



# STAFF APPROVAL LETTER

297-SA-2012  
Cb & Cb New Patio  
REVISED

## STEP 1

### STAFF APPROVAL NOTIFICATION

This letter is notification that your request has been conceptually approved by Current Planning Services staff.

**Additional review and permits may be required. Refer to Final Plan Review Submittal Requirements below.**

This approval expires one (1) year from date of approval if a permit has not been issued, or if no permit is required, work for which approval has been granted has not been completed.

### PROJECT INFORMATION

LOCATION: 4222 N Scottsdale Rd  
PARCEL: 173-50-124D  
Q.S.: 17-44  
CODE VIOLATION #:

APPLICANT: David Ortega  
COMPANY: David ortega Architect, Inc  
ADDRESS: 8214 E Lincoln Dr Ste 101 Scottsdale, AZ 85251  
PHONE: 480-991-4224

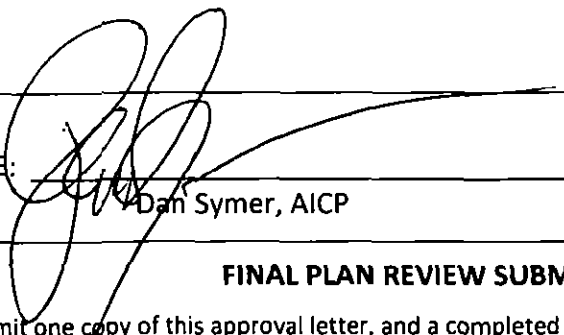
**Request:** Facade patio and street improvements.

### STIPULATIONS

1. The elevations shall comply with the plan dated 11/15/2012.
2. Except as indicated herein, the site plan shall comply with the plan dated 11/15/2012.
3. Construct curb, gutter, and sidewalk adjacent to the property in Scottsdale Road in accordance with MAG Uniform Standard Specifications and Details for Public Works Construction and City of Scottsdale's Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction.
4. The horizontal alignment and configuration shall comply with the curb and transition to the auxiliary lane shall comply with the Design Standards & Policies Manual.
5. If the shared driveway on the north side of the property is modified, the new driveway configuration shall generally conform to the City of Scottsdale's Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction, Detail 2256, as determined by the City Staff.
6. The property owner shall enter in to a license agreement with the City for the area of patio that is with the City roadway easement for North Scottsdale road. The owner shall comply with all requirements of the license agreement.
7. Unless otherwise allowed by the Zoning Administrator, or designee the patio are in the roadway easement area shall not be occupied until a patio license agreement is approved by the City Council.
8. Exterior heaters, swamp coolers, or air conditioning units for the patio are not included with this approval.
9. All roof mounted equipment shall be screened on all side by a parapet or screen wall.
10. Prior to the building permit issuance, the owner shall provide documentation of refuse agreement to utilize a share refuse container that is on an abutting property between the property owners to the satisfaction of the Solid Waste Management Director or designee; or, the owner shall construct a refuse enclosure with a grease containment area in accordance with the City of Scottsdale's Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction, Detail 2146-2. If approved by Sanitation Solid Waste Management Director or designee, the angle of the enclosure indicated in Detail 2146-2 may be modified.
11. Except for the cooler, freezer, liquor storage and service corridor that is proposed in the existing warehouse that is attached to the proposed restaurant building, no other interior to the remainder of the warehouse is approved.

**Related Cases:** 297-SA-2012

SIGNATURE: \_\_\_\_\_



Dan Symer, AICP

DATE APPROVED: 11/15/12

**FINAL PLAN REVIEW SUBMITTAL REQUIREMENTS**

Submit one copy of this approval letter, and a completed Owner/Builder form if applicable, along with the following plan set(s) to the One-Stop-Shop for 30-day plan review:

- ARCHITECTURAL:  4 sets of architectural plans and 1 additional site plan and elevation
- CIVIL IMPROVEMENT:  4 sets of civil improvement plans
- OTHER:  Prior to building permit issuance the owner shall comply with stipulation 10.

**POLICY OF THE CITY OF SCOTTSDALE  
ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS**

**RIGHTS OF PROPERTY OWNER**

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

**APPEAL PROCEDURE**

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

**Hearing Officer, C/O City Clerk**

3939 Drinkwater Blvd.  
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any *dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development*, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

**If you have questions about this appeal process, you may contact:**

City Manager's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251  
(480) 312-2422

City Attorney's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251  
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

SIGNATURE: \_\_\_\_\_

**Malcolm Marlis Family Trust  
Marlis Company West, LLC.  
409 North Bundy Drive  
Los Angeles, Ca 90049**

November 16, 2012

M & M 1 LLC  
409 North Bundy Drive  
Los Angeles, CA 90049

Re: Refuse agreement

Malcolm Marlis Family Trust Marlis Company West LLC ("4218 Owner") is the owner of 4218 North Scottsdale Road Scottsdale, AZ 85251. As such 4218 Owner owns or controls the refuse containers on the site of 4218 North Scottsdale Road.

M& M 1 LLC ("4222 Owner") is the owner of 4222 North Scottsdale Road Scottsdale AZ 85251. 4222 Owner is or soon will be building on the site of 4222 North Scottsdale Road.

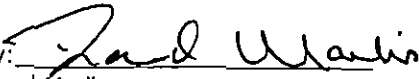
4218 Owner hereby agrees to allow 4222 Owner to use the refuse containers on the site of 4218 North Scottsdale Road.

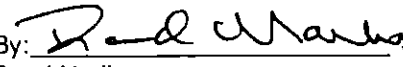
Made this 16<sup>th</sup> day of November 2012.

Agreed and Accepted:

Malcolm Marlis Family Trust  
Marlis Company West, LLC  
("4218 Owner")

M & M 1 LLC  
("4222 Owner")

By:   
Rand Marlis,  
Trustee Malcolm Marlis Family Trust  
Member Marlis Company West LLC

By:   
Rand Marlis  
Member M & M 1 LLC

# **DAVID ORTEGA ARCHITECT & ASSOCIATES, INC.**

8214 E. LINCOLN DRIVE SUITE 101    SCOTTSDALE, AZ 85250    (480) 991-4224    ORTEGARCHI@COX.NET

Mr. Dan Symer, Senior Planner  
City of Scottsdale  
7474 E. Indian School Road  
Scottsdale, AZ 85251

November 1, 2012

RE: Cb & CB Restaurant & New Patio @ 4222 N. Scottsdale Road  
Case 297-SA-12

Dear Dan,

This shall serve as Project Narrative & Data and Response to Staff Comments for Staff Approval.

## **PROJECT NARRATIVE:**

**SCOPE OF WORK:** SUITE "A": RESTAURANT TENANT IMPROVEMENTS & EXTERIOR PARAPET & PATIO. EXISTING MULTI-TENANT BUILDING TO BE UPGRADED w/ COMMERCIAL AUTOMATIC FIRE SPRINKLER SYSTEM, NEW PLUMBING NEW MECHANICAL & ELECTRICAL TO FEED FROM EXISTING 600 AMP S.E.S.. NEW KITCHEN ,NEW RESTROOMS, ADDITION OF 100 S.F. SERVICE CORRIDOR RESOLVES SITE DRAINAGE AT SERVICE DOOR WHERE FINISH FLOOR IS AT GRADE. NEW PARAPETS TO SCREEN NEW A/C & FRAME THE NEW COVERED PATIO WHICH, CONSISTS OF EXPOSED WOOD & DECK. INFRA-RED GAS HEATERS ARE MOUNTED AT PATIO RAFTERS.

**OFF-SITE STREET IMPROVEMENTS:** NEW PLANTERS, INCLUDE NEW 10'-0" SIDEWALK, CURB & GUTTER AND PATCH SCOTTSDALE ROAD ARE REQUIRED. CIVIL ENGINEERING SUBMITTED.

**LAND TRANSACTION:** EXISTING STRANDED 7' X 65' "ISLAND STRIP" TO BE EXCHANGED WITH CITY.

**PATIO LEASE:** PROPERTY OWNER TO LEASE 550 S. FT. OF R-O-W FROM THE CITY OF SCOTTSDALE.

## **PROJECT DATA: SUITE "A"**

**PROJECT ADDRESS:** 4222 N. SCOTTSDALE ROAD    SCOTTSDALE, AZ 85251

**OWNER:** M & M1, LLC.    409 N. BUNDY DRIVE    LOS ANGELES, CA 90049

**ZONING:** C2- DO DOWNTOWN OVERLAY    **APN: 173-50-124D**

**SITE AREA:** 8318 S. F. 0.119 ACRES ( EXCLUDES ISLAND 455 S.F. )

**ISLAND STRIP TRANSFER TO CITY :** 7'-0" X 65'-0"= 455 S. F. LEGAL EXHIBIT

**PATIO LEASE BY CITY:** 550 S.F. LEGAL EXHIBIT

**ALLOWED USES COMMERCIAL:** COMMERCIAL; RETAIL RESTAURANT # 12 LL

**CONSTRUCTION TYPE:** TYPE II-N; INSTALL NEW AUTOMATIC FIRE SPRINKLER SYSTEM

David Ortega AIA/ Dan Symer City of Scottsdale  
Narrative & Response to Staff Comments  
November 1, 2012      Page 3 of 3

Circulation:

- 9) Site driveway in plan review. Civil engineer was advised on Sept 30th.
- 10) Site Plan indicates 10'-0" wide concrete sidewalk w/ planters each side.

DESIGN:

- 11) Patio Control Fence: Metal w/ 2 x 4 wood stained cap per Elevations & Plans

ELEVATION DESIGN:

12-13 ) The adjoining building and Loco Patron to the north have "boxy" entry elements. Our intent is to add variety with angles, but there is also a purpose because the angled corner to the south and matching angle at north create a two-story space. Two columns lead patrons in to the main double doors INTO the restaurant and the separate double doors go OUT to the patio. Liquor control requires a separation control fence, which bisects the tower element, however the "Entry space" is one space because the tower element encompasses both INTO-restaurant and OUT- to- Patio functions. See floor plan angle above OUT- to- Patio doors.

As you drive south on Scottsdale Road, rather than have one box tower after another, the 26 ft AFF tower parapet with trim cap dies into the 20 ft parapet with trim cap. To the south the tower parapet folds back to the "Lime" building.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Ortega', written over a simple line drawing of a triangle.

David Ortega AIA

( Attached Site Plan; Floor Plan, Elevations & Roof Plan; photos, Color board, light cut sheet.

**OCCUPANCY:** A2- RESTAURANT & M- MERCANTILE (UPGRADE ENTIRE BUILDING)

**GROSS BUILDING:** EXISTING 5338 S.F + NEW CORRIDOR ADDITION 100 S.F= 5438 S.F.

**T.I. RESTAURANT AREA :** 3488 S.F. **\*\* (EXCLUDES WALKIN COOLERS/ CORRIDOR 660 S.F.)**

KITCHEN AREA: 876 S. F. ( 25%)  $876/200= 5$

BAR AREA: 490 S. F. ( 14%)  $490/15= 33$

DINING /WAITRESS: 1722 S. F. (50%)  $1722/15= 116$  PERSONS

RESTROOMS: 356 S. F. (10%)  $356/30= 12$  PERSONS

**TOTAL OCCUPANT LOAD--OCCUPANTS: 166 PERSONS**

**EXITS REQUIRED:** 2 EXITS; PROVIDED 4

**OTHER AREAS:** FIRE RISER RM 44 S.F. + 3444 = 3488 S.F. GROSS RESTAURANT

**EXCLUDED AREAS:** WALK-IN COOLERS 350 S. F. NEW SERVICE CORRIDORS 310 S.F.

**GROSS BUILDING:** 3488 + 1850= 5338 MIXED COMMERCIAL

**PARKING BALANCE:**  $5338/350= 15$  CARS. NET ZERO

**\*IF 660 S.F. IS ADDED TO GROSS RESTAURANT, KITCHEN BUMPS TO 30%; BAR DOWN TO 10%**

**RESPONSES TO STAFF September 20, 2012**

Significant Ordinance Related Issues:

1) Attached Floor Plan w/ redlines

a) Bar service area is 14%

b) Kitchen area is 25%

c) No age Admittance requirement # 12 liquor License Restaurant

d) No cover charge;

e) Restaurant more than 60% food generated revenue

f) Business and kitchen remain open past 9:00 pm.

2) Light fixture cut sheets see attached.

3) Lamps to be " Edison filament" glow style less than 100 watts.

4) Infra-Red heaters fueled by natural gas to be installed at patio rafters.

5) Bike racks provided for 8 bicycles at west end of building near city garage.

Legal:

6) R-O-W Legal was submitted to Real Estate , Robert Hultz. Action Pending.

7) Off-Site Civil drawings were submitted for plan review . Action Pending

8) R-O-W Improvements would include 2'-0" encroachment at Entry tower and New Patio open air structure which requires License Agreement. Action Pending.

LOOKING WEST LOCO PATROL



LOOKING WEST (MEDIAN CACTUS & PALMS)



4222 N. SCOTTSDALE RD RESTAURANT

1/3 of



LOOKING SOUTH DRIVEWAY ENDS  
PATCHWORK ASPHALT UNDEFINED WALK'



"LIME" FORMERLY TONY RAMAS - SITE  
LOCO PATRON BEHIND SITE CITY GARAGE

Home / Wall Sconces / Rustic Wall Sconces / Barn Light Atomic Cast Guard CGU Sconce™

### Barn Light Atomic Cast Guard CGU Sconce™



CODE: 10DBR1CLCG

\$213.00

Pin It

Select Size:

Finishes:

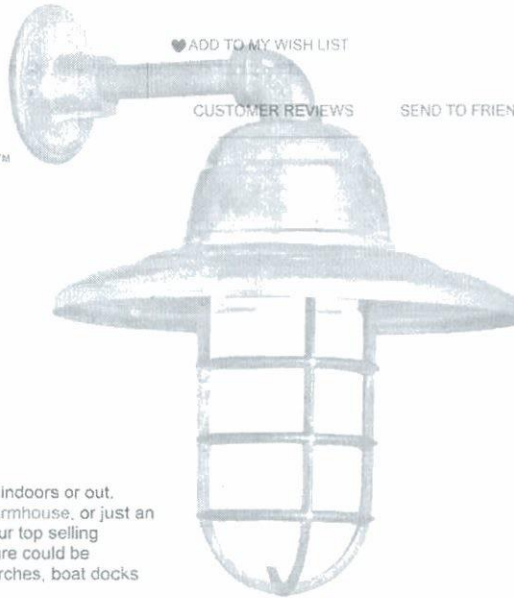
Glass:

ADD TO MY WISH LIST

CUSTOMER REVIEWS

SEND TO FRIEND

Barn Light Atomic Cast Guard CGU Sconce™  
Click to enlarge



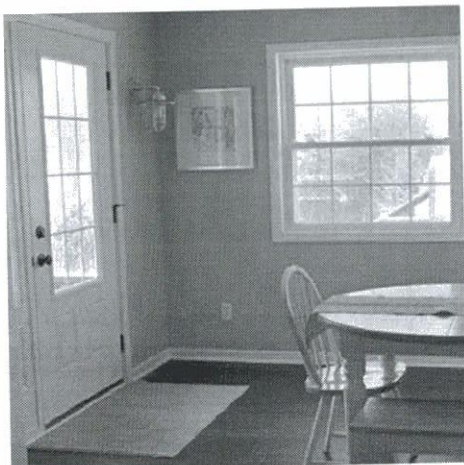
Product Details    Finish Chart / Features

This rustic wall sconce can adapt to any home or setting - indoors or out. Whether you're going for vintage and modern, industrial farmhouse, or just an up to date nautical look, this Atomic light remains one of our top selling products! Available in tons of finish combinations, this fixture could be installed in an endless amount of settings - bathrooms, porches, boat docks, kitchens, garages or mudrooms. [Read More >](#)

#### Information

- **Small Shade:** W 10" x H 13" x Proj. 11 1/2"
- **Large Shade:** W 13" x H 13" x Proj. 15 1/2"
- **Wall Canopy:** 4 3/4" Dia
- **Finish:** Multiple (See Finish Chart)
- **Max Wattage Per Socket:** 100W Incandescent Small, ~~200W Incandescent Large~~ (Bulb Not Included)
- **Number Of Sockets:** 1
- **UL Location:** Rated For Wet Locations





Customer Submission – Jenna, The Wannabe Cottage  
100W CGU Sconce, 49-Galvanized, Clear Glass



200W CGU Sconce, 49-Galvanized, Clear Glass



100W CGU Sconce, 49-Galvanized, Clear Glass



Customer Submission – Jenna, The Wannabe Cottage  
100W CGU Sconce, 49-Galvanized, Clear Glass

RUST

NO PHOTOMETRICS  
AVAILABLE THIS FIXTURE

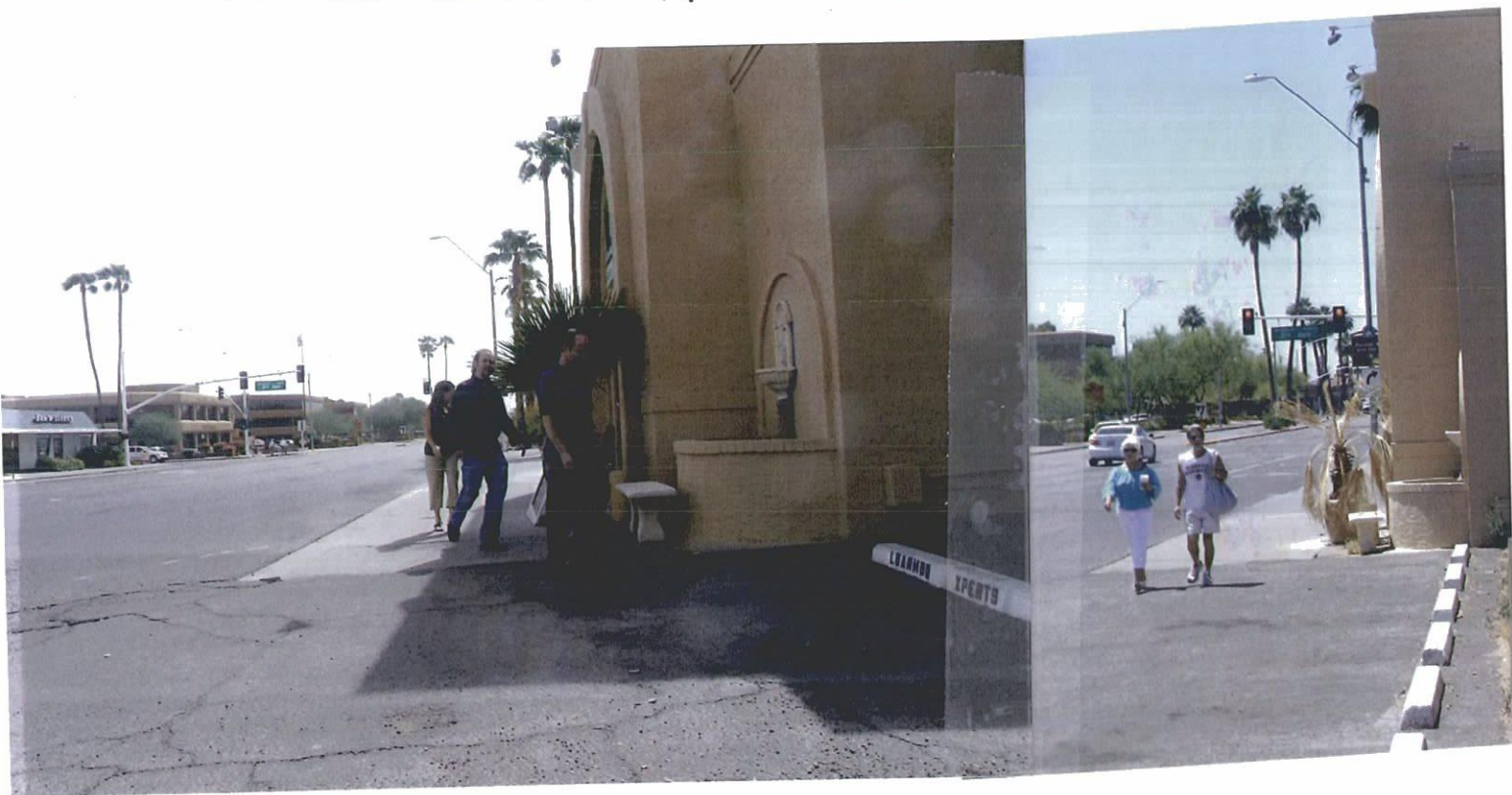


4222 N. SCOTTSDALE RD

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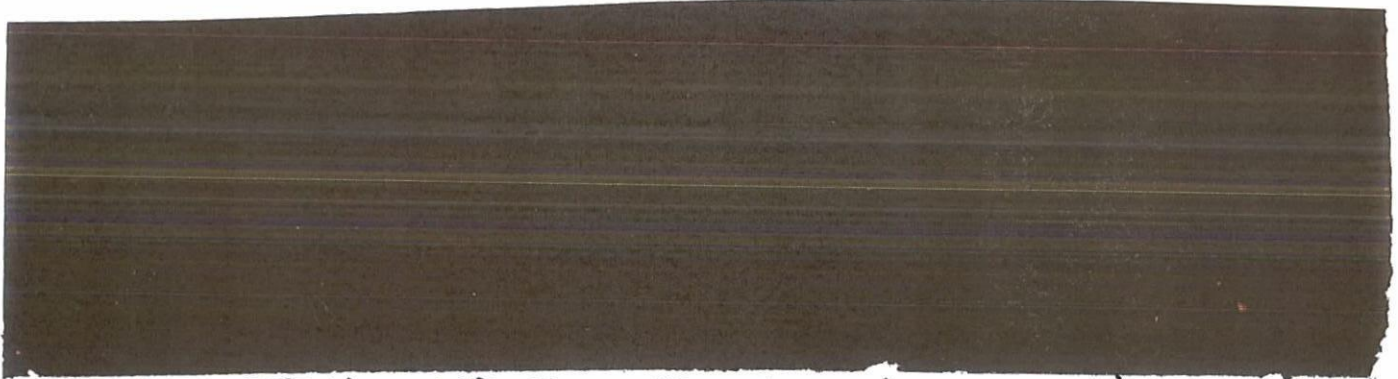
LOOKING NORTH SIDEWALK ENDS



LOOKING SOUTH PARKING OBSTRUCTION  
UNDEFINED PATCHWORK PAVEMENT

SD-297.12

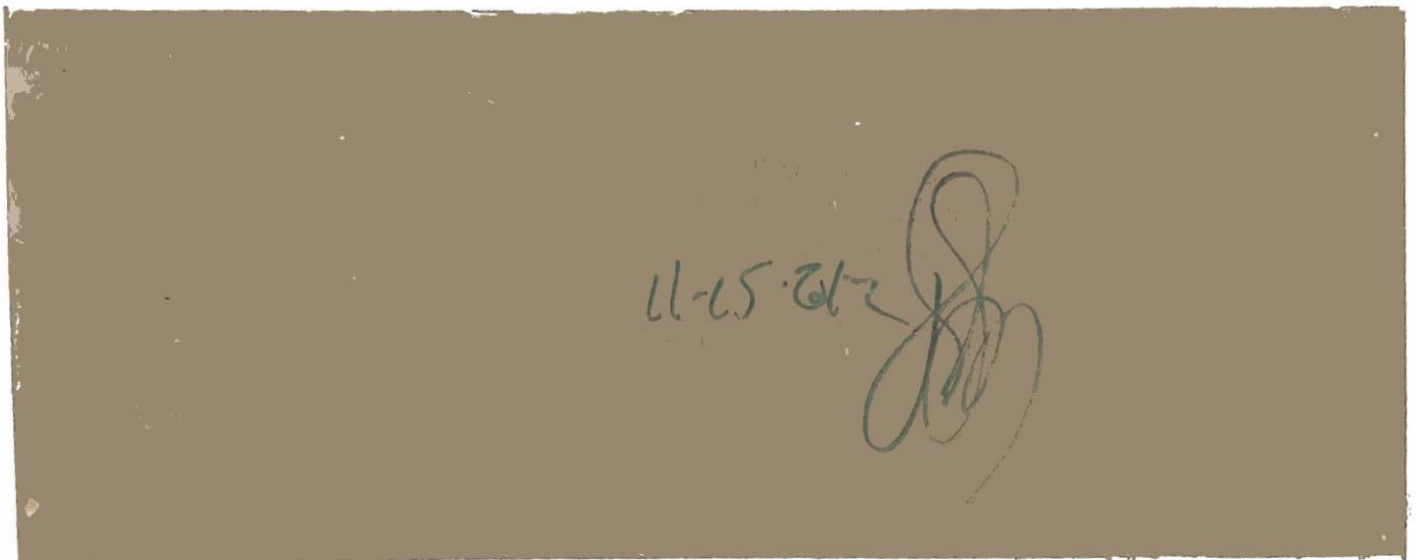
COLOR BOARD



PATIO STRUCTURE PADRE BROWN DP-335



PARAPET CAP TRIM HARVEST BROWN 710D-4



BASE WALLS TOFEE CRUNCH 700D-S  
4222 RESTAURANT BEHR PAINTS