

**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Kimberly Brandt, Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Planning Department staff for the week ending July 29, 2011.

ACTIONS TAKEN AT JULY 27, 2011 ZONING ADMINISTRATOR HEARING

Item 1: 430 Marigold Avenue Parcel Map – Parcel Map No. NP2011-007 (PA2011-128)
430 Marigold Avenue

This item was approved.

Council District 6

Item 2: Pita Jungle Minor Use Permit – Minor Use Permit No. UP2011-014 (PA2011-098)
1200 Bison Avenue, Suite C-2

This item was approved as modified.

Council District 4

On behalf of Kimberly Brandt, Community Development Director



Patrick J. Alford, Planning Manager

APPEAL PERIOD: The applicant or any interested party may appeal the decision of the Community Development Director and division staff to the Planning Commission by submitting a written appeal application to the Community Development Director in accordance with the provisions of the Newport Beach Municipal Code.. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Email Brian Haas, NBPD
Sgt. Chuck Freeman, NBPD



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663
(949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

ZONING ADMINISTRATOR ACTION LETTER

Application No. Parcel Map No. NP2011-007 (PA2011-128)
County Tentative Parcel Map No. 2011-123

Applicant Coast Capital Properties, LLC

Site Address 430 Marigold Avenue
Parcel Map for Condominium Purposes

Legal Description Corona Del Mar Block 440, Lot 22

On July 27, 2011, the Zoning Administrator approved the following: a parcel map application for two-unit condominium purposes. No waivers of Title 19 (Subdivisions) development standards are proposed with this application. An existing duplex was demolished and a new duplex to be finaled as condominiums is being constructed. The property is located in the R-2 (Two-Family Residential) District. The Zoning Administrator's approval is based on the following findings and subject to the following conditions.

Findings

In approving a tentative parcel map, the decision-making body shall make all of the following findings:

The Zoning Administrator determined in this case that the proposed parcel map is consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code and is approved based on the following findings per Section 19.12.070 of Title 19:

1. **Finding:** That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.

Facts in Support of Finding:

- The proposed Parcel Map is for two-unit condominium purposes. An existing duplex was demolished and is being replaced with a new duplex to be finaled as condominiums. The residential density on the site will remain the same. The proposed subdivision and improvements are consistent with the density of the R-2 Zoning District and the current General Plan Land Use Designation "Two Unit Residential".

2. **Finding:** That the site is physically suitable for the type and density of development.

Facts in Support of Finding:

- The lot is regular in shape, has a slope of less than 20 percent, and is suitable for development.

3. **Finding:** That the design of the subdivision or the proposed improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Facts in Support of Finding:

- This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 15 (Minor Land Divisions) which allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The proposed parcel map is for condominium purposes and is consistent with all of the requirements of the Class 15 exemption.

4. **Finding:** That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Facts in Support of Finding:

- The proposed Parcel Map is for residential condominium purposes. All construction for the project will comply with all Building, Public Works, and Fire Codes, which are in place to prevent serious public health problems. Public improvements will be required of the developer per Section 19.28.010 of the Municipal Code and Section 66411 of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

5. **Finding:** That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access

or for use, will be provided and that these easements will be substantially equivalent to easements previously acquired by the public. This finding shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.

Facts in Support of Finding:

- The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development as there are no public easements that are located on the property.
6. **Finding:** That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.

Facts in Support of Finding:

- The property is not subject to the Williamson Act since the subject property is not considered an agricultural preserve and is less than 100 acres.
 - This site developed for residential use in a residentially zoned area.
7. **Finding:** That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (a) there is an adopted specific plan for the area to be included within the land project; and (b) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

- The property is not a "land project" as defined in Section 11000.5 of the California Business and Professions Code.
 - The project is not located within a specific plan area.
8. **Finding:** That solar access and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.

Facts in Support of Finding:

- The proposed Parcel Map and improvements are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Department enforces Title 24 compliance through the plan check and inspection process.
9. **Finding:** That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.

Facts in Support of Finding:

- The proposed Parcel Map is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need. The residential density on the site will remain the same, which allows two units in the R-2 Zoning District. Therefore, the parcel map for condominium purposes will not affect the City in meeting its regional housing need.
10. **Finding:** That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.

Facts in Support of Finding:

- Wastewater discharge into the existing sewer system will remain the same and does not violate Regional Water Quality Control Board (RWQCB) requirements.
11. **Finding:** For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act.

Facts in Support of Finding:

- The subject property is not located within the Coastal Zone.
12. **Finding:** That public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.

Facts in Support of Finding:

- The project has been conditioned to include the required improvements.

Conditions

1. A parcel map shall be recorded. The map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. **The map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.**
2. Prior to recordation of the Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set **on each lot corner**, unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. The existing broken and/or otherwise damaged concrete sidewalk panels, curb and gutter along Marigold Avenue and Second Avenue frontages shall be reconstructed. Limits of reconstruction are at the discretion of the Public Works Inspector.
5. All existing overhead utilities shall be undergrounded.
6. All above ground improvements shall stay at a minimum 5-foot clear of the alley setback.
7. All private, non-standard improvements within the public right-of-way and/or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
8. All improvements shall comply with the City's sight distance requirement (City Standard STD-110-L).
9. All on-site drainage shall comply with the latest City Water Quality requirements.
10. An approved encroachment permit is required for all work activities within the public right-of-way.

11. A Public Works Department encroachment permit inspection is required before the Building Division permit final can be issued. At the time of Public Works Department inspection, if any of the existing public improvements surrounding the site is damaged, new concrete sidewalk, curb and gutter, and alley/street pavement will be required and 100% paid by the owner. Said determination and the extent of the repair work shall be made at the discretion of the Public Works Inspector.
12. A 10-foot radius corner cutoff at the corner of Marigold Avenue and Second Street shall be dedicated to the City for street purposes. A Grant of Easement for Utilities and Street Purposes shall be submitted for City review and County of Orange recording. All drawings and exhibits submitted for said dedication purposes shall conform to the City's CADD Standards. Scanned images will not be accepted. Public Works Department plan check approval will not be issued until said document has been submitted. The Certificate of Occupancy will not be issued until said map has been recorded by the County of Orange.
13. The existing tree along Marigold Avenue shall be protected in place. Unauthorized tree removal will trigger substantial penalties for all of the parties involved.
14. A 4-foot wide full-width concrete sidewalk shall be constructed along the entire Second Avenue property frontage per City Standard STD-180-L and shall be located against the property line.
15. A new curb access ramp is required on the corner of Narcissus Avenue and Second Avenue per City Standard STD-181-L A/B/C/D.
16. The plug of an abandoned (existing) driveway shall be per City Standard STD-165-L and the parkway area shall be replaced with sod/lawn or other landscaping as approved.
17. A minimum 12-inch wide by 12-inch deep full-depth asphalt concrete patchback shall be constructed along the entire new gutter length where the existing driveway approach was removed.
18. Per Chapter 13 of the City Municipal Code, two 36" box *Eucalyptus sideroxylon*, Red Ironbark street trees shall be planted along the Second Avenue frontage. The street trees shall be located not less than 25 feet from the curb returns and equally spaced along the frontage.
19. The existing bricks within the Marigold Avenue parkway shall be removed and replaced with grass/sod or other landscaping as approved.
20. A new sewer cleanout shall be installed per City Standard STD-406-L and a new water service/meter per City Standard STD-502-L (for 1") shall be installed adjacent to the property line in the public alley right-of-way. Each shall be installed with a traffic-grade box and cover.

21. Curb drains shall be installed perpendicular to the curb face and for the purpose of discharging storm overflows only. If curb drains are proposed, please provide details showing how this overflow-only requirement will be satisfied. One method to satisfy this storm overflow-only requirement would be to add a bottomless area drain to the subdrain pipe at the property line prior to discharge through the curb drain. The Applicant may propose other alternatives for City review. The portion of the private subdrain system to be installed within the public right-of-way shall be constructed with solid piping. Curb drains shall comply with City Standard STD-184-L.
22. Each unit shall be connected to its individual water meter and sewer lateral and cleanout located within the public right-of-way. Each water meter and sewer cleanout shall be installed with a traffic-grade box/frame and cover. Water meter and the sewer cleanout shall be located within the Public right-of-way.
23. Each dwelling unit shall be served with an individual water service and sewer lateral connection to the public water and sewer systems, unless otherwise approved by the Public Works Department and the Building Department.
24. Each dwelling unit shall be served with individual gas and electrical service connection and shall maintain separate meters for the utilities.
25. Two-car parking, including one enclosed garage space, shall be provided on site for each dwelling unit per requirements of the Zoning Code.
26. All vehicular access to the property shall be from the adjacent alley, unless otherwise approved by the City Council.
27. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
28. In compliance with the requirements of Chapter 9.04, Section 901.4.4, of the Newport Beach Municipal Code, approved street numbers or addresses shall be placed on all new and existing buildings in such a location that is plainly visible and legible from the street or road fronting the subject property. Said numbers shall be of non-combustible materials, shall contrast with the background, and shall be either internally or externally illuminated to be visible at night. Numbers shall be no less than four inches in height with a one-inch wide stroke. The Planning Division Plan Check designee shall verify the installation of the approved street number or addresses during the plan check process for the new or remodeled structure.
29. Subsequent to recordation of the Parcel Map, the applicant shall apply for a building permit for description change of the subject project development from "duplex" to "condominium." **The development will not be condominiums until**

this permit is finalized. The building permit for the new construction **shall not be finalized** until after recordation of the Parcel Map.

30. 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 Begonia Avenue Parcel Map including, but not limited to, the PA2011-025. 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.
31. This Parcel Map shall expire if the map has not been recorded within three years of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

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: Tentative Parcel Map applications do not become effective until 10 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.

By: _____

Jaime Murillo, Zoning Administrator

JM/bmz

Attachments:	ZA 1 Vicinity Map ZA 2 Tentative Parcel Map
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Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Parcel Map No. NP2011-007
PA2011-128

430 Marigold Avenue

Attachment No. ZA 2

Tentative Parcel Map

TENTATIVE PARCEL MAP NO. 2011-123

IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, CALIFORNIA,
BEING LOT 22 IN BLOCK 440, MAP OF CORONA DEL MAR PER
M.M. 3/41-42, RECORDS OF SAID ORANGE COUNTY.
FOR CONDOMINIUM PURPOSES.

LEGEND:

TC TOP OF CURB
FL FLOW LINE
EG EXISTING GRADE
FF FINISHED FLOOR
EA EDGE OF ALLEY
SCO SEWER CLEAN OUT
FS FINISHED SURFACE
BW BACK OF WALK
EW EDGE OF WALK
EA EDGE OF ALLEY
GFF GARAGE FINISHED FLOOR
WM WATER METER
LIP LIP OF GUTTER
PP POWER POLE
L/T LEAD & TAG
● FD. MONUMENT AS NOTED
ELEVATIONS HEREON ARE REFERENCED
TO ORANGE COUNTY BENCHMARK
3K-29-83 ELEV. = 84.168 (NAVD 88)

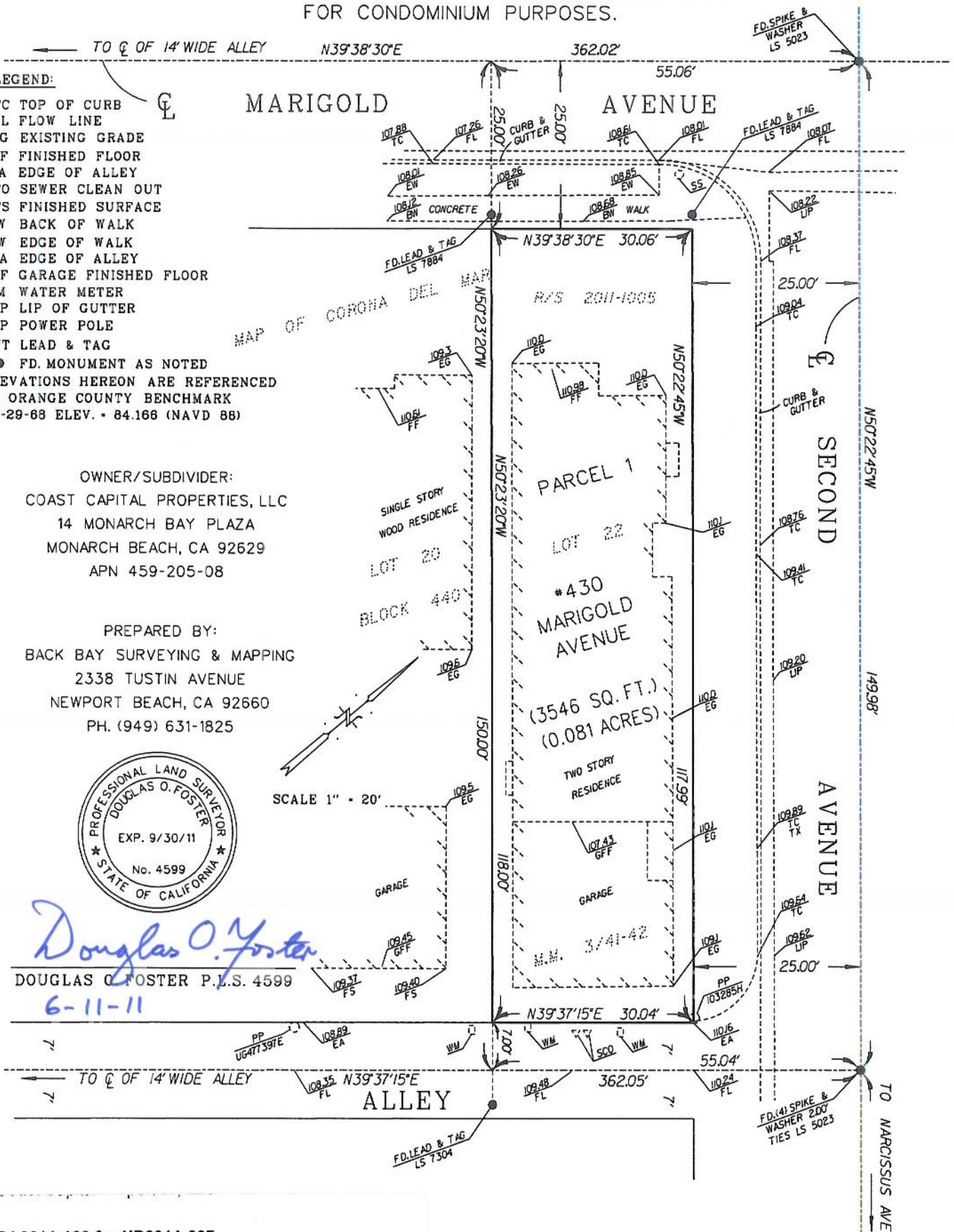
OWNER/SUBDIVIDER:
COAST CAPITAL PROPERTIES, LLC
14 MONARCH BAY PLAZA
MONARCH BEACH, CA 92629
APN 459-205-08

PREPARED BY:
BACK BAY SURVEYING & MAPPING
2338 TUSTIN AVENUE
NEWPORT BEACH, CA 92660
PH. (949) 631-1825



Douglas O. Foster
DOUGLAS O FOSTER P.L.S. 4599
6-11-11

SCALE 1" = 20'



A-1. The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. The proposed projects involves interior alterations to convert existing retail space to an eating and drinking establishment and the addition of an outdoor patio area for accessory dining.

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 use permit are set forth:

Finding

- B. 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

- B-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 beer, wine, and distilled spirits is intended for the convenience of customers dining at the restaurant. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol related impacts.

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

- C. The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding

- C-1. The General Plan land use designation for this site is CG (General Commercial). The CG designation is intended to provide for a wide variety of commercial activities oriented primarily to service citywide or regional needs. An eating and drinking establishment with alcohol sales and accessory outdoor dining is a consistent use within this land use designation. Restaurant uses can be expected to be found in this area and similar locations and are complimentary to the surrounding commercial and residential uses.
- C-2. Eating and drinking establishments are permitted in the Newport North Retail Center subject to approval of a use permit and are frequented by visitors and residents. The establishment is compatible with the land uses permitted within the surrounding neighborhood. The establishment will improve and revitalize the existing retail building and the surrounding neighborhood.
- C-3. The subject property is not part of a specific plan area.

Finding

- D. *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

- D-1. The site is located in a commercial area of the PC-5 (North Ford) District. The intent of this district is to allow the location of light general commercial activities engaged in the sale of products to the general public. Restaurants, including outdoor dining, are permitted subject to the securing of a use permit. The proposed food service, eating and drinking establishment with alcohol sales and accessory outdoor dining is consistent with land uses permitted by this district.
- D-2. The proposed use complies with Section 20.48.090 (Eating and Drinking Establishments) in regards to the operating standards. This Minor Use Permit will be conditioned to maintain the requirements of Section 20.48.090.
- D-3. Section 20.40.060 (Parking Requirements for Food Service Uses) establishes criteria to determine the parking requirements for uses from 1 parking space for every 30-50 square feet of net public area, plus the area of the outdoor dining area that is greater than 25% of the interior net public area or 1,000 square feet, whichever is less. Based on the physical design characteristics, operational characteristics, and location of the establishment, a parking requirement of 1 space for every 40 square feet of net public will be required. Per the attached existing and proposed parking tabulation tables the site will provide adequate parking spaces to accommodate this rate/the proposed use. The 1 per 40 parking rate is based on the high-turnover, sit-down characteristics of restaurant with the sale of alcoholic beverages and no live entertainment or dancing. A 1 per 45 rate could also be considered in this case. However, due to the high number of seats (165), the percent of restaurants occupying the shopping center (approximately 23 percent after the establishment of the proposed restaurant), and the low potential for walk-in customers due to the proximity to other commercial uses and residential uses, a higher parking requirement is necessary to ensure parking is not negatively impacted, especially during lunch hours when all uses in the center are in operation. Evening dining hours are less impacted as a majority of the uses in the shopping center are closed.

Finding

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

Facts in Support of Finding

- E-1. The proposed project involves interior alterations to convert existing retail space within the Newport North Retail Center to a food service, eating and drinking

establishment and the addition of an outdoor patio area for accessory dining. Modifications will be made to the parking area fronting the building to accommodate the addition of the outdoor patio. These modifications will result in a net loss of parking spaces; however, the site will still provide a surplus of parking spaces as outlined on the attached parking tabulation tables.

- E-2. The operational characteristics of the use are that of a restaurant, which is a typical use in this area, and the establishment will not be open late or act as a bar or nightclub.
- E-3. The hours of operation of the restaurant, including the outdoor patio, will be restricted to the hours between 10:30 a.m. and 10:00 p.m., daily.
- E-4. The project includes conditions of approval to ensure that potential conflicts are minimized to the greatest extent possible. The proposed project is located within a nonresidential zoning district, but is adjacent to residential uses directly to the north and across Bison Avenue to the south approximately 170 feet and 200 feet respectively. However, the restaurant and its outdoor dining area are not oriented towards the residential properties and are screened and protected from view and any noise generated by the restaurant by a commercial building to the north and landscaping and the streetscape to the south. Furthermore, the use permit has been conditioned to require the outdoor patio area to be closed by 10:00 p.m. so that the establishment will comply with exterior noise standards. The applicant is also required to control trash and litter around the subject property.
- E-5. The operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure the welfare of the surrounding community so that the business remains a restaurant and does not become a bar or tavern. The project has been conditioned so that no dancing or live entertainment will be permitted on the premises.
- E-6. The applicant is required to install a grease interceptor, obtain Health Department approval prior to opening for business, and comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

Finding

- F. *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

- F-1. The existing building and parking lot have functioned satisfactory with the current configuration. The proposed project, which includes interior alterations to convert retail space to restaurant use and the addition of an outdoor patio, will not negatively affect emergency access. The design, size, location, and operating characteristics of the use are compatible with the surrounding neighborhood.
- F-2. Adequate public and emergency vehicle access, public services, and utilities are provided within the shopping center.
- F-3. The tenant improvements to the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

- G. *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

- G-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 a nuisance in parking areas, sidewalks, and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment. The outdoor patio must be closed by 10:00 p.m. to limit the exterior noise to the surrounding residents.
- G-2. The restrictions on seating and net public area prevent adverse traffic impacts for the surrounding residential and commercial uses.
- G-3. The food service, eating and drinking establishment will serve the surrounding residential community. The proposed establishment will provide dining services as a public convenience to the surrounding neighborhood. This will revitalize the project site and provide an economic opportunity for the property owner to update the retail tenants and services, which best serve the quality of life for the surrounding residential community.

CONDITIONS

Project Specific Conditions in Italics

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 City Council, Planning Commission, or 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. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
5. Minor Use Permit No. UP2011-014 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.
6. 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.
7. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
8. 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.
9. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

10. *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.*
11. *The indoor net public area shall be limited to a maximum of 1,775 square feet and 115 seats.*
12. *The accessory outdoor dining shall be used only in conjunction with the related adjacent establishment.*
13. *The outdoor patio shall be limited to a maximum of 640 square feet in area and 50 seats.*
14. *The proposed food service, eating and drinking establishment, shall have a parking requirements of 1 space for every 40 square feet of net public area, plus the area of the outdoor dining area that is greater than 25% of the interior net public area or 1,000 square feet, whichever is less.*
15. *A copy of this approval letter shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.*
16. *The hours of operation, including the outdoor patio, for the eating and drinking establishment are limited from 10:30 a.m. to 10:00 p.m., daily.*
17. *The doors to the outdoor patio area shall be closed by 10:00 p.m., daily, to limit the impact of interior noise to residents in the vicinity.*
18. *Live entertainment and dancing shall be prohibited as a part of the regular operation.*
19. *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.*
20. *The use of elevated counters, tables, and barstools are prohibited in the outdoor dining area.*
21. *Prior to issuance of building permits, plans for the outdoor dining/patio areas shall be reviewed and approved by the Planning Division. Final material, height, and location of the fence shall be subject to approval by the Building and Planning Division staff.*
22. *The boundary of the accessory outdoor dining area shall be marked through the use of a 36-inch-high rail as shown on the approved plans. Fences, walls, or*

similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.

23. No form of advertisement shall be placed on an awning, umbrella or elsewhere in the outdoor patio dining areas. The outdoor patio dining areas, including any awning or umbrella, shall be maintained in a clean orderly condition at all times.
24. *The installation of roof coverings in addition to the proposed awning over the outdoor dining area shall not have the effect of creating a permanent enclosure. The use of umbrellas for shade purposes shall be permitted. The use of any other type of overhead covering shall be subject to review and approval by the Community Development Director and may require an amendment to this permit.*
25. 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.
26. *The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 in conjunction with the service of food as the principal use of the facility.*
27. *All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic 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 establishment 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.*
28. The approval is only for the establishment of a restaurant type facility as defined by Title 20 of the Municipal Code, with the principal purpose for the sale or service of food and beverages with sale and service of alcoholic beverages incidental to the food use.
29. *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 alcoholic 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.*
30. Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any

profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.

31. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Community Development Director may order the diming of light sources or other remediation upon finding that the site is excessively illuminated.
32. The proprietor shall actively control any noise generated by the patrons of the facility.
33. The operator of the facility shall be responsible for the control of noise generated on the subject facility. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time period unless the ambient noise level is higher:

	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
Location	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

34. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
35. *No amplified music, outside paging system, loudspeaker or other noise generating device are permitted in conjunction with the outdoor dining area.*
36. No outside paging system shall be utilized in conjunction with this establishment.

37. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
38. *All proposed signs shall conform to the North Ford Planned Community District regulations or any sign program applicable to the property.*
39. No temporary "sandwich" signs or similar temporary signs shall be permitted, either on-site or off-site, to advertise the restaurant.
40. Temporary signs shall be prohibited in the public right-of-way unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
41. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes. The trash dumpsters shall have a top, which shall remain closed at all times, except when being loaded or while being collected by the refuse collection agency.
42. The size, design, and location of trash enclosures shall be subject to the review and approval of the Public Works and Planning Division prior to issuance of building permits.
43. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
44. 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.
45. All graffiti shall be removed within 48 hours notification from the City.
46. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).

47. 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.
48. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
49. Any changes to the existing parking lot design require review and approval from the Public Works Department.
50. An encroachment permit is required for all work activities within the public right-of-way.
51. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
52. 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 Pita Jungle including, but not limited to Use Permit No. 2011-014 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 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.

Building Division and Fire Department Conditions

53. 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.
54. A building permit is required to allow the change in use to an eating and drinking establishment. The construction plans must comply with the most recent, City-adopted version of the California Building Code.

55. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. 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.
56. *The construction plans must meet all applicable State Disabilities Access requirements.*
57. *Approval from the Orange County Health Department is required prior to the issuance of a building permit.*
58. *A grease interceptor shall be installed prior to the establishment opening for business.*
59. *Complete sets of drawings including architectural, electrical, mechanical, and plumbing plans shall be required at plan check.*
60. Kitchen exhaust fans shall be installed/maintained in accordance with the Uniform Mechanical Code. The issues with regard to the control of smoke and odor shall be directed to the South Coast Air Quality Management District.
61. *The applicant shall provide a Type I hood with a kitchen suppression system for cooking equipment.*
62. *Portable propane heaters shall be prohibited on the outdoor patio. Natural gas or electric heaters are allowed if installed per their listing and the California Electrical or Plumbing Code.*
63. The rear doors of the facility shall remain closed at all times. The use of the rear door shall be limited to deliveries and employee use only. Ingress and egress by patrons is prohibited unless there is an emergency.
64. All exits shall remain free of obstructions and available for ingress and egress at all times.
65. The final location and design of the fire pit shall be approved by the Fire Department.

Public Works Department Conditions

66. *County Sanitation District fees shall be paid prior to the issuance of any building permits.*

67. *New and existing fire services, when required by the Fire Department, shall be protected by a University of Southern California approved double check detector assemble and installed per STD-517-L.*
68. *New domestic water services shall be installed per STD-502-L or STD-503-L, depending on the size.*
69. *New and existing commercial water meter(s) shall be protected by a University of Southern California approved reduced pressure backflow assembly and installed per STD-520-L-A.*
70. *New and existing sewer laterals shall have a cleanout installed per STD-406-L.*

Police Department Conditions

71. *This approval does not permit the premises to operate as a bar, tavern, cocktail lounge, or nightclub as defined by the Newport Beach Municipal Code.*
72. *Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.*
73. *No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.*
74. *No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when offered in conjunction with food ordered from the full service menu. There shall be no reduced price alcoholic beverage promotion after 9:00 p.m.*
75. *The petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based up on monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.*
76. *The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on command.*
77. *There shall be no on-site radio television, video, film, or other electronic or media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.*
78. *There shall be no live entertainment allowed on the premises.*

79. *There shall be no dancing allowed on the premises.*
80. *Strict adherence to maximum occupancy limits is required.*
81. *No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.*

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: 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.

By: _____

Jaime Murillo, Zoning Administrator

JM/ems

Attachments:

- ZA 1 Vicinity Map
- ZA 2 Existing Parking Tabulation
- ZA 3 Proposed Parking Tabulation
- ZA 4 Tenant Listing Site Plan
- ZA 5 Proposed Parking Site Plan
- ZA 6 Pirzadeh Parking Summary, dated July 21, 2011
- ZA 7 Memorandum from Detective Brian Haas, Police Department, dated June 15, 2011
- ZA 8 Memorandum on Alcohol Related Statistics from Crime Analyst Paul Salenko, Police Department, dated June 14, 2011
- ZA 9 Project Plans
- ZA 10 Written Correspondence from Randolph McDevitt and Christina Voso, Champagnes Deli and Grill, dated July 27, 2011

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Minor Use Permit No. UP2011-014
PA2011-098

1200 Bison Avenue, Suite C-2

Sc

Attachment No. ZA 2

Existing Parking Tabulation

Exisiting Parking Tabulation for Newport North Retail Center

Address	Tenant	Discretionary Permits	Sq. Ft.	Parking Requirement	Number of Spaces Required
1220A7	Vacant (Formerally Wachovia)	N/A	3414	1/250	14
1220A6	The Video Editor	N/A	1200	1/250	5
12220A5	Labels	N/A	1200	1/250	5
1220A3	Bison Photos.com	N/A	1200	1/250	5
1220A3	Pilates Plus	UP2009-003(PA2009-015)	1200	9	9
1220A2	Elegance Family Denistry	N/A	1214	1/200	7
1220A1	Baskin Robbins	MD4029	1135	1/250	5
1280B1	Mag's Donuts	UP3363	1110	5 (24 Waived)	5
1280B2	Scottrade	N/A	1226	1/250	5
1280B3	Anthony's Shoe Repair	N/A	1193	1/250	5
1280B4	Newport North Cleaners	N/A	1500	1/250	6
1280B5	Newport North Tailors	N/A	900	1/250	4
1280B6	Royal Jewelers	N/A	922	1/250	4
1280B7	Newport North Optometry	N/A	1214	1/250	5
1280B8	Happy Nails & Spa	N/A	920	1 per 80	12
1280B9	Mailboxes - Newport	N/A	1500	1/250	6
1280B10	Salon Belcourt	N/A	1842	1/250	8
1280B15	Petco	N/A	10925	1/250	44
1260D3	Champagne's Deli and Grill	UP3514	2905	1 per 40 net public area (1370 net public area)	35
1280D1	Tully's Coffee	UP70 and OD77	1800	1 space every 3 seats	7
1260	Chevron	N/A	2400	1/300 or 5 per service bay whichever is less (min 4); w/ convenience market 1/200, in addition to 5 per service bay (minium of 8 spaces per PC regs)	8
1200C1	Blockbuster	N/A	6127	1/250	25
Total Sq. Ft.			47047	Total Number of Parking Spaces Required	229
				Total Number of Parking Spaces Provided	272
				Parking Surplus	43

Attachment No. ZA 3

Proposed Parking Tabulation

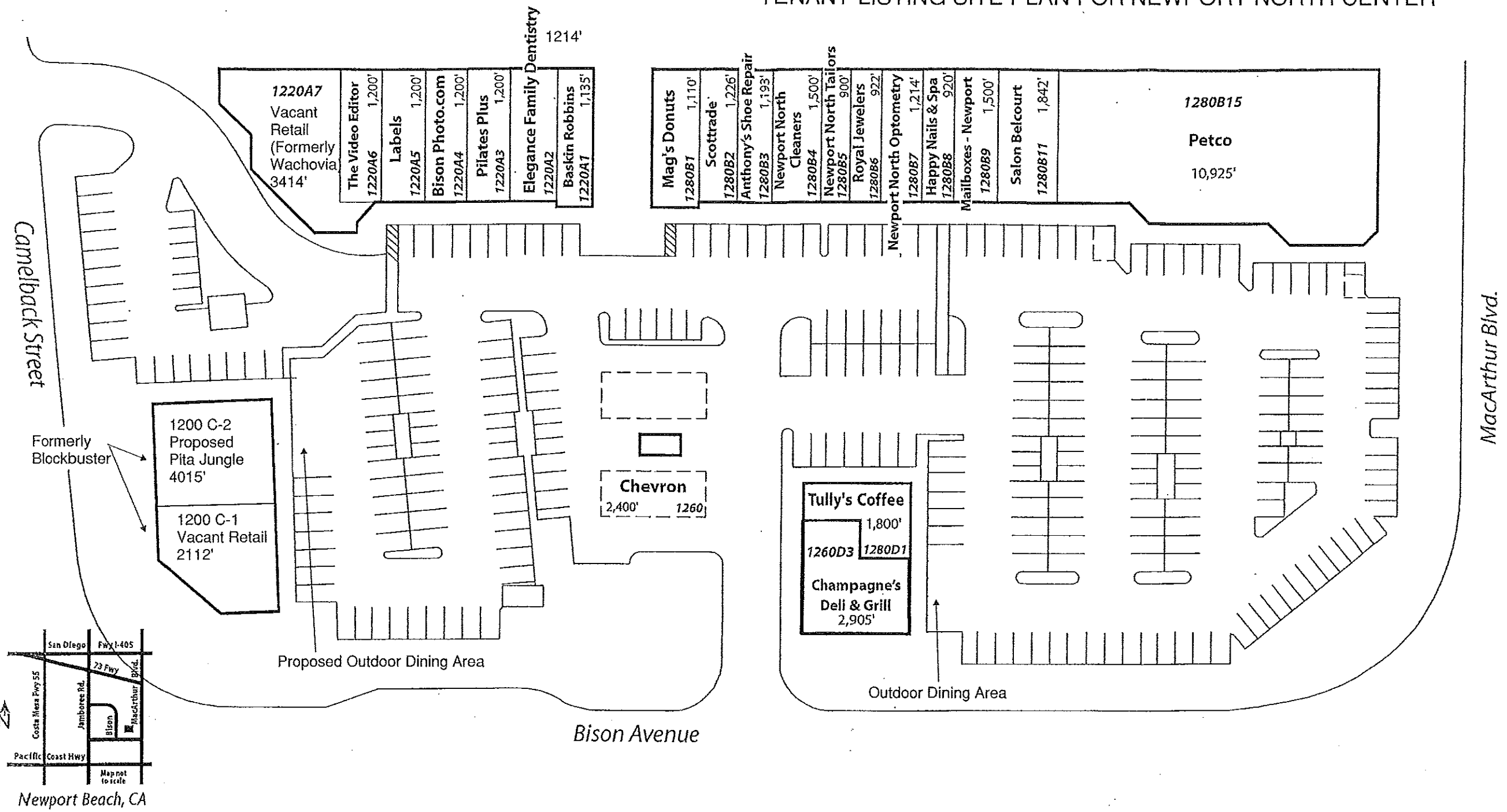
Proposed Parking Tabulation for Newport North Retail Center

Address	Tenant	Discretionary Permits	Sq. Ft.	Parking Requirement	Number of Spaces Required
1220A7	Vacant (Formerly Wachovia)	N/A	3414	1/250	14
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1220A3	Bison Photos.com	N/A	1200	1/250	5
1220A3	Pilates Plus	UP2009-003(PA2009-015)	1200	9	9
1220A2	Elegance Family Dentistry	N/A	1214	1/200	7
1220A1	Baskin Robbins	MD4029	1135	1/250	5
1280B1	Mag's Donuts	UP3363	1110	5 (24 Waived)	5
1280B2	Scottrade	N/A	1226	1/250	5
1280B3	Anthony's Shoe Repair	N/A	1193	1/250	5
1280B4	Newport North Cleaners	N/A	1500	1/250	6
1280B5	Newport North Tailors	N/A	900	1/250	4
1280B6	Royal Jewelers	N/A	922	1/250	4
1280B7	Newport North Optometry	N/A	1214	1/250	5
1280B8	Happy Nails & Spa	N/A	920	1 per 80	12
1280B9	Mailboxes - Newport	N/A	1500	1/250	6
1280B10	Salon Belcourt	N/A	1842	1/250	8
1280B15	Petco	N/A	10925	1/250	44
1260D3	Champagne's Deli and Grill	UP3514	2905	1 per 40 net public area (1370 net public area)	35
1280D1	Tully's Coffee	UP70 and OD77	1800	1 space every 3 seats	7
1260	Chevron	N/A	2400	1/300 or 5 per service bay whichever is less (min 4); w/ convenience market 1/200, in addition to 5 per service bay (minimum of 8 spaces per PC regs)	8
1200C1	Vacant	N/A	2112	1/250	9
1200C2	Pita Jungle (Proposed)	UP2011-014 (PA2011-98)	4015	1 per 40 net public area (1971 net public area)	50
		Total Sq. Ft.	47047	Total Number of Parking Spaces Required	263
				Total Number of Parking Spaces Provided	266
				Parking Surplus	3

Attachment No. ZA 4

Tenant Listing Site Plan

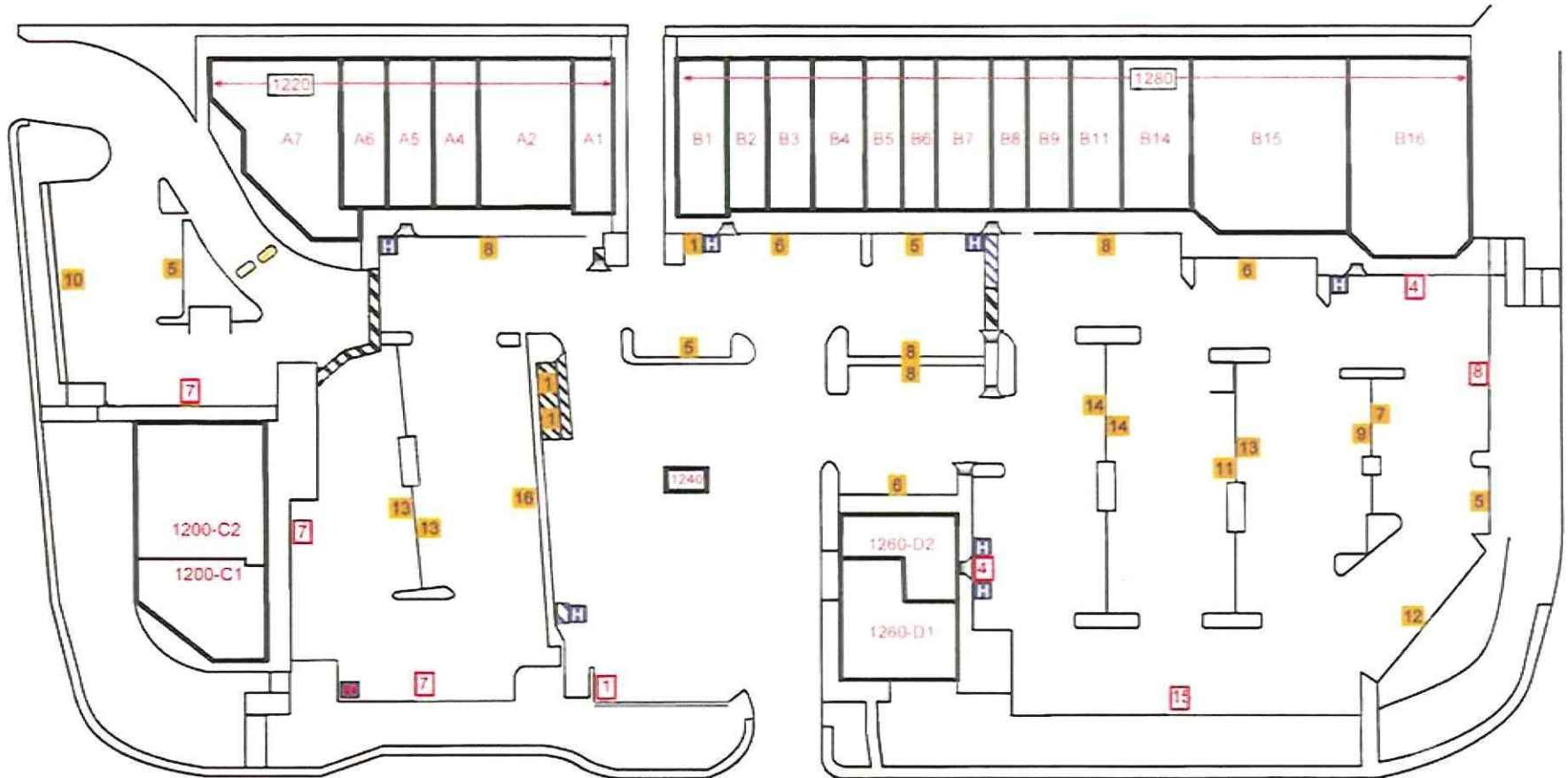
TENANT LISTING SITE PLAN FOR NEWPORT NORTH CENTER











Attachment No. ZA 5

Proposed Parking Site Plan

Proposed Parking Site Plan North Newport Center



Total Square Footage
of Parking Area:
113,885 Sq. Ft.

	Handicap Space		Ramp
	Total # of Handicap Spaces		Speed Bump
	Number of Parking Spaces		Striping for Handicap Space
		Total # of Regular Parking Spaces	
		Total # of Parking Spaces	

Attachment No. ZA 6

Pirzadeh Parking Summary,
dated July 21, 2011

July 21, 2011

RECEIVED BY
PLANNING DEPARTMENT

JUL 22 2011

CITY OF NEWPORT BEACH

Ms. Erin Steffen
Planning Technician
Planning Department
City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92658-8915

Subject: Newport North Center, Parking Summary (UP2011-014)

Dear Erin,

The following parking summary has been conducted in response to Comment Number 1, 2, and 3 in correspondence dated May 10, 2011 for Minor Use Permit Number UP2011-014 that will allow a restaurant use, Pita Jungle, to operate at Newport North Center.

This report provides an evaluation of the existing Newport North Center parking characteristics and requirements that have been approved with various discretionary actions. The evaluation addresses the potential impact that establishing a full service restaurant will have on the parking supply for the center and the remaining vacant tenant space in the building where Pita Jungle will be located.

The parking requirements for the center were based on the North Ford Planned Community District regulations that required one parking space per 250 square feet of floor area of commercial use plus eight parking spaces for the service station that resulted in a total required parking for the center of 187 parking spaces. With subsequent discretionary approvals the mix of uses changed with the addition of eating and drinking establishments, medical, personal services, and health related uses that increased the total amount of required parking, see Attachment 1. Using the most current information there are 43 surplus parking spaces on-site.

The current parking inventory provided on-site totals 272 parking spaces while the existing mix of uses requires 229 parking spaces that results in a surplus of 43 parking spaces. The proposed restaurant will occupy a portion of the 6,127 square foot building at 1200 Bison Avenue formerly occupied by Blockbuster Video. Based on the floor plan dated May 19, 2011 prepared by Tanaka and Riley Architects, the use will consist of a 4,015 square foot restaurant with a 640 square foot patio. The remaining suite will contain 2,112 square feet. In accordance with the City's Zoning Code, Chapter 20.40 – Off-Street Parking, the calculation for the number of required parking spaces for food service with/without alcohol, with/without late hours is one parking space per 30 – 50 square feet of net public area, including outdoor dining areas, but excludes the first 25-percent or 1,000 square feet of

Ms. Erin Steffen

Page 2

July 21, 2011

outdoor dining, whichever is less. Using the architect's floor area calculations the proposed restaurant will have 1,775 square feet of indoor restaurant use and 640 square feet of outdoor dining area. Applying the City's methodology for calculating the required parking, the proposed use will require 44 parking spaces.

- Interior Net Public Area = 1,775 Square Feet
- Outdoor Patio Area = 640 Square Feet

Outdoor Dining Area Calculation

- 1,775 Square Feet (Interior Net Public Area) x 0.25% = 444 Square Feet
 - 444 Square Feet is less than 1,000 Square Feet, thus
- 640 Square Feet (Outdoor Patio) – 444 Square feet = 196 Square Feet
- Total area for purpose of calculating parking: 1,775 + 166 = 1,971 Square Feet
- Number of parking spaces required: 1,971/45 = 44 Parking Spaces

As indicated above, the adopted parking rate shown in the City's Zoning Code for food service with/without alcohol, with/without late hours varies between one parking space per 30 – 50 square feet of net public area.

The proposed restaurant, Pita Jungle, will function similar to the operations of Chipotle Mexican Grill Restaurant with the exception that quick service at the table will be provided. This type of restaurant has a turn-over rate of less than an hour as compared to a full service/full menu restaurant that typically have patron turn-over rates exceeding one to two-hours. The typical daily sales for Pita Jungle consists of 30-percent take-out orders, 30-percent lunch sales, 35-percent dinner sales, and five-percent alcohol sales. The menu consists of items that are moderately priced, quickly prepared, and suitable for take-out, which is evident by the amount of take-out service that Pita Jungle experiences. Based on the type of use and sales in conjunction with the expected patron turn-over rate we recommend using a conservative approach with establishing the parking rate and use one parking space per 45 square feet of net public area to determine the required parking for the proposed use. As a comparison the former Marco Polo Italian Restaurant that offered a more upscale menu and had patron turn-over rates that generally exceeded one-hour was parked at one space per 40 square feet of net public area.

Newport North Center includes a variety of hard and soft good retailers, personal care services, food uses, and a coffee shop. The level of activity associated with the mix of uses generally peaks during mid-day and slowly decreases toward the evening. Because of the type of uses the center may experience a higher parking demand during the noon hour. However, the remainder of the day and especially during the evening, the parking supply should be more than adequate to meet the parking demand. Approximately 35-percent of the existing uses close between 5:00 PM and 6:00 PM. Also, during the noon peak period there will be some synergy from patrons visiting other stores and internal capture from

people that work at the adjacent stores that will walk to Pita Jungle. Lastly, the pad where Pita Jungle is located is somewhat isolated from the main concentration of stores and has convenient access to a significant number of parking spaces adjacent to the building that will minimize potential parking congestion within the other parking fields within the center.

Therefore applying the recommended parking rate of one parking space per 45 square feet of net public area to the 1,971 square feet being used for calculating the required parking is reasonable and appropriate for Pita Jungle.

Table 2	
Newport North Center Proposed Parking Summary	
Total Parking Spaces Provided (Includes Patio/Parking Lot Modifications)	266
Total Parking Spaces Required	229
Parking Spaces from Retail Use (1200 Bison Ave)	25
Total Available Parking Spaces	62
Required Parking Spaces, Pita Jungle	44
Surplus/(Deficit) Parking Spaces	18

As indicated previously the current parking supply totals 272 parking spaces, see Attachment 2. To accommodate the patio for the proposed use, the parking area adjacent to the building that Pita Jungle intends to occupy will be modified and in conjunction with other proposed parking lot modifications, will result in a net loss of six parking spaces from the parking space inventory. The proposed parking provided for Newport North Center will be 266 parking spaces, see Attachment 3. There are 62 surplus parking spaces available when the 25 parking spaces that were allocated to the building that Pita Jungle will occupy are included in total available parking spaces, see Table 2.

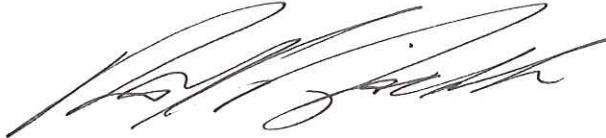
After modifying the parking summary for the center to accommodate the required parking for the proposed Pita Jungle restaurant and deducting the parking spaces being removed for the patio construction and parking area modifications there will be 18 parking spaces available for the remaining 2,112 square feet of residual tenant space within this building. The number of remaining parking spaces would allow a retail use to occupy the remaining square footage without exceeding the number of parking spaces provided for Newport North Center.

It can be concluded that based on the City's Zoning Code for calculating net public area for eating and drinking establishments and applying the recommended code required parking that the proposed use will not adversely affect the existing parking supply or prohibit Irvine Company from attaining full occupancy in Newport North Center.

Ms. Erin Steffen
Page 4
July 21, 2011

Please call me if you have any questions regarding the above evaluation, or if you need any additional information.

Sincerely,



Peter K. Pirzadeh, P.E.
Principal



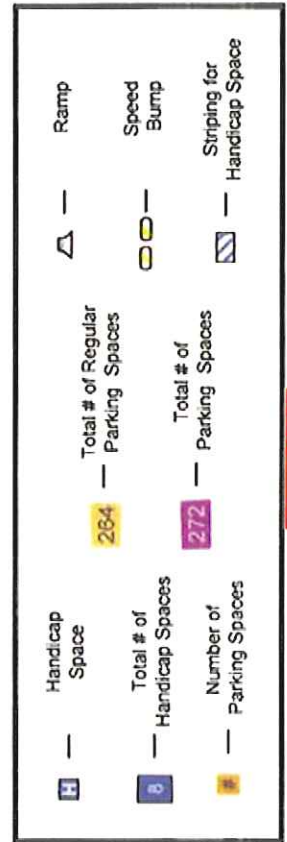
Attachments

c: Sergio Linares, Irvine Company Retail Properties
Jackie Hare, jlhare Associates

Newport North Center (UP2011-014)
June 21, 2011

Table 1 Newport North Center Parking Summary				
Tenant	Suite Number	Square Feet	Parking Rate or Number of Spaces Required	Required Parking
Baskin Robbins	A1	1,135	1/250 SF	5
Elegance Family Dentistry	A2	1,214	1/200 SF	7
Pilates Plus	A3	1,200	9	9
Bison Photos.com	A4	1,200	1/250 SF	5
Labels	A5	1,200	1/250 SF	5
The Video Editor	A6	1,200	1/250 SF	5
Vacant	A7	3,414	1/250 SF	14
Mag's Donuts	B1	1,110	Use Permit 3363	5
Scottrade	B2	1,226	1/250 SF	5
Anthony's Shoe Repair	B3	1,193	1/250 SF	5
Newport North Cleaners	B4	1,500	1/250 SF	6
Newport North Tailors	B5	900	1/250 SF	4
Royal Jewelers	B6	922	1/250 SF	4
Newport North Optometry	B7	1,214	1/250 SF	5
Happy Nails & Spa	B8	920	1/80 SF	12
Mailboxes - Newport	B9	1,500	1/250 SF	6
Salon Belcourt	B10	1,842	1/250 SF	8
Petco	B15	10,925	1/250 SF	44
Tulley's Coffee	D1	1,800	Use Permit 70	7
Champagne's Deli and Grill	D3	2,905	Use Permit 3514	35
Chevron		2,400	8	8
Vacant	C1	6,127	1/250 SF	25
Totals		47,047		229
Total Paking Spaces Provided				272
Surplus/(Deficit) parking Spaces				43

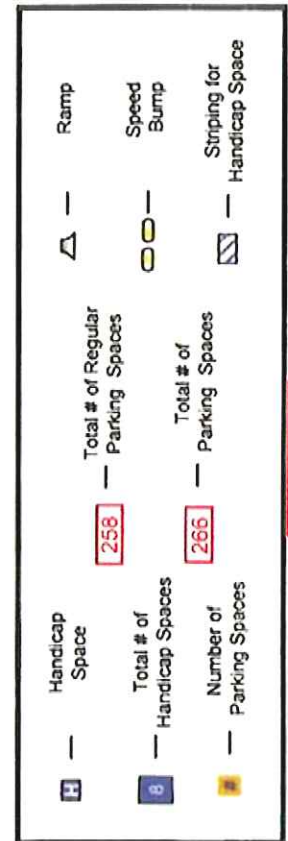
Parking Site Plan



**Total Square Footage
of Parking Area:
113,885 Sq. Ft.**

May 2011

Newport North Center



May 2011

Attachment No. ZA 7

Memorandum from Detective Brian Haas,
Police Department, dated June 15, 2011

**City of Newport Beach
Police Department**

M e m o r a n d u m

June 15, 2011

TO: Erin Steffen, Assistant Planner

FROM: Detective Brian Haas

SUBJECT: Pita Jungle Restaurant, 1200 Bison Avenue, Suite C-2
Use Permit No. UP2011-014 (PA2011-098).

At your request, the Police Department has reviewed the project application for *Pita Jungle*, located at 1200 Bison Avenue, Suite C-2, Newport Beach. Per the project description, the applicant is requesting a minor use permit to convert 4,015 square feet of existing retail space to a food service, eating and drinking establishment with 1,775 square feet of interior net public area and a 640 square foot outdoor patio area. The establishment will provide a maximum of 115 interior seats with an additional 50 seats on the patio. The hours of operation, including the outdoor patio, will be from 10:30 a.m. to 10:00 p.m. No live entertainment or dancing will be provided.

The applicant will apply for a Type 47 (General – Eating Place) license with the Department of Alcoholic Beverage Control. The license will be conditioned appropriately to protect the health, safety and welfare of the community.

I have included a report by Crime Analyst Paul Salenko 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 45% lower than the average of all reporting districts in the City. Additionally, this location is also within an RD that is over the Orange County per capita of ABC licenses.

Applicant History

Pita Jungle was established in 1994 and is a franchise company with the majority of locations in Arizona. They have recently branched out into California with the most recent franchise opening in Pasadena. Pita Jungle advertises food that is fresh and healthy that will appeal to a diverse clientele. They hope the proposed location will appeal to students at nearby U.C. Irvine.

The restaurant itself will be indicative of an upscale dining establishment with a fixed bar, which will add to the overall ambiance. The three co-owners, Eric

Gruber, Cary Goronkin, and Mark Roth do not currently operate any other Pita Jungle franchises.

Recommendations

The Police Department has no objection to the operation as described by the applicant.

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 are from 10:30 a.m. to 10:00 p.m., daily.

Security

The Police Department has no recommendations.

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.

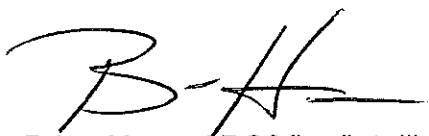
Other Recommended Conditions

In addition, the Police Department has determined that the following conditions would be appropriate for the Conditional Use Permit for the business:

1. Approval does not permit Pita Jungle to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Municipal Code, unless the Planning Commission first approves a use permit.
2. Food service from the regular menu must be available to patrons up to thirty (30) minutes before the scheduled closing time.

3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed except when offered in conjunction with food ordered from the full service menu. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
5. 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.
6. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
7. There shall be no on-site radio, television, video, film or other electronic media broadcasts, including recordings to be broadcasted at a later time, which include the service of alcoholic beverages, without first obtaining an approved special event permit issued by the City of Newport Beach.
8. There shall be no live entertainment allowed on the premises.
9. There shall be no dancing allowed on the premises.
10. Strict adherence to maximum occupancy limits is required.
11. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted.

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



Brian Haas, ABC/Vice/Intelligence
Detective Division



Craig Fox, Captain
Detective Division Commander

Attachment No. ZA 8

Memorandum on Alcohol Related Crime
Statistics from Crime Analyst Paul
Salenko, Police Department, dated June
14, 2011

City of Newport Beach

Police Department

Memorandum

June 14, 2011

TO: Erin M. Steffen, Planning Technician

FROM: Paul Salenko, Crime Analyst

SUBJECT: Alcohol Related Statistics

At your request, our office has reviewed police services data for the Pita Jungle at 1200 Bison Avenue Suite C-2. This area encompasses our reporting district (RD) number 54 as well as part of Census Tract 626.18. This report reflects City of Newport Beach crime data for calendar year 2010, which is the most current data available.

Calls for Service Information

City wide there were approximately 65,807 calls for police services during this time, of which 569 were in RD54. A "call for service" is, *any contact of the police department by a citizen which results in the dispatching of a unit or causes the contacted employee to take some sort of action*, such as criminal investigations, alarm responses, traffic accidents, parking problems, and animal control calls, etc.

Crime Information

There were 5,845 crimes reported to the Newport Beach Police Department during this period. Of this total, 2,756 were Part One Crimes (including Simple Assaults). Part One crimes are the eight most serious crimes (*Homicide, forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny-theft, Auto Theft and Arson*) as defined by the FBI in the Uniform Crime Reports. The remaining 3,089 were Part Two crimes. The Part One crime rate for the entire city during this same period was 3,191.81 per 100,000 people. The national Part One crime rate was 3,465.52* per 100,000 people.

Crimes	RD 54	Newport Beach	California*	National*
Part 1	45	2,884	1,184,073	10,639,369
Part 2	22	3,350	N/A	N/A
Part 1 Crime Rate	2,215.55	3,297.31	3,203.52	3,465.52

The number of active ABC licenses in this RD is 6**
Per capita ratio 1 license for every 339 residents.

This reporting district had a total of 78 reported crimes as compared to a City wide reporting district average of 152 reported crimes. This reporting district is 74 fewer crimes or 48.61% below the City wide reporting district average. This location is within an RD that is over the Orange County per capita average of ABC licenses**.

Arrest Information

There were 11 DUI arrests and 0 Plain Drunk arrest in this area during this same period as compared to 1,272 for the entire city. This RD amounts to .86% of the DUI/Drunk arrests made in the entire City. According to a recent national study by the Department of Justice, more than 36% of adult offenders convicted of crimes in 2009 had been drinking at the time of their arrest.

Arrests (DUI/Drunk)	RD 54	Newport Beach	California*	National*
	11	1,272	324,442	2,095,731
Total Arrests	22	3,595	1,474,004	13,687,241

Additional Information

The Alcoholic Beverage Outlets ordinance states that the Planning Commission shall consider the crime rate in the adjacent reporting districts. The two adjacent reporting districts you requested are RD 36 and RD 51

Crimes	RD 36	RD 51
Part 1	97	39
Part 2	54	29
Crime Rate	2,103.83	929.18
Arrests (DUI/Drunk)	18	8
Total Arrests	50	24
Calls For Service	2,164	1,153
Number of active ABC licenses	1**	0**
Per capita ratio1 license for every	4,611* residents	NA* residents.

Note: It is important to remember that when dealing with small numbers any change greatly affects any percentage changes.

The population figure used for the Crime Rate was 86,252.

*These numbers are from the 2009 Uniform Crime Reports, which is the most recent edition.


The **number of active ABC licenses is the total of all types of licenses known to the police department as of the date of this document. As of June 30, 2009 the Orange County average of active, retail ABC licenses was 1 license for every 542 residents. (5,589 licenses and a population of 3,026,786)

If you are in need of any further assistance, please contact me at (949) 644-3791.

Paul Salenko
Crime Analysis Unit

Attachment No. ZA 9

Project Plans



Suite C-1 (Vacant)

Suite C-2 (Proposed Pita Jungle)

Trash Enclosures (Existing)

Accessory Outdoor Dining Patio

Gas Fire Pit

AREA ANALYSIS

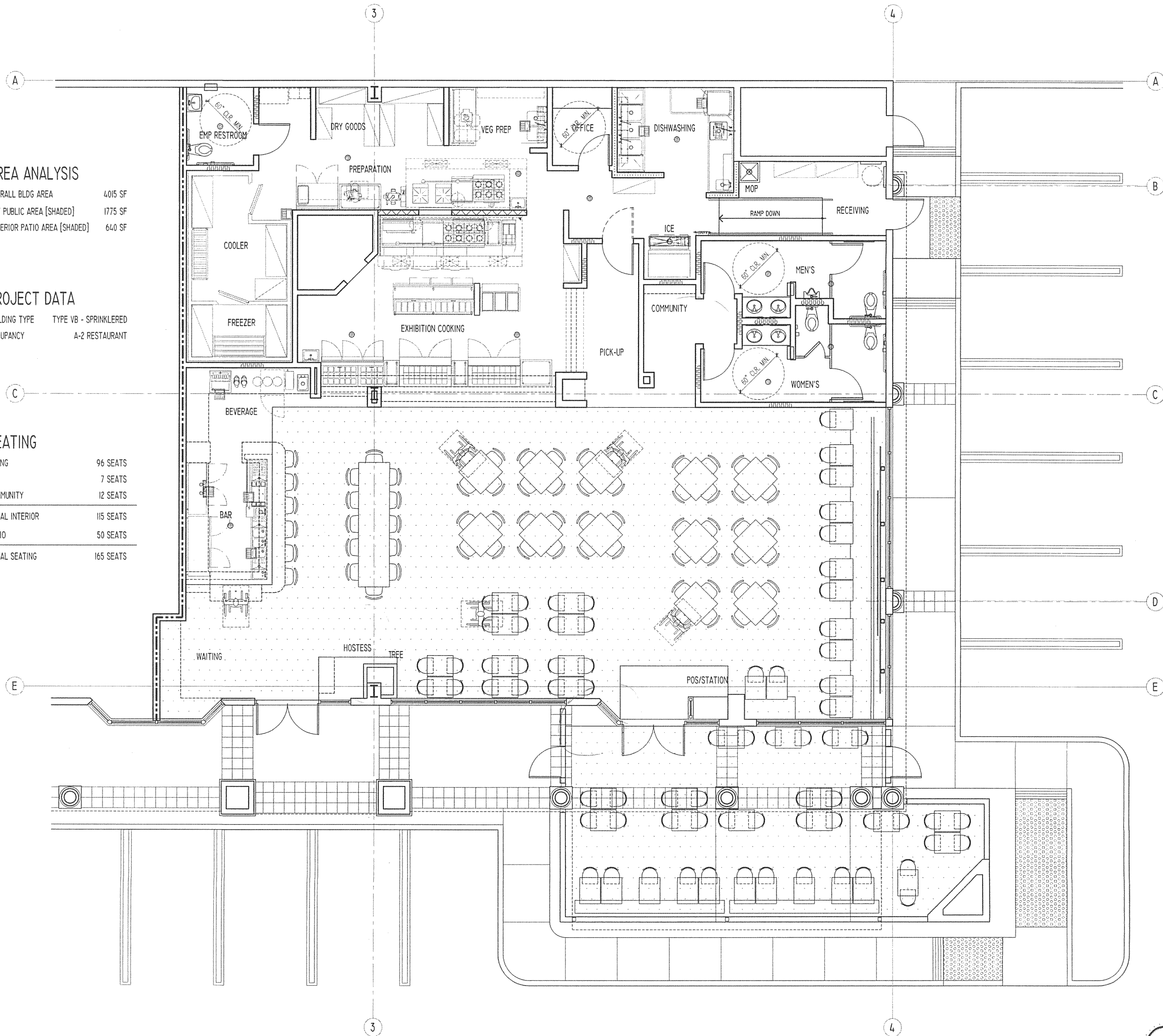
OVERALL BLDG AREA	4015 SF
NET PUBLIC AREA (SHADED)	1775 SF
EXTERIOR PATIO AREA (SHADED)	640 SF

PROJECT DATA

BUILDING TYPE	TYPE VB - SPRINKLERED
OCCUPANCY	A-2 RESTAURANT

SEATING

DINING	96 SEATS
BAR	7 SEATS
COMMUNITY	12 SEATS
TOTAL INTERIOR	115 SEATS
PATIO	50 SEATS
TOTAL SEATING	165 SEATS



NOTED FLOOR PLAN AND SEATING PLAN

SCALE: 1/4" = 1'-0"

GENERAL NOTES

- HEIGHT REFERENCES ARE TAKEN FROM DATUM FIN FLR ELEV 0'-0" UNO
- CONSPICUOUSLY POST OCCUPANT LOAD AT MAIN EXIT IN AREAS EXCEEDING 50 PERSONS - LETTERING OF CONTRASTING COLOR TO SIGN BACKGROUND
- ILLUMINATED EXIT SIGNS SHALL HAVE LETTERS WITH 3/4" INCH MIN WIDE STROKE BY 6 INCHES HIGH ON CONTRASTING BACKGROUND AND SHALL BE INTERNALLY ILLUMINATED IN ACCORDANCE WITH ALL APPLICABLE BLDG CODES
- PROVIDE PORTABLE FIRE EXTINGUISHER WITH RATING NOT LESS THAN 2A OR 2A10 BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF BLDG DURING CONSTRUCTION AND AFTER COMPLETION - EXTINGUISHERS TO BE INSTALLED IN SEMI-RECESSED CABINETS - CONFIRM FINAL LOCATIONS WITH FIRE MARSHALL - PROVIDE 2 PORTABLE EXTINGUISHERS WITH RATING NOT LESS THAN 40 BC IN KITCHEN - CONSPICUOUSLY MARK GAS SHUT-OFF VALVE - PROVIDE FIRE EXTINGUISHERS OUTSIDE OF MECHANICAL AND ELECTRICAL ROOMS AS REQUIRED
- HOT WATER AND DRAIN PIPES UNDER LAVATORIES SHALL BE INSULATED AND FREE FROM SHARP OR ABRASIVE SURFACES
- COORDINATE FINAL LOCATION OF ALL ACCESS PANELS WITH APPROPRIATE SUBCONTRACTORS PRIOR TO INSTALLATION
- WALLS SEPARATING PUBLIC AREAS FROM SERVICE AREAS AND FROM TOILET RMS TO BE FULLY INSULATED WITH SOUND INSULATION BATTS WIRED IN PLACE PROVIDE SOUND BATTS IN PARTITION SEPARATING MEN'S AND WOMEN'S TOILET RMS - LAY INSULATION BATTS CONTINUOUSLY IN CEILING ABOVE TOILET ROOMS
- ALL WALLS AND CEILINGS WHICH ARE SCHEDULED TO RECEIVE RECESSED, SURFACE MOUNTED, OR SUSPENDED EQUIPMENT ARE TO BE PROVIDED WITH ADEQUATE BLOCKING OR REINFORCING AS REQUIRED FOR PROPER INSTALLATION. CONTRACTOR SHALL PROVIDE AND INSTALL ALL STIFFENERS, BRACINGS, BACK-UP PLATES AND SUPPORTING BRACKETS REQUIRED FOR THE INSTALLATION OF ALL CASEWORK, HANDRAILS, GRAB BARS, TOILET ROOM ACCESSORIES AND PARTITIONS.
- PROVIDE FLURRED WALLS AS REQUIRED FOR ALL UTILITY AND DRAIN LINES THAT EXTEND UP THE INTERIOR WALL SURFACE OF EXISTING WALLS.

KEY NOTES

SYMBOLS LEGEND

	FLOOR SINK - SEE PLUMBING AND FOOD SERVICE DWGS
	FLOOR DRAIN - REFER TO PLUMBING DWGS
	ELECTRICAL PANEL - REFER TO ELECTRICAL DWGS
	MECHANICAL PANEL - REFER TO MECHANICAL DWGS
	EXIT SIGN ABOVE DOOR - REFER TO ELECTRICAL DWGS
	STRUCTURAL COLUMN - REFER TO STRUCTURAL DWGS
	FINISH MATERIAL TRANSITION
	REQUIRED ADA ACCESSIBLE SEATING OR OTHER ACCESS

tanaka + riley
architects

22895-A SAVI RANCH PKWY
YORBA LINDA, CA 92887
PHONE 714.283.1905
FAX 714.455.1313

RICHARD W. TANAKA
MICHAEL N. RILEY

ARCHITECT
ARCHITECT

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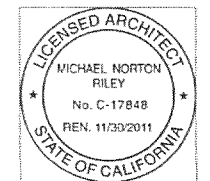
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INTERIOR TENANT IMPROVEMENT FOR:
PITA JUNGLE RESTAURANT
NEWPORT NORTH RETAIL CENTER
1200 BISON AVENUE
NEWPORT BEACH, CALIFORNIA 92660

SUBMITTAL DATES:	
DESCRIPTION	DATE
CUP SUBMITTAL	04.19.11
AGENCY SUBMITTAL	05.25.11
ISSUED FOR BID	06.13.11

REVISION DATES:	
NO.	DESCRIPTION
DATE	

PROFESSIONAL SEAL:

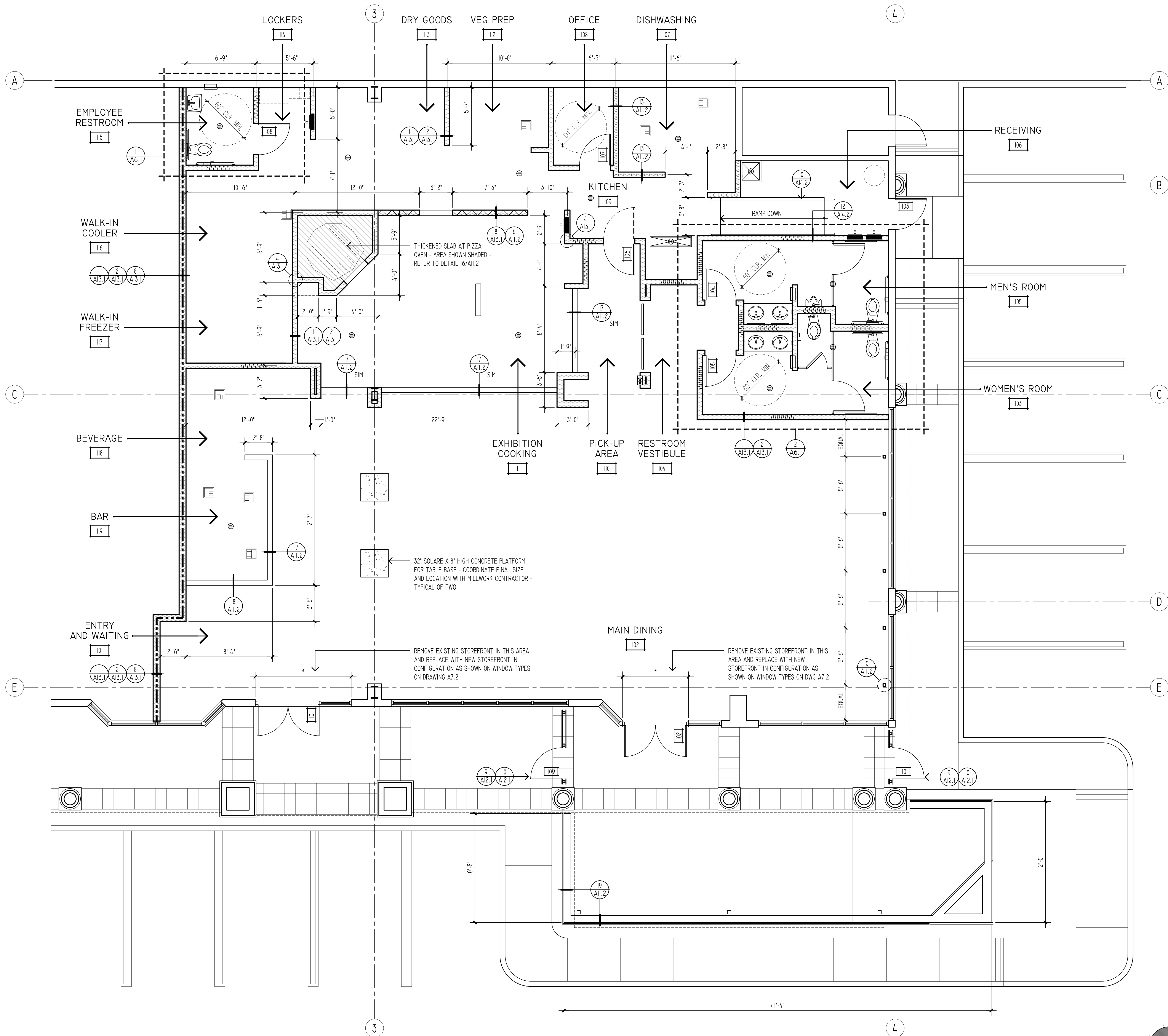


PROJECT NUMBER:
11024

TITLE:
NOTED FLOOR PLAN
AND SYMBOLS LEGEND

GENERAL NOTES
SHEET NUMBER:

A2.1



DIMENSIONED FLOOR PLAN

SCALE: 1/4" = 1'-0"

GENERAL NOTES

- HEIGHT REFERENCES TAKEN FROM DATUM FINISH FLOOR ELEVATION 0'-0" - UNLESS NOTED OTHERWISE
- DIMENSIONS TO CENTER OF STUD OR COLUMN, FACE OF STUD OR MASONRY, OR CENTER OF DOOR OR WINDOW OPENINGS - UNLESS NOTED OTHERWISE - DOORS AND WINDOWS CENTERED IN BAY OR LOCATED 3 INCHES FROM PERPENDICULAR WALL, UNLESS DIMENSIONED OTHERWISE - DIMENSIONS FROM EXIST SURFACES TO FINISHED FACE
- DIMENSIONS MARKED - CLEAR - TO BE MAINTAINED WITHIN 1/8 INCH ALONG FULL HEIGHT AND WIDTH OF WALLS, AND ALLOW FOR THICKNESS OF FINISHES
- DIMENSIONS MARKED - VERIFY - TO BE VERIFIED BY CONTRACTOR IN FIELD - CONTRACTOR SHALL NOTIFY ARCHITECT AND PROVIDE WRITTEN DOCUMENTATION OF ANY DISCREPANCY IN DIMENSIONS PRIOR TO PROCEEDING WITH WORK
- REFER TO DRAWING A8.1 FOR ADDITIONAL INFORMATION ON NON-BEARING METAL STUD FRAMING INCLUDING DETAILS, BRACING, LIMITING HEIGHTS AND SPECS
- REVIEW PROPOSED WALL LOCATIONS PRIOR TO COMMENCING WORK AND CONTACT ARCHITECT IF THERE ARE ANY STRUCTURAL ELEMENTS, UTILITIES, OR OTHER ITEMS THAT PRECLUDE A CONTINUOUS FLUSH FINISH FOR ENTIRE LENGTH OF WALL - OFFSET STUDS OR FURR AS REQUIRED TO CREATE FLUSH FINISHES ON ADJACENT WALL SURFACES - FIELD REVIEW CONDITIONS FOR WALLS PARALLEL TO EXISTING SPRINKLER LINES, HVAC DUCTS, OR OTHER UTILITIES - BID AS REQUIRED TO RELOCATE EXISTING ELEMENTS AS REQUIRED
- REFER TO DRAWINGS A9.1, A9.2 AND A9.3 FOR ADDITIONAL INFORMATION ON DISABLED ACCESS STANDARDS AND DETAILS - EXITS SHALL COMPLY WITH ALL APPLICABLE BUILDING CODE REQUIREMENTS - SEE DRAWING A9.2 FOR CLEARANCES AT DOORS - NOTIFY ARCHITECT IF LAYOUT WILL NOT PERMIT CLEARANCES SHOWN
- AT WALLS AND CEILINGS SCHEDULED TO RECEIVE RECESSED, SURFACE MOUNTED, OR SUSPENDED EQUIPMENT - PROVIDE ADEQUATE BLOCKING OR REINFORCING AS REQUIRED FOR PROPER INSTALLATION - PROVIDE AND INSTALL ALL STIFFENERS, BRACING, BACK-UP PLATES AND BRACKETS REQUIRED FOR INSTALLATION OF CASEWORK, HANDRAILS, GRAB BARS, TOILET ACCESSORIES AND PARTITIONS
- PROVIDE 6 INCH STUDS AT ALL WALLS WHICH RECEIVE ELECTRICAL PANELS, MECHANICAL PANELS, AND PIPES OVER 2-1/2 INCHES IN DIAMETER - PROVIDE FURRED WALLS AS REQUIRED FOR ALL UTILITY AND DRAIN LINES THAT EXTEND UP INTERIOR WALL SURFACE OF EXISTING WALLS

WALL LEGEND

- REFER TO FINISH SCHEDULE AND INTERIOR ELEVATIONS FOR INTERIOR FINISHES - REFER TO DRAWING A11.1 FOR ADDITIONAL INFORMATION ON NON-BEARING METAL STUD FRAMING INCLUDING DETAILS, BRACING, LIMITING HEIGHTS AND SPECS
- EXISTING WALL TO REMAIN:
 - CONSTRUCTION TO REMAIN PROTECTED IN PLACE - VERIFY QUALITY OF EXISTING SURFACES
 - PREPARE AND PATCH AS REQUIRED TO RECEIVE NEW FINISHES
 - EXISTING FIRE RATED WALL TO REMAIN:
 - FIRE RATED CONSTRUCTION TO REMAIN - PROTECT IN PLACE
 - REPAIR OPENINGS WITH 5/8" TYPE X GYP BD OF SUFFICIENT LAYERS TO MAINTAIN REQUIRED FIRE RATING - FIRESTOP AND SMOKESEAL ALL PENETRATIONS
 - PREPARE AND PATCH AS REQD TO RECEIVE NEW FINISHES
 - TYPICAL NON-BEARING INTERIOR WALL:
 - 20 GAUGE METAL FRAMING AT 16 INCHES OC - UNO
 - WALL EXTENDS 6 INCHES ABV HIGHEST ADJ CEILING - UNO
 - TYPICAL FULL HEIGHT NON-BEARING INTERIOR WALL:
 - WALL EXTENDS TO UNDERSIDE OF ROOF OR FLR STRUCTURE
 - INTERIOR NON-BEARING SOUND-RATED WALL:
 - CONSTRUCT TYP NON-BEARING INT WALL - INSTALL 3-1/2 INCH THICK SOUND BATTS IN WALL CAVITY - WIRE IN PLACE
 - INTERIOR NON-BEARING COOKLINE WALL:
 - 18 GAUGE METAL FRAMING AT 16 INCHES OC - UNO
 - TYPICAL NON-BEARING FIRE RATED INTERIOR WALL:
 - 20 GA MTL FRAMING AT 16 INCHES OC - UNO - WITH 5/8" TYPE X GYP BD - FIRESTOP AND SMOKESEAL PENETRATIONS
 - WALL EXTENDS FULL HEIGHT TO ROOF OR FLR STRUCT ABV
 - TYPICAL NON-BEARING INTERIOR WALL ON RAISED CURB:
 - WALL TO BE CONSTRUCTED ON A 6 INCH HIGH CONC CURB
 - TYPICAL NON-BEARING PARTIAL HEIGHT INTERIOR WALL:
 - 20 GAUGE METAL FRAMING AT 16 INCHES OC - UNO
 - REFER TO FLOOR PLAN FOR WALL HEIGHT

SYMBOLS LEGEND

- FLOOR SINK - SEE PLUMBING AND FOOD SERVICE DWGS
- FLOOR DRAIN - REFER TO PLUMBING DWGS
- ELECTRICAL PANEL - REFER TO ELECTRICAL DWGS
- MECHANICAL PANEL - REFER TO MECHANICAL DWGS
- EXIT SIGN ABOVE DOOR - REFER TO ELECTRICAL DWGS
- STRUCTURAL COLUMN - REFER TO STRUCTURAL DWGS
- FINISH MATERIAL TRANSITION
- REQUIRED ADA ACCESSIBLE SEATING OR OTHER ACCESS

tanaka + riley
architects

22895-A SAVI RANCH PKWY
YORBA LINDA, CA 92887
PHONE 714.283.1905
FAX 714.455.1313

RICHARD W. TANAKA ARCHITECT
MICHAEL N. RILEY ARCHITECT

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INTERIOR TENANT IMPROVEMENT FOR:
PITA JUNGLE RESTAURANT
NEWPORT NORTH RETAIL CENTER

PARTIAL INTERIOR REMODEL OF FORMER BLOCKBUSTER VIDEO
1200 BISON AVENUE
NEWPORT BEACH, CALIFORNIA 92660

SUBMITTAL DATES:

DESCRIPTION	DATE
CUP SUBMITTAL	04.19.11
AGENCY SUBMITTAL	05.25.11
ISSUED FOR BID	06.27.11

REVISION DATES:

NO.	DESCRIPTION	DATE
1	AGENCY SUBMITTAL	06.25.11

PROFESSIONAL SEAL:



PROJECT NUMBER:

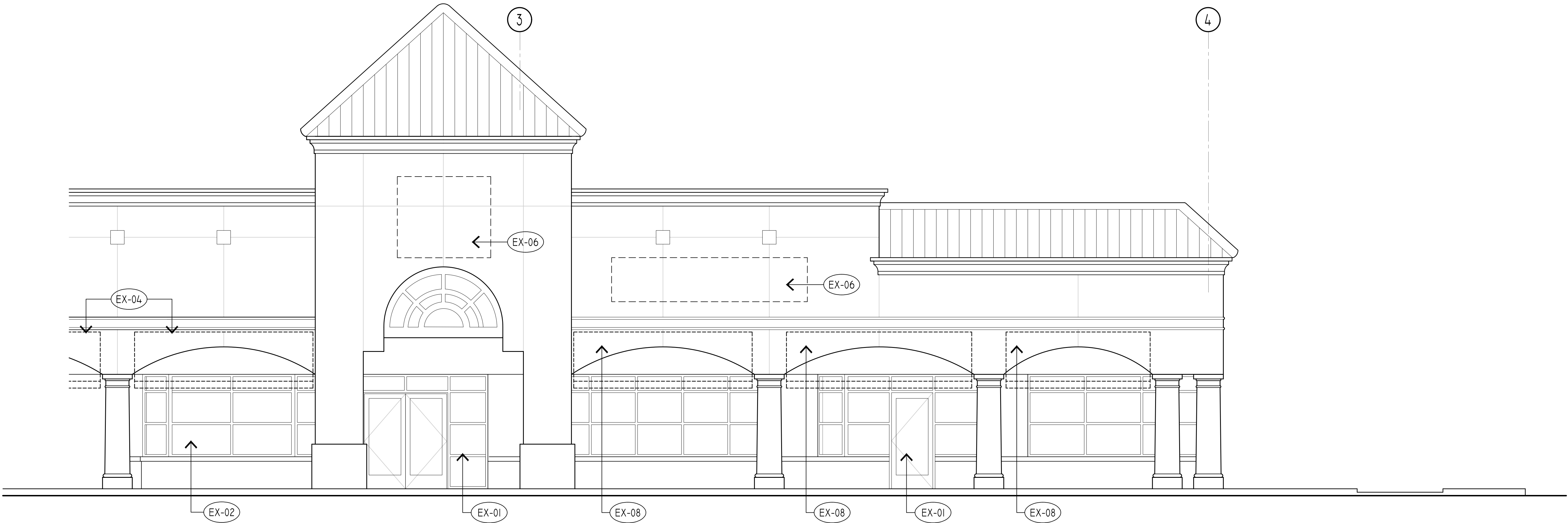
11024

TITLE:
DIMENSIONED FLOOR
PLAN AND WALL LEGEND

FLOOR PLAN NOTES

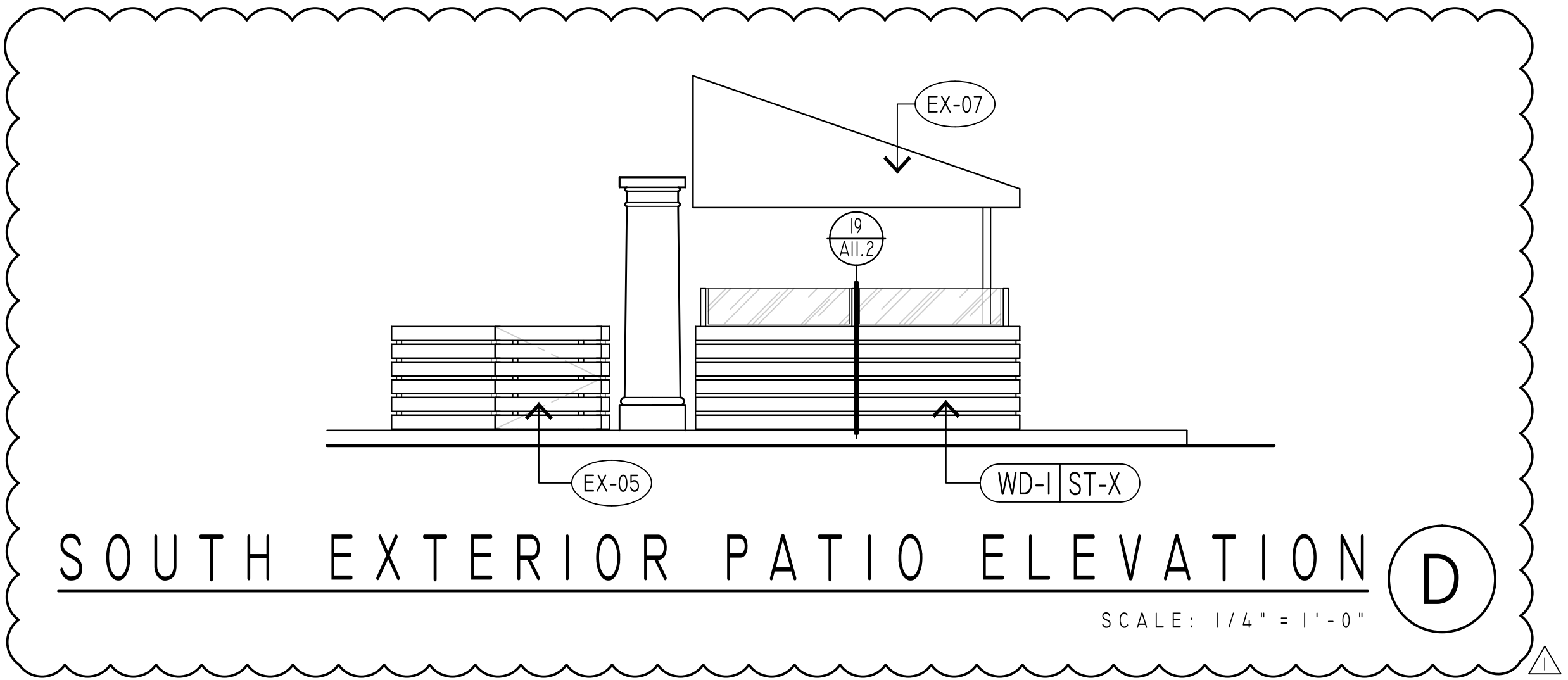
SHEET NUMBER:

A2.1



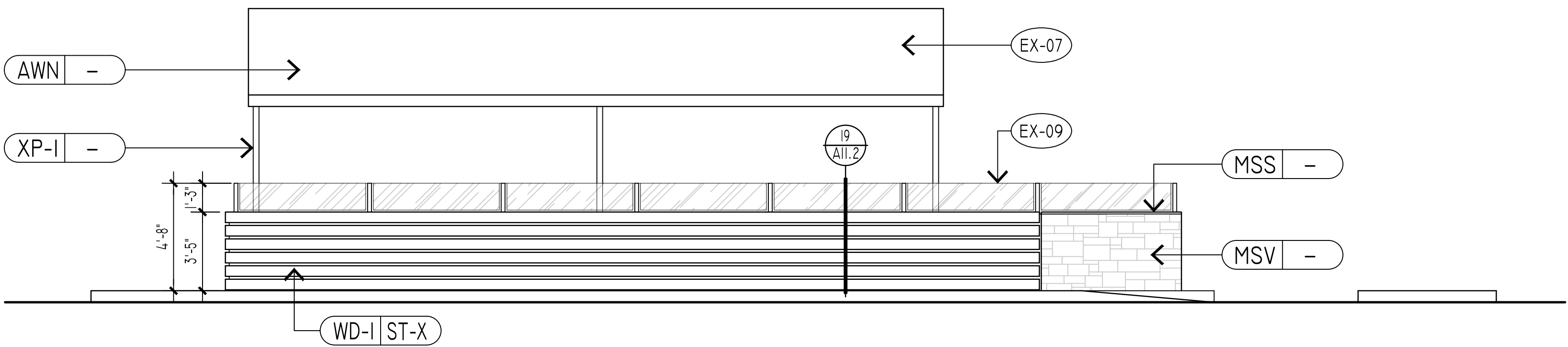
EAST EXTERIOR ELEVATION A

SCALE: 1/4" = 1'-0"



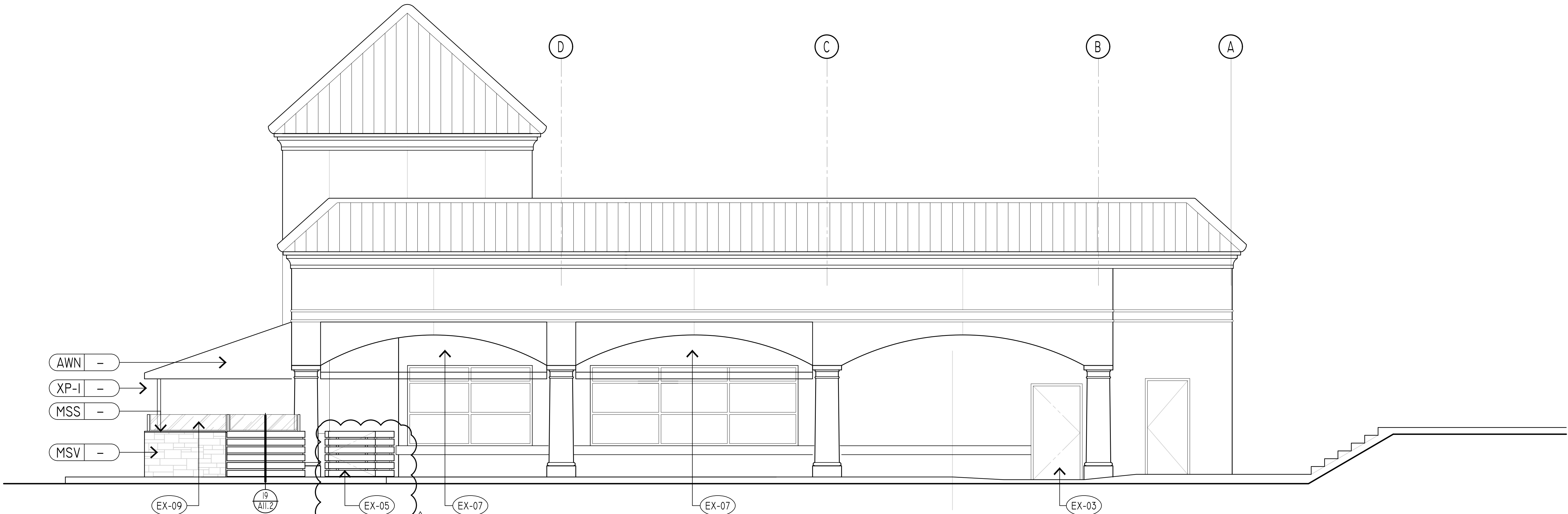
SOUTH EXTERIOR PATIO ELEVATION D

SCALE: 1/4" = 1'-0"



EAST EXTERIOR PATIO ELEVATION B

SCALE: 1/4" = 1'-0"



NORTH EXTERIOR ELEVATION C

SCALE: 1/4" = 1'-0"

GENERAL NOTES

- HEIGHT REFERENCES TAKEN FROM DATUM FINISH FLR ELEV 0'-0" - UNO -. DIMENSIONS ARE TO CENTER OF STUD OR COLUMN OR FACE OF STUD OR MASONRY - UNO - DIMENSIONS FROM EXIST SURFACES ARE TO FINISHED FACE - REFER TO DWG A2.0 FOR ADDITIONAL GUIDELINES ON DIMENSIONS
- VERIFY EXT MATERIAL AND COLOR FINISHES WITH DWGS - DISCREPANCIES SHALL BE BROUGHT TO ATTENTION OF ARCHITECT FOR CLARIFICATION PRIOR TO APPLICATION OF FINISHES - FIELD VERIFY ALL ELEVATIONS AND DIMENSIONS
- PROVIDE BUILDING ADDRESS NUMBERS MIN 6 INCHES HIGH IN CONTRASTING COLORS AND MATERIALS TO BUILDING - BUILDING ADDRESS NUMBERS SHALL BE VISIBLE DAY AND NIGHT AND LEGIBLE FROM STREET FRONTING PROPERTY
- CAULK ALL WINDOW AND DOOR FRAMES AND PENETRATIONS AT EXT FINISH - ALL GLAZING MUST BE MASKED PRIOR TO PAINTING
- ILLUMINATED SIGNAGE UNDER SEPARATE PERMIT - NIC - LOCATION AND SIZE TO BE FIELD COORDINATED WITH SIGN VENDOR - POWER BY CONTRACTOR
- ROOFING MATERIALS TO BE INSTALLED PRIOR TO APPLYING EXT PLASTER
- FLASHING TO BE 24 GA MIN GALVANIZED IRON - PAINT FLASHING EXPOSED TO PUBLIC VIEW - PROVIDE WEEP SCREEDS WITH MIN VERTICAL ATTACHMENT OF 3-1/2 INCHES AT FOUNDATION SILL PLATE OF EXTERIOR STUD WALLS
- GRADES AT PERIMETER OF BUILDING TO BE COORDINATED WITH CIVIL DWGS
- REFER TO ELECTRICAL DWGS FOR EXTERIOR LIGHTING - LOCATE AS SHOWN ON ARCH DWGS - NOTIFY ARCHITECT OF DISCREPANCIES
- ALL MECHANICAL UNITS AND OTHER ROOF MOUNTED EQUIPMENT SHALL BE SCREENED FROM VIEW BY PARAPET OR ROOF MOUNTED SCREEN ELEMENT - NOTIFY ARCHITECT IF FRAMED ELEVATIONS WILL NOT ACCOMPLISH SCREENING
- WHERE EXTERIOR WOOD TRIM IS SPECIFIED: APPLY EXT WOOD TRIM USING HOT DIPPED GALV SCREWS - HAND SELECT WOOD TRIM TO ENSURE MATERIAL IS FREE FROM WARP, CHECKS, GOUGES, SPLITS AND IS GENERALLY EXCELLENT QUALITY - INSTALL MATERIAL IN LONGEST PRACTICAL LENGTHS AND SIZES TO MINIMIZE JOINTS

KEY NOTES

- EX-1: STOREFRONT SYSTEM TO BE MODIFIED - REFER TO WINDOW TYPES - DRAWING A7.2
- EX-2: GLAZING SYSTEM TO BE MODIFIED - REFER TO WINDOW TYPES - DRAWING A7.2
- EX-3: NEW DOOR - REFER TO DOOR SCHEDULE AND DOOR TYPES - DRAWING A7.2
- EX-4: EXISTING AWNING TO REMAIN
- EX-5: GATE WITH PANIC HARDWARE - REFER TO DOOR TYPES - DRAWING A7.2
- EX-6: SIGN PROVIDED AND INSTALLED BY OWNER VENDOR - NIC - P OWNER BY CONTRACTOR - REFER TO ELECTRICAL DRAWINGS
- EX-7: NEW AWNING PROVIDED AND INSTALLED BY OWNER VENDOR - NIC
- EX-8: EXISTING AWNING TO BE REMOVED
- EX-9: GLASS WINDSCREEN IN STEEL FRAME

FINISH LEGEND

- AWN - CANVAS AWNING OVER MTL FRAME - FRAME COLOR: BLACK FABRIC MFR: SUNBRELLA FIRESIST - COLOR: BLACK
- MSS - MANUFACTURED STONE SILL ADHERED TO STUCCO SUBSTRATE MFR: TO BE DETERMINED STYLE: TO BE DETERMINED COLOR: TO BE DETERMINED
- MSV - MANUFACTURED STONE VENEER ADHERED TO STUCCO SUBSTRATE MFR: TO BE DETERMINED STYLE: TO BE DETERMINED COLOR: TO BE DETERMINED
- XP-1 EXTERIOR PAINT - GENERIC COLOR: MFR: TO BE DETERMINED COLOR: BLACK FINISH: SEMI-GLOSS
- XP-2 EXTERIOR PAINT - GENERIC COLOR: MFR: TO BE DETERMINED COLOR: TO BE DETERMINED FINISH: TO BE DETERMINED
- XP-3 EXTERIOR PAINT - GENERIC COLOR: MFR: TO BE DETERMINED COLOR: TO BE DETERMINED FINISH: TO BE DETERMINED
- WD-I - PATIO LOW WALL CONSTRUCTED OF WOOD PLANKS BOLTED TO STEEL TUBE ANCHORS WOOD SPECIES: IPE WOOD FINISH: TO BE DETERMINED

SYMBOLS LEGEND

CJ	CONTROL JOINT	T	TEMPERED GLASS
EJ	EXPANSION JOINT	ST	SPANDREL AND TEMPERED GLASS
S	SPANDREL GLASS	SG	SAFETY GLASS

tanaka + riley
architects

22895-A SAVI RANCH PKWY
YORBA LINDA, CA 92887
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MICHAEL N. RILEY ARCHITECT

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INTERIOR TENANT IMPROVEMENT FOR:
PITA JUNGLE RESTAURANT
NEWPORT NORTH RETAIL CENTER

PARTIAL INTERIOR REMODEL OF FORMER BLOCKBUSTER VIDEO
1200 BISON AVENUE
NEWPORT BEACH, CALIFORNIA 92660

SUBMITTAL DATES:

DESCRIPTION	DATE
CUP SUBMITTAL	04.19.11
AGENCY SUBMITTAL	05.25.11
ISSUED FOR BID	06.27.11

REVISION DATES:

NO.	DESCRIPTION	DATE
△	AGENCY SUBMITTAL	06.25.11

PROFESSIONAL SEAL:



PROJECT NUMBER:

11024

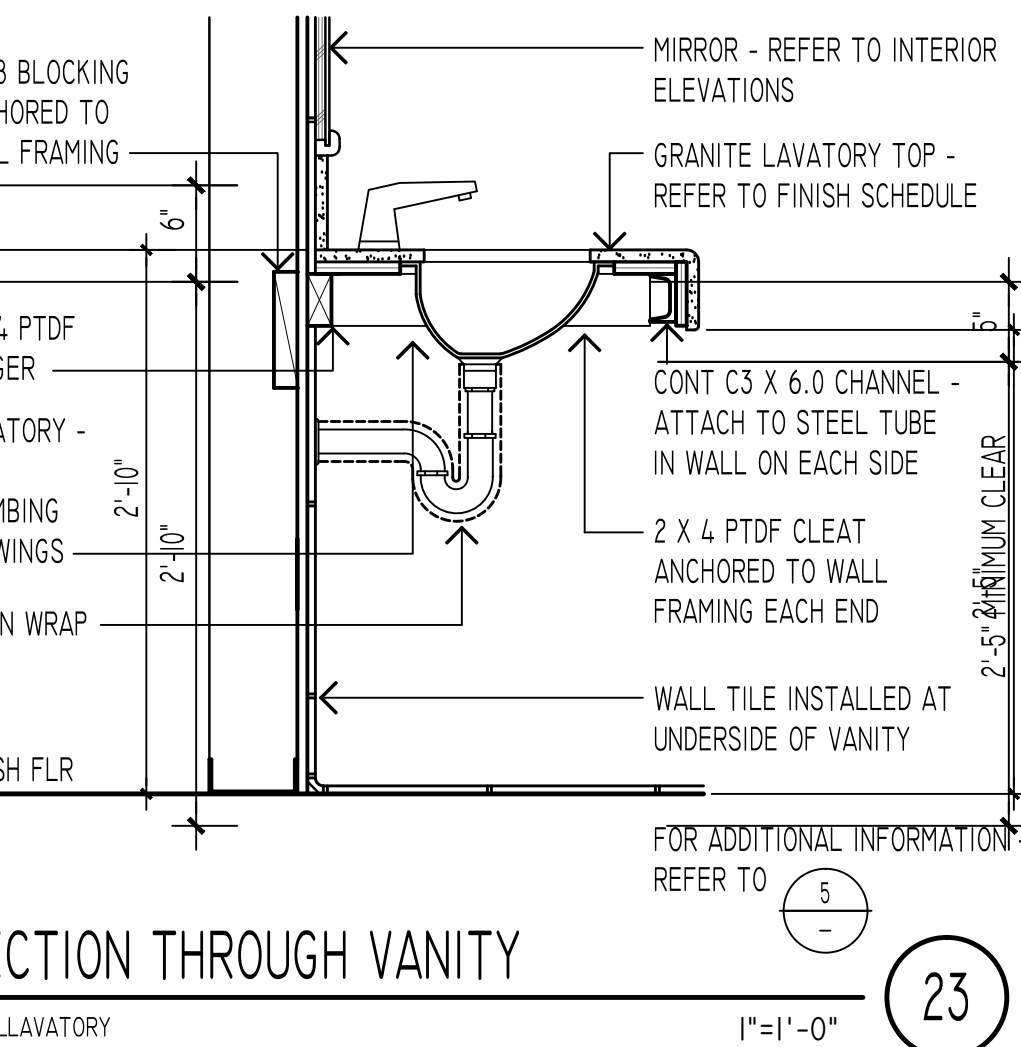
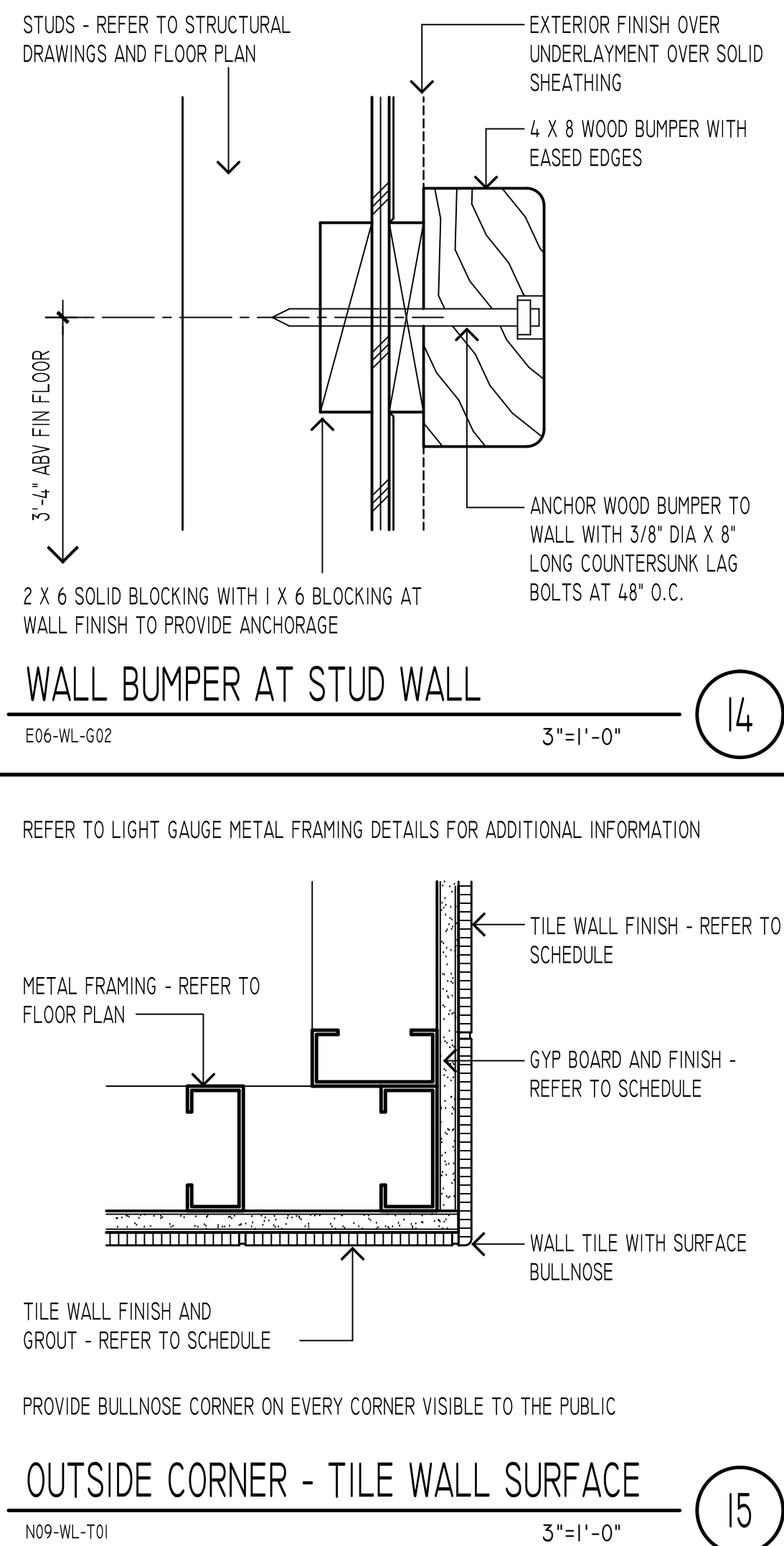
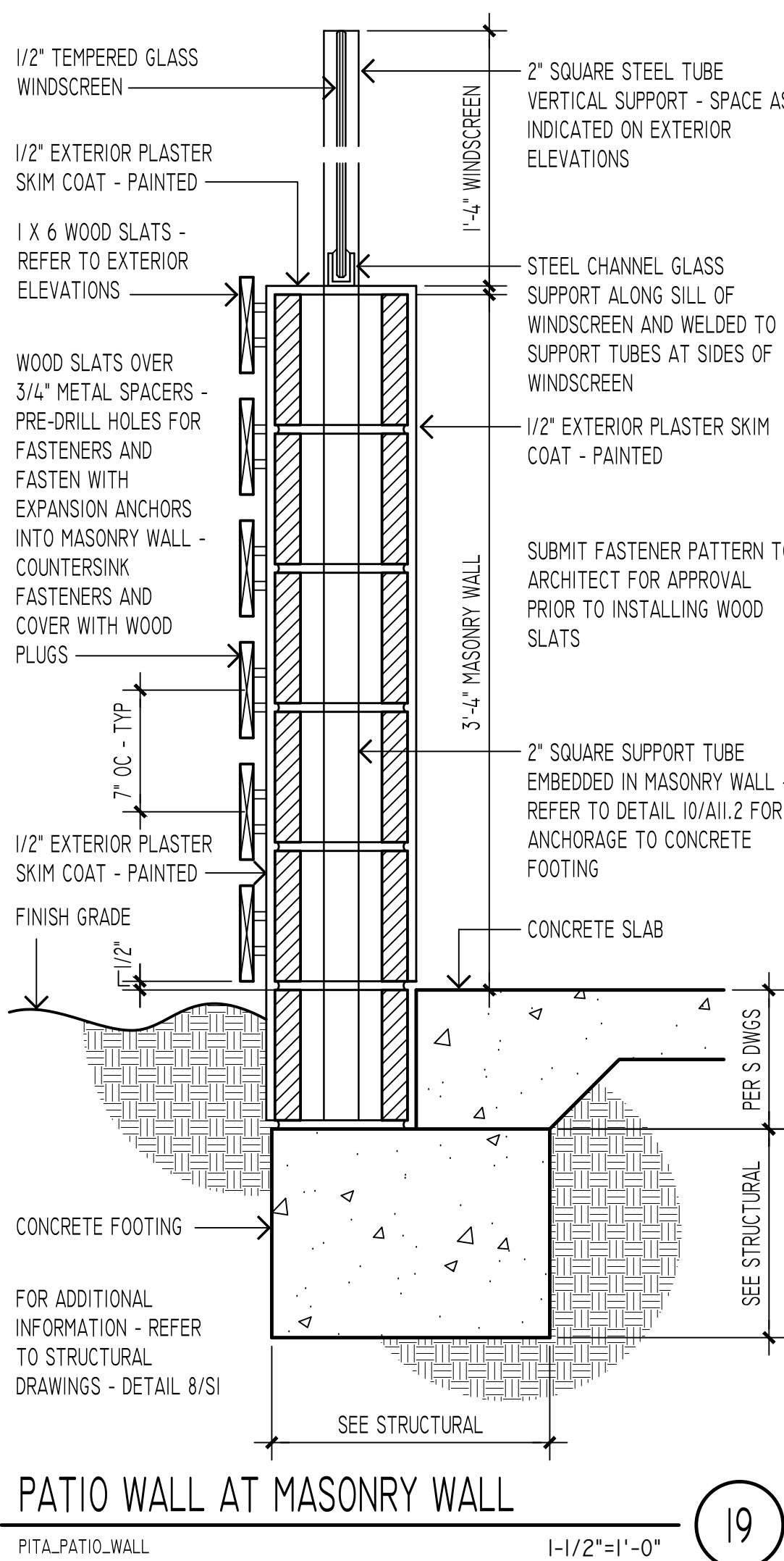
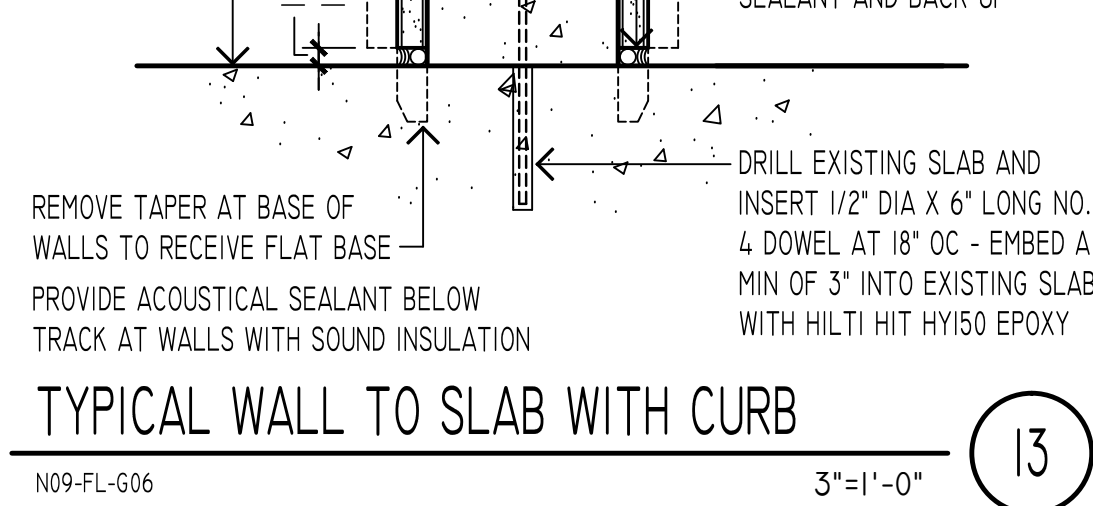
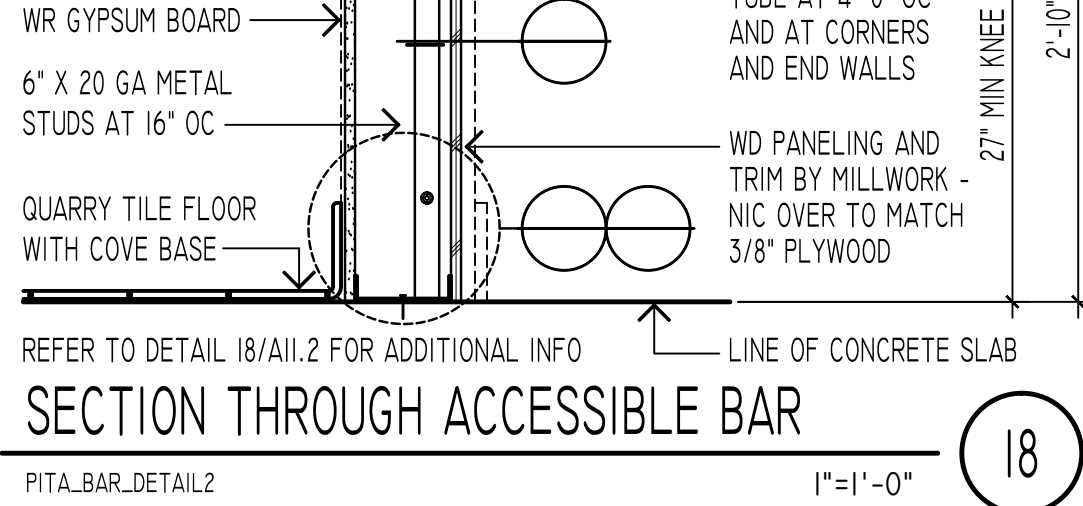
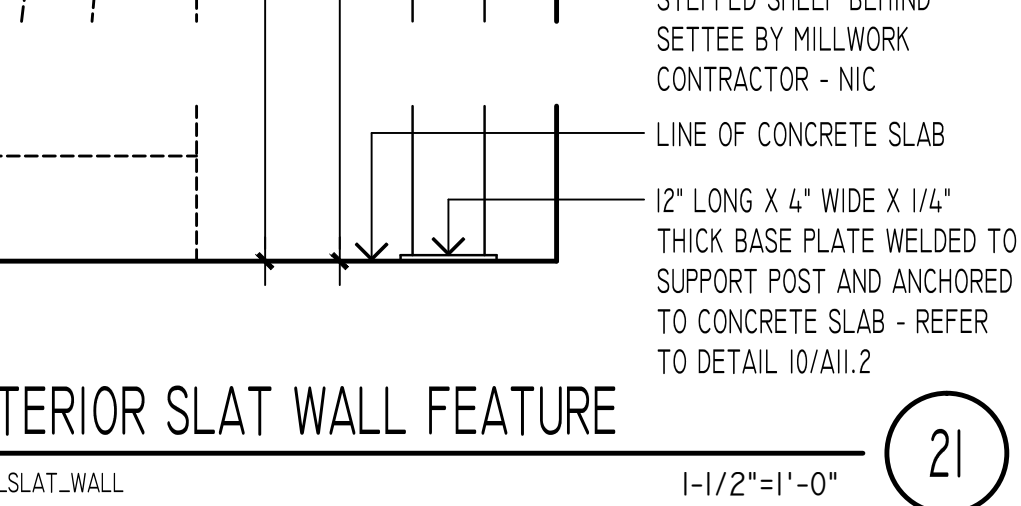
TITLE:

EXTERIOR ELEVATIONS

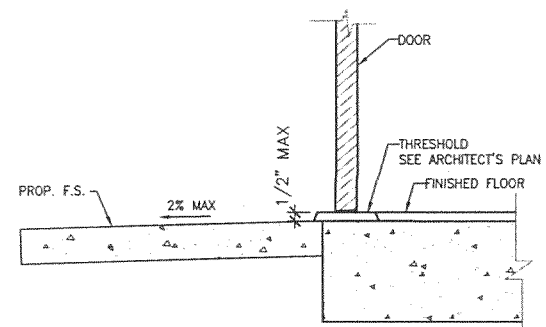
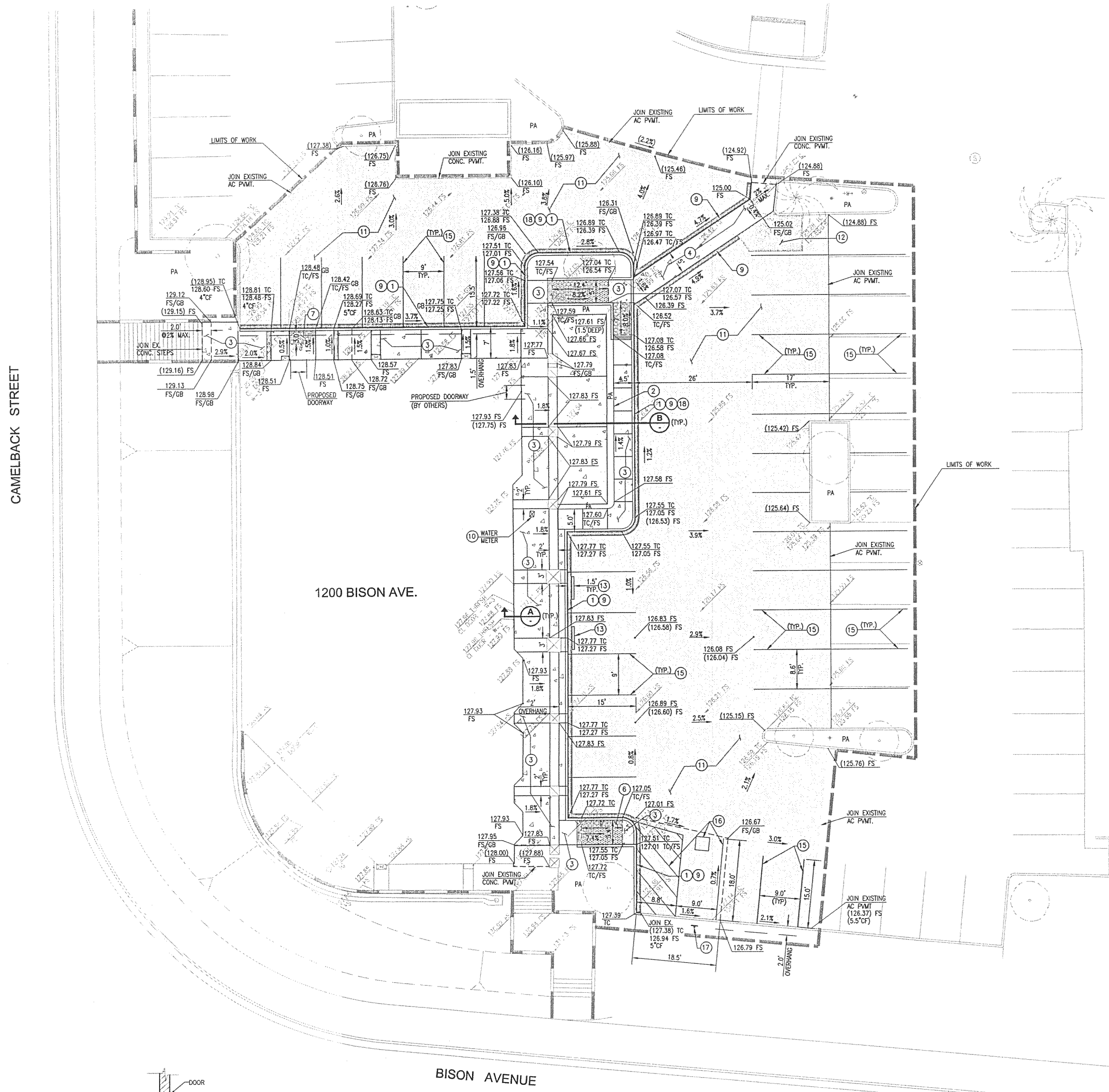
EXTERIOR FINSH LEGEND
GENERAL NOTES

SHEET NUMBER:

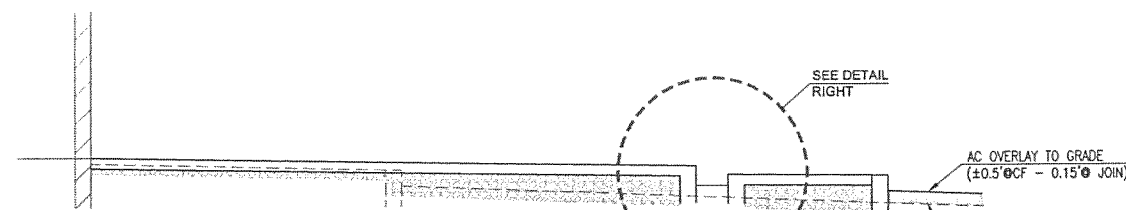
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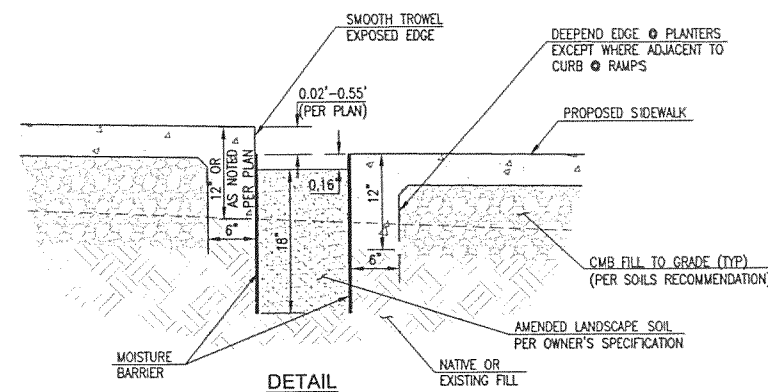
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SECTION A-A
TYPICAL AT ALL DOORS
NOT TO SCALE



SECTION B-B
NOT TO SCALE



LEGEND

PROPOSED	DESCRIPTION
FG	FINISHED GRADE
FL	FLOW LINE
FS	FINISHED SURFACE
TC	TOP OF CURB
TG	TOP OF GRADE
HP	HIGH POINT ELEVATION
GB	GRADE BREAK
R.L.	RISE LINE
INV.	INVERT ELEVATION
TW	TOP OF WALL ELEVATION
①	INDICATES CONSTRUCTION NOTE
②	INDICATES DEMOLITION NOTE
---	INDICATES LIMITS OF WORK
---	INDICATES RIDGE LINE

CONSTRUCTION NOTES

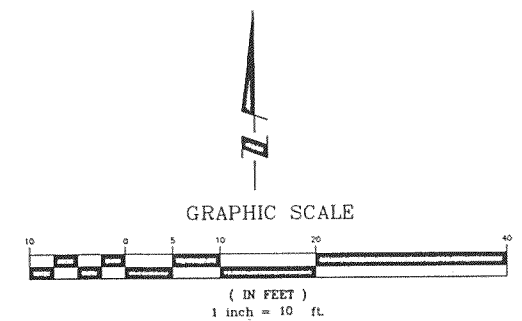
- CONSTRUCT CONCRETE CURB, TYPE B, PER DETAIL A/C3.
- CONSTRUCT CONCRETE CURB PER DETAIL B/C3.
- CONSTRUCT 4" THICK REINFORCED CONCRETE PAVEMENT W/ #3 REBAR @ 24" O.C. PER DETAIL J/C3 AND SOILS RECOMMENDATIONS (COLOR PER OWNER'S SPECIFICATIONS).
- CONSTRUCT 6" THICK REINFORCED CONCRETE PAVEMENT W/ #4 REBAR @ 18" O.C. PER SOILS RECOMMENDATIONS.
- CONSTRUCT ACCESS RAMP PER DETAIL C/C3.
- CONSTRUCT ACCESS RAMP PER DETAIL D/C3.
- CONSTRUCT ACCESS RAMP PER DETAIL E/C3.
- CONSTRUCT TRUNCATED DOME PAVERS WITH 4" SUB-SLAB PER DETAIL F/C3.
- CONSTRUCT FULL DEPTH AC.
- ADJUST TO GRADE.
- COLD PLANE EXISTING AC PAVEMENT, TACK COAT ALL JOINTS AND SURFACES, AND CONSTRUCT AC OVERLAY (0.15" MINIMUM THICKNESS). COLD PLANE DEPTHS MAY BE MINIMIZED IN AREAS WHERE THE PROPOSED OVERLAY WILL MEET MINIMUM THICKNESS REQUIREMENTS FROM THE EXISTING AC SURFACE.
- CONSTRUCT 4" AC OVER 4" AB PER SOILS RECOMMENDATION FOR PARKING AREAS.
- REINSTALL EXISTING WHEEL STOP.
- PAINT 3" WIDE GREEN STALL STRIPING PER CITY OF NEWPORT BEACH STD. 805-L-A & B.
- PAINT ACCESSIBLE STALL STRIPING PER DETAIL G/C3.
- INSTALL ACCESSIBLE STALL PARKING SIGN PER DETAIL G/C3.
- PAINT CURB RED PER DETAIL H/C3. (EXCLUDING 0'CF AT ACCESS RAMPS)

EROSION AND SEDIMENT CONTROL CONSTRUCTION NOTES

EROSION CONTROL TO BE PROVIDED TO THE SATISFACTION OF THE BUILDING INSPECTOR.

NOTE

- IF ANY EXISTING UTILITY IS EXPOSED DURING CONSTRUCTION THE CONTRACTOR SHALL SURVEY THE UTILITY AND PROVIDE THE ENGINEER WITH AN AUTOCAD FILE OF THE HORIZONTAL, VERTICAL, AND MATERIAL TYPE. THIS FILE WILL ALSO BE PROVIDED TO THE OWNER.
- ALL UTILITIES BEING CONSTRUCTED WILL BE SURVEYED FOR X,Y,Z COORDINATES PRIOR TO BURIAL. AN AUTOCAD FILE OF THE AS-BUILT UTILITIES WILL BE PROVIDED TO THE ENGINEER.
- CONTRACTOR SHALL NOTIFY ENGINEER AT COMPLETION OF PRECISE GRADING OF PLANTERS AND BEFORE PLANTING HAS COMMENCED IN ORDER TO REVIEW SWALES AND GRADES IN PLANTERS AND LAWN AREAS. ALL PLANTERS SHALL STRAIGHT GRADE TO DRAIN TOWARD GRATES IF NO SPECIFIC FLOW LINE IS SHOWN.
- CONTRACTOR TO PROMOTE 1/2" MAX ELEVATION DIFFERENCE FROM ANY TOP OF DOOR THRESHOLD TO OUTSIDE FINISHED SURFACE.



DESIGNED BY:		DRAFTED BY:		CHECKED BY:		NO.		DATE		REVISIONS	
STANTEC CONSULTING INC.		19 TECHNOLOGY DRIVE		IRVINE, CA 92618		949.923.6000					
BRANDON DOUGLAS OSTROM		R.C.E. 67582		(EXP. 06/30/11)							
NEWPORT NORTH CENTER PRECISE GRADING PLAN CITY OF NEWPORT BEACH BUILDING AND SAFETY DEPARTMENT											
JOB No. 2042478215 PLAN CHECK No. PERMIT No. SHEET C2 OF 4											

Attachment No. ZA 10

Written Correspondence from Randolph
McDevitt and Christina Voso, Champagnes
Deli and Grill, dated July 27, 2011



**A & F STORES CORPORATION
1260 Bison Avenue, Suite # D-3
Newport Beach, CA 92660
(949) 640-5011 FAX (949) 640-1308**

July 27, 2011

Planning Division
City of Newport Beach
RE: Pita Jungle Minor Use Permit
File No. PA2011-098

Dear Planning Division,

We protest the above Use Permit because of the severe negative effect such a large number of restaurant seats will have on the available lunchtime parking spaces at Newport North Shopping Center. We urge that (1) no original parking spaces be eliminated and (2) that the new restaurant be limited to 100 seats total.

I, Randolph McDevitt, owner of Champagnes Deli & Grill, had a meeting with the Newport North General Manager about two months ago. I repeated my serious concerns about lunchtime parking and told her that I had done a ten day count of available parking spaces during lunch on Wednesdays through Saturdays. The total number of available parking spaces at these ten times was between 39 – 55, with an average of 47. I expressed concern that a new restaurant would require far too much parking and would have a severe negative impact on all the existing tenants and the community which supports them. I pointed out that just the employees of the new restaurant, as well as new employees in the 5500 square feet of vacant space when they are leased, will take up more than half of these available parking spaces, leaving only 20 – 25 empty parking spaces for new patrons without infringing on the existing businesses and their customers!

The General Manager kept repeating over and over how aware and concerned the Landlord was about the lunchtime parking problems here. She assured me that they were not planning on eliminating any parking spaces for a patio and they would only have some tables on the sidewalk for outside seating. I asked if the new restaurant would still have over 100 seats, and she stated that she didn't think so because they were so concerned about parking. I told her that I was preparing an email to her with my concerns and facts from my parking study, but she profusely assured me that they were already keeping the seating to a minimum.

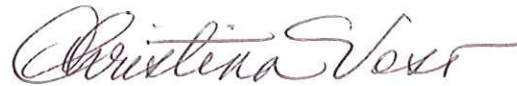
We were shocked a few days ago to see the CUP posting which proposes a 115 seat restaurant and an additional 50 seats in a new 650 square foot patio, totaling 165 seats! It would appear that they are also planning on eliminating existing parking spaces contrary to what we were previously told.

We demand that no parking spaces are eliminated, and the restaurant's total seating be limited to 100 seats, including interior and exterior seats. Even a 100 seat restaurant will have a substantial negative effect on existing businesses and customers during lunchtime, but the current proposal for 165 seats as well as eliminating some parking spaces would be absolutely devastating.

Sincerely,

A handwritten signature in dark ink, appearing to read "Randolph McDevitt". The signature is fluid and cursive, with the first name being more prominent.

Randolph McDevitt

A handwritten signature in dark ink, appearing to read "Christina Voso". The signature is elegant and cursive, with the first name being more prominent.

Christina Voso, General Manager