



**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
Brenda Wisneski, Deputy Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending September 26, 2014

**ZONING ADMINISTRATOR ACTIONS
SEPTEMBER 25, 2014**

Item 1: English Tattoo Company Minor Use Permit No. UP2014-029 (PA2014-115)
6000 W. Coast Highway, Unit E

Action: Approved by Resolution No. ZA2014-035 Council District 2

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS
(Non-Hearing Items)**

Item 1: El Cholo Restaurant Substantial Conformance – Staff Approval No. SA2014-018
(PA2014-137)
3520 E. Coast Highway

Action: Approved Council District 6

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

RESOLUTION NO. ZA2014-035

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING USE PERMIT NO. UP2014-029 FOR A TATTOO SERVICE BUSINESS (PERSONAL SERVICES, RESTRICTED USE) LOCATED AT 6000 WEST COAST HIGHWAY, UNIT E (PA2014-115)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jason Peter Kirtley on behalf of the property owner David Jalali, with respect to property located at 6000 West Coast Highway, Unit E, and legally described as Lot 16 and 17, Block 160 of Tract 670 requesting approval of a minor use permit.
2. The applicant proposes a minor use permit to allow the operation of a tattoo service business within a 425-square-foot tenant space (Personal Services, Restricted use).
3. The subject property is located within the CV (Commercial Visitor-Serving) Zoning District and the General Plan Land Use Element category is CV (Visitor Serving Commercial).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is CV-A (Visitor Serving Commercial).
5. A public hearing was held on September 25, 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). The Class 1 exemption includes the ongoing use of an existing building where there is negligible or no expansion of use.
2. The project is a permit to allow the operation of a Personal Services, Restricted Use in an existing building whereby no improvements are proposed for the existing commercial tenant space.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020.F (Findings and Decision) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of the 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 land use designation for the site is CV (Visitor Serving Commercial). The CV designation is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach. The proposed project is consistent with this land use designation as it will provide a service not only to visitors, but also to Newport Beach residents.
3. The proposed project is a tattoo service business (personal services, restricted use) to be located within an existing tenant space on the ground floor of an existing commercial building.
4. The subject property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The site is located within the Commercial Visitor-Serving (CV) Zoning District. This designation is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. The proposed personal services, restricted use is consistent with the land uses permitted within this zoning district and the conditions of approval will ensure that the use is compatible with the adjacent residential areas.
2. Within Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the Zoning Code, the CV District allows Personal Services, Restricted uses subject to the approval of a minor use permit.
3. Personal Services, Restricted uses have a required parking ratio of one space per 250 square feet of gross floor area. A total of nine parking spaces are required for the subject site based on the current and proposed mix of tenant uses. The property provides 10 parking spaces on-site; which is adequate to

accommodate the parking requirement of one space per 250 square feet of gross building area.

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 tattoo service business use is located within an existing 425-square-foot tenant space. No increase in floor area and no interior improvements are proposed.
2. The proposed operation will consist of three workstations. Three tattoo artists registered and licensed by the Orange County Health Department will provide the body art services. One primary artist with two minor independent contractors will operate with differing schedules mostly by appointments with very limited “walk-in” services. No designated receptionist will be provided. The hours of operation will be 10:00 a.m. to 10:00 p.m. daily.
3. The proposed tattoo studio use is a service use that will be complementary to the other uses in the commercial building, which include Newport Velo Bike Rentals & Sales, Newport Beach Smoke House, Vapor Tavern, and Surfari Surf Shop. Its operating characteristics are similar to other service uses such as barber and beauty shops.
4. The proposed tattoo service business will provide a service for residents of the neighborhood and visitors to the area and will not require the provision of additional parking spaces on site.

Finding:

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

Facts in Support of Finding:

1. The project site has demonstrated that it is physically suitable to support the existing development. The addition of a tattoo service business use within an existing commercial building will not alter the site’s ability to provide public and emergency vehicle access and public services and utilities.
2. The proposed project will be located in a tenant space within an existing commercial building and will not involve any improvements of the space. The

design, size, location, and operating characteristics of the use are compatible with the existing uses on the site and within the surrounding area.

3. The Public Works Department, Building Division, and Fire Department have reviewed the project proposal and did not have any concerns regarding access, public services, or utilities provided to the existing development.

Finding:

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

Facts in Support of Finding:

1. The project has been reviewed and this approval includes conditions to establish the permitted hours of operation and the maximum number of tattoo artists allowed to operate on site at any one time. These conditions will ensure that the proposed personal service, restricted use will be compatible with the uses on site and within the surrounding neighborhood.
2. Tattoo studio operators are required to register with the Orange County Health Department and are regulated by the California Safe Body Art Act, which was enacted July 1, 2012, to ensure safe operating procedures are practiced. English Tattoo Company has been compliant with Orange County Health Care Agency inspections and regulations since beginning its operation.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2014-029, 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.

PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF September, 2014.



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan and floor plans stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The hours of operation for the tattoo service business shall be 10:00 a.m. to 10:00 p.m., daily.
3. The number of tattoo artists operating at one time shall be limited to three, and each artist shall be registered and licensed with the Orange County Health Department.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. 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.
6. This Minor Use Permit may be modified or revoked by the Zoning Administrator if it is determine that the proposed use 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.
7. All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.
8. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
9. 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.
10. Any change in operational characteristics, expansion in area, or other modification to the approved plans, may require an amendment to this Minor Use Permit or the processing of a new use permit.
11. 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.

12. 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.
13. 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.
14. This approval shall expire and become void unless exercised within 24 months from the actual date of review 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.
15. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the English Tattoo Company MUP including, but not limited to, the Minor Use Permit No. UP2014-029 (PA2014-115). 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.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

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COMMUNITY DEVELOPMENT DIRECTOR **ACTION LETTER**

Application No. Staff Approval No. SA2014-018 (PA2014-137)
Applicant Carlo Divita
Site Address 3520 E. Coast Highway
El Cholo Restaurant Substantial Conformance
Legal Description Parcel Map Book 158, Page 41, Parcel No. 1, Tract 323

On September 26, 2014, the Community Development Director approved Staff Approval No. SA2014-018 to allow modifications an existing food service, eating and drinking establishment and found said modifications in substantial conformance with Use Permit No. UP1908 and its subsequent amendments. This approval is based on the findings and subject to the following conditions.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** CC (Commercial Corridor)
- **General Plan:** CC (Corridor Commercial)

BACKGROUND

On June 7, 1979, the Planning Commission approved Use Permit No. UP1908 to convert a vacant mortuary building to a food service, eating and drinking establishment with on-sale alcohol service and off-site parking. Subsequent amendments occurred in 1980, 1982, 1983, 1984, and 1990 to adjust the allowed hours of operation, to add live entertainment, and to add dancing. The establishment has continued to operate under the fifth amendment of Use Permit No. UP1908.

In 2012, the operator increased the allowed maximum occupancy consistent with the Building Code which required the review and issuance of an Operator License pursuant to Chapter 5.25 of the Municipal Code.

On September 4, 2014, a building permit application was submitted for a tenant improvement of the establishment for a new operator (El Cholo Restaurant). The proposed changes to the floor plan and overall operation require additional review to confirm they are in substantial conformance with the approved Use Permit.

PROJECT SUMMARY

A staff approval determining substantial conformance with Use Permit No. UP1908 for a new food service, eating and drinking establishment (El Cholo). The proposed tenant improvement includes the following changes:

Exterior Entry/Dining Patio

- Addition of a new accessible ramp and raising a portion of the patio approximately five inches to allow for an accessible main entrance.
- Installation of a new awning over the entire outdoor patio area.
- Installation of new graphics on the existing nonconforming pole sign.

Bar/Lounge

- Addition of new bar door within the bar area.
- Removal of fixed seating within the lounge and replacement with moveable seats.

Dining 1

- Removal and replacement of booths along the eastern wall.

Dining 2

- Conversion of existing dining area into a server area.

DJ/Audio Storage

- Conversion of existing audio equipment area into an exit area.

Dining 3

- Removal of booths at western wall.

Dining 4/Wine Storage

- Removal of wine room and addition of booths with recessed display nooks in wall behind.

Men's Restroom

- Expansion of existing restroom for accessibility upgrade and removal of existing accessible entry/exit.

Storage Room

- Conversion to trash enclosure.

Kitchen

- Reorganization and replacement of kitchen equipment with installation of a new grease trap located within the rear alley.

In addition to the physical improvements on the property, the new operator proposes operational changes for the establishment. Those changes are summarized in the table below.

Table 1, Existing and Proposed Operational Characteristics

	<i>Existing/Allowed</i>	<i>Proposed</i>
Hours	Lunch to 12:30 a.m., Sunday through Thursday Lunch to 1:30 a.m., Friday and Saturday	11:00 a.m. to 11:00 p.m., daily ¹
Gross Area	Approximately 5,580 square feet	No change
Net Public Area	3,276 square feet	3,190 square feet
Seats	218	No change
ABC License	Type 47 (On-Sale General, Eating Place)	No change
Live Entertainment	Yes	No
Dancing	Yes	No
Parking	47 parking spaces off-site, valet service	No change

¹*With the new closing time of 11:00 p.m., the operator will not be required to obtain an Operator License; however, since the Use Permit allows later closing hours, an Operator License will be required if the closing hour changes to a later time.*

FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed changes to the existing food service, eating and drinking establishment remain in substantial conformance with the approved plans of Use Permit No. UP1908 and its subsequent amendments. In reviewing this request, the Community Development Director found the proposed changes:

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. The food service establishment will continue to be consistent with the permitted land uses identified in the CC (Commercial Corridor) Zoning District and in conjunction with the approved Use Permit No. UP1908 and its subsequent amendments.

Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Facts in Support of Finding:

1. The proposed changes to the existing food service, eating and drinking establishment will not compromise the original Class 1 (Existing Facilities) exemption under the California Environmental Quality Act (CEQA) Guidelines for the project since the request involves minor alterations to the floor plan and operational characteristics with no expansion of use.

Finding:

- C. *Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed operation will conduct business within the confines of the conditions of approval for Use Permit No. UP1908 (Amended).
2. There is no proposed expansion or intensification of the existing use. The gross floor area, net public area, number of seats, and hours of operation will be equal to or less than what is allowed by Use Permit No. UP1908 (Amended).

Finding:

- D. *Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The proposed changes will not result in an expansion in operational characteristics as the hours of operation will be lessened and there will be no live entertainment and dancing on the premises.

DETERMINATION

This staff approval has been reviewed and the determination has been made that the proposed changes to the existing food service, eating and drinking establishment use are in substantial conformance with Use Permit No. UP1908 (Amended).

CONDITIONS

The conditions of approval for Use Permit No. UP1908 shall continue in full force and effect with exception of those related to live entertainment and/or dancing. Should the applicant and/or operator wish to conduct live entertainment and/or dancing at the establishment, those related conditions of approval shall apply (see Attachment No. CD 2). Furthermore, should the applicant and/or operator wish to expand hours to later than

11:00 p.m., an Operator License shall be applied for and obtained prior to implementing expanded hours.

APPEAL PERIOD

An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Benjamin M. Zdeba
Assistant Planner

GR/bmz

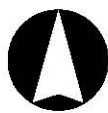
Attachments: CD 1 Vicinity Map
 CD 2 UP1908 Conditions of Approval
 CD 3 Applicant's Project Description
 CD 4 Revised Project Plans

Attachment No. CD 1

Vicinity Map



Newport
Beach
GIS



0 40 80
Feet

Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

9/23/2014

Attachment No. CD 2

UP1908 Conditions of Approval

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CITY OF NEWPORT BEACH

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illumination and walls surrounding the restaurant site, will not be detrimental to the adjoining properties.

5. That the design of the project or proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
6. That public improvements may be required of a developer per Section 20.80.060 of the Municipal Code.
7. That the Police Department has indicated that they have no objections to the proposed restaurant operation.
8. The approval of a modification to the Zoning Code so as to allow the use of tandem parking spaces for a portion of the required off-street parking will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City and further that the proposed modification is consistent with the legislative intent of Title 20 of this Code.
9. The approval of Use Permit No. 1908 (Amended) under the circumstances of this case will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

CONDITIONS:

1. That the subject project shall be in substantial conformance with the approved plot plan and floor plans, except as noted below.
2. That all previous applicable conditions of approval of Use Permit No. 1908 and related amendments shall be fulfilled.
3. That 33 daytime and nighttime (after 5:00 p.m.) parking spaces shall be provided in Off-Site Parking Lot No. 1 and 14 nighttime parking spaces shall be provided in Off-site

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Parking Lot No. 2 for a total of 33 daytime parking spaces and 47 nighttime parking spaces.

4. That an amended off-site parking agreement shall be approved by the City Council providing 4 additional parking spaces (33 total) within Off-site Parking Lot No. 1.
5. That the on-site vehicular, pedestrian circulation system shall be subject to further review by the Public Works Department and the City Traffic Engineer.
6. That the subject restaurant, including dancing and live entertainment shall be permitted to operate until 12:30 a.m. Sunday through Thursday and 1:30 a.m. on Friday and Saturday. However, live entertainment shall not be permitted before 9:00 p.m. and dancing shall not be permitted before 10:30 p.m.
7. Dining Room No. 4 shall be closed by 9:00 p.m. and Dining Area No. 3 shall be closed by 10:30 p.m. when the dancing is permitted.
8. That the development standards pertaining to landscaping, building setbacks, underground utilities, illumination and walls surrounding the restaurant site are hereby waived.
9. That no outdoor loudspeaker or paging system shall be permitted in conjunction with the proposed operation.
10. That live entertainment in the restaurant shall be limited to a four piece combo and that all music and live entertainment shall be confined to the interior of the building and all doors and windows of the restaurant and lounge shall remain closed during such activity.
11. That a Cafe Dance Permit for the proposed dancing shall be approved by the City in accordance with Section 5.32.030 of the Municipal Code.
12. That valet parking service shall be provided at all times during the restaurant's operation.
13. The out-door patio shall be limited to no more than 28 seats.

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14. That the Planning Commission may add to or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
15. That this Use Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.
16. That the Planning Commission shall review Use Permit No. 1908 (Amended) in 120 days, and that a report from an engineer practicing in acoustics shall be submitted concerning the sound attenuation of the building as a result of specific testing during the summer months.

* * *

Amendment No. 708 (Public Hearing)

Request to amend Title 20 of the Newport Beach Municipal Code so as to establish the Retail and Service Commercial (RSC) District.

INITIATED BY: The City of Newport Beach

James Hewicker, Planning Director, requested that this item be continued to the June 21, 1990, Planning Commission meeting.

Motion was made and voted on to continue this item to the June 21, 1990, Planning Commission meeting. MOTION CARRIED.

* * *

Amendment No. 709 (Public Hearing)

Request to amend Title 20 of the Newport Beach Municipal Code so as to establish the Residential Overlay District.

INITIATED BY: The City of Newport Beach

The public hearing was opened in connection with this item. There being no one to appear before the Planning Commission,

Item No.8A708

Cont'd to
6-21-90

Item No.9

A709
(Res.1228)

Approved

Motion
All Ayes

*

Attachment No. CD 3

Applicant's Project Description



3111 Second Avenue Corona del Mar, CA 92625-2322 T: (949) 645-9982 F: (949) 645-9554 W: LSarchitects.com

September 2, 2014

Community Development Department
Planning Division
3300 Newport Blvd.
Newport Beach, CA 92663
www.newportbeachca.gov

RE: Project description and operations narrative regarding the Staff Approval Planning Application for the El Cholo restaurant Tenant Improvement

As agent representing the ownership of El Cholo Restaurant, I submit for your review this project description and operations narrative. El Cholo is a family style restaurant that will be focused on serving great food in a relaxed low key atmosphere. They plan to open from 11am to no later than 11pm, 7 days a week. They serve lunch and dinner and will maintain the existing bar/lounge and outdoor dining areas. They intend to adhere to the conditions of approval contained within the current CUP, but not take advantage of some the rights granted. They do not plan to have live entertainment nor dancing. The Scope of work is a tenant improvement including the following list of alterations (the Room Names correspond to the plans approved in the last CUP):

- Exterior Entry / Dining Patio: Add new accessible ramp at entry gates and raise the entire patio appx. 5" to allow for an accessible main entrance. Add a new awning over the entire patio. Reuse the existing pole sign but replace the graphics with a new neon sign.
- Bar/Lounge: Put new bar door in Bar and add new light feature / shelving at the back of the bar. Remove fixed seating in Lounge
- Dining 1: Remove and replace booths. Add light grazing at eastern feature wall.
- Dining 2: Convert into Server area.
- DJ/Audio Storage: Convert to Dining 2 and provide a new exit.
- Dining 3: Remove Booths and add back-lighted feature at western wall
- Dining 4 / Wine Storage: Add Booths and feature wall with recessed display nooks.
- Men's Restroom: Expand existing for accessibility and remove existing accessible entry/exit.
- Existing Storage Room: Convert area to Trash Enclosure.
- Kitchen: Reorganize and replace equipment including new grease trap located in rear alley

These are minor cosmetic changes and improvements that will not significantly alter the approved Use Permit. In fact the creation of a trash enclosure, accessible ramp, and, accessible restroom will bring the building further into compliance with the Zoning and Building codes. El Cholo's operations will ultimately incur far less impact on the community and do nothing to intensify the approved conditional use. Therefore, I ask that you review and approve the subject Planning Permit Application. Thank you in advance for your review of the application and do not hesitate to contact me with any questions.

Sincerely,

Scott Laidlaw
Laidlaw Schultz Architects

Attachment No. CD 4

Revised Project Plans

1. No change to Second Floor

2. Existing electrical, mechanical, plumbing to remain except where noted otherwise

3. No change to restroom fixture count

4. No change to overall public occupancy calcs

5. No change requested to the conditions of approval for the (E)Conditional Use Permit

Proposed Net Public Area		Proposed Net Employee Areas		Proposed Net Employee Areas	
	= S.F.	Lower Level		Upper Level	
• Net Public Areas :		• Employee Area:	= S.F.	• Employee Area (1/100):	= S.F.
Lounge/Bar	= 776	Kitchen	= 881	Office 1	= 237
Dining Area 1	= 605	Bar	= 148	Office 2	= 345
Dining Area 2 (Former DJ)	= 58	Serving (Former Dining 2)	= 92	Total Net Employee Area:	= 582
Dining Area 3	= 387	Total Employee Area:	= 1,121	• Net Storage Areas (1/300):	= S.F.
Dining Area 4 (Partly Former Wine)	= 408	Storage Areas:	= S.F.	Liquor & Dry	= 286
Total Interior Net Public Area:	= 2,234	Storage	= 303	Soda	= 16
Outdoor Patio	= 1,026	Trash	= -35	Total Storage Areas	= 302
Accessible Ramp	= -41	Total Storage Areas:	= 268		
Total Exterior Net Public Area:	= 985			• Total Upper Level Employee Area:	= 884
		• Total Lower Level Employee Area:	= 1,389	Upper Level Employee Occupancy	
• Total Public Area:	= 3,190	Employee Area (1,121/200)	= 6	Employee Area (582/100)	= 6
• Total Public Occupancy:	= 218	Storage Area (268/300)	= 1	Storage Area (302/300)	= 1
(per A.200b)		Total Employee Area:	= 7	Total Employee Area:	= 7
				• Total Employee Area:	= 2,273
				Total Employee Occupancy:	= 14

Legend:

Footprint

Outline of Second Floor (Office and Restroom only)

3

Notes

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Area and Occupancy Calcs

1. No change to Second Floor

2. Existing electrical, mechanical, plumbing to remain except where noted otherwise

3. No change to restroom fixture count

4. No change to overall public occupancy calcs

5. No change requested to the conditions of approval for the (E)Conditional Use Permit

Legend:

Existing (E) Wall to remain

New Stud wall, U.N.O.

Area of use change

XX-00

See A.004 for Schedule

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See A.004 for Schedule

Minimum 3/8" struc. 1 plywood, full height & width with blocking all edges. 8d @ 6" o/c all edges, 8d @ 12" o/c field nail (may be applied to interior or exterior). Field verify minimum (E) 1/2" diameter A.B. @ 48" o/c.

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Notes

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Legend

LSarchitects

Laidlaw Schultz

OWNER

Walter C. Boice
2816 E. Coast Hwy.
Corona del Mar, CA 92625
949.675.6700

PROJECT

Ei Cholo
3520 E. Coast Hwy
Corona del Mar, CA 92625

DRAWING DESCRIPTION

Floor Plan

DATE

08.28.2014
09.02.2014
09.04.2014
08.26.2014

ISSUE/REVISION

Staff Approval App.
Pricing Package
Not for Construction
Plan Check
Corrections

REVIEW

SDL
SDL
SDL
SDL

LICENSED ARCHITECT

SCOTT D. LAIDLAW

C-21061

RENEWAL

JULY-2015

STATE OF CALIFORNIA

A.200

SHEET NO.

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of Laidlaw Schultz Architects.

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Corona del Mar, CA 92625-2322
(949) 645-9982 Fax: (949) 645-9554
www.LSarchitects.com

Demolition Notes:

- All debris shall be wet at time of handling to prevent dust.
- Sewer line shall be capped.
- All basement fills shall be clean and uniform.
- Streets and sidewalks are to be remain clean and clear.

2 Notes

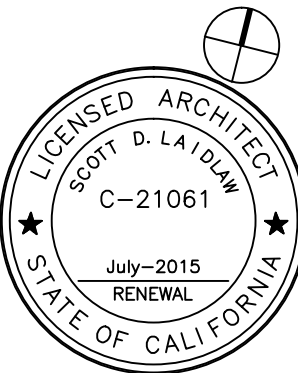


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DRAWING DESCRIPTION
Demo Plan

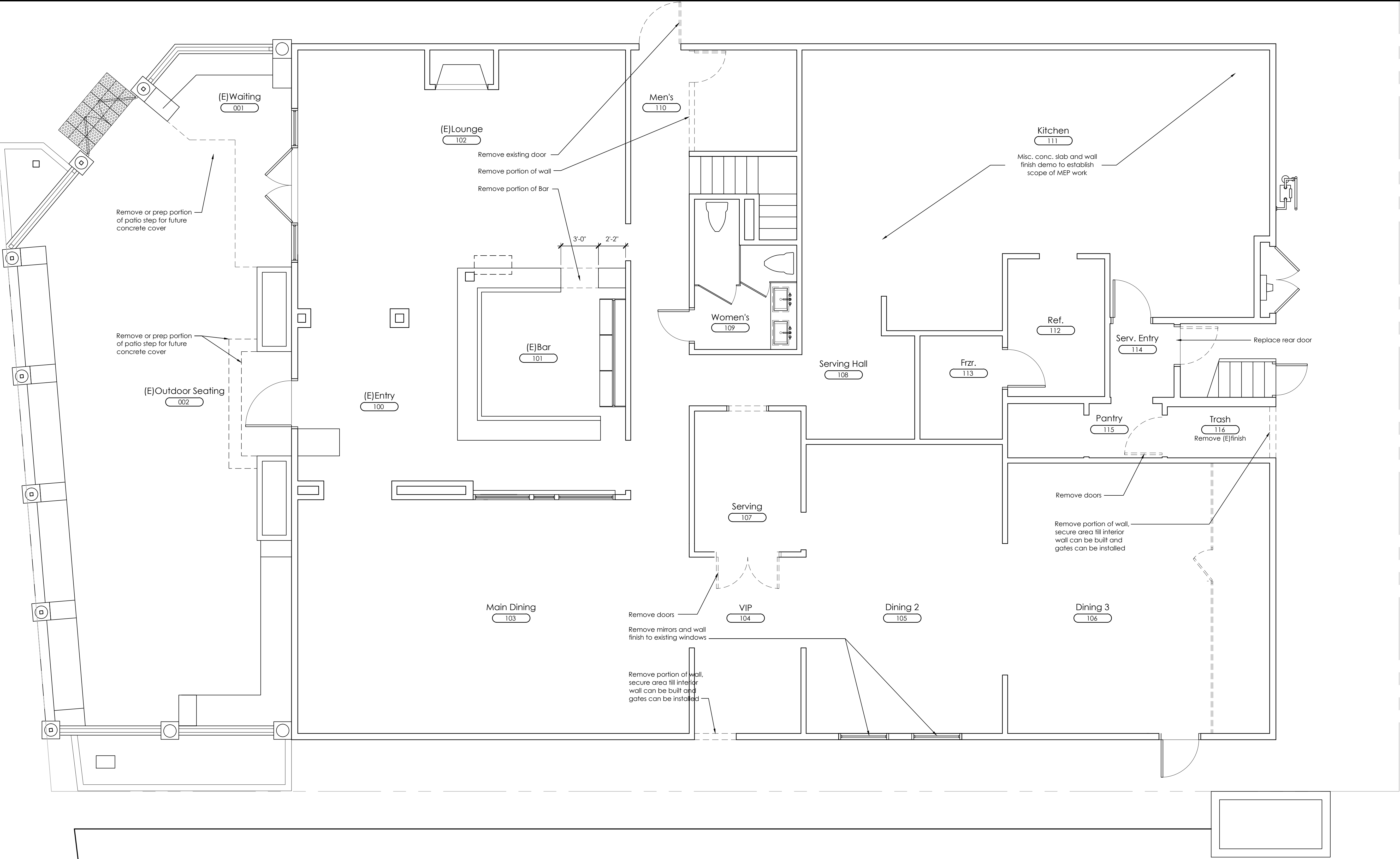
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-	-	-



A.200a
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1 Demolition Plan



OCCUPANCY CALCULATIONS WITHOUT DANCING

LOUNGE/BAR OCCUPANCY WITHOUT DANCING	
LOUNGE FIXED SEATING (1/24") (4+2+2)	8
LOUNGE TABLE SEATING (1/15 S.F.) (565/15)	38
BAR SEATING (1/24") (4+6+5)	15
DRINK RAIL STANDING (1/18") (10'-6"/18")	7
HANDICAP BAR (1)	1
TOTAL LOUNGE/BAR WITHOUT DANCING	69
DINING 1 OCCUPANCY WITHOUT DANCING	
BENCH SEATING (1/24") (18'-0"/24")	8
DINING 1 BOOTH SEATING (1/24") (5+5+5+9)	24
MOVEABLE TABLE SEATING (1/15 S.F.) (363/15)	24
TOTAL DINING 1 WITHOUT DANCING	56
DINING 2	
TABLE SEATING (1/15 S.F.) (92/15)	6
TOTAL DINING 2	6

DINING 3 WITHOUT DANCING

DINING 3 FIXED BENCH SEATING (1/24") (6+10)	16
DINING 3 TABLE SEATING (1/15 S.F.) (286/15)	19
TOTAL DINING 3 WITHOUT DANCING	35
DINING 4 CLOSED DURING DANCING	
DINING TABLE SEATING (1/15 S.F.) (355/15)	24
TOTAL DINING 4 WITHOUT DANCING	24
TOTAL INTERIOR OCCUPANCY WITHOUT DANCING	190
PATIO OCCUPANCY WITHOUT DANCING	
FIXED SEATS (1/24") (3+3+3+3+7)	19
SITTING (1/15 S.F.)=56 BUT ONLY 1 EXIT MAX (-26)	30
TOTAL PATIO WITHOUT DANCING*	49
*REDUCED PER CURRENT C.U.P. (-21)	28
TOTAL PUBLIC OCCUPANCY WITHOUT DANCING	
*INCLUDING PATIO (28 MAX, PER C.U.P.)	218

Proposed Occupancy Calculations

Lounge/Bar

Table Seating:	615 sf / 15 =	41
Bar Fixed Seating:	5+6+3 =	14
Bar Accessible:	1 =	1
Drink Rail Standing:	7 =	7
Total		63
Occupancy Change		-6

Dining 1

Table Seating:	425 sf / 15 =	28
Bench Seating:	8 =	8
Booth Seating:	4+4+4+4+4 =	20
Total		56
Occupancy Change		0

Dining 2/Exit

Table Seating:	26 sf / 15 =	2
Total		2
Occupancy Change		-4

Dining 3

Table Seating:	293 sf / 15 =	20
Bench Seating:	7+7 =	14
Total		34
Occupancy Change		-1

Dining 4

Table Seating:	342 sf / 15 =	23
Booth Seating:	4+4+4 =	12
Total		35
Occupancy Change		+11

Total Interior:

		190
--	--	-----

Patio

Per previous approved CUP		28
---------------------------	--	----

Total public occupancy without dancing:

Interior + Patio		218
------------------	--	-----

NET PUBLIC AREAS

LOUNGE/BAR	S.F.
DINING AREA 1	776
DINING AREA 2	622
DINING AREA 3	92
DINING AREA 4	405
TOTAL NET PUBC AREA	355
OUTDOOR PATIO AREA	2250
TOTAL NET PUBLIC AREA	3276

Proposed Net Public Area

Net Public Areas:	=	S.F.
Lounge/Bar	=	776
Dining Area 1	=	605
Dining Area 2	=	58
Dining Area 3	=	387
Dining Area 4	=	408
Total Interior Net Public Area:	=	2234
Outdoor Patio Accessible Ramp	=	1026
Total Exterior Net Public Area:	=	956
Total Net Public Area:	=	3190

Legend:

Existing (E) Wall to remain

New Stud wall, U.N.O.

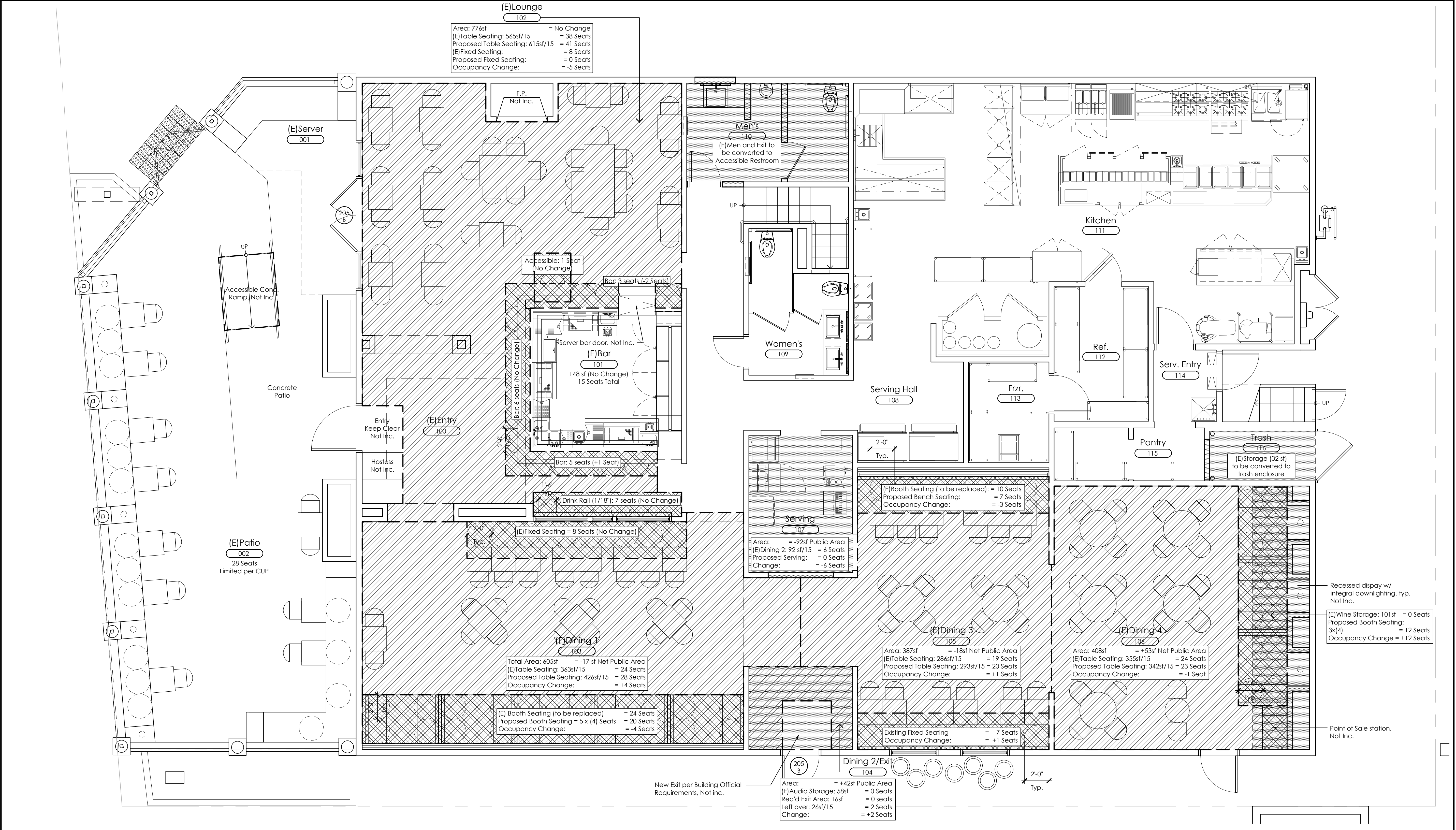
Area of use change

Occupancy Area Lines

Table Seating:
15 sf per occupant

Fixed Seating:
2'-0" per occupant
1'-6" at Drink Rail

2	C.U.P. Occupancy Calcs	3	T.I. Occupancy Calcs	4	C.U.P. Net Public Area	5	T.I. Net Public Area	6	Legend
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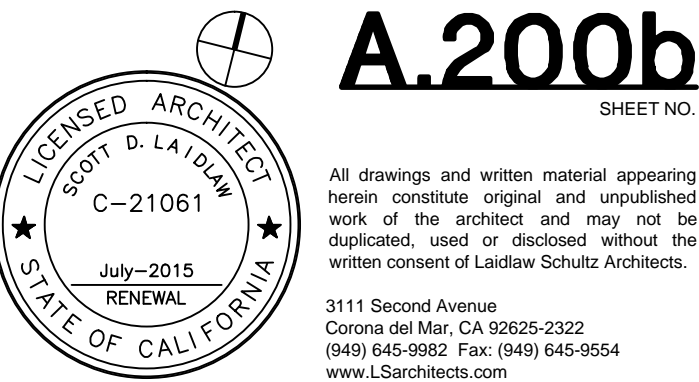


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RESOLUTION NO. ZA2014-035

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING USE PERMIT NO. UP2014-029 FOR A TATTOO SERVICE BUSINESS (PERSONAL SERVICES, RESTRICTED USE) LOCATED AT 6000 WEST COAST HIGHWAY, UNIT E (PA2014-115)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Jason Peter Kirtley on behalf of the property owner David Jalali, with respect to property located at 6000 West Coast Highway, Unit E, and legally described as Lot 16 and 17, Block 160 of Tract 670 requesting approval of a minor use permit.
2. The applicant proposes a minor use permit to allow the operation of a tattoo service business within a 425-square-foot tenant space (Personal Services, Restricted use).
3. The subject property is located within the CV (Commercial Visitor-Serving) Zoning District and the General Plan Land Use Element category is CV (Visitor Serving Commercial).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is CV-A (Visitor Serving Commercial).
5. A public hearing was held on September 25, 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). The Class 1 exemption includes the ongoing use of an existing building where there is negligible or no expansion of use.
2. The project is a permit to allow the operation of a Personal Services, Restricted Use in an existing building whereby no improvements are proposed for the existing commercial tenant space.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020.F (Findings and Decision) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support of the 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 land use designation for the site is CV (Visitor Serving Commercial). The CV designation is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach. The proposed project is consistent with this land use designation as it will provide a service not only to visitors, but also to Newport Beach residents.
3. The proposed project is a tattoo service business (personal services, restricted use) to be located within an existing tenant space on the ground floor of an existing commercial building.
4. The subject property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The site is located within the Commercial Visitor-Serving (CV) Zoning District. This designation is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. The proposed personal services, restricted use is consistent with the land uses permitted within this zoning district and the conditions of approval will ensure that the use is compatible with the adjacent residential areas.
2. Within Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the Zoning Code, the CV District allows Personal Services, Restricted uses subject to the approval of a minor use permit.
3. Personal Services, Restricted uses have a required parking ratio of one space per 250 square feet of gross floor area. A total of nine parking spaces are required for the subject site based on the current and proposed mix of tenant uses. The property provides 10 parking spaces on-site; which is adequate to

accommodate the parking requirement of one space per 250 square feet of gross building area.

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 tattoo service business use is located within an existing 425-square-foot tenant space. No increase in floor area and no interior improvements are proposed.
2. The proposed operation will consist of three workstations. Three tattoo artists registered and licensed by the Orange County Health Department will provide the body art services. One primary artist with two minor independent contractors will operate with differing schedules mostly by appointments with very limited "walk-in" services. No designated receptionist will be provided. The hours of operation will be 10:00 a.m. to 10:00 p.m. daily.
3. The proposed tattoo studio use is a service use that will be complementary to the other uses in the commercial building, which include Newport Velo Bike Rentals & Sales, Newport Beach Smoke House, Vapor Tavern, and Surfari Surf Shop. Its operating characteristics are similar to other service uses such as barber and beauty shops.
4. The proposed tattoo service business will provide a service for residents of the neighborhood and visitors to the area and will not require the provision of additional parking spaces on site.

Finding:

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

Facts in Support of Finding:

1. The project site has demonstrated that it is physically suitable to support the existing development. The addition of a tattoo service business use within an existing commercial building will not alter the site's ability to provide public and emergency vehicle access and public services and utilities.
2. The proposed project will be located in a tenant space within an existing commercial building and will not involve any improvements of the space. The

design, size, location, and operating characteristics of the use are compatible with the existing uses on the site and within the surrounding area.

3. The Public Works Department, Building Division, and Fire Department have reviewed the project proposal and did not have any concerns regarding access, public services, or utilities provided to the existing development.

Finding:

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

Facts in Support of Finding:

1. The project has been reviewed and this approval includes conditions to establish the permitted hours of operation and the maximum number of tattoo artists allowed to operate on site at any one time. These conditions will ensure that the proposed personal service, restricted use will be compatible with the uses on site and within the surrounding neighborhood.
2. Tattoo studio operators are required to register with the Orange County Health Department and are regulated by the California Safe Body Art Act, which was enacted July 1, 2012, to ensure safe operating procedures are practiced. English Tattoo Company has been compliant with Orange County Health Care Agency inspections and regulations since beginning its operation.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2014-029, 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.

PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF September, 2014.



Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan and floor plans stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The hours of operation for the tattoo service business shall be 10:00 a.m. to 10:00 p.m., daily.
3. The number of tattoo artists operating at one time shall be limited to three, and each artist shall be registered and licensed with the Orange County Health Department.
4. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
5. 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.
6. This Minor Use Permit may be modified or revoked by the Zoning Administrator if it is determine that the proposed use 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.
7. All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.
8. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
9. 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.
10. Any change in operational characteristics, expansion in area, or other modification to the approved plans, may require an amendment to this Minor Use Permit or the processing of a new use permit.
11. 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.

12. 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.
13. 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.
14. This approval shall expire and become void unless exercised within 24 months from the actual date of review 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.
15. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the English Tattoo Company MUP including, but not limited to, the Minor Use Permit No. UP2014-029 (PA2014-115). 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.



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

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

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

www.newportbeachca.gov

COMMUNITY DEVELOPMENT DIRECTOR **ACTION LETTER**

Application No. Staff Approval No. SA2014-018 (PA2014-137)
Applicant Carlo Divita
Site Address 3520 E. Coast Highway
El Cholo Restaurant Substantial Conformance
Legal Description Parcel Map Book 158, Page 41, Parcel No. 1, Tract 323

On September 26, 2014, the Community Development Director approved Staff Approval No. SA2014-018 to allow modifications an existing food service, eating and drinking establishment and found said modifications in substantial conformance with Use Permit No. UP1908 and its subsequent amendments. This approval is based on the findings and subject to the following conditions.

ZONING DISTRICT/GENERAL PLAN

- **Zone:** CC (Commercial Corridor)
- **General Plan:** CC (Corridor Commercial)

BACKGROUND

On June 7, 1979, the Planning Commission approved Use Permit No. UP1908 to convert a vacant mortuary building to a food service, eating and drinking establishment with on-sale alcohol service and off-site parking. Subsequent amendments occurred in 1980, 1982, 1983, 1984, and 1990 to adjust the allowed hours of operation, to add live entertainment, and to add dancing. The establishment has continued to operate under the fifth amendment of Use Permit No. UP1908.

In 2012, the operator increased the allowed maximum occupancy consistent with the Building Code which required the review and issuance of an Operator License pursuant to Chapter 5.25 of the Municipal Code.

On September 4, 2014, a building permit application was submitted for a tenant improvement of the establishment for a new operator (El Cholo Restaurant). The proposed changes to the floor plan and overall operation require additional review to confirm they are in substantial conformance with the approved Use Permit.

PROJECT SUMMARY

A staff approval determining substantial conformance with Use Permit No. UP1908 for a new food service, eating and drinking establishment (El Cholo). The proposed tenant improvement includes the following changes:

Exterior Entry/Dining Patio

- Addition of a new accessible ramp and raising a portion of the patio approximately five inches to allow for an accessible main entrance.
- Installation of a new awning over the entire outdoor patio area.
- Installation of new graphics on the existing nonconforming pole sign.

Bar/Lounge

- Addition of new bar door within the bar area.
- Removal of fixed seating within the lounge and replacement with moveable seats.

Dining 1

- Removal and replacement of booths along the eastern wall.

Dining 2

- Conversion of existing dining area into a server area.

DJ/Audio Storage

- Conversion of existing audio equipment area into an exit area.

Dining 3

- Removal of booths at western wall.

Dining 4/Wine Storage

- Removal of wine room and addition of booths with recessed display nooks in wall behind.

Men's Restroom

- Expansion of existing restroom for accessibility upgrade and removal of existing accessible entry/exit.

Storage Room

- Conversion to trash enclosure.

Kitchen

- Reorganization and replacement of kitchen equipment with installation of a new grease trap located within the rear alley.

In addition to the physical improvements on the property, the new operator proposes operational changes for the establishment. Those changes are summarized in the table below.

Table 1, Existing and Proposed Operational Characteristics

	Existing/Allowed	Proposed
Hours	Lunch to 12:30 a.m., Sunday through Thursday Lunch to 1:30 a.m., Friday and Saturday	11:00 a.m. to 11:00 p.m., daily ¹
Gross Area	Approximately 5,580 square feet	No change
Net Public Area	3,276 square feet	3,190 square feet
Seats	218	No change
ABC License	Type 47 (On-Sale General, Eating Place)	No change
Live Entertainment	Yes	No
Dancing	Yes	No
Parking	47 parking spaces off-site, valet service	No change

¹With the new closing time of 11:00 p.m., the operator will not be required to obtain an Operator License; however, since the Use Permit allows later closing hours, an Operator License will be required if the closing hour changes to a later time.

FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed changes to the existing food service, eating and drinking establishment remain in substantial conformance with the approved plans of Use Permit No. UP1908 and its subsequent amendments. In reviewing this request, the Community Development Director found the proposed changes:

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. The food service establishment will continue to be consistent with the permitted land uses identified in the CC (Commercial Corridor) Zoning District and in conjunction with the approved Use Permit No. UP1908 and its subsequent amendments.

Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Facts in Support of Finding:

1. The proposed changes to the existing food service, eating and drinking establishment will not compromise the original Class 1 (Existing Facilities) exemption under the California Environmental Quality Act (CEQA) Guidelines for the project since the request involves minor alterations to the floor plan and operational characteristics with no expansion of use.

Finding:

- C. *Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed operation will conduct business within the confines of the conditions of approval for Use Permit No. UP1908 (Amended).
2. There is no proposed expansion or intensification of the existing use. The gross floor area, net public area, number of seats, and hours of operation will be equal to or less than what is allowed by Use Permit No. UP1908 (Amended).

Finding:

- D. *Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The proposed changes will not result in an expansion in operational characteristics as the hours of operation will be lessened and there will be no live entertainment and dancing on the premises.

DETERMINATION

This staff approval has been reviewed and the determination has been made that the proposed changes to the existing food service, eating and drinking establishment use are in substantial conformance with Use Permit No. UP1908 (Amended).

CONDITIONS

The conditions of approval for Use Permit No. UP1908 shall continue in full force and effect with exception of those related to live entertainment and/or dancing. Should the applicant and/or operator wish to conduct live entertainment and/or dancing at the establishment, those related conditions of approval shall apply (see Attachment No. CD 2). Furthermore, should the applicant and/or operator wish to expand hours to later than

11:00 p.m., an Operator License shall be applied for and obtained prior to implementing expanded hours.

APPEAL PERIOD

An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

On behalf of Kimberly Brandt, AICP, Community Development Director

By:



Benjamin M. Zdeba
Assistant Planner

GR/bmz

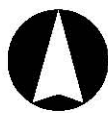
Attachments: CD 1 Vicinity Map
 CD 2 UP1908 Conditions of Approval
 CD 3 Applicant's Project Description
 CD 4 Revised Project Plans

Attachment No. CD 1

Vicinity Map



Newport
Beach
GIS



0 40 80
Feet

Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging www.eagleaerial.com

9/23/2014

Attachment No. CD 2

UP1908 Conditions of Approval

DEERY
DI SANO
EDWARDS
GLOVER
MERRILL
PERSON
POMEROY

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

illumination and walls surrounding the restaurant site, will not be detrimental to the adjoining properties.

5. That the design of the project or proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
6. That public improvements may be required of a developer per Section 20.80.060 of the Municipal Code.
7. That the Police Department has indicated that they have no objections to the proposed restaurant operation.
8. The approval of a modification to the Zoning Code so as to allow the use of tandem parking spaces for a portion of the required off-street parking will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City and further that the proposed modification is consistent with the legislative intent of Title 20 of this Code.
9. The approval of Use Permit No. 1908 (Amended) under the circumstances of this case will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

CONDITIONS:

1. That the subject project shall be in substantial conformance with the approved plot plan and floor plans, except as noted below.
2. That all previous applicable conditions of approval of Use Permit No. 1908 and related amendments shall be fulfilled.
3. That 33 daytime and nighttime (after 5:00 p.m.) parking spaces shall be provided in Off-Site Parking Lot No. 1 and 14 nighttime parking spaces shall be provided in Off-site

DEBAY
DL SANO
EDWARDS
GLOVER
MERRILL
PERSON
POMEROY

CITY OF NEWPORT BEACH

ROLL CALL

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Parking Lot No. 2 for a total of 33 daytime parking spaces and 47 nighttime parking spaces.

4. That an amended off-site parking agreement shall be approved by the City Council providing 4 additional parking spaces (33 total) within Off-site Parking Lot No. 1.
5. That the on-site vehicular, pedestrian circulation system shall be subject to further review by the Public Works Department and the City Traffic Engineer.
6. That the subject restaurant, including dancing and live entertainment shall be permitted to operate until 12:30 a.m. Sunday through Thursday and 1:30 a.m. on Friday and Saturday. However, live entertainment shall not be permitted before 9:00 p.m. and dancing shall not be permitted before 10:30 p.m.
7. Dining Room No. 4 shall be closed by 9:00 p.m. and Dining Area No. 3 shall be closed by 10:30 p.m. when the dancing is permitted.
8. That the development standards pertaining to landscaping, building setbacks, underground utilities, illumination and walls surrounding the restaurant site are hereby waived.
9. That no outdoor loudspeaker or paging system shall be permitted in conjunction with the proposed operation.
10. That live entertainment in the restaurant shall be limited to a four piece combo and that all music and live entertainment shall be confined to the interior of the building and all doors and windows of the restaurant and lounge shall remain closed during such activity.
11. That a Cafe Dance Permit for the proposed dancing shall be approved by the City in accordance with Section 5.32.030 of the Municipal Code.
12. That valet parking service shall be provided at all times during the restaurant's operation.
13. The out-door patio shall be limited to no more than 28 seats.

DERAY
DI SANO
EDWARDS
GLOVER
MERRILL
PERSON
POMEROY

CITY OF NEWPORT BEACH

ROLL CALL

INDEX

14. That the Planning Commission may add to or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
15. That this Use Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.
16. That the Planning Commission shall review Use Permit No. 1908 (Amended) in 120 days, and that a report from an engineer practicing in acoustics shall be submitted concerning the sound attenuation of the building as a result of specific testing during the summer months.

* * *

Amendment No. 708 (Public Hearing)

Request to amend Title 20 of the Newport Beach Municipal Code so as to establish the Retail and Service Commercial (RSC) District.

INITIATED BY: The City of Newport Beach

James Hewicker, Planning Director, requested that this item be continued to the June 21, 1990, Planning Commission meeting.

Motion was made and voted on to continue this item to the June 21, 1990, Planning Commission meeting. MOTION CARRIED.

* * *

Amendment No. 709 (Public Hearing)

Request to amend Title 20 of the Newport Beach Municipal Code so as to establish the Residential Overlay District.

INITIATED BY: The City of Newport Beach

The public hearing was opened in connection with this item. There being no one to appear before the Planning Commission,

Item No.8A708

Cont'd to
6-21-90

Item No.9

A709
(Res.1228)

Approved

Motion
All Ayes

*

Attachment No. CD 3

Applicant's Project Description



3111 Second Avenue Corona del Mar, CA 92625-2322 T: (949) 645-9982 F: (949) 645-9554 W: LSarchitects.com

September 2, 2014

Community Development Department
Planning Division
3300 Newport Blvd.
Newport Beach, CA 92663
www.newportbeachca.gov

RE: Project description and operations narrative regarding the Staff Approval Planning Application for the El Cholo restaurant Tenant Improvement

As agent representing the ownership of El Cholo Restaurant, I submit for your review this project description and operations narrative. El Cholo is a family style restaurant that will be focused on serving great food in a relaxed low key atmosphere. They plan to open from 11am to no later than 11pm, 7 days a week. They serve lunch and dinner and will maintain the existing bar/lounge and outdoor dining areas. They intend to adhere to the conditions of approval contained within the current CUP, but not take advantage of some the rights granted. They do not plan to have live entertainment nor dancing. The Scope of work is a tenant improvement including the following list of alterations (the Room Names correspond to the plans approved in the last CUP):

- Exterior Entry / Dining Patio: Add new accessible ramp at entry gates and raise the entire patio appx. 5" to allow for an accessible main entrance. Add a new awning over the entire patio. Reuse the existing pole sign but replace the graphics with a new neon sign.
- Bar/Lounge: Put new bar door in Bar and add new light feature / shelving at the back of the bar. Remove fixed seating in Lounge
- Dining 1: Remove and replace booths. Add light grazing at eastern feature wall.
- Dining 2: Convert into Server area.
- DJ/Audio Storage: Convert to Dining 2 and provide a new exit.
- Dining 3: Remove Booths and add back-lighted feature at western wall
- Dining 4 / Wine Storage: Add Booths and feature wall with recessed display nooks.
- Men's Restroom: Expand existing for accessibility and remove existing accessible entry/exit.
- Existing Storage Room: Convert area to Trash Enclosure.
- Kitchen: Reorganize and replace equipment including new grease trap located in rear alley

These are minor cosmetic changes and improvements that will not significantly alter the approved Use Permit. In fact the creation of a trash enclosure, accessible ramp, and, accessible restroom will bring the building further into compliance with the Zoning and Building codes. El Cholo's operations will ultimately incur far less impact on the community and do nothing to intensify the approved conditional use. Therefore, I ask that you review and approve the subject Planning Permit Application. Thank you in advance for your review of the application and do not hesitate to contact me with any questions.

Sincerely,

Scott Laidlaw
Laidlaw Schultz Architects

Attachment No. CD 4

Revised Project Plans

<div>1. No change to Second Floor</div> <div>2. Existing electrical, mechanical, plumbing to remain except where noted otherwise</div> <div>3. No change to restroom fixture count</div> <div>4. No change to overall public occupancy calcs</div> <div>5. No change requested to the conditions of approval for the (E)Conditional Use Permit</div>	<div><div>Proposed Net Public Area</div><div><div><div>• Net Public Areas:</div><div><div>Lounge/Bar</div><div>Dining Area 1</div><div>Dining Area 2 (Former DJ)</div><div>Dining Area 3</div><div>Dining Area 4 (Partly Former Wine)</div><div>Total Interior Net Public Area:</div><div>Outdoor Patio</div><div>Accessible Ramp</div><div>Total Exterior Net Public Area:</div></div><div><div>= S.F.</div><div>= 776</div><div>= 605</div><div>= 58</div><div>= 387</div><div>= 408</div><div>= 2,234</div><div>= 1,026</div><div>= -41</div><div>= 985</div></div></div></div><div><div><div>• Total Public Area:</div><div>• Total Public Occupancy:</div></div><div><div>= 3,190</div><div>= 218</div></div><div><div>(per A.200b)</div></div></div></div> <div><div>Proposed Net Employee Areas</div><div><div>Lower Level</div><div><div><div>• Employee Area:</div><div><div>Kitchen</div><div>Bar</div><div>Serving (Former Dining 2)</div><div>Total Employee Area:</div></div><div><div>= S.F.</div><div>= 881</div><div>= 148</div><div>= 92</div><div>= 1,121</div></div></div></div><div><div><div>• Storage Areas:</div><div><div>Storage</div><div>Trash</div><div>Total Storage Areas:</div></div><div><div>= S.F.</div><div>= 303</div><div>= -35</div><div>= 268</div></div></div></div><div><div><div>• Total Lower Level Employee Area:</div></div><div><div>= 1,389</div></div></div><div><div>Lower Level Employee Occupancy</div><div><div>Employee Area (1,121/200)</div><div>Storage Area (268/300)</div><div>Total Employee Area:</div></div><div><div>= 6</div><div>= 1</div><div>= 7</div></div></div></div><div><div>Proposed Net Employee Areas</div><div><div>Upper Level</div><div><div><div>• Employee Area (1/100):</div><div><div>Office 1</div><div>Office 2</div><div>Total Net Employee Area:</div></div><div><div>= S.F.</div><div>= 237</div><div>= 345</div><div>= 582</div></div></div></div><div><div><div>• Net Storage Areas (1/300):</div><div><div>Liquor & Dry</div><div>Soda</div><div>Total Storage Areas</div></div><div><div>= S.F.</div><div>= 286</div><div>= 16</div><div>= 302</div></div></div></div><div><div><div>• Total Upper Level Employee Area:</div></div><div><div>= 884</div></div></div><div><div>Upper Level Employee Occupancy</div><div><div>Employee Area (582/100)</div><div>Storage Area (302/300)</div><div>Total Employee Area:</div></div><div><div>= 6</div><div>= 1</div><div>= 7</div></div></div><div><div><div>• Total Employee Area:</div><div>• Total Employee Occupancy:</div></div><div><div>= 2,273</div><div>= 14</div></div></div></div></div></div> <div><div>Legend:</div><div><div><div></div>Footprint</div><div><div></div>Outline of Second Floor Office and Restroom only</div></div></div>				
3	Notes	4	Area and Occupancy Calcs	5	Legend

3

Notes

4

Area and Occupancy Calcs

5

Legend

Provide handicap accessible directional signage

Accessible path of travel

Proposed accessible ramp and handrail, Re: A.200

(E)Detectable warning strip - to remain

(E)Metal security gate to be refurbished. Gate to be left open at all times during hours of operation

(E)Pole Sign with new graphic per Tenant

Provide new sign: "Door to remain open during business hours"

(E)Fixed benches

Proposed patio cover above. Under separate permit

(E)Drain thru curb

Property Line

(E)Valet Alley

3520 E. Coast Hwy

(E)Two-Story Commercial Building

Proposed Tenant Improvement:

(E)Restaurant use to remain

Max. 218 seat occupancy to remain per previously approved Conditional Use Permit

See: A.200b of Occupancy Diagram and Calculations

(E)Patio to be altered per A.200

Max. 28 Seat Occupancy

(E)Entry

(E)Planters

(E)Trash

Hose bib

Grease intercept per M.E.P

(E)Gas Meter and bollards

(E)Electrical Meter Cabinet

(E)Stairway and gate

Proposed Trash Enclosure: 35 sf

(E)Condenser Units at Roof above

Line indicates outline of second story office area

(E)Water meter

E. Coast Hwy

Property Line

(E)Alley

North

1

Site Plan

2

General Information

Vicinity Map

Project Location

North

Project Data

Project Address:

Legal Description:

Owner:

Design Professional in Responsible Charge:

Tenant:

Scope of work: This submittal is the Planning Application for the proposed Tenant improvements only. There is no change proposed to the existing C.U.P.

Project Description:

Construction:

Occupancy:

Zoning District:

Seats:

Parking:

List of Drawings

Architectural

Project Data / Site Plan

Floor Plan

Demo Plan

Occupancy Diagram

Exterior Elevation

3520 E. Coast Hwy, Newport Beach CA, 92625

APN: 459-212-22

Walt Boyce - Realonomics

2816 E. Coast Hwy, Corona del Mar, CA 92625

Phone: 949.675.6700

E-mail: wboyce@realonomics.com

Scott Laidlaw - Laidlaw Schultz Architects

3111 Second Ave Corona Del Mar, CA 92625

Phone: 949.645.9982 Fax: 949.645.9554

E-mail: SLaidlaw@LSarchitects.com

The Restaurant Business dba El Cholo

Contact: Carlo Divita

816 E. Whittier Blvd., La Habra, CA 90631

Phone: 562.690.2011

Email: cdvita@elcholo.com

2-Story - Restaurant T.I. (First Floor only)

Type V-B No Sprinklers (to match exist.)

No Change - Group A2

CC

218 (per C.U.P.)

0 spaces provided on site (the proposed use is exempt per the Conditions of Approval for the existing Conditional Use Permit)

A.100

A.200

A.200a

A.200b

A.300

Scale: 1/8" = 1'-0"

- ## 2 Notes

- | | |
|---|--------|
| 4 | Legend |
|---|--------|



- Demolition Notes:
- All debris shall be wet at time of handling to prevent dust.
 - Sewer line shall be capped.
 - All basement fills shall be clean and uniform.
 - Streets and sidewalks are to be remain clean and clear.

2 Notes



OWNER
Walter C. Boice
2816 E. Coast Hwy.
Corona del Mar, CA 92625
949.675.6700

PROJECT
Ei Cholo
3520 E. Coast Hwy
Corona del Mar, CA 92625

DRAWING DESCRIPTION
Demo Plan

DATE	ISSUE/REVISION	REVIEW
08.28.2014	Staff Approval App.	SDL
-	-	-

LICENSED ARCHITECT

SCOTT D. LAIDLAW

C-21061

JULY-2015

RENEWAL

STATE OF CALIFORNIA

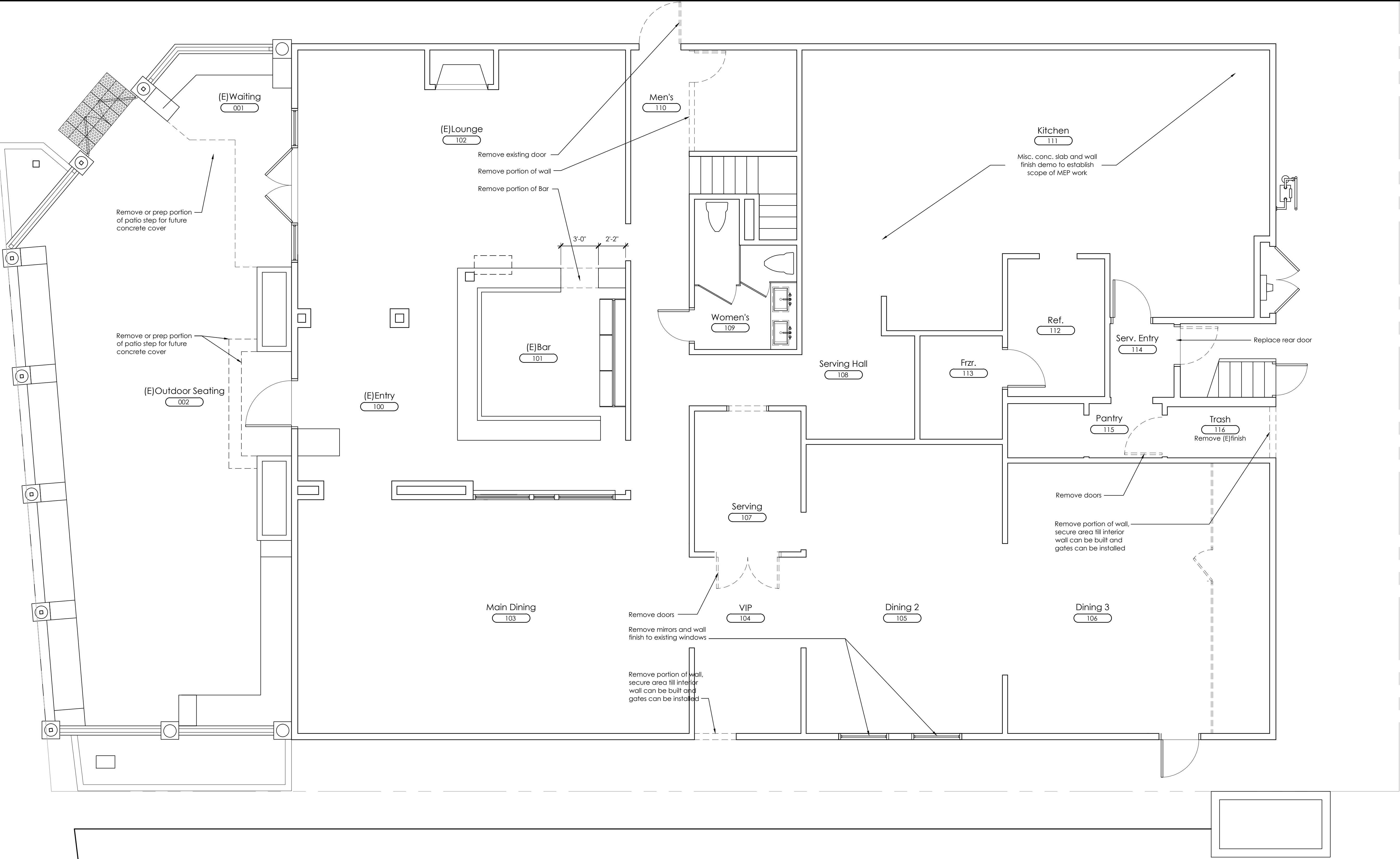
A.200a

SHEET NO.

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the written consent of Laidlaw Schultz Architects.

3111 Second Avenue
Corona del Mar, CA 92625-2322
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1 Demolition Plan



OCCUPANCY CALCULATIONS WITHOUT DANCING

LOUNGE/BAR OCCUPANCY WITHOUT DANCING	
LOUNGE FIXED SEATING (1/24") (4+2+2)	8
LOUNGE TABLE SEATING (1/15 S.F.) (565/15)	38
BAR SEATING (1/24") (4+6+5)	15
DRINK RAIL STANDING (1/18") (10'-6"/18")	7
HANDICAP BAR (1)	1
TOTAL LOUNGE/BAR WITHOUT DANCING	69
DINING 1 OCCUPANCY WITHOUT DANCING	
BENCH SEATING (1/24") (18'-0"/24")	8
DINING 1 BOOTH SEATING (1/24") (5+5+5+9)	24
MOVEABLE TABLE SEATING (1/15 S.F.) (363/15)	24
TOTAL DINING 1 WITHOUT DANCING	56
DINING 2	
TABLE SEATING (1/15 S.F.) (92/15)	6
TOTAL DINING 2	6

DINING 3 WITHOUT DANCING

DINING 3 FIXED BENCH SEATING (1/24") (6+10)	16
DINING 3 TABLE SEATING (1/15 S.F.) (286/15)	19
TOTAL DINING 3 WITHOUT DANCING	35
DINING 4 CLOSED DURING DANCING	
DINING TABLE SEATING (1/15 S.F.) (355/15)	24
TOTAL DINING 4 WITHOUT DANCING	24
TOTAL INTERIOR OCCUPANCY WITHOUT DANCING	190
PATIO OCCUPANCY WITHOUT DANCING	
FIXED SEATS (1/24") (3+3+3+3+7)	19
SITTING (1/15 S.F.)=56 BUT ONLY 1 EXIT MAX (-26)	30
TOTAL PATIO WITHOUT DANCING*	49
*REDUCED PER CURRENT C.U.P. (-21)	28
TOTAL PUBLIC OCCUPANCY WITHOUT DANCING	
*INCLUDING PATIO (28 MAX, PER C.U.P.)	218

Proposed Occupancy Calculations

Lounge/Bar

Table Seating: 615 sf / 15 = 41

Bar Fixed Seating: 5+6+3 = 14

Bar Accessible: 1 = 1

Drink Rail Standing: 7 = 7

Total = 63

Occupancy Change = -6

Dining 1

Table Seating: 425 sf / 15 = 28

Bench Seating: 8 = 8

Booth Seating: 4+4+4+4+4 = 20

Total = 56

Occupancy Change = 0

Dining 2/Exit

Table Seating: 26 sf / 15 = 2

Total = 2

Occupancy Change = -4

Dining 3

Table Seating: 293 sf / 15 = 20

Bench Seating: 7+7 = 14

Total = 34

Occupancy Change = -1

Dining 4

Table Seating: 342 sf / 15 = 23

Booth Seating: 4+4+4 = 12

Total = 35

Occupancy Change = +11

Total Interior:

= 190

Patio

Per previous approved CUP = 28

Total public occupancy without dancing:

Interior + Patio = 218

NET PUBLIC AREAS

S.F.

LOUNGE/BAR

776

DINING AREA 1

622

DINING AREA 2

92

DINING AREA 3

405

DINING AREA 4

355

TOTAL NET PUBC AREA

2250

OUTDOOR PATIO AREA

1026

TOTAL NET PUBLIC AREA

3276

Proposed Net Public Area

Net Public Areas:

= S.F.

Lounge/Bar

= 776

Dining Area 1

= 605

Dining Area 2

= 58

Dining Area 3

= 387

Dining Area 4

= 408

Total Interior Net Public Area:

= 2234

Outdoor Patio

= 1026

Accessible Ramp

= -70

Total Exterior Net Public Area:

= 956

Total Net Public Area:

= 3190

Legend:

Existing (E) Wall to remain

New Stud wall, U.N.O.

Area of use change

Occupancy Area Lines

Table Seating:
15 sf per occupant

Fixed Seating:
2'-0" per occupant
1'-6" at Drink Rail

2	C.U.P. Occupancy Calcs	3	T.I. Occupancy Calcs	4	C.U.P. Net Public Area	5	T.I. Net Public Area	6	Legend
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