



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915

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CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

June 12, 2014

Agenda Item No. 4

SUBJECT: Sanchos Tacos Minor Use Permit - (PA2014-058)
3014 Balboa Boulevard
▪ Minor Use Permit No. UP2014-013

APPLICANT: Donnie Lancaster

PLANNER: Melinda Whelan, Assistant Planner
(949) 644-3221, mwhelan@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** CN (Commercial Neighborhood)
- **General Plan:** CN (Neighborhood Commercial)

PROJECT SUMMARY

The applicant proposes to add a Type 41 (On-Sale General, Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) License to an existing food service, eating and drinking establishment. The restaurant operates under an existing Specialty Food Permit which allows a maximum 20 seats, including outdoor seating, and hours of operation from 6:00 a.m. to 9:00 p.m. There are no changes proposed to the hours of operation or the maximum number of seats.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. ZA2014-___ approving Minor Use Permit No. UP2014-013 (Attachment No. ZA 1).

DISCUSSION

- The subject establishment is an existing taco restaurant, adjacent to The Landing Shopping Center located at the intersection of Balboa Boulevard and 32nd Street. Other uses within the center include retail sales, food services, and a grocery store.

There is an existing dwelling to the east of the establishment along Balboa Boulevard.

- The restaurant operates under Specialty Food Permit No. 46 with a maximum 20 seats, some of which are permitted to be located outside, and hours of operation from 6:00 a.m. to 9:00 p.m. If approved the Minor Use Permit would supersede Specialty Food Permit No. 46 and the conditions regarding seating and hours of operation will be carried over.
- The gross floor area of the restaurant is approximately 710 square feet with an interior net public area of approximately 620 square feet. There is also a 50-square-foot deck facing Balboa Boulevard and a 96-square-foot patio adjacent the shopping center parking lot. The 20 maximum seats allowed include these outdoor seating areas. Project implementation includes providing a barrier for the 96 square-foot outdoor seating area on the westerly side of the establishment to meet Alcohol Beverage Control License requirements.
- Sancho's Tacos has been in operation for several months. The City has received no complaints regarding the operation. The building was previously occupied by Gallo's sandwich restaurant for 18 years.
- Parking is provided pursuant to the Specialty Food Permit with two on-site spaces including one handicap space.
- The Police Department has reviewed the proposed application and has no objections to the request. The Police Department memorandum, crime and alcohol related statistics, and reporting district map are attached (Attachment No. ZA 4).
- Staff believes allowing the service of alcohol is compatible with existing and allowed uses within the area. Existing uses in the abutting shopping center reflect the type of restaurants, retail and service uses allowed by the regulations for the Commercial Neighborhood Zoning District and typically expected by residents and the public of similar commercial areas.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities). The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. Sancho's Tacos is an existing restaurant. The proposed project involves the addition of an ABC License to sell and serve alcohol.

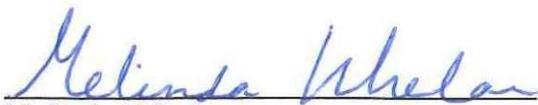
PUBLIC NOTICE

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

APPEAL PERIOD

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

Prepared by:



Melinda Whelan
Assistant Planner

GR/msw

Attachments: ZA 1 Draft Resolution
 ZA 2 Vicinity Map
 ZA 3 Specialty Food Permit No. 46
 ZA 4 Police Department Review
 ZA 5 Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2014-

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2014-013 TO ADD ALCOHOL SALES TO AN EXISTING RESTAURANT ESTABLISHMENT LOCATED AT 3014 BALBOA BOULEVARD (PA2014-058)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Donnie Lancaster, with respect to property located at 3104 Balboa Boulevard, and legally described Lake Tract, Lot 1, Block 130 Including a Portion of Section 28, Township 6, Range 10 Between the same & Railroad right-of-way except Easterly 10 ft & Southerly 25 ft, requesting approval of a minor use permit.
2. The applicant proposes to add a Type 41 (On-sale Beer and wine) Alcoholic Beverage Control (ABC) License to an existing food service, eating and drinking establishment. No late hours (after 11:00 p.m.) are proposed.
3. The subject property is located within the Commercial Neighborhood (CN) Zoning District and the General Plan Land Use Element category is Neighborhood Commercial (CN).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Neighborhood Commercial - (0.0 - 0.30 FAR).
5. A public hearing was held on June 12, 2014, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15315, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. The Class 1 exemption includes the ongoing use of existing buildings where there is negligible or no expansion of use. Sancho's Tacos is an existing food establishment. The proposed project involves the addition of an ABC License to sell and serve alcohol.

SECTION 3. REQUIRED FINDINGS.

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

Finding

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

Facts in Support of Finding

In finding that the proposed use is consistent with Section 20.48.030 (Alcohol Sales) of the Zoning Code, the following criteria must be considered:

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
 1. The crime rate in the subject reporting district (RD 15) as well as two of the three adjacent RDs (Reporting Districts) are over the City average. RD 15 contains the large commercial shopping center known as The Landing at 32nd Street and Balboa Boulevard and much of Via Lido and Balboa Boulevard. The purpose of the Zoning of these beach areas is to provide various commercial and retail uses to support the surrounding residential area as well as the surrounding tourist destinations. Therefore, these beach areas with a higher concentration of commercial land uses tend to have a higher crime rate than adjacent RDs.
- ii. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
 1. Due to the high concentration of commercial land uses, the calls for service and number of arrests are greater than adjacent RDs. Additionally, this is the beach area that is considered one of the most significant tourist areas of the City.
- iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
 1. Although the commercial building is directly adjacent to a residential district, the building is located abutting a commercial shopping center developed as a commercial and retail area for the tourist area and surrounding residents. The nearest residential uses are located directly east of the subject property. The outdoor deck is facing Balboa Boulevard and the outdoor patio is on the westerly

side of the property abutting the shopping center. There are no parks nearby, however, the beach is approximately 480 feet west. Other sensitive land uses above are not located within close proximity of the subject building.

iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.

1. Several other establishments along 32nd Street, Balboa Boulevard and Via Lido currently have active ABC Licenses, most of which are bona fide eating and drinking establishments and are not defined as bars, lounges or nightclubs by the Zoning Code. The establishments within the immediate vicinity include Gina's Pizza, The Crow Bar, Chipotle, and Rudy's.
2. Due to the type and operation of the restaurant which is conditioned to close at 9:00 p.m. with only 20 seats and that appropriate conditions are in place to prevent the restaurant from operating as a bar or lounge, the proximity to other establishments does not appear to create foreseeable concern.

v. Whether or not the proposed amendment will resolve any current objectionable conditions

1. The subject building has historically been occupied by a small restaurant with the same number of seats and hours of operation. There is no evidence that suggests this type of use has created objectionable conditions.

Minor Use Permit

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

Finding

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

Facts in Support of Finding

1. The General Plan designates this site Neighborhood Commercial (CN) which is to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.
2. The proposed addition of alcohol sales and service to the existing restaurant use is consistent with the CN designation as it is intended to provide a service not only to visitors, but also to residents within the immediate neighborhood and surrounding area.

3. Eating and drinking establishments are common along Balboa Boulevard and Newport Boulevard and are complementary to the surrounding commercial and residential uses.
4. The subject property is not part of a specific plan area.

Finding

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

Facts in Support of Finding

1. Pursuant to Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements, Table 2-5) of the Zoning Code, eating and drinking establishments located in the CN Zoning District with no late hours and alcohol service, require the approval of a minor use permit. The property is located immediately west of a residential zoning district.
2. The existing parking and hours of operation will remain which are consistent with the existing Specialty Food Permit that the restaurant operates under.
3. As conditioned, the proposed project will comply with Zoning Code standards for eating and drinking establishments.

Finding

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

Facts in Support of Finding

1. The commercial area was designed to be occupied by a mix of restaurants, retail and service uses. The existing Sancho's Tacos restaurant complements the existing uses and is a typical and expected type of use in similar commercial centers.
2. The operation of the restaurant will continue to be restricted to the hours between 6:00 a.m. and 9:00 p.m., daily. These hours are consistent with the business hours of other restaurants and uses in the commercial area.
3. The surrounding area contains various, retail, business office and visitor serving commercial uses including restaurants and take-out eating establishments. The proposed establishment is compatible with the existing and permitted uses within the area.

4. The operational conditions of approval relative to the sale of alcoholic beverages will help ensure compatibility with the surrounding uses and minimize alcohol related impacts. The project has been conditioned to ensure that the business remains a restaurant and does not become a bar or tavern. Additionally, dancing or live entertainment is not permitted.

Finding

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

Facts in Support of Finding

1. The restaurant is currently in operation and the tenant space have been reviewed and permitted.
2. Original site plan approvals for the tenant space included a review to ensure adequate public and emergency vehicle access, and that public services, and utilities are provided. The tenant improvement plans were reviewed for compliance with applicable building and fire codes.

Finding

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

Facts in Support of Finding

1. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute 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.
2. The food service, eating and drinking establishment will serve the surrounding community in a commercial center designed for such uses. The service of alcohol is provided as a public convenience and is not uncommon in establishments of this type. Additionally, the service of alcohol will provide an economic opportunity for the property owner to maintain a successful business that is compatible with the surrounding community.
3. All owners, managers, and employees selling or serving alcohol will be required to complete a Responsible Beverage Service Certification Program.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2014-013, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.
3. This resolution supersedes Specialty Food Permit No. 46, which upon vesting of the rights authorized by this Minor Use Permit, shall become null and void.

PASSED, APPROVED AND ADOPTED THIS 12TH DAY OF JUNE, 2014.

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

PLANNING DIVISION

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. 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.
4. This Use Permit may be modified or revoked by the Zoning Administrator if determined 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.
5. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review and approval and may necessitate an amendment to this Minor Use Permit or the processing of a new use permit.
6. The hours of operation for the establishment shall be between 6:00 a.m. and 9:00 p.m., daily including the outdoor patio areas.
7. The maximum seating and/or stand-up counter space for no more than 20 customers shall be maintained inside or outside the establishment.
8. The boundary of the outdoor seating areas shall be marked through the use of a minimum 36-inch-high rail. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all weather enclosure.
9. A minimum of two parking spaces shall be provided on-site and shall remain clear of obstructions at all times.
10. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
11. No outside paging system shall be utilized in conjunction with this establishment.

12. 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.
13. 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.
14. 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.
15. 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 (Water and Sewers), including all future amendments (including Water Quality related requirements).
16. 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 Director of Community Development, and may require an amendment to this Minor Use Permit.
17. 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.
18. 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. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	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

19. 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.

20. This approval shall expire and become void unless exercised within 24 months from the actual date of review and authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the Newport Beach Municipal Code.
21. 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 Sancho's Tacos Minor Use Permit including, but not limited to, UP2014-013 (PA2014-058). 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

22. Provide ADA access from the accessible parking area to the side patio seating.

POLICE DEPARTMENT

23. The approval of Minor Use Permit No. UP2014-013 does not permit Sancho's Tacos 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.
24. Food service from the regular menu shall be available to patrons up to thirty (30) minutes before the scheduled closing time.
25. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
26. 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.
27. 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.

28. 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.
29. There shall be no live entertainment allowed on the premises.
30. There shall be no dancing allowed on the premises.
31. Strict adherence to maximum occupancy limits is required.

DRAFT

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Minor Use Permit No. UP2014-013
PA2014-058

3014 Balboa Boulevard

Attachment No. ZA 3

Specialty Food Permit No. 46



CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

PLANNING DEPARTMENT (714) 644-3200

SPECIALTY FOOD SERVICE PERMIT

March 27, 1996

Application No: 46

Applicant: Wally's Original Cookie Co. (Jeff Crumrine)

Address of Property Involved: 3014 West Balboa Boulevard

Legal Description: Lot 1, Block 130, Lake Tract

Request to permit the establishment of a specialty food facility which will serve primarily cookies, yogurt and soft drinks, on property located in the SP-6 District.

The Planning Department on March 27, 1996, approved the application subject to the following conditions:

1. That development shall be in substantial conformance with the approved site plan, floor plan and elevations, except as noted in the following conditions.
2. That maximum seating and/or stand-up counter space for no more than 20 customers shall be maintained inside or outside the subject specialty food use. Any further increase in the number of seating and/or stand-up counter space for customers shall be subject to the approval of a use permit.
3. That trash receptacles for patrons shall be conveniently located both inside and outside of the proposed facility.
4. That at least one parking space for each 250 sq.ft. of gross floor area shall be provided for the proposed outside seating area.
5. That the hours of operation shall be limited between the hours of 6:00 a.m. and 9:00 p.m.
6. That no outside paging system shall be utilized in conjunction with this outdoor dining establishment.
7. That the on-site vehicular circulation system and parking design and layout shall be subject to the review and approval of the City Traffic Engineer.

March 27, 1996

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8. That the proposed improvements shall comply with State Disabled Access requirements unless otherwise approved by the Building Department.
9. That should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current owner or the leasing company.
10. That no on-sale alcoholic beverages shall be permitted on the premises.
11. That no live entertainment or dancing shall be permitted in conjunction with the permitted use.
12. That no temporary "sandwich" signs or similar temporary signs shall be permitted, either on-site or off-site, to advertise the specialty food establishment.
13. That kitchen exhaust fans shall be designed to control smoke and odor to the satisfaction of the Building Department.
14. That where grease may be introduced into the drainage systems, grease interceptors shall be installed on all fixtures as required by the Uniform Plumbing Code, unless otherwise approved by the Building Department and the Utilities Department.
15. That the Planning Department may add to or modify conditions of approval to this specialty food service permit, or recommend to the Planning Commission or City Council the revocation of this permit upon a determination that the operation which is the subject of this approval causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

The Planning Department determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the specialty food services permit as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings:

1. That the proposed specialty food service is retail in nature, serving mainly persons residing or working in the neighborhood, maintains a gross floor area of 2,000 sq.ft. or less, and is not necessarily a destination point. It is anticipated that the proposed use will have parking demand characteristics similar to a retail use.
2. That the proposed development is consistent with the Land Use Element of the General Plan and the Local Coastal Program, and is compatible with the surrounding land uses.
3. That the required number of off-street parking spaces are proposed in conjunction with the proposed outside seating area as required by Chapter 20.72 of the Municipal Code.

March 27, 1996

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4. That the approval of Specialty Food Service Permit No. 46 will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the city.

NOTE: This approval shall expire unless exercised within 24 months from the end of the appeal period, and cannot be extended.

The decision of the Planning Department may be appealed by the applicant to the Planning Commission within 14 days of the date of the decision. Any appeal filed shall be accompanied by a filing fee of \$399.00.

PLANNING DEPARTMENT

By

Dana O. Aslami

Dana O. Aslami
Associate Planner

DOA:dk

Attachment No. ZA 4

Police Department Review

**City of Newport Beach
Police Department
Memorandum**

May 22, 2014

TO: Melinda Whelan, Assistant Planner

FROM: Detective John Thulin

SUBJECT: Sanchos Tacos, 3014 West Balboa Boulevard, Newport Beach
Use Permit No. UP2014-013.

At your request, the Police Department has reviewed the project application for *Sanchos Tacos*, located at 3014 West Balboa Boulevard, Newport Beach. Per the project description, the applicant is requesting a minor use permit to add a Type 41 Alcohol Beverage License to an existing taco restaurant. The restaurant operates under an existing Specialty Food Permit which allows a maximum 20 seats including outdoor seating and hours of operation from 6:00 a.m. to 9:00 p.m., daily. There are no proposed changes to the number of seats or the hours. The only construction would be a 40-inch high gate to separate the side patio from the front entrance stairs and ramp.

The applicant will apply for a Type 41 (On Sale Beer & Wine – Eating Place) license with the Department of Alcoholic Beverage Control.

I have included a report by Crime Analyst Caroline Staub that provides detailed statistical information related to calls for service in and around the applicant's place of business. This report indicates that this location is within an area where the number of crimes is at least 399% higher than the average of all reporting districts in the City. This location is also within an RD that is over the Orange County per capita of ABC licenses.

Applicant History

Sanchos Tacos is a new applicant to Newport Beach but has one other restaurant operating in Huntington Beach. Sanchos Tacos offers Mexican style food for breakfast, lunch and dinner. Sanchos Tacos has quickly developed an excellent reputation for outstanding food at affordable prices.

Recommendations

The Police Department has no objections to this operation as proposed by the applicant. We believe that the recommended conditions will be sufficient to mitigate the issuance of an additional beer and wine license in this area.

The Police Department does, however, have some concerns with regard to the side patio and its proximity to the nearby residents. We would be in favor of any noise mitigating measures recommended by the Planning Department.

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 would be 6:00 am to 9:00 pm daily.

Security

A comprehensive security plan for the permitted uses shall be submitted for review and approval by the Newport Beach Police Department. The procedures included in the plan and any recommendations made by the Police Department shall be implemented and adhered to for the life of the use permit.

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.

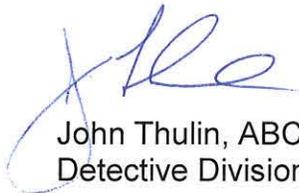
Other Recommended Conditions

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 Sanchos Tacos 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 me at (949) 644-3709.



John Thulin, ABC/Vice/Intelligence
Detective Division



Dale Johnson, Captain
Detective Division Commander



Chief Jay R. Johnson

NEWPORT BEACH POLICE DEPARTMENT

Crime Analysis Unit

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



2013 CRIME AND ALCOHOL-RELATED STATISTICS

Subject:	Calls For Service	Crimes			Arrests				Citations	ABC Info	
		Part I Crimes	Part II Crimes	Crime Rate	All Arrests	DUI	Public Intoxication	Liquor Law	Alcohol Related	Active Licenses	License Per Capita
3014 W Balboa Blvd	5	0	0	<i>not applicable</i>	0	0	0	0	0	0	<i>not applicable</i>
Subject RD: RD15	8,436	235	514	7,446.13	588	53	253	4	261	74	43
Adjacent RD: RD16	4,336	95	213	2,165.00	197	15	79	2	180	9	488
Adjacent RD: RD13	4,233	77	154	4,400.00	102	8	24	1	118	4	438
Adjacent RD: RD14	966	22	16	1,353.01	9	1	4	0	1	0	0
Newport Beach	92,431	2,305	3,404	2,699.82	3,191	445	584	7	852	394	217
California	<i>not available</i>	1,210,409	<i>not available</i>	3,181.82	1,183,470	104,345	99,017	15,904	<i>not available</i>	44,536	836
National	<i>not available</i>	10,189,900	<i>not available</i>	3,246.08	12,408,899	1,215,077	534,218	500,648	<i>not available</i>	<i>not applicable</i>	<i>not applicable</i>

Summary for Sancho's Tacos at 3014 W Balboa Blvd (RD15)

In 2013, RD15 had a total of 749 reported crimes, compared to a city-wide reporting district average of 150 reported crimes. This reporting district is 599 crimes, or 399%, OVER the city-wide average.

The number of active ABC licenses in this RD is 74, which equals a per capita ratio of one license for every 43 residents. Orange County averages one license for every 420 residents and California averages one license for every 836 residents. This location is within an RD that is OVER the Orange County and OVER the California per capita averages of ABC licenses.

Notes:

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

This report reflects City of Newport Beach data for calendar year 2013, through December 31.

California and National figures are based on the 2012 Uniform Crime Report, which is the most recent edition.

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

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

Additional Information

Highest Volume Crime in RD15
Simple Assault

Highest Volume Crime in RD16
Simple Assault

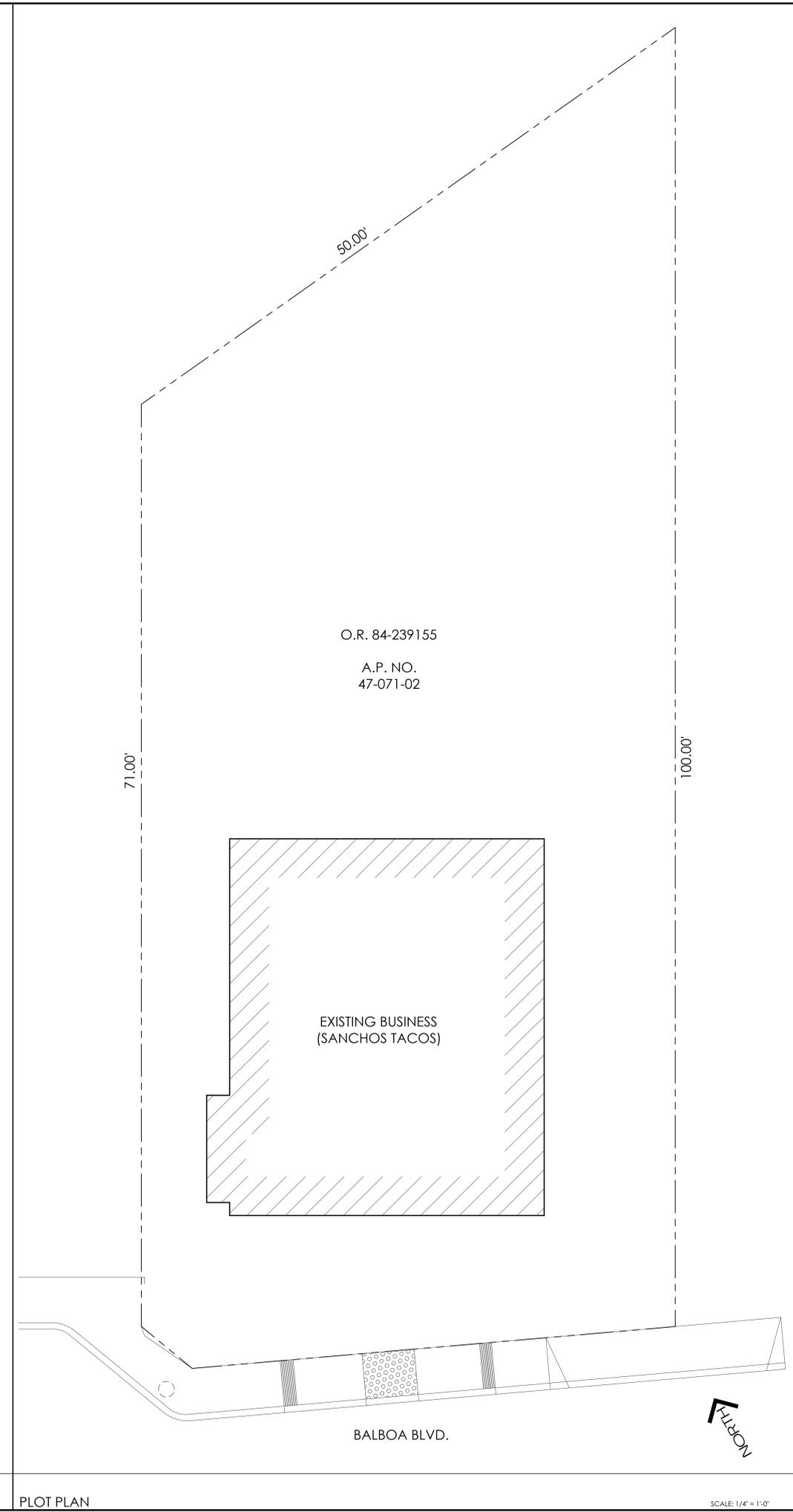
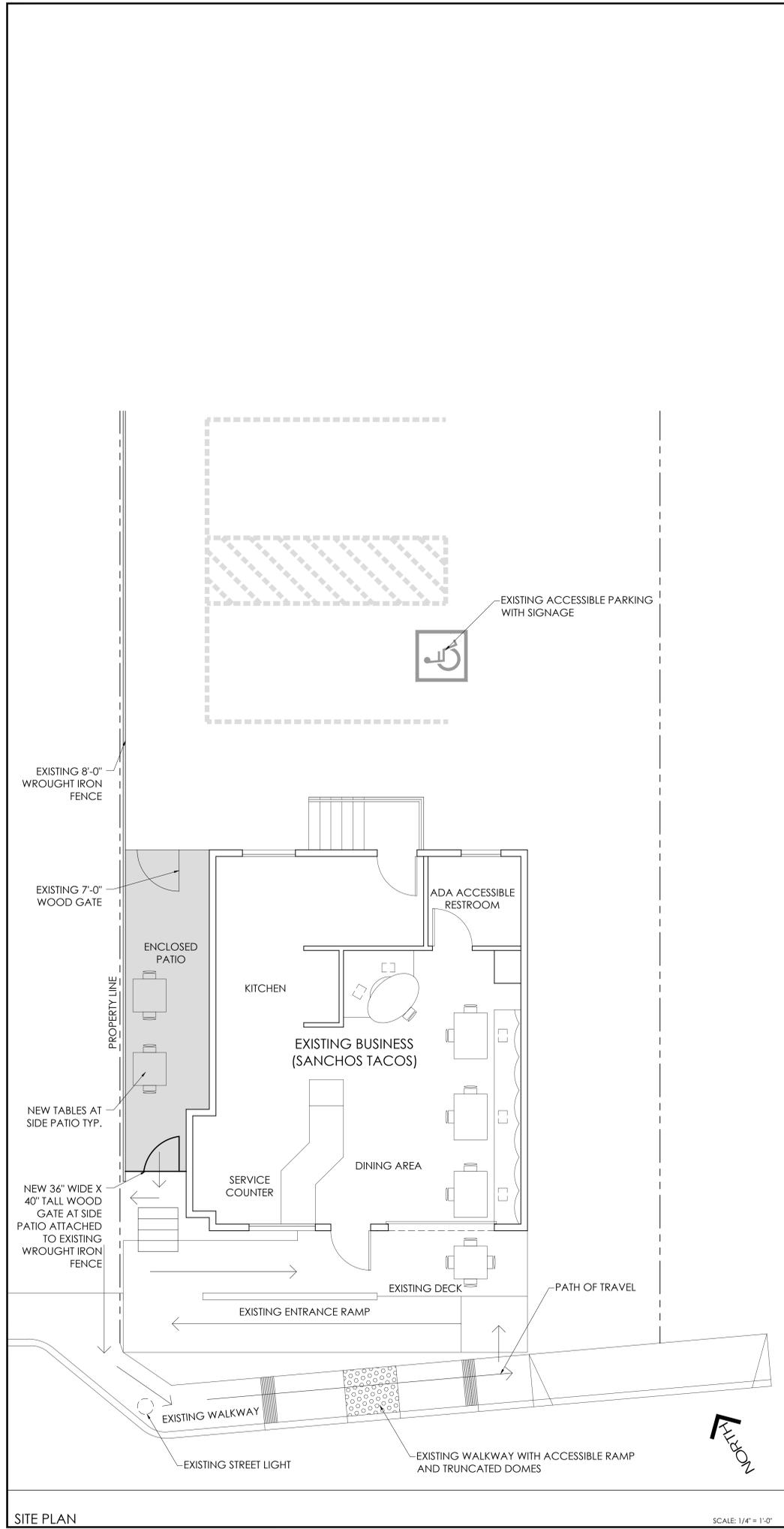
Highest Volume Crime in RD13
Burg/Theft From Auto

Highest Volume Crime in RD14
Burg/Theft From Auto

Calls for Service at 3014 W Balboa Blvd	
CITIZEN/AGENCY ASSIST	1
DISTURBANCE MISC	1
DISTURBANCE-PARTY	1
SKATEBOARD DISTURBANCE	1
TRESPASS IN PROG	1
Grand Total	5

Attachment No. ZA 5

Project Plans



SCOPE OF WORK

PLAN IS OF EXISTING ESTABLISHMENT ADDING (2) TABLES THAT SIT (2) PEOPLE EACH FOR A TOTAL OF (4) NEW SEATS ON A SIDE PATIO. NEW CONSTRUCTION CONSISTS OF A 40" GATE TO SEPARATE THE SIDE PATIO FROM THE PUBLIC.

PROJECT INFORMATION

LOCATION: N37° 12'34" W
 CONSTRUCTION TYPE: V
 OCCUPANCY GROUP: A-2

GROSS FLOOR AREA: 710 sf.
 PARKING SPACES: 2
 EMPLOYEES: 2
 NO. OF SEATS: 20
 NET FLOOR AREA: 620 sf.
 EXISTING DECK AREA: 50 sf.
 NEW SIDE PATIO 96 sf.

LEGEND

ENCLOSED PATIO

VINCINITY MAP

SANCHO'S TACOS PATIO REMODEL
 3014 W. BALBOA BLVD.
 NEWPORT BEACH, CA 92663

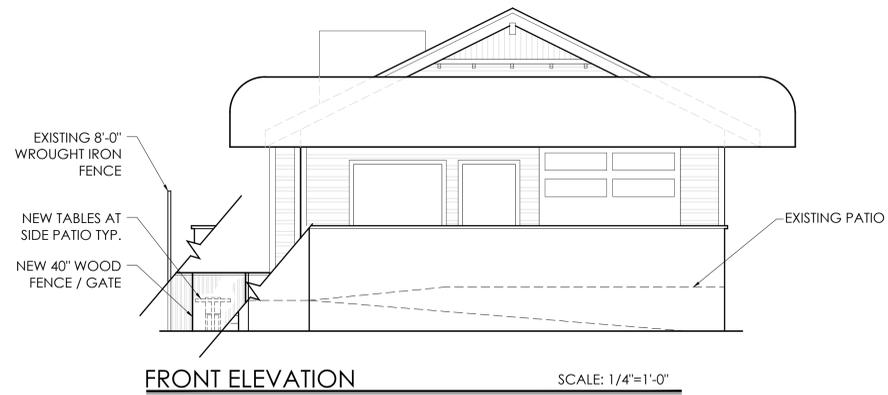
CLIENT

2420 Huntington St. #A Huntington Beach, CA 2648
 CELL P: 7 1 4 . 6 0 0 . 1 8 9 1
 EMAIL: rlong.RLdesigns@gmail.com

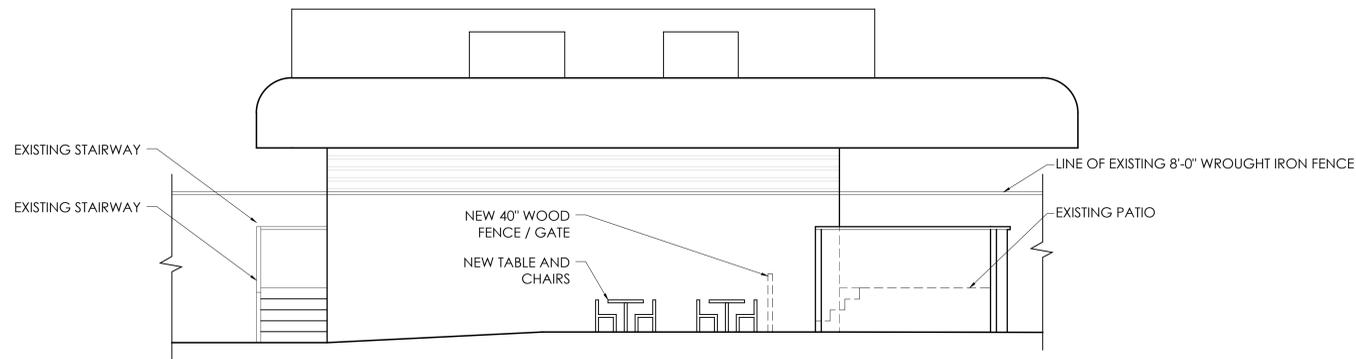
designs

A-1

37



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



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

SCOPE OF WORK

PLAN IS OF EXISTING ESTABLISHMENT ADDING (2) TABLES THAT SIT (2) PEOPLE EACH FOR A TOTAL OF (4) NEW SEATS ON A SIDE PATIO. NEW CONSTRUCTION CONSISTS OF A 40" GATE TO SEPARATE THE SIDE PATIO FROM THE PUBLIC.

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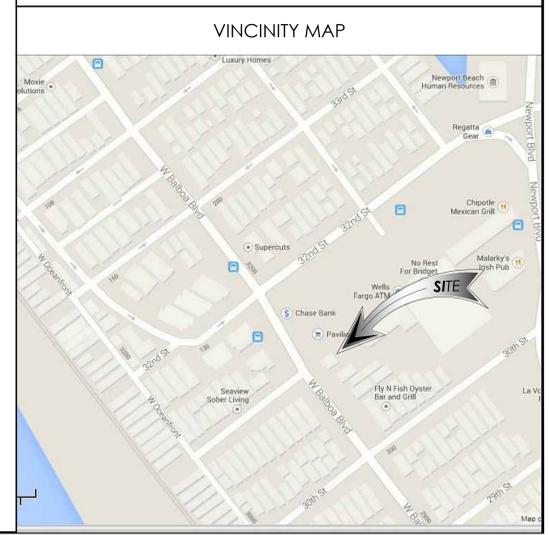
EMPLOYEES: 2

NO. OF SEATS: 20

NET FLOOR AREA: 620 sf.

EXISTING DECK AREA: 50 sf.

NEW SIDE PATIO 96 sf.

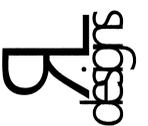


REVISIONS

CLIENT



2420 Huntington St. #A Huntington Beach, CA 2648
 CELL P: 7 1 4 . 6 0 0 . 1 8 9 1
 EMAIL: rlong.RLdesigns@gmail.com



SANCHOS TACOS PATIO REMODEL
 3014 W. BALBOA BLVD.
 NEWPORT BEACH, CA 92663

DRAWN: RUSSELL LONG
 CHECKED: RUSSELL LONG
 APPROVED: DONNIE LANCASTER
 CONSTRUCTION DATE: 4.15.14
 PROJECT NUMBER: 001-14
 SHEET TITLE: ELEVATIONS

SHEET NUMBER: **A-2**

To: ZONING ADMINISTRATOR
Subject: ADDITIONAL MATERIALS RECEIVED

Item 4a: ADDITIONAL MATERIALS RECEIVED
ZONING ADMINISTRATOR – JUNE 12, 2014
SANCHO'S TACO'S (PA2014-058)

From: Whelan, Melinda
Sent: Monday, June 09, 2014 8:07 AM
To: Ramirez, Brittany
Cc: Wisneski, Brenda
Subject: FW: Reject the ABC request of Sancho's Tacos

From: joe reiss [<mailto:jreiss0@gmail.com>]
Sent: Friday, June 06, 2014 10:44 AM
To: Whelan, Melinda
Cc: Henn, Michael
Subject: Reject the ABC request of Sancho's Tacos

Sancho's Tacos Minor Use Permit

- A request for a minor use permit to add a Type 41 Alcohol Beverage Control

License (On-Sale Beer and Wine) in conjunction with an eating and drinking establishment previously approved by

Specialty Food Permit No. 46. The Specialty Food Permit allows a maximum of 20 seats, including outdoor seating and

hours of operation from 6:00 a.m. to 9:00 p.m. There are no proposed changes to the number of seats or the hours of

operation. If approved, this Minor Use Permit would supersede Specialty Food Permit No. 46.

Melinda, I strongly oppose the issuance of a beer and wine license for Sancho's Tacos. This business has been in operation for less than 6 months and has no track record for compliance with its current use permit. The first week it was open at 9am the music was blasting out its doors and I could hear it at my house on 30th Steet. Although, it has not been as bad lately I still on occasion hear the music.

Sancho's Tacos previoulsy was a residence the City allowed to convert to a sandwich shop some years ago and then recently became Sancho's Tacos. The distance the business is from the

residence just east of it is probably less than 20 feet. No alcohol establishment should be that close to a residence.

Since Sancho's Tacos opened I rarely see anyone in the restaurant. I think they are struggling to stay open and are looking at alcohol sales to help their business. Alcohol sales should not be what keeps a taco shop in business. Have Sancho's Tacos prove they can make it as a restaurant before you give them this ABC license. Once you give them an ABC license it is difficult to take it back.

I would also like the Hearing Officer to ask Sancho's Tacos why they do not sell alcohol in their Huntington Beach location and why they have a need to sell it at this location. If Sancho's Tacos is successful in Huntington Beach without an alcohol license why would they need one here?

In an area that already is overconcentrated with alcohol establishments that have a negative impact on our community we have to be extremely cautious with any future ABC permits. Please do not allow Sancho's Tacos to sell beer and wine.

I am unable to attend the Minor Use Hearing; however, I would like this email sent to the Hearing Officer and to be considered in the decision.

Thank you, Joe Reiss

To: ZONING ADMINISTRATOR
Subject: ADDITIONAL MATERIALS RECEIVED

Item 4b: ADDITIONAL MATERIALS RECEIVED
ZONING ADMINISTRATOR – JUNE 12, 2014
SANCHO'S TACOS (PA2014-058)

From: Wetherholt, Drew [<mailto:Drew.Wetherholt@marcusmillichap.com>]
Sent: Tuesday, June 10, 2014 4:13 PM
To: Whelan, Melinda; Henn, Michael
Cc: Kiff, Dave; Diane Dixon (ddixon@dianedixon2014.com); Sailor, Evan; Hillgren, Bradley
Subject: Sancho's Tacos request for an ABC license Project File PA2014-058 location 3014 Balboa Blvd, Newport Beach

Melinda:

Please forward this email to the zoning administrator for the public record regarding Sancho's Tacos request for an ABC license Project File PA2014-058 location 3014 Balboa Blvd, Newport Beach. I oppose issuing an ABC license to Sancho's Tacos and request a denial for the following reasons:

1. Too small of a restaurant located less than 20 feet from homes. The restaurant only has 2 public parking spaces.
2. This operator is unproven and has been in business less than 6 months. The business already appears to be struggling and now wants alcohol? Why are we giving ABC licenses to establishments that have no track record of being a good or bad operator in an area that is already over-concentrated with ABC licenses? Once an ABC license is in-place it is much harder to remove.
3. This operator has a location in HB that does NOT have an ABC license. There would seem to only be 3 reasons for this:
 - a. He applied and was denied due to over-concentration of alcohol in downtown HB.
 - b. He could have been denied perhaps because the restaurant was problematic.
 - c. Never applied because the restaurant doesn't need it to be successful. Why does he need one here?
4. If the location is already struggling, alcohol isn't the answer. Concerns include that it starts with a glass a beer, then they start offering pitchers (with discounts) attracting the drinking/partying crowd. It then degrades from there morphing more into a bar/pub crawl/party etc. just like we have seen before.
5. An alcohol issue/license in District 15 should NOT be decided by one individual, the zoning administrator, at 3:30PM in the afternoon when most of the public will not be able to attend to voice their concerns. This issue certainly can have a significant negative impact on the immediate area and the residents. Issues like this should be going before the planning commission, not one individual. ABC licenses are not a "minor" issue in District 15.
6. The location has very little seating and parking. The Pavilion's center has already had a problem with Sancho's customers parking on their property and posted signs warning Sancho's customers not to park in the Pavilion's parking lot.
7. As of Sunday there has NOT been any public notices posted on the property notifying the general public of this hearing.

8. District 15 already has the largest number of ABC licenses in Orange County (approx. 1 license per 43 residents). Orange County averages one license for every 420 residents and California averages one license for 836 residents.
9. The NBPD already has a difficult time policing the alcohol related issues in District 15. Another problematic restaurant that morphs into a party restaurant/bar will not benefit the immediate area or the Peninsula. In 2013, District 15 had 599 crimes, or 399% OVER the city-wide average! The highest volume crime in District 15 is simple assault probably related alcohol.

Thank you for your consideration.

Drew Wetherholt
Newport Beach Resident
949-466-6088

To: ZONING ADMINISTRATOR
Subject: ADDITIONAL MATERIALS RECEIVED

Item 4c: ADDITIONAL MATERIALS RECEIVED
ZONING ADMINISTRATOR – JUNE 12, 2014
SANCHO'S TACOS (PA2014-058)

From: Lynne [<mailto:lynnenewton@aol.com>]
Sent: Wednesday, June 11, 2014 2:17 PM
To: Whelan, Melinda; Henn, Michael
Subject: Sancho's Tacos request for an ABC license Project File PA2014-058 location 3014 Balboa Blvd, Newport Beach

Melinda,

Please forward this e-mail to the zoning administrator for the public record concerning Sancho's Tacos request for an ABC license Project File PA2014-058 located at 3014 Balboa Blvd. Newport Beach. I am against issuing an ABC license to Sancho's tacos and request a denial based on my concerns listed below.

As of today, there are no public notices posted on the property informing the general public of the upcoming hearing. Sancho's Tacos is a small location with five tables and two public parking spots that sits on the sidewalk separated from the neighboring homes by just a driveway. Pavilions already has problems with the Sancho's Taco's customers and has posted signs not to park in the Pavilions parking lot.

The Sancho's Tacos in Huntington Beach does NOT serve alcohol, so why here at their Newport Beach location? We currently have three establishments that serve alcohol located on the opposite end of the Pavilions parking lot. These ABC licensed establishments surrounding our neighborhood have become increasingly popular destinations for the drinking/pub crawl crowd who travel between the bars/restaurants that neighbor our residence. If Sancho's Tacos gets an ABC license, the drinking/pub crawl crowd will travel from the bars located at the upper end of the Pavilions parking lot through our neighborhood down to Sancho's Tacos. Every Thursday through Saturday night, the residents in District 15 are subjected to loud, unruly and disrespectful drinking crowds until early hours in the morning. We, the residents, fear the addition of an ABC license at Sancho's Tacos will will increase the frequency of said unruly crowds.

Thank you for your consideration,

Lynne Newton
Newport Beach resident

To: ZONING ADMINISTRATOR
Subject: ADDITIONAL MATERIALS RECEIVED

Item 4d: ADDITIONAL MATERIALS RECEIVED
ZONING ADMINISTRATOR – JUNE 12, 2014
SANCHO'S TACOS (PA2014-058)

From: Sancho's Tacos [<mailto:ogtacos13@gmail.com>]
Sent: Thursday, June 12, 2014 10:25 AM
To: Whelan, Melinda
Subject: Fwd: SANCHOS Tacos

Sent from my iPhone

Begin forwarded message:

From: Ron Amborn <ron@maxxdigital.com>
Date: June 11, 2014, 10:58:12 PM PDT
To: Sanchos Donnie <sanchostacos@hotmail.com>
Subject: SANCHOS Tacos

To Whom it may concern

I am very happy to say that my family and friends have been enjoying Sanchos Tacos from the beginning and recommend it to dozens of people every month. Donnie Lancaster has proven to be an amazing business owner in many ways. His sense of community and love of showing people that good service really exists is second to none. Donnie has supported our local youth in baseball, surfing and Volenter projects. SANCHOS runs a responsible and friendly family owned business that would make any community proud. Donnie has proven to be a role model and amazingly generous to those in need. Great food, good people and a place that I will continue to recommend for years to come.

Regards,

Ron Amborn
President / CEO
Maxx Digital Inc
Office 714-374-4944
Mobile: 714-713-4492
ron@maxxdigital.com
WWW. Maxxdigital.com

To: ZONING ADMINISTRATOR
Subject: ADDITIONAL MATERIALS RECEIVED

Item 4e: ADDITIONAL MATERIALS RECEIVED
ZONING ADMINISTRATOR – JUNE 12, 2014
SANCHO'S TACOS (PA2014-058)

From: Sancho's Tacos [<mailto:ogtacos13@gmail.com>]
Sent: Thursday, June 12, 2014 10:24 AM
To: Whelan, Melinda
Subject: Fwd: Zoning admin

Sent from my iPhone

Begin forwarded message:

From: Mr Preston <mrprestongomez@gmail.com>
Date: June 12, 2014, 9:30:34 AM PDT
To: "sanchostacos@hotmail.com" <sanchostacos@hotmail.com>
Subject: Zoning admin

My name is Preston Gomez I'm a local business owner in Huntington Beach and Newport Beach area. I've been a customer of Sanchos tacos for the past four years their a family owned and operated business with quality food and service. I feel having their beer and wine license would be great for business Sanchos runs a really tight ship and pride themselves on reputation with that being said I look forward to having a nice cold beer with Newport and huntington a best tacos.

For any questions feel free to contact me via email
Mrprestongomez@gmail.com

Preston Gomez

222 30th St.
Newport Beach CA, 92663
June 8th, 2014

City of Newport Beach
100 Civic Center Drive
Newport Beach CA, 92660

Re: Project File No.: PA2014-058 - Activity No.: UP2014-013

Dear City of Newport Beach,

As I may not be able to attend the public hearing held on June 12th, I'm writing to you today to voice my support of Sancho's Tacos application for a beer and wine license.

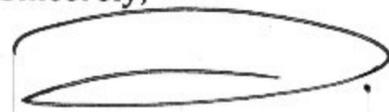
Being a 7-year resident of Newport Peninsula, the opening of Sancho's Tacos was a welcome addition to the area. With the exceptional food and friendliest most personable staff, Sancho's is hands down my favorite tacos in area. In addition, being able to see the beach from the patio makes it an ideal place for breakfast, lunch, or dinner. The only caveat for my friends, family, and I, is the inability to enjoy a beer with our meals. Being born and raised in Southern California, tacos and beer go together the same the sun and the beach. Ironically, this is exactly what Sancho's is offering.

Besides my obvious affinity for food and company of Sancho's Tacos, this is a win-win-win for the City of Newport, local businesses, and the owners. As summer approaches and the an every business, regardless of industry, feels the surge in tourism and visitors, Sancho's Tacos is set up perfectly to capture is this business and keep people here longer and generating additional revenue for the City of Newport and their fellow local business owners.

Now, I used the word "perfectly" above... perfectly implies that Sancho's is able to provide an environment that is able to serve their customers is every way and they have hit the mark in every aspect. I'm just one person, but I encourage you to utilize Yelp if there are any doubts, there is more than enough to fully support the demeanor of this establishment. Granting Sancho's the ability serve beer and wine ensures they truly have all the tools they need to continue to grow and be successful, adding to the success of Newport as a whole.

Thank you in advance for your time.

Sincerely,



Matt Bridges
714-512-0580

To the Zoning Administrator of the City of Newport Beach:

I draft this letter in support of granting Sancho's Tacos Newport Beach (STNB) a license to sell beer and wine at their establishment. STNB is a family owned and operated business. The staff at STNB are congenial and helpful, and the positive, family-oriented atmosphere contributes to the overall environment of the adjacent neighborhood. Furthermore, the employees of STNB are the kind of people who remember customers' names when they place phone orders, wave to people as they walk their dog, and engage patrons in conversations about the community. Also considering the clean, welcoming facility and unbelievably delicious fish burritos, STNB has undoubtedly been a positive addition to the Newport Beach food-service circuit.

Granting STNB a license to sell beer and wine will help facilitate their success as an establishment. In a world rampant with chain restaurants and homogeneity, it is rare to see a small, family-owned business flourish. Therefore, we should support places such as STNB as a community, not only because they offer excellent food and a fun, spirited atmosphere, but also because as our neighbors, they are personally invested in our city and will contribute positively to the culture of Newport Beach.

Thank you for your regard,

Erin Delman
Ph.D Candidate
Steve Davis Research Group
Department of Earth System Science
University of California, Irvine

For questions, please contact me at:

204 ½ 30th St., Newport Beach, CA, 92663
edelman@uci.edu
310.809.1536

Mario Hernandez

To: Whom it may concern
Subject: Sancho's Tacos Minor Use Permit Application

Dear Zoning Administrator:

This letter is in regards to the application for the minor use permit by Sancho's Tacos – Newport Beach. I fully support the admission of the permit to this great establishment. Sancho's Tacos is bar none, the best taco spot in Orange County. This establishment provides a very family oriented and modern dining experience for beach go-ers and residents of the City of Newport Beach. Aside from the great food, Sancho's Tacos also plays a positive economic roll in Newport Beach. Sancho's is also owned/operated by a very responsible and friendly family led by Mr. Donnie Lancaster.

For all of the above reasons I am fully in support of Sancho's Tacos having the ability to sell beer and wine at their location in the City of Newport Beach not only to aid in Sancho's Tacos business growth, but also for the positive effects the establishment will have on the community.

Sincerely,



6/11/2014

Mario Hernandez
5 Escapade Court
Newport Beach, CA 92663
Cell : (626) 675-6704

Thank you,

Mario Hernandez
Closing Coordinator

Greenlight Loans, a division of **Nationstar Mortgage LLC**
Corporate NMLS: 2119
Phone: (949) 265-3878
Fax: (949) 486-3178
Toll Free: 877-773-2783 ext. 3878
Email: MHernandez@greenlightloans.com
Website: www.greenlightloans.com

Customer service is our top priority. If you are not receiving exceptional customer service, or if you have any questions, please feel free to contact my supervisor Rachelle Cochems direct at (949) 798-2240 or at RCochems@greenlightloans.com. For unresolved and escalated complaints, please contact the Office of Consumer Affairs at (877) 476-5868 or at ConsumerAffairs@greenlightloans.com.

Objections to Beer and Wine service at Sancho's Tacos Minor Use Permit # UP2014-013

I, Howard Minnick, bear no ill will against the business owners next door and wish them success in their business endeavors, however, I must voice objections to the proposed permit application on behalf of my wife JoAnn, my son Kenneth, daughter Lauren, my 2 grandsons for the following reasons:

The permitting process is in place to allow special uses which are essential or desirable to the community at large.

PUBLIC NEED

Public Need is not demonstrated by virtue of the fact that there are eleven existing beer and wine licenses in close proximity to the subject property. There are nine facilities that offer beer and wine service within 1000 yards of the subject property. They are as follows: Gina's Pizza, Crow's Burgers, Newport Brew Co., Rudys, Malarkeys, Mama D's, Ho Sum Bistro, Chipotle, Bear Flag Tacos, Las Fajitas and Pescadou. Please note that NONE of the aforementioned establishments are directly adjacent to residential properties such as this one.

The permitting process is in place to allow special uses which are essential or desirable to the community at large. At this location, sharing a common property line with an occupied residence is neither essential OR desirable.

PUBLIC NUISANCE

Beer and wine service at this location would be detrimental to the harmonious enjoyment of adjacent residents and will endanger, jeopardize and otherwise constitute an increased hazard to the public health, interest, safety and general welfare of persons residing in the area by nuisance by virtue of such close proximity to occupied residence. Where drinking is allowed, smoking usually occurs. Occupants of our residence are allergic to cigarette smoke and do not wish to be subject to it. However, it is occurring next door and we do not wish to be sickened by it. Patron intoxication, **unauthorized amplified music on the inside and outside of the establishment at such volumes as to be disruptive to the neighboring residents**, conversational noise, vehicular traffic, both autos and bicycles parking in and across my driveway, patrons sitting on my property line wall and eating and drinking and discarding trash and pedestrian loitering and un-policed

trash will increase and spill over to our residence thereby disrupting the peaceful enjoyment of us tax paying permanent residents occupying the dwelling next door. People have been observed urinating and defecating on our adjacent residential property without additional alcoholic stimulus. It can only increase with additional opportunities for inebriation. There exists an insufficient quantity of exterior trash receptacles to handle carelessly discarded refuse at the site and employees do not clean up trash and cigarette butts discarded in our driveway.

CRIMINAL ACTIVITY

Where alcohol is served criminal activity is increased. In 2013, the following statistics appear on the NB Police website: Drunk related calls 541, DUI arrests 432, liquor violations 8, drugs and alcohol calls 453. These statistics will only increase should the permit be granted.

My property is next door and has already this year had the block wall damaged by vehicles parking at the restaurant, 6 bicycles stolen from the property and almost nightly we experience trespassers on our property in the driveway and often in our backyard. On several occasions, I personally have physically had to remove drunks from sleeping on and below our deck.

MAXIMUM OCCUPANCY AND LIFE SAFETY COMPLIANCE

If granted, the maximum occupancy requirement of the existing permit should not change and should be enforced.

If the above license is granted, The owner has planned to incrementally expand his operation as follows:

HOURS OF OPERATION

Increased hours of operation.

The permitted hours of operation must not be allowed to extend beyond currently permitted usage in order to maintain the peaceful enjoyment of the contiguous residential property next door.

EXPANSION OF REAR PATIO

The rear area is currently restricted for vehicular parking. It is the intent of the owner to create a patio in this area. I object to this as well for all the above stated reasons plus increased noise, airborne second hand smoke and fugitive lighting illumination. The parking lot must not be eliminated to create a rear patio area. Amplified music and smoking should not be

allowed. This is precisely what occurred in the case of Gina's Pizza. That patio was not permitted and not disclosed on the original plans. That area was originally designated as a walkway and bicycle rack area. Now it is lit up like the fourth of July with patio lights and loud noise until 10 PM nightly.

Before voting on this, let each member of the council ask themselves the following question:

Would I want this situation next to my house?

Would I want to deal with the problems associated with this additional burden on a daily basis?

Shall I, in good conscience, impose this additional hardship on the next door neighbors who are simply minding their own business and attempting to extract as much peaceful enjoyment out of their property as they can?

If the answer to any question is NO, Then vote that way.

Respectfully submitted,

Howard Minnick
JoAnn Minnick
Kenny Minnick
Lauren Minnick
3012 West Balboa Blvd.
Newport Beach, CA 92663
(909) 721-7874

To: ZONING ADMINISTRATOR
Subject: ADDITIONAL MATERIALS RECEIVED

Item No. 4j: ADDITIONAL MATERIALS RECEIVED
ZONING ADMINISTRATOR – JUNE 12, 2014
SANCHO'S TACOS (PA2014-058)

From: Howard Minnick [<mailto:howard.minnick@jfshea.com>]
Sent: Thursday, June 12, 2014 11:44 AM
To: Wisneski, Brenda
Cc: Whelan, Melinda
Subject: Minor Use Permit # UP2014-013

Dear Ms. Wisneski,

I just wanted to make sure you received my letter of objection to the above minor use permit and I wanted to add this to it as well.

Nothing in your findings address smoking and interior and exterior amplified music only paging systems. Since this seems to already have your approval, I would ask that staff add a condition of approval to prohibit smoking and exterior amplified music and severely restrict interior amplified music to volumes that are not audible by adjacent property residents.

We would prefer not to breath second hand smoke and hear rap all day long.

Please confirm receipt of this e-mail.

Thank you.



Howard Minnick
Quality Control Manager
Kiewit Shea Desalination
c 909-721-7874
Howard.minnick@jfshea.com

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