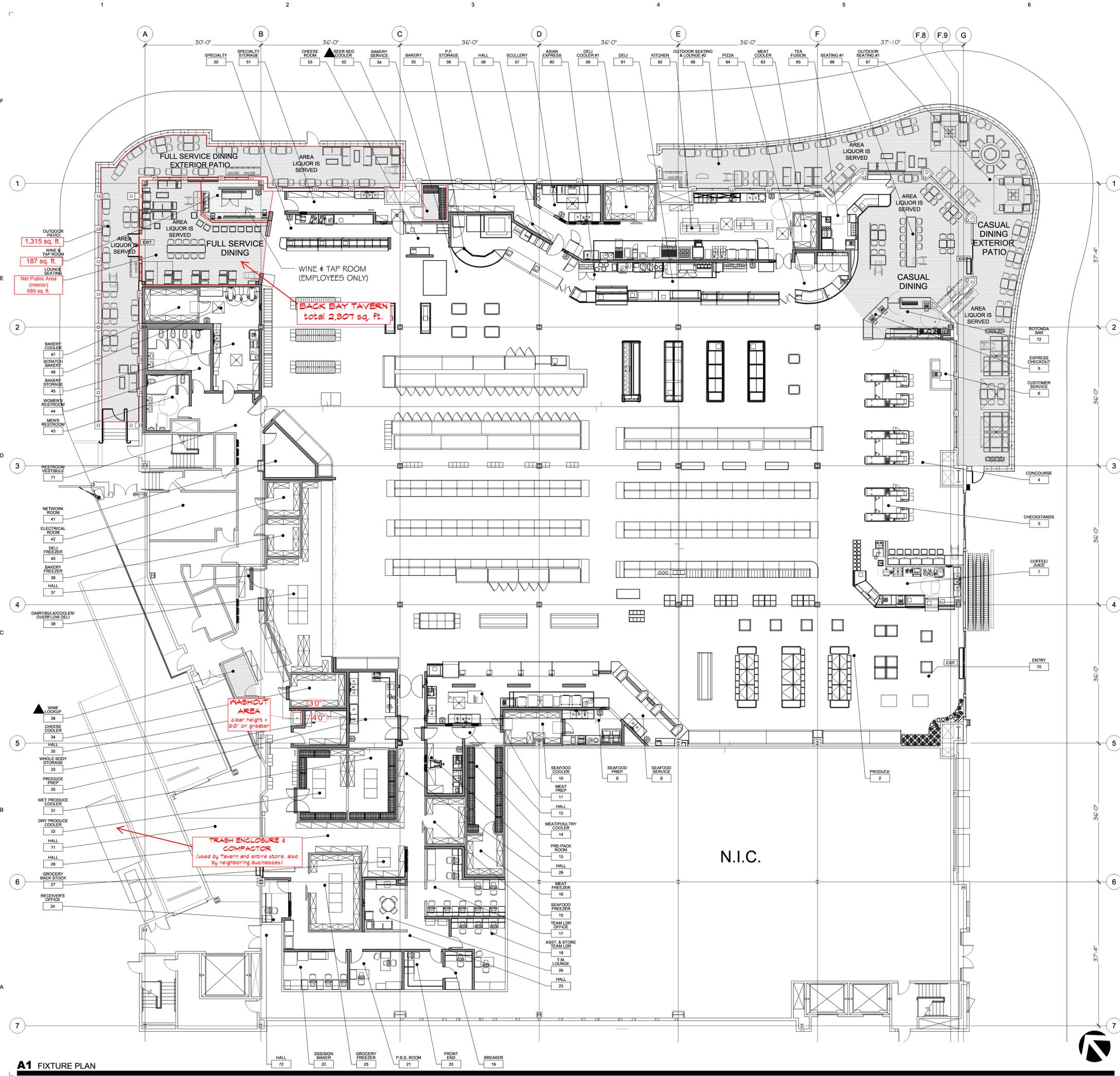






Carlie  
Coatsworth  
Architects, Inc.

2495 Campus Drive  
Second Floor  
Irvine, California 92612  
Phone: 949.833.1930  
Fax: 949.833.1140  
www.ccarlarchitects.com



OUTDOOR PATIO  
1,315 sq. ft.  
WINE & TAP ROOM  
187 sq. ft.  
Net Public Area (interior)  
689 sq. ft.

BACK BAY TAVERN  
total 2,307 sq. ft.

TRASH ENCLOSURE & COMPACTOR  
(used by Tavern and entire store, also by neighboring businesses)

WASHOUT AREA  
clear height = 8'0" or greater

SPACE	AREA (S.F.)	MAX. NO. OF SEATS
FULL SERVICE DINING	689	37
CASUAL DINING	1,114	34
SALES FLOOR	18,875	N/A
BEER/KEG COOLER	54	N/A
WINE & TAP ROOM EMPLOYEES ONLY	187	N/A
WINE LOCK UP	62	N/A
OFFICE/ STORAGE/ FOOD PREP/ EMPLOYEE ONLY	11,459	N/A
<b>TOTAL</b>	<b>32,440</b>	<b>71</b>

SPACE	AREA (S.F.)	MAX. NO. OF SEATS
OUTDOOR PATIO- FULL SERVICE DINING	1,315	70
OUTDOOR PATIO- CASUAL DINING	2,234	121
<b>TOTAL</b>	<b>3,549</b>	<b>191</b>

TOTAL INTERIOR RESTAURANT/ ALCOHOL SERVICE	1,803	71
TOTAL EXTERIOR RESTAURANT/ ALCOHOL SERVICE	3,549	191
<b>TOTAL</b>	<b>5,352</b>	<b>262</b>

**B7 AREA CALCULATIONS**

- ACCESSIBLE SEATING WHERE REQUIRE BY CODE. WHEN NOT IN USE (2) REGULAR SEATS / (3) SPACES FOR BENCHES MAY REPLACE HANDICAP SEATING LOCATION.
- LIQUOR STORAGE
- EXIT SIGN
- FIRE RATED WALL
- PARTIAL HEIGHT WALL
- NEW WALL
- EXISTING WALL

**A7 LEGEND**



TENANT IMPROVEMENT  
**WHOLE FOODS MARKET**  
at  
**FASHION ISLAND**

415 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CALIFORNIA

REVISIONS:

PROJECT: 11179  
FILE: A-110.1.DWG  
DATE: -  
DRAWN BY: -  
SCALE: -AS NOTED  
SHEET TITLE:  
FLOOR PLAN

**A-110.1**

SHEET - OF -  
UNIFORM DRAWING SYSTEM - U.S. NATIONAL CAD STANDARDS/SECTION 11