



## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663

(949) 644-3200 Fax: (949) 644-3229

[www.newportbeachca.gov](http://www.newportbeachca.gov)

### CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

May 23, 2012,  
Agenda Item #1

**SUBJECT:** The Porro Vita Juice Bar - (PA2012-045)  
3000 Newport Boulevard  
▪ Minor Use Permit No. UP2012-005

**APPLICANT:** Chase Bray

**PLANNER:** Kay Sims, Assistant Planner  
(949) 644-3237 or [ksims@newportbeachca.gov](mailto:ksims@newportbeachca.gov)

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### ZONING DISTRICT/GENERAL PLAN

- **Zone:** CV (Commercial Visitor-Serving)
- **General Plan:** CV (Visitor Serving Commercial)

### PROJECT SUMMARY

A Minor Use Permit for a take-out service, limited establishment within an existing 5,600-square-foot mixed-use building consisting of 2,000 square feet of commercial space on the first floor and two condominium units on the second floor. The proposed project would convert 1,400 square feet of currently vacant, commercial space to a walk-in juice bar with some incidental, related retail sales. The establishment would have a net public area of 850 square feet and provide seating for a maximum of six customers. The proposed hours of operation are between 7:00 a.m. and 11:00 p.m., daily.

### RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Minor Use Permit No. UP2012-005 (Attachment No. ZA 1).

## **DISCUSSION**

- The proposed project will be located within a 5,600-square-foot, two-story, mixed-use building at the northeast corner of the intersection of Newport Boulevard and 30<sup>th</sup> Street. The second floor (3,600 square feet) consists of two condominium units and the first floor consists of a hair salon (600 square feet) and 1,400 square feet of currently vacant, commercial space. The proposed project would convert the vacant space to a walk-in, juice bar with incidental, related retail sales, and provide six seats for customers.
- The proposed use is consistent with the land uses permitted within the CV (Commercial Visitor-Serving) Zoning District, the CV (Visitor Serving Commercial) General Plan Land Use Element designation, and the CV-A (Visitor Serving Commercial) designation of the Coastal Land Use Plan, which are intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City.
- Per Zoning Code Section 20.20.020: Commercial Zoning Districts Land Uses and Permit Requirements, Table 2-5 (Allowed Uses and Permit Requirements), approval of a minor use permit is required because the location of the proposed project is within 500 feet of a residential zoning district.
- The subject property is currently nonconforming for the following reasons: it is developed to a 0.9 FAR, while the Zoning Code allows a 0.5 FAR; residential development is not a currently permitted use within the Zoning or General Plan designations for the site; and nine parking spaces are provided for the commercial uses on site, while 14 spaces are required. Because the parking requirement for the previous use and proposed use remains the same (1 space per 250 square feet), the proposed use is not considered to be an intensification of the previous use and additional parking is not required.
- The proposed project will comply with all of the Zoning Code (Section 20.48.090: Eating and Drinking Establishments) required operating standards for take-out service, limited eating and drinking establishments, including a maximum of six seats for customers.
- Staff believes the proposed project will be compatible with existing and allowed uses within the area, which include various retail and visitor commercial uses such as restaurants and take-out services, general office, and residential uses. The project has been conditioned so that the potential for negative impacts from its operation is minimized.

## **ENVIRONMENTAL REVIEW**

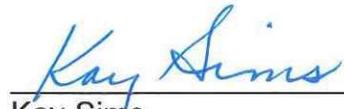
The project qualifies for Class 1 (Existing Facilities) categorical exemption pursuant to Section 15301 of the California Environmental Quality Act Guidelines because it involves interior alterations to convert an existing vacant retail space to a food service, eating and drinking establishment.

## **PUBLIC NOTICE**

Notice of this application was 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.

**APPEAL PERIOD:** An appeal may be filed with the Director of Community Development or City Clerk within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Prepared by:

  
\_\_\_\_\_  
Kay Sims  
Assistant Planner

GR/ks

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Project Plans
	ZA 4	Menu

# **Attachment No. ZA 1**

Draft Resolution

## RESOLUTION NO. ZA 2012-

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING MINOR USE PERMIT NO. UP2012-005 FOR THE JUICE BAR, A TAKE-OUT SERVICE LIMITED, EATING AND DRINKING ESTABLISHMENT LOCATED AT 3000 NEWPORT BOULEVARD (PA2012-045)**

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

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Chase Bray, with respect to property located at 300 Newport Boulevard, and legally described as Lot 2 and a Portion of Lot 1, Block 331 of the Lancasters Addition, requesting approval of a Minor Use Permit.
2. The applicant proposes a Minor Use Permit to convert 1,400 square feet of commercial space to a take-out service, limited eating and drinking establishment, which will consist of a walk-in juice bar, incidental retail area, and will provide a maximum of six seats for customers. The requested hours of operation are 7:00 a.m. to 11:00 p.m., daily.
3. The subject property is located within the following: Zoning District - CV (Commercial Visitor-Serving), General Plan Land use Element designation - CV (Visitor Serving Commercial), and Coastal Land Use Plan - CV-A (Visitor Serving Commercial). These designations are intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City.
4. A public hearing was held on May 23, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. 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.

1. The project has been reviewed, and it qualifies for a categorical exemption pursuant to Section 15301 of the California Environmental Quality Act under Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.
2. The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. The proposed project involves interior alterations to convert currently vacant commercial space to a take-out service, limited eating and drinking establishment. The existing space will be remodeled with approval of a tenant improvement building permit.

### SECTION 3. REQUIRED FINDINGS.

#### *Minor Use Permit*

In accordance with Section 20.52.020.F of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a use permit are set forth:

#### Finding

A. *The use is consistent with the General Plan and any applicable specific plan:*

#### Facts in Support of Finding

1. The General Plan land use designation for this site is CV (Visitor Serving Commercial), which provides for areas that are appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. The proposed juice bar is consistent with this land use designation category.
2. Take-out service limited, eating and drinking establishments are common in the vicinity and along Newport Boulevard. They are frequented by the surrounding businesses, travelers that visit the Balboa Peninsula and the City, and residents of the City.
3. The juice bar will contribute to the revitalization of the commercial corridor along this area of Newport Boulevard and is consistent with the goal of providing goods and services to this area.
4. The subject property is not part of a specific plan area.

#### Finding

B. *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 subject site is located in the CV (Commercial Visitor-Serving) Zoning District. The proposed juice bar includes an area for incidental retail sales, provides a maximum six seats for customers, and is allowed within the CV Zoning District subject to approval of a minor use permit, because it is closer than 500 feet from a residential zoning district.
2. The subject property is currently nonconforming for the following reasons: it is developed to a 0.9 FAR, while the Zoning Code allows to a 0.5 FAR; residential development is not a currently permitted use within the Zoning or General Plan designations for the site; and nine parking spaces are provided for the commercial uses on site, while 14 spaces are required. Because the parking

requirement for the previous use and proposed use remains the same (1 space per 250 square feet), the proposed use is not considered to be an intensification of the previous use and additional parking is not required.

3. The proposed project will comply with all applicable development standards including those specific for the take-out service, limited eating and drinking use classification including a maximum of six seats.

#### Finding

- C. *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 hours of operation will be from 7:00 a.m. to 11:00 p.m. daily, which will allow the opportunity to maximize, while still closing at an early hour to minimize disturbances.
2. Properties adjacent to Newport Boulevard in this area are also designated CV and the surrounding commercial corridor contains various retail and visitor commercial uses including restaurants and take-out eating establishments, as well as general office uses. The properties in the neighboring areas to the east are zoned MU-W2 (Mixed-Use Water Related) and are developed with general office, various personal service, retail, and restaurant uses on the ground level and some have residential uses on the second level. Properties located to west of the commercial properties along Newport Boulevard are zoned R-2 (Two-Unit Residential) and some properties are located within a 500 foot radius of the proposed project. The proposed project is compatible with the existing and permitted uses within the surrounding neighborhood.

#### Finding

- D. *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:*

#### Facts in Support of Finding

1. The interior tenant space will be improved with the appropriate plumbing and utilities and will be permitted with approval of tenant improvement plans and issuance of all building permits required.
2. The number of parking spaces required for the proposed use does not exceed the number required for the previously existing use and there is adequate circulation and some parking spaces for customers. The location of the project

at the intersection of 30<sup>th</sup> Street and Newport Boulevard also provides easy accessibility for pedestrian traffic.

3. Adequate public and emergency vehicle access, public services, and utilities are provided to the residences and establishments on the site.

### Finding

- E. 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 hours of operation are reasonable and consistent with the neighborhood.
2. The take-out service limited, eating and drinking establishment will serve the visitors to the Balboa Peninsula and City, as well as employees of the various businesses in the area, and members of the surrounding residential communities.
3. The applicant will obtain Health Department approval and must comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.
4. The applicant is required to control trash and litter around the subject property.

### SECTION 4. DECISION.

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

1. The Zoning Administrator of the City of Newport Beach hereby approves Use Permit No. UP2012-005, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. Minor Use Permit applications do not become effective until 14 days following the date of action. Prior to the effective date, the applicant or any interested party may appeal the decision of the Zoning Administrator to the Planning Commission by submitting a written appeal application to the Community Development Director. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

**PASSED, APPROVED, AND ADOPTED THIS 23<sup>RD</sup> DAY OF MAY, 2012.**

By: \_\_\_\_\_  
Brenda Wisneski, AICP, Zoning Administrator

DRAFT

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

Planning Division Conditions

1. The development shall be in substantial conformance with the approved site plan, floor plan(s) and building elevations 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 should they 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, shall require an amendment to this Use Permit or the processing of a new Use Permit.
4. Minor Use Permit No. UP2012-005 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 this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified in writing of the conditions of this approval by the current owner or leasing company.
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 Use Permit.
8. A copy of these conditions of approval shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
9. Prior to the issuance of building permits, any applicable Fair Share Traffic Contribution Fees shall be paid in accordance with Chapter 15.38 of the Newport Beach Municipal Code.
10. The take-out service, limited eating and drinking establishment shall be limited to six seats.

11. The hours of operation for the eating and drinking establishment are limited from 7:00 a.m. to 11:00 p.m., daily.
12. A covered wash-out area for refuse containers and kitchen equipment, with minimum useable area dimensions of 36-inches wide, 36-inches deep and 72-inches high, shall be provided, and the area shall drain directly into the sewer system, unless otherwise approved by the Building Manager and Public Works Director in conjunction with the approval of an alternate drainage plan.
13. No outside paging system shall be utilized in conjunction with this establishment.
14. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., daily, unless otherwise approved by the Community Development Director, and may require an amendment to this use permit.
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 Juice Bar** including, but not limited to **Use Permit No. UP2012-005** and the determination that the project is exempt under the requirements of the California Environmental Quality Act. 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 the City's costs, attorneys' fees, and damages which the 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.

Building Division and Fire Department Conditions

16. Public sanitation facilities shall be available to the general public (patrons) during regular business hours of the operation, unless otherwise approved by the Building Division.
17. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The facility shall be designed to meet exiting and fire protection requirements as specified by the California Building Code and shall be subject to review and approval by the Building Division.
18. The construction plans must meet all applicable State Disabilities Access requirements.

19. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
20. All exits shall remain free of obstructions and available for ingress and egress at all times.

Public Works Department Conditions

21. County Sanitation District fees shall be paid prior to the issuance of any building permits.
22. New and existing fire services, when required by the Fire Department, shall be protected by a City approved double check detector assembled and installed per STD-517-L.
23. All new and existing commercial water meter(s) shall be protected by a City approved reduced pressure backflow assembly and installed per STD-520-L-A.
24. Any changes to the existing parking lot design require review and approval from the Public Works Department.
25. Prior to the issuance of building permits the applicant is responsible for all upgrades to the City's utilities as required to fulfill the project's demand, if applicable.
26. New water services shall be installed per STD-502-L or STD-503-L, depending on the size.
27. Landscaping lines shall be protected by a dedicated City approved reduced pressure backflow assembly.
28. New and existing sewer lateral shall have a cleanout installed per STD-406-L.

# **Attachment No. ZA 2**

Vicinity Map

# VICINITY MAP



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Minor Use Permit No. UP2012-005  
PA2012-045

**3000 Newport Boulevard**

# **Attachment No. ZA 3**

Project Plans

**PROJECT DESCRIPTION:** Applicant is proposing to operate a retail juice bar for walk in traffic with some incidental retail sales in an existing vacant retail space at 3000 Newport Boulevard, Newport Beach, CA 92663. The juice bar will have a maximum of 4 employees and will operate from 7 am to 11 pm.

**SPACE DESCRIPTION:** The proposed juice bar will occupy 1400sf of a total 2000sf commercial in this existing building. The remaining 600 sf is occupied by an existing hair salon. The existing building was permitted by the city and completed in 2001.

**PARKING:** The 2000sf commercial space is served by 9 existing parking spaces in the rear of the building off an alley.

**OTHER BUILDING USES:** There are two residential units also permitted by the city above the commercial space. Four residential parking spaces are provided.

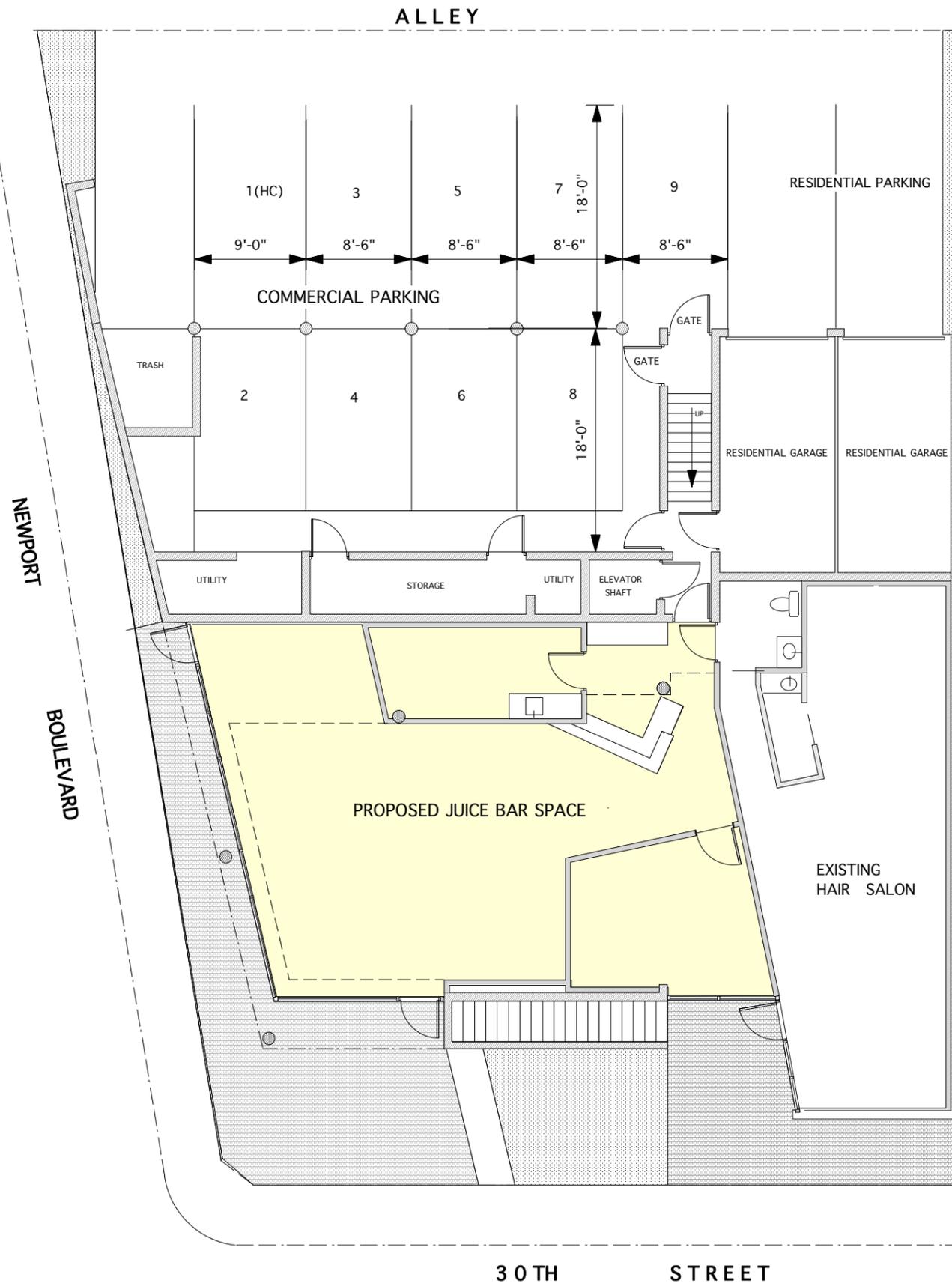
**BUILDING DATA**

Lot Area	6224 sf
Lot Width	58'-74'
Lot Depth	93'
Setbacks	per code
Gross Floor Area	
Commercial	2000 sf
Res Garage	400sf
Residential	3200 sf
TOTAL AREA	5600 sf

Floor Area Ratio .9

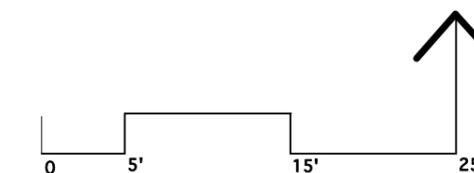
Commercial Parking 9  
Residential Parking 4

Residential Units (upper level) 2



RENTAL SPACE FOR PROPOSED JUICE BAR  
1400 sf

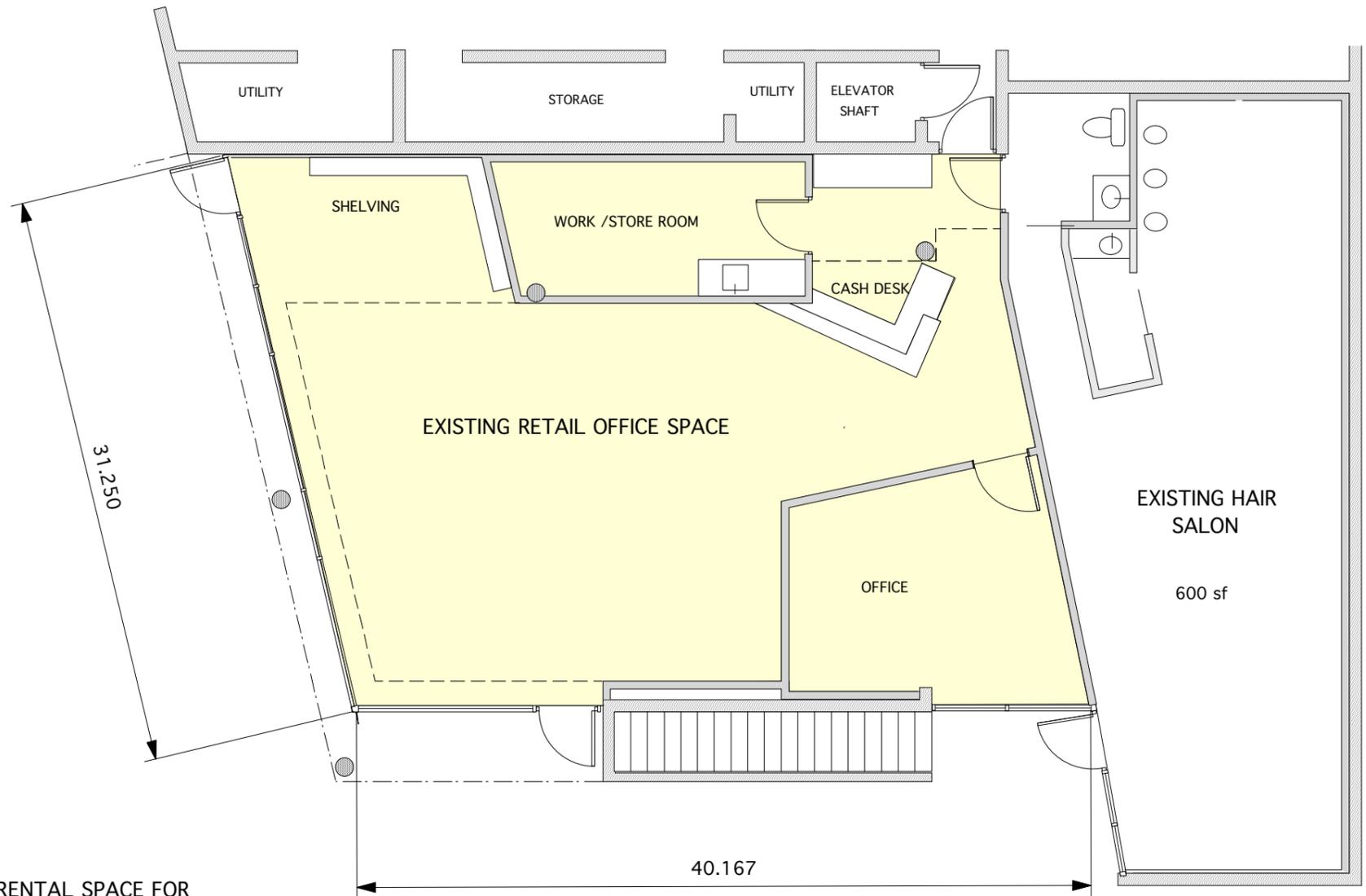
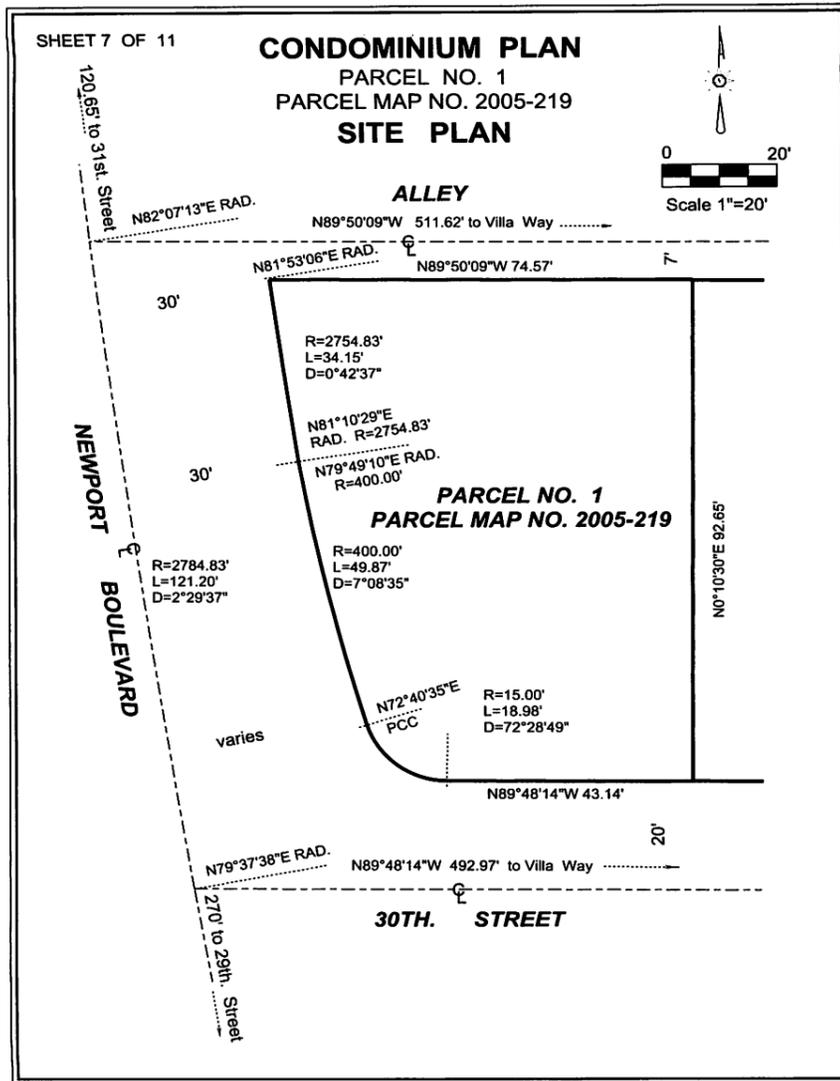
**Existing Site and Ground Floor plan**

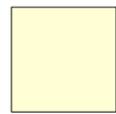


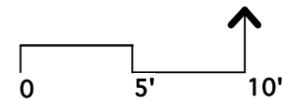
**Legal Description:**  
Parcel 1, Parcel Map No 2005-219 as per map thereof recorded in Parcel Map Book 357, pages 14 and 15 of parcel maps in the office of the Orange County, California Recorder

4/29/2012

sheet 1 of 3

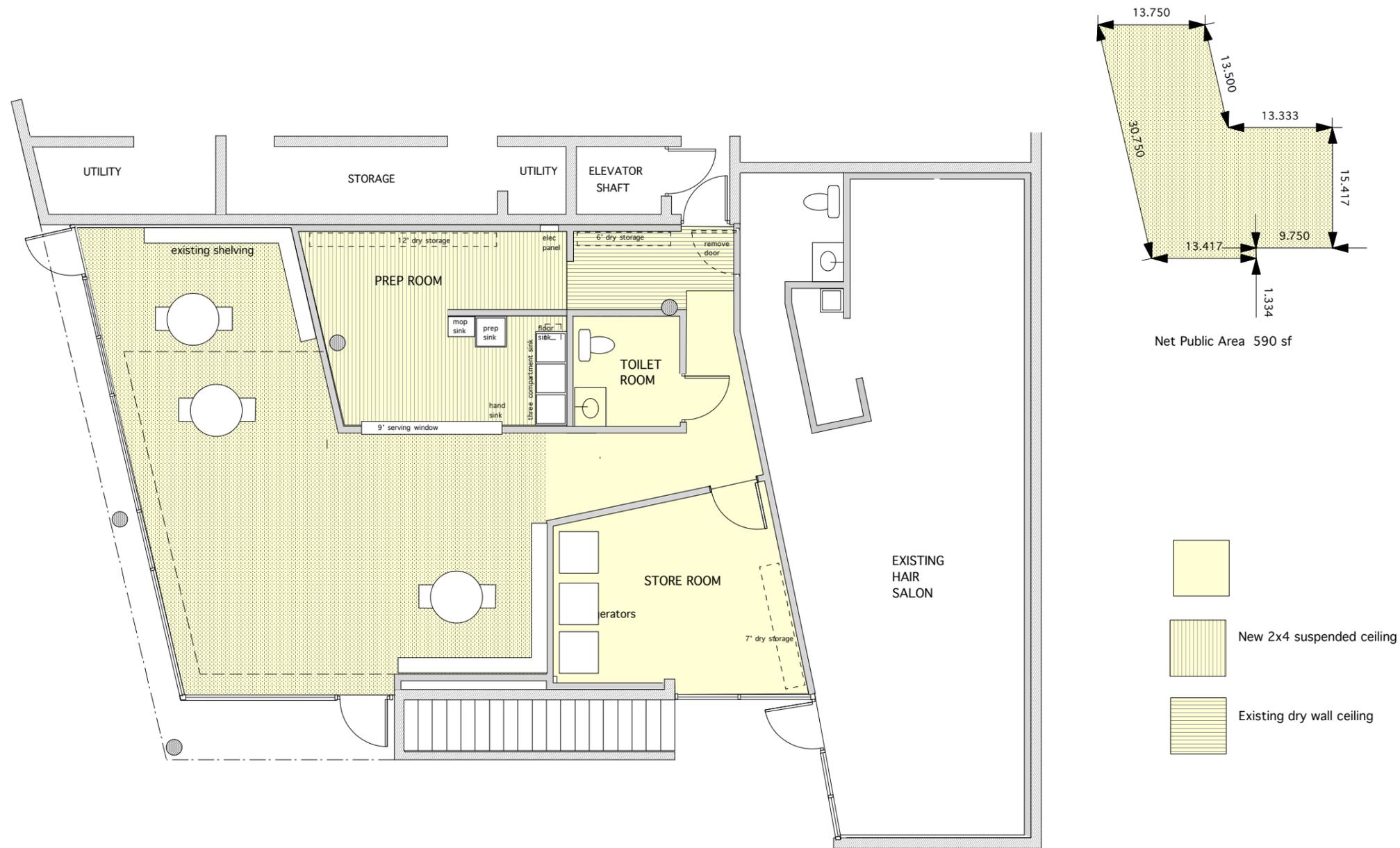


 RENTAL SPACE FOR PROPOSED JUICE BAR  
1400 sf



Legal Description:  
 Parcel 1, Parcel Map No 2005-219  
 as per map thereof recorded in  
 Parcel Map Book 357, pages 14 and 15  
 of parcel maps in the office of the  
 Orange County, California Recorder

Plan of Existing Space



Legal Description:  
 Parcel 1, Parcel Map No 2005-219  
 as per map thereof recorded in  
 Parcel Map Book 357, pages 14 and 15  
 of parcel maps in the office of the  
 Orange County, California Recorder

4/29/2012

**THE SHED -Live/Work Building**  
 3000 Newport Boulevard, Newport Beach, CA 92663

**Proposed Juice Bar**  
 contact: Chase Bray 714-715- 4570

# **Attachment No. ZA 4**

Menu

## Product Description

Healthy, nutrient rich beverages that excite the sense of taste and provide nourishment for increased vitality.

### Core Product

Fresh pressed juices and blends from dependable sources that deliver the highest quality vegetables and fruits available.

### Menu Options

PorroVita will have pre-selected drink options that use vegetables and/or fruits that are put together and available to select as a single beverage. PorroVita will also have custom drink options where the customer can select which fruits and/or vegetables that they would like in their beverage.

PorroVita will have two core menu options. The two options are - Blended or Juiced. Blended beverages will consist of raw fruits and/or vegetables with a base juice that are blended together and served cold. Juiced beverages will consist of raw fruits and/or vegetables with no base juice that are juiced and served cold.

### Pre-Selected Juices

The pre-selected juice options are as follows:

#### Green Drink

Celery, Cucumber, Apple, Kale, Spinach

#### Liver Cleanse

Beet, Celery, Apple, Kale, Lemon, Ginger

#### Carrot Drink

Carrot, Cucumber, Apple, Beet, Celery, Kale

#### Power Punch

Beet, Kale, Spinach, Carrot, Ginger

PorroVita, Inc.

#### Morning Glory

Apple, Cucumber, Kale, Lemon, Ginger

### Custom Juices

The custom juice options can use any of the following vegetables and/or fruits as desired, minimum 3 options;

#### Custom Options:

Beet, Carrot, Celery, Cucumber, Apple, Ginger, Kale, Spinach, Lemon, Peach, Pineapple

### Pre-Selected Blends

The pre-selected blend options are as follows:

#### Custom Blends

The custom blend options can use any of the following vegetables and/or fruits as desired, minimum 3 options;

#### Custom Options:

Beet, Carrot, Celery, Cucumber, Apple, Ginger, Kale, Spinach, Lemon, Strawberry, Blueberry, Banana, Pineapple, Peach

RECEIVED BY  
COMMUNITY

MAY 02 2012

DEVELOPMENT  
CITY OF NEWPORT BEACH