



## **CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT**

May 17, 2018  
Agenda Item No. 2

**SUBJECT:** Agape Art Collective Minor Use Permit (PA2017-232)  
▪ Minor Use Permit No. UP2017-031

**SITE LOCATION:** 365 Old Newport Boulevard

**APPLICANT:** Agape Art Collective

**OWNER:** Newport Medical Center LLC

**PLANNER:** Liz Westmoreland, Assistant Planner  
949- 644-3234, [westmoreland@newportbeachca.gov](mailto:westmoreland@newportbeachca.gov)

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### **PROJECT SUMMARY**

A request for a minor use permit to operate a tattoo studio (Personal Services, Restricted land use) and artist's studio within an existing commercial tenant space. The artist's studio would consist of graphic design, painting, and other mediums such as tattooing.

This project was continued from the April 5, 2018, Planning Commission meeting to allow staff to work with the applicant and develop conditions of approval to address Commission concerns and limit operations. This staff report supplements the April 5, 2018, Planning Commission staff report with the additional information and clarification requested by the Commission.

### **RECOMMENDATION**

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Resolution No. PC2018-016 approving Minor Use Permit No. UP2017-031 (Attachment No. PC 1).

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| LOCATION | GENERAL PLAN                     | ZONING              | CURRENT USE                                      |
|----------|----------------------------------|---------------------|--|
| ON-SITE  | CO-G (General Commercial Office) | OG (Office General) | Commercial building                              |
| NORTH    | CO-G                             | OG                  | Medical building                                 |
| SOUTH    | CO-G                             | OG                  | Commercial buildings                             |
| EAST     | CO-G                             | OG                  | Commercial buildings and future medical building |
| WEST     | PI (Private Intuitions)          | PC-38 Hoag Hospital | Hoag Hospital                                    |

## **DISCUSSION**

The Planning Commission reviewed the project application at its April 5, 2018 meeting, and unanimously voted (6-0) to continue the item. The Planning Commission expressed concerns related to the intensity of use and compatibility with the surrounding area. The Planning Commission requested that staff work with the applicant to identify appropriate operational conditions or limits. The Planning Commission minutes are included as Attachment PC 3. Written public comments received prior to the meeting are included as Attachment PC 4.

The Planning Commission requested additional clarification of the use and expressed concerns about parking and neighborhood compatibility. Lastly there was a question about the address for the site.

### *Clarification of Use*

The primary use of the suite is intended to be the applicant's artist's studio that would include graphic design, painting, and other mediums. An artist's studio is an allowed use permitted by-right; however, since tattooing is one medium, the proposed studio is classified as a Personal Services, Restricted land use under the Zoning Code and it requires the approval of a minor use permit. Without tattooing, the use would be allowed by right.

The proposed art studio will be located within an existing, 885-square-foot tenant space located on the second level. No increase in floor area and no tenant improvements are proposed. Only minor updates are proposed in the space such as painting, carpet replacement/removal, and the addition of furniture.

The tattooing operation would consist of three workstations. A maximum of three tattoo artists registered and licensed by the Orange County Health Department would provide the tattooing services. The artists would operate mostly by appointments with very limited "walk-in" services. No designated receptionist would be provided.

Tattoo studio operators and artists 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. The applicant, who also serves as the primary artist, is currently registered with the Orange County Health Care Agency. The studio will be subject to inspections to ensure it maintains proper sanitary facilities and that it meets all applicable health regulations.

To ensure that the tattoo service use remains an ancillary use to the primary use as an artist studio, staff has added the following condition of approval:

**Condition No. 2:** *The tattoo component shall remain as an ancillary use to the primary use as an artist's studio.*



### *Parking*

The Planning Commission expressed concerns that the proposed use is located within a existing commercial area with nonconforming parking and that the proposed operation may exacerbate parking shortfalls in the area.

It is important to note that Municipal Code Section 20.38.060(B)(1) allows a nonconforming use to change to a new use without providing additional parking, provided there is no intensification or enlargement and the new use requires no more than one parking space per 250 square feet of gross area.

Pursuant to Municipal Code Section 20.40.040 (Off-Street Parking Spaces Required), uses that require a parking rate of one space per 250 square feet of gross floor area (and that could occupy the suite without requiring additional parking) include retail uses, personal service uses (e.g., tattoo studio, beauty salon, barber shop, day spa, etc.), small health/fitness facilities (e.g., yoga, Pilates, martial arts, etc.), and take-out service limited food service uses (6 seats or less). Therefore, the proposed use is consistent with the parking standards as it does not include an intensification or expansion of floor area and one parking space is required per every 250 square feet of gross floor area for the proposed personal service use.

There is a municipal parking lot located south of the 325 Old Newport Boulevard building with free, open parking. The municipal parking lot contains 28 spaces, with several spaces marked for two-hour maximum use. The parking lot is located approximately 260 feet away. Further, there are three parallel parking spaces located along Newport Boulevard on City property that are available for public use. None of these spaces can be reserved or formally allocated to adjacent businesses. Refer to the Parking Overview Map in Attachment PC 5.

The following conditions of approval are included to minimize the operation's potential impact on parking by ensuring operations occur primarily during off-peak parking demand hours when other commercial uses in the area are primarily closed:

**Condition No. 5:** *To avoid overlapping appointments and minimize parking demand, a minimum of thirty (30) minutes shall be provided between the individual tattoo artist's appointments.*

**Condition No. 7:** *Between the hours of 10:00 a.m. and 5:00 p.m. daily, a maximum of one (1) tattoo artist shall operate at one time. In the evening, between the hours of 5:00 p.m. to 9:00 p.m., daily, the number of tattoo artists operating at one time shall be limited to two (2).*

These limits should effectively reduce parking demands to promote use compatibility.

### *Neighborhood Compatibility*

To help integrate the proposed use with the surrounding neighborhood and limit nighttime operations, staff has added the following conditions of approval:

**Condition No. 3:** *The hours of operation for the business shall be limited to 10:00 a.m. to 9:00 p.m., daily. The previous condition was to close by 10:00 p.m., daily.*

**Condition No. 4:** *There shall be no appointments or walk-in customers accepted after 8:00 p.m., daily. The previous condition was to limit the last appointments to begin no later than 9:00 p.m., daily.*

**Condition No. 11:** *All proposed signs shall be in conformance with the provisions of NBMC Chapter 20.42 (Signs). Any second floor signage would require the approval of a comprehensive sign program. The existing, unpermitted roof sign shall be removed prior to operation.*

Again, Staff believes these conditions should promote the compatibility of the use. The applicant has agreed to all the modified conditions suggested in this report.

### *Address Clarification*

A public comment was received at the hearing that revealed an error in the City's mapping system. This error impacted the vicinity map and Assessor's Parcel Number included in the previous report. Staff has updated the mapping system to correct the error and revised the vicinity map and Assessor's Parcel Number in the resolution to reflect the accurate project location and address. Refer to the revised resolution in Attachment PC 1 and the revised vicinity map above.

### Alternatives

1. The Planning Commission may suggest specific project modifications or changes to the conditions that are necessary to alleviate concerns. Modifications may address the business operation plan. If the changes are substantial, the item should be continued to a future meeting to allow the changes to be incorporated.
2. If the Planning Commission believes that the facts to support the findings for approval are insufficient at this time, the Planning Commission may deny the application. Refer to the Draft Resolution for Denial provided as Attachment No. PC 2.

### Environmental Review

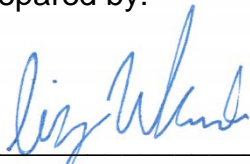
This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

The Class 1 exemption includes the ongoing use of an existing building where there is negligible or no expansion of use. The proposed project will allow the operation of a tattoo studio and art gallery in an existing commercial tenant space.

### Public Notice

A revised notice of this hearing 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 meeting, 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.

Prepared by:



Liz Westmoreland, Assistant Planner

Submitted by:



Jim Campbell

Deputy Community Development Director

### ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Draft Resolution for Denial
- PC 3 Public Comments
- PC 4 Planning Commission Hearing Minutes
- PC 5 Parking Overview Map
- PC 6 Project Plans

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# **Attachment No. PC 1**

Draft Resolution with Findings and  
Conditions



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## **RESOLUTION NO. PC2018-016**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING MINOR USE PERMIT NO. UP2017-031 FOR A TATTOO STUDIO (PERSONAL SERVICES, RESTRICTED USE) LOCATED AT 365 OLD NEWPORT BOULEVARD (PA2017-232)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Agape Art Collective ("Applicant"), with respect to property located at 365 Old Newport Boulevard, Assessor's Parcel Number 425-272-01 ("Property"), requesting approval of a minor use permit.
2. The Applicant proposes a tattoo studio (Personal Services, Restricted land use) in conjunction with an artist's studio within an existing commercial tenant space. According to the Applicant, he specializes in a number of different artistic mediums and tattoos are only one small aspect of his work. To that end, the Applicant has voluntarily agreed to limit the number of tattoo artists that may work in his studio during the hours of 10:00 a.m. to 5:00 p.m. to one (1) artist.
3. The Property is designated General Commercial Office ("CO-G") by the General Plan Land Use Element and is located within the Office General ("OG") Zoning District.
4. The Property is not located within the coastal zone.
5. A Zoning Administrator public hearing was held on February 27, 2018, in the Corona del Mar Conference Room (Bay E-1st Floor) located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing. At the conclusion of the public hearing on this item, the Zoning Administrator referred the application to the Planning Commission for review.
6. The item was continued at the Planning Commission public hearing on March 22, 2018 due to a typographical error in the public notice. In order to provide adequate notice in compliance with the NBMC, the item was continued to the April 5, 2018 Planning Commission public hearing.
7. A Planning Commission public hearing was held on April 5, 2018 in the Council Chambers located at 100 Civic Center Drive, Newport Beach. The Planning Commission unanimously voted (6-0) to continue the item to allow time for the Applicant to work with staff to better explain his project.

8. A subsequent Planning Commission public hearing was held on May 17, 2018 in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption includes the ongoing use of an existing building where there is negligible or no expansion of use. The proposed project will allow the operation of a tattoo studio and art gallery in an existing commercial tenant space.

## SECTION 3. REQUIRED FINDINGS.

In accordance with NBMC Section 20.52.020(F) (Findings and Decision), the following findings and facts in support of such findings 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 Element designation for the site is CO-G. The CO-G designation is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses (hotels, motels, and convalescent hospitals are not permitted). The existing buildings onsite operate as commercial uses, with primarily retail, food, and service uses occupying the site. The proposed project is consistent with this designation in that it will add an additional service use to the area.
2. The 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 OG Zoning District. Within NBMC Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements), the OG District

allows Personal Services, Restricted uses subject to the approval of a minor use permit. The artist's studio component is permitted by right within the OG Zoning District.

2. The existing multi-tenant commercial building is considered legal non-conforming because the Property does not comply with current off-street parking requirements in the NBMC. NBMC Section 20.38.060(B)(1) allows a nonconforming use to change to a new use without providing additional parking given there is no intensification or enlargement and the new use requires no more than one parking space per 250 square feet of gross area. The proposed use is acceptable as it does not include an intensification or expansion of floor area and one parking space is required per every 250 square feet of gross floor area.
3. The project site is not located within the coastal zone.

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 studio and art gallery will be located within an existing, approximately 885-square-foot tenant space. No increase in floor area and no tenant improvements or construction is proposed within or outside of the space. Only minor updates are proposed such as painting, carpet replacement/removal, and the addition of furniture.
2. The proposed operation will consist of three workstations. A maximum of three tattoo artists registered and licensed by the Orange County Health Department will provide the tattooing services.
3. The artists will operate mostly by appointments with very limited "walk-in" services. No designated receptionist will be provided. The hours of operation for the business will be from 10:00 a.m. to 9:00 p.m. daily. Appointments will be concentrated between the hours of 5:00 p.m. and 9:00 p.m., when surrounding office uses tend to close. To minimize impacts on parking demand during daytime hours, the number of tattoo artists operating shall be limited to one until 5:00 p.m. Also, the project has been conditioned to require at least a thirty (30) minute gap between individual artist's appointments to avoid overlap.
4. The proposed tattoo studio use is a service use that will be complementary to the other uses in the commercial building and surrounding area, which include food service, various retail sales uses, and an art gallery. Its operating characteristics are similar to other service uses such as barber and beauty shops.

5. The number of patrons and related traffic would be similar to service uses such as beauty salons and barber shops, but would be limited to greater extent due to the maximum number of chairs permitted to operate at any time.
6. The proposed tattoo service business will provide a service for residents of the greater community and visitors to the area and will not require the provision of additional parking spaces on site.
7. There are four tattoo studios currently operating within the City: three on the Balboa Peninsula and one in Newport Shores. Of the three located on the Balboa Peninsula, the nearest is Ink Yard Tattoo and Art Gallery located approximately a half-mile south (+/-2,900 feet) on Newport Boulevard. The English Tattoo Company is located in Newport Shores along Coast Highway, approximately 1.5 miles northwest from the subject property. Therefore, the proposed project would not create an overconcentration of tattoo service uses within the area.
8. There are no permitted Personal Services, Restricted land uses (*i.e.*, day spas, healing arts, tanning salons, and tattoo services) within the subject building or within at least 300 feet of the site. Thus, the proposed project would not create or perpetuate a cluster of such uses, resulting in adequate dispersal of personal services, restricted land uses.

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 operated as a commercial building with mainly service, restaurant, and retail uses for more than a decade, which demonstrates that it is physically suitable to support the existing commercial development. The addition of a tattoo studio 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 construction within or outside of the space. Only minor updates are proposed in the space such as painting, carpet replacement/removal, and the addition of furniture. 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 and Building and Life Safety Services Divisions 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.
2. Tattoo studio operators and artists 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. The primary artist is registered with the Orange County Health Care Agency. The studio will be subject to inspections to ensure it maintains proper sanitary facilities and that it meets all health regulations.

## SECTION 4. DECISION.

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

1. The Planning Commission of the City of Newport Beach hereby approves UP2017-031, 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 following the date this Resolution is adopted, unless within such time an appeal or call for review is filed with the City Clerk in accordance with the provisions of NBMC Chapter 20.64.

**PASSED, APPROVED, AND ADOPTED THIS 17<sup>TH</sup> DAY OF MAY, 2018.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Peter Koetting, Chairman

BY: \_\_\_\_\_  
Erik Weigand, Secretary

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

**PLANNING**

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 tattoo component shall remain as an ancillary use to the primary use as an artist's studio.*
3. *The hours of operation for the business shall be limited to 10:00 a.m. to 9:00 p.m., daily.*
4. *There shall be no appointments or walk-in customers accepted after 8:00 p.m., daily.*
5. *To avoid overlapping appointments and minimize parking demand, a minimum of thirty (30) minutes shall be provided between the individual tattoo artist's appointments.*
6. *There shall be no admittance of anyone under the age of 18, unless accompanied by an adult.*
7. *Between the hours of 10:00 a.m and 5:00 p.m. daily, a maximum of one (1) tattoo artist shall operate at one time. In the evening, between the hours of 5:00 p.m. to 9:00 p.m, daily, the number of tattoo artists operating at one time shall be limited to two (2).*
8. *Each artist shall be registered and licensed with the Orange County Health Department. Said license shall be made available upon request of the City's Code Enforcement Division at any time.*
9. *Any/all tattoo services shall be conducted at one of the tattooing stations (three total provided) as depicted on the floor plan.*
10. *No seating shall be provided outside of the tenant space. Patrons and employees shall not congregate in any outdoor areas including the balcony.*
11. *All proposed signs shall be in conformance with the provisions of NBMC Chapter 20.42 (Signs). Any second floor signage would require the approval of a comprehensive sign program. The existing, unpermitted roof sign shall be removed prior to operation.*
12. *Use Permit No. UP2017-031 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 20.54.060(A), unless an extension is otherwise granted.*

13. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
14. 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.
15. This Use Permit may be modified or revoked by the Planning Commission 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.
16. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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 NBMC Title 14, including all future amendments (including Water Quality related requirements).
22. *Storage outside of the building in the front or at the rear of the Property (including the balcony) shall be prohibited, with the exception of the required trash container enclosure.*
23. 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 NBMC to require such permits.

24. 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 NBMC Title 20 Planning and Zoning.
25. 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 Agape Art Collective including, but not limited to, Use Permit No. UP2017-031 (PA2017-232). 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.



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## **Attachment No. PC 2**

Draft Resolution for Denial

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## RESOLUTION NO. PC2018-016

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING MINOR USE PERMIT NO. UP2017-031 FOR A TATTOO STUDIO (PERSONAL SERVICES, RESTRICTED USE) LOCATED AT 365 OLD NEWPORT BOULEVARD (PA2017-232)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Agape Art Collective, with respect to property located at 365 Old Newport Boulevard, Assessor's Parcel Number 425-272-01, requesting approval of a minor use permit.
2. The applicant proposes to a tattoo studio (Personal Services, Restricted land use) in conjunction with an artist's studio within an existing commercial tenant space.
3. The subject property is designated General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Office General (OG) Zoning District.
4. The subject property is not located within the coastal zone.
5. A Zoning Administrator public hearing was held on February 27, 2018 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 hearing 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 hearing. At the conclusion of the public hearing on this item, the Zoning Administrator referred the application to the Planning Commission for review.
6. A Planning Commission public hearing was held on April 5, 2018 in the Council Chambers located at 100 Civic Center Drive, Newport Beach. The Planning Commission unanimously voted (6-0) to continue the item to allow time for the Applicant to work with staff to better explain his project.
7. A subsequent Planning Commission public hearing was held on May 17, 2018 in the Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing.

#### SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

### SECTION 3. REQUIRED FINDINGS.

The Planning Commission may approve a minor use permit only after making each of the five required findings set forth in NBMC Subsection 20.52.020 (F) (Findings and Decision) of the Newport Beach Municipal Code. In this case, the Planning Commission was unable to make the required findings based upon the following:

#### Findings for Minor Use Permit:

- A. The use is consistent with the General Plan and any applicable specific plan;
- B. The use is consistent with the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;
- C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;
- 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.
- 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 Not in Support of Findings:

1. The Planning Commission determined, in this case, that the establishment of a tattoo studio (personal services, restricted land use) would not be consistent with provisions of the Zoning Code, specifically Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code.
2. The applicant's request may lead to a proliferation of personal services, restricted land uses within the area.
3. The site is not physically suitable in terms of design, location and operating characteristics for the establishment of a personal services, restricted land use.
4. The addition of a personal service, restricted land use may impact surrounding residential neighborhoods.

### SECTION 4. DECISION.

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



1. The Planning Commission of the City of Newport Beach hereby denies Minor Use Permit No. UP2017-031.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 17<sup>th</sup> DAY OF MAY, 2017.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Peter Koetting, Chairman

BY: \_\_\_\_\_  
Erik Weigand, Secretary

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# **Attachment No. PC 3**

Public Comments

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February 22, 2018

Community Development Department Permit Center  
100 Civic Center Drive  
Newport Beach, CA 92660  
Attn: Liz Westmoreland

Ref: PA2017-232  
Applicant: Agape Art Collective  
365 Old Newport Blvd.  
Newport Beach, CA 92663

Dear Ms. Westmoreland,

I am contacting you in regards to the Notice of Public Hearing posted on the building located at 365 Old Newport Blvd. I am a business owner in the complex and I have several concerns with the proposed opening of a tattoo shop and tanning salon / skin care / esthetician business at this location.

My main concern is the parking. Currently parking for customers at this location is extremely difficult. I would assume it takes several hours to get a tattoo and there is nothing to prevent their customers from parking in front of the other businesses for several hours. Also, as I understand there are to be 8 tattoo stations, a tanning salon, and aesthetician services. With that amount of services, with staff and customers that could add up to approximately 20 people in that unit at one time. This will only further exacerbate our current parking problems.

My second concern is the hours of operation. It is my understanding that the hours of operation are from 11am – 11pm. All of the businesses in this complex besides Subway close around 5:00-6:00pm. There are a few very high-end stores in the complex and there is no security. Since it is a commercial area, at night it is very quiet and an easy target for vandalism and theft. I am concerned with tattoo shop clientele loitering at such late hours of business operation.

With Lido Marina just a mile away, this area of Old Newport Blvd. could be great and revitalized. The owners of this property should be looking for tenants to enhance this area and I don't see a tattoo shop bringing an added benefit.

Thank you

**To:** Westmoreland, Liz; 'Modern Vault'  
**Subject:** RE: Notice of Public Hearing - Agape Art Collective - 365 Old Newport Blvd.

**From:** Modern Vault [<mailto:info@themodernvault.com>]  
**Sent:** Tuesday, February 20, 2018 3:49 PM  
**To:** Westmoreland, Liz <[LWestmoreland@newportbeachca.gov](mailto:LWestmoreland@newportbeachca.gov)>  
**Subject:** Notice of Public Hearing - Agape Art Collective - 365 Old Newport Blvd.

Hi Liz,

This email is in regards to the Notice of Public Hearing posted on the building located at 365 Old Newport Blvd. We are the owners of The Modern Vault, directly next to the entrance of the proposed new business in the building. As discussed over the phone last week, we have several concerns regarding the proposed opening of a Tattoo Shop in the front half of the building and a Tanning Salon/Skin Care/Esthetician business at the back half (facing Newport Blvd) at this location. Our concerns are outlined as follows:

- 1) There is not adequate parking for either one of these businesses at this shopping center. We have VERY LIMITED parking at our location, and they are marked as 20 minute parking only. Employees and Store Owners are strictly instructed to park off-site. There is also significant construction going on across the street which has limited our tenant parking. Tattoos and skin care can take upwards of 4 hours to complete. This doesn't allow any parking for any of other businesses in the center if only 2-3 customers are in the building. I understand in talking to the new owners, they will notify their customers via their website to park off-site, but we all know in reality, that will never happen. If someone sees an open spot as close as possible to the entrance, they will take it and our store is the closest available spot.
- 2) The type of clientele that a tattoo shop attracts is not conducive to the type of clientele that many of the businesses in this center cater to and want walking around, especially after dark. We had some serious problems in the past with a 'vape shop' next door including drug usage, empty hypodermic needles in planters, smoking, drinking at late hours of the night and even drug addicts breaking into businesses and sleeping overnight. There is documentation on numerous occasions of many of us calling the police to report such incidents.
- 3) This building does not have adequate security, lighting and patrol to monitor happenings after dark. Even though we have asked the property managers and owners of the building to improve on the quality and lighting and security of our stores, it has fallen on deaf ears. We understand that their hours will be from 11-11. We sincerely object to any loitering in and around our store after dark. Our plants outside have been killed by people pouring their drinks in them, and from cigarette butts thrown inside the planters. Smoke from cigarettes and vaporizers can enter our windows and ruin the high quality home furnishings we have in stock. We cannot sell items after they have been smoke damaged. Our store and others (Isles Interiors) here in this center have extremely expensive, high quality home furnishings, sporting goods and inventory that can easily be seen through the windows.

We have been in this location for over 4 years and have been very successful. This center could be such a draw to local business, but the type of businesses the management is allowing to come in is less than desirable. That is something we will have to discuss with management directly. Unfortunately, they don't seem to care much who their tenants are, they are just looking for someone to sign on the bottom line and pay rent....

In closing, we are all small business owners and rely on our stores to live. We understand that everyone has a right to open a business and thrive, and we support each other and other small businesses in the area. We just don't want this type of business in our quiet, safe location. We OBJECT to allowing the city to permit these two businesses to operate at this location. Thank you for your consideration.

Regards,

Lisa Cameron, Owner  
Shelly Haywood, Owner  
The Modern Vault  
361 Old Newport Blvd  
Newport Beach, CA 92663  
949-791-7035  
[info@themodernvault.com](mailto:info@themodernvault.com)  
[www.themodernvault.com](http://www.themodernvault.com)  
[www.1stdibs.com/dealers/modern-vault](http://www.1stdibs.com/dealers/modern-vault)

**Coast Jewelry Company**  
**1836 Newport Boulevard, Suite A**  
**Costa Mesa, Ca 92627**  
**(949) 650-7581**

+

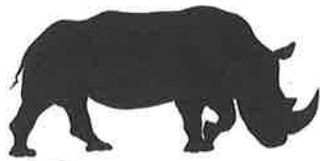
**To Whom It May Concern;**

**We have been neighbors of Agape Art Collection for 6 years and during this period of time, Jake Mello and Company, have been excellent tenants with regards to keeping the parking lot free of debris, low noise level as well as consideration of other tenants. They have never created a problem and have aligned themselves with the other tenants very well. I would have no reservation in recommending Jake Mello. Please feel free to call should questions arise. Thank You.**

  
  
**Donald J. Klein**

**2/27/2018**





# *Broadway Chiropractic*

*Charging toward health*

02/26/2018

To Whom it May Concern,

My name is Dr. Todd Spicer and I am one of the doctors here at Broadway Chiropractic. We share the parking lot with Jake Mello and his Tattoo shop. We have shared the parking lot for years now and have never had a problem with him or his customers. He runs a respectful Christian tattoo business. If you have any questions feel free to call me at 949-574-7700.

Yours in health,

A handwritten signature in black ink, appearing to be 'T. Spicer', with a long horizontal stroke extending to the right.

Dr. Todd Spicer D.C.

To Whom it May Concern:

As a proud resident of Orange County, I proudly support the opening of Agape art Collective. The art and creativity that Agape would provide to the community is of the upmost highest end in the industry. They have incredible integrity and value their respected client base. I myself have been a client of Agape's owners for nearly a decade and have experienced their hospitality and their customer service firsthand. Agape art Collective would be a great addition to the City of Newport Beach and will bring along with it great and talented artist.

Sincerely,

Arnulfo Hernandez

February 25, 2018

To whom it may concern

I am writing to express my support for the Agape Art Collective opening its doors in the city of Newport Beach.

I believe having a tattoo art shop in the city will be an asset to Newport Beach. It will not only add tasteful diversity, but will also help showcase a colorful, yet artistic side to the city. Agape Art Collective would help increase business for the community and help open up a new section of art businesses in the area catering to a modern, art-centric population. It would send a message of appreciation for art and the promotion of talented artists to all. As a millennial art enthusiast/ tattoo aficionado and being a lifelong resident of Orange County, i would appreciate having a shop such as this in my neighborhood. I know that the quality of work and the artists to be found at Agape Art Collective would be unique and embracing of the spirit of Newport Beach!

Sincerely,

Nelia I. Pineda  
(714)276-7135  
1117 S. Karen Ave.  
Santa Ana CA

Hello,

My name is Britni and I support the opening of Agape Art Collective. I think this business would be a great addition to the city of Newport Beach. It would also be a great contribution to the local art community.

Sal and Jake are award winning artists at many conventions. Sal has been tattooing for 13 years and Jake has been tattooing for 11 years. Both have worked in professional tattoo shops their entire careers. They hold themselves to the highest quality of customer service showing the utmost integrity in how they execute their business with the clientele and neighboring businesses around them. Both are BBP certified and registered with the Orange County health department holding a clear understanding of how to properly handle tattooing clients in the safest way possible as well as relay the appropriate after-care of a clients new tattoo. Sal and Jake are both looking to open a high-end tattoo studio where they can further their careers as well as provide and support the local art communities needs in the world of tattoos.

Thank you,

Britni Brown  
(714)737-4695  
4149 N. Santa Lucia St.  
Orange, CA 92865

From: Kevin Quick [kquick@lee-associates.com](mailto:kquick@lee-associates.com)  
Subject: City Approval  
Date: Feb 27, 2018 at 11:12:23 AM  
To: Jake Mello [jmello85@hotmail.com](mailto:jmello85@hotmail.com)

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Dear Jake,

Ownership and myself wish you the best of luck in your approval from the city of Newport Beach today. We think you would make a great addition to the center and look forward to you moving in. Please let ownership or myself know if there is anything we can provide you.

Sincerely,

Kevin Quick

**Kevin Quick**  
Senior Vice President / Principal  
**Lee & Associates | Newport Beach**

D [949.724.4744](tel:949.724.4744)  
C [949.278.8920](tel:949.278.8920)  
O [949.724.1000](tel:949.724.1000)  
F [949.623.6344](tel:949.623.6344)  
[kquick@lee-associates.com](mailto:kquick@lee-associates.com)



Corporate ID 01197433 | CalBRE [01200856](#)  
[100 Bayview Cir | Suite 600](#)  
[Newport Beach, CA 92660](#)



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From: Info [info@houseoftobin.com](mailto:info@houseoftobin.com)  
Subject: Letter from House of Tobin  
Date: Feb 27, 2018 at 11:12:20 AM  
To: [jake@agapeartcollective.com](mailto:jake@agapeartcollective.com)

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To Whom It May Concern,

We would like to highly recommend Jake at Agape Art Collective as new tenants. We have been tenant neighbors with Jake for almost a year now. We own a high end salon and share the same parking lot as Jake. His customers have always been courteous and respectful of our parking and property. He and his staff are friendly and greeted us immediately when we moved into the neighborhood. I personally have been in Jake's business and it is very clean and organized. He runs a professional shop and we are grateful to be his neighbor.

Julianna Tobin

House of Tobin  
125 1/2 Broadway  
Costa Mesa, Ca 92627  
[949-432-9808](tel:949-432-9808)  
[info@houseoftobin.com](mailto:info@houseoftobin.com)

**From:** Andy Lingle  
**To:** [Planning Commissioners](#)  
**Subject:** Old Newport Blvd. Tattoo shop  
**Date:** Monday, March 19, 2018 8:25:40 PM

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Dear Sirs,  
Please consider the potential impact on the nearby neighborhood as you weigh the pros and cons of this application.  
Thank you,  
Andrea Lingle  
andylinge@gmail.com

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**From:** Westmoreland, Liz  
**Sent:** Tuesday, March 20, 2018 8:29 AM  
**To:** Ramirez, Brittany  
**Cc:** Achis, Patrick  
**Subject:** FW: R:Tattoo shop

Public comments received for PA2017-232.



949-644-3234

**LIZ WESTMORELAND**  
Community Development Department  
Assistant Planner  
[lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov)

**CITY OF NEWPORT BEACH**  
100 Civic Center Drive, First Floor Bay B, Newport Beach, California 92660 | [newportbeachca.gov](http://newportbeachca.gov)

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**From:** Pat Costello [mailto:patcostello@roadrunner.com]  
**Sent:** Monday, March 19, 2018 6:08 PM  
**To:** Westmoreland, Liz <LWestmoreland@newportbeachca.gov>  
**Subject:** R:Tattoo shop

Dear Planning Commission,  
Please deny the tattoo shop on Old Newport Blvd. We need another type of business please. I own a property 4 houses from there and our neighborhood has been dealing with so many issues lately. We don't need to bring in potential problems. Not saying that all people with tattoos are bad, but I know areas with a tattoo shop can bring in lots of other people hanging around, etc and often drug or alcohol issues. We are dealing with package thefts, burglaries, car break-ins, etc. We really don't need to add another potential problem. We want to keep our neighborhood safe for all.  
Thanks for your consideration.  
Pat Costello



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**From:** Westmoreland, Liz  
**Sent:** Tuesday, March 20, 2018 8:29 AM  
**To:** Ramirez, Brittany  
**Cc:** Achis, Patrick  
**Subject:** FW: proposed tattoo shop at 365 Old Newport Blvd

Public comments received for PA2017-232.



**LIZ WESTMORELAND**  
Community Development Department  
Assistant Planner

[lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov)  
949-644-3234

**CITY OF NEWPORT BEACH**

100 Civic Center Drive, First Floor Bay B, Newport Beach, California 92660 | [newportbeachca.gov](http://newportbeachca.gov)

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**From:** wilson.simone10@gmail.com [mailto:wilson.simone10@gmail.com]  
**Sent:** Monday, March 19, 2018 6:21 PM  
**To:** Westmoreland, Liz <LWestmoreland@newportbeachca.gov>  
**Subject:** proposed tattoo shop at 365 Old Newport Blvd

Ms. Westmoreland and the Planning Commission,

The purpose of this letter is to ask you not to allow a Tattoo business at 365 Old Newport Blvd. My husband and I have an ownership interest in the property at 326 Old Newport Blvd. where for over 15 years we ran a business. For much of the time, there was a tattoo parlor next door to our company. We often had difficulties with the people that would hang out in front of the Tattoo business as well as those running the business. This included concentrations of people on the sidewalk and driveway between our two buildings and many of them congregating in the front of our professional building. Our clients would have to make their way through those loitering and smoking. Additionally, those running the business (or their friends) repeatedly parked a camper between our buildings and began living and sleeping in it night and day.

This proposed shop would be across the street from our building. If you are making an effort to revitalize the area along Old Newport Blvd., please consider not allowing another Tattoo business in that area.

Thank you,

Simone Wilson  
427 El Modena Ave  
Newport Beach, Ca 92663

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**From:** Westmoreland, Liz  
**Sent:** Tuesday, March 20, 2018 8:30 AM  
**To:** Ramirez, Brittany  
**Cc:** Achis, Patrick  
**Subject:** FW: Proposed Tattoo Shop at 365 Old Newport Blvd.

Public comments received for PA2017-232.

LIZ WESTMORELAND  
Community Development Department  
Assistant Planner  
lwestmoreland@newportbeachca.gov  
949-644-3234

CITY OF NEWPORT BEACH  
100 Civic Center Drive, First Floor Bay B, Newport Beach, California 92660 | newportbeachca.gov

—Original Message—

From: Diane Aleshire [mailto:dgaleshire@att.net]  
Sent: Monday, March 19, 2018 10:21 PM  
To: Westmoreland, Liz <LWestmoreland@newportbeachca.gov>  
Subject: Proposed Tattoo Shop at 365 Old Newport Blvd.

Please do not approve this tattoo parlor. I live next to Hoag Hospital and with all the new condo development going on in the neighborhood, we can get a business in there that will serve a larger proportion of the population's needs. Thank you.

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**From:** Westmoreland, Liz  
**Sent:** Tuesday, March 20, 2018 3:08 PM  
**To:** Ramirez, Brittany  
**Cc:** Achis, Patrick  
**Subject:** FW: Tattoo Studio (PA2017-232)

Another public comment on PA2017-232.



949-644-3234

**LIZ WESTMORELAND**  
Community Development Department  
Assistant Planner  
[lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov)

**CITY OF NEWPORT BEACH**  
100 Civic Center Drive, First Floor Bay B, Newport Beach, California 92660 | [newportbeachca.gov](http://newportbeachca.gov)

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**From:** TOMLU BAKER [mailto:tomlubaker@hotmail.com]  
**Sent:** Tuesday, March 20, 2018 3:06 PM  
**To:** Westmoreland, Liz <LWestmoreland@newportbeachca.gov>  
**Cc:** TOMLU BAKER <tomlubaker@hotmail.com>  
**Subject:** Tattoo Studio (PA2017-232)

Old Newport Boulevard is basically the transition between a Commercial area and the Residential Newport Heights/Cliffhaven area.

The addition of the proposed Tattoo Shop would be a nonpositive asset to the neighborhood and the Planning Commission is requested to deny the proposal. Old Newport Boulevard is going through a revitalization predominantly with Medical Buildings and a Tattoo Shop is not congruent nor compatible with the revitalization. Additionally, the proposed hours of 10am to 10pm are not compatible with the predominantly existing retail shops (8am to 5pm). Previously existing Tattoo Shops in the area have not had a positive effort on the business environment of the area. The Planning Commission should deny this proposal.

Sincerely,  
Tom Baker  
Newport Heights

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**From:** Westmoreland, Liz  
**Sent:** Tuesday, March 20, 2018 3:38 PM  
**To:** Ramirez, Brittany  
**Subject:** FW: Tattoo shop

LIZ WESTMORELAND  
Community Development Department  
Assistant Planner  
lwestmoreland@newportbeachca.gov  
949-644-3234

CITY OF NEWPORT BEACH  
100 Civic Center Drive, First Floor Bay B, Newport Beach, California 92660 | newportbeachca.gov

—Original Message—

From: Jason Sabaugh [mailto:jason.sabaugh@gmail.com]  
Sent: Tuesday, March 20, 2018 3:21 PM  
To: Westmoreland, Liz <LWestmoreland@newportbeachca.gov>  
Subject: Tattoo shop

Please deny this request. We live at 606 Michael Place, Newport Beach 92663.

—

Jason M. Sabaugh

Sent from my iPhone

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**From:** Westmoreland, Liz  
**Sent:** Tuesday, March 20, 2018 3:45 PM  
**To:** Ramirez, Brittany  
**Subject:** FW: Tattoo shop at 365 Old Newport



949-644-3234

**LIZ WESTMORELAND**  
Community Development Department  
Assistant Planner  
[lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov)

**CITY OF NEWPORT BEACH**  
100 Civic Center Drive, First Floor Bay B, Newport Beach, California 92660 | [newportbeachca.gov](http://newportbeachca.gov)

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**From:** Cal Culmer [mailto:[cal.culmer@gmail.com](mailto:cal.culmer@gmail.com)]  
**Sent:** Tuesday, March 20, 2018 3:42 PM  
**To:** Westmoreland, Liz <[LWestmoreland@newportbeachca.gov](mailto:LWestmoreland@newportbeachca.gov)>  
**Subject:** Tattoo shop at 365 Old Newport

To whom it may concern:

I am a resident of Newport Heights and do not consider the addition of the proposed Tattoo Shop to be a positive asset to the neighborhood and want the Planning Commission to deny the proposal.

The Newport Beach Planning Commission on March 22, 2018 will consider a proposed TATTOO SHOP at 365 Old Newport Boulevard (PA2017-232 SEE attached photo). Old Newport Boulevard is basically the transition from a Commercial area to the residential Newport Heights/Cliffhaven area.

Thanks,

Cal Culmer

Sent from my iPhone

**From:** Westmoreland, Liz  
**Sent:** Wednesday, March 21, 2018 8:51 AM  
**To:** Ramirez, Brittany  
**Subject:** FW: No on the TATTOO SHOP at 365 Old Newport Boulevard

—Original Message—

**From:** Amanda Ebright [mailto:[amanda.ebright@mac.com](mailto:amanda.ebright@mac.com)]  
**Sent:** Wednesday, March 21, 2018 7:36 AM  
**To:** Westmoreland, Liz <[LWestmoreland@newportbeachca.gov](mailto:LWestmoreland@newportbeachca.gov)>  
**Subject:** No on the TATTOO SHOP at 365 Old Newport Boulevard

Hi,  
I am writing to tell you that I oppose the addition of this tattoo shop in my neighborhood.  
Amanda

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**From:** Westmoreland, Liz  
**Sent:** Wednesday, March 21, 2018 8:51 AM  
**To:** Ramirez, Brittany  
**Subject:** FW: Proposed Tattoo Business

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**From:** jake mello [mailto:[agapejakemello@gmail.com](mailto:agapejakemello@gmail.com)]  
**Sent:** Tuesday, March 20, 2018 8:29 PM  
**To:** Westmoreland, Liz <[LWestmoreland@newportbeachca.gov](mailto:LWestmoreland@newportbeachca.gov)>  
**Subject:** Fwd: Proposed Tattoo Business

Begin forwarded message:

**From:** Work <[debbie@silverstarsound.net](mailto:debbie@silverstarsound.net)>  
**Date:** March 20, 2018 at 7:58:48 PM PDT  
**To:** [agapejakemello@gmail.com](mailto:agapejakemello@gmail.com)  
**Subject:** **Re: Proposed Tattoo Business**

To: Planning Commissioner

The Tattoo Business should be allowed to move to their new location. Agape has been in Costa Mesa for awhile with a reputable business and reputation. They should not be discriminated against or judged based on presumption of people's opinions on other tattoo businesses reputation. Agape does not allow loitering around their business and they have very high standards regarding their appointment processes to alleviate loitering. To deny them would be based on judgement not based on there good standing with the city.

Thank you.

Debbie Green  
Silver Star Sound & Communications  
711 W. 17th St. Ste. H5  
Costa Mesa, CA. 92627

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**From:** Westmoreland, Liz  
**Sent:** Wednesday, March 21, 2018 9:25 AM  
**To:** Ramirez, Brittany  
**Subject:** FW: Tattoo Store/Old Newport Blvd

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**From:** allyson D'Eliscu [mailto:[allysondeliscu@gmail.com](mailto:allysondeliscu@gmail.com)]  
**Sent:** Wednesday, March 21, 2018 9:23 AM  
**To:** Westmoreland, Liz <[LWestmoreland@newportbeachca.gov](mailto:LWestmoreland@newportbeachca.gov)>  
**Subject:** Tattoo Store/Old Newport Blvd

This is in regards to the tattoo store going in on Newport Blvd.  
I think it would be a negative impact on our community and is a bad idea.  
There is enough negative influences on our youngsters these days.

Allyson D'Eliscu  
[allysondeliscu@gmail.com](mailto:allysondeliscu@gmail.com)  
Cell Phone 949-633-8675



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**From:** Westmoreland, Liz  
**Sent:** Wednesday, March 21, 2018 10:39 AM  
**To:** Ramirez, Brittany  
**Subject:** FW: "NO" to the proposed Tattoo shop near Old Newport Residential and mix use.

**From:** Susan Burns [mailto:sburns217@gmail.com]  
**Sent:** Wednesday, March 21, 2018 10:35 AM  
**To:** Westmoreland, Liz <LWestmoreland@newportbeachca.gov>  
**Subject:** "NO" to the proposed Tattoo shop near Old Newport Residential and mix use.

Please, please don't bring a Tattoo shop into Old Newport Heights.

Living off Old Newport Blvd for over 20 years, there's been a significant area impact ever since Old Newport added 55 freeway access and the "new" bridge traffic re-routing.

The area changed like that! Drug deals, gangs had a meet up point.... Area neighbors homes and cars vandalized.

The PD no longer police speed limits on Old Newport (exception not rule) and late night speeding has bloomed, especially Motorcycles !! This area is a gateway for local neighborhood break-ins, house and autos which are currently off the hook.

Must we provide more attraction for out-of -area Riff -Raff, rehab populations, with residential homes a block away? I recall a city council meeting years ago where it was stated that this area was transitioning to medical from Antiques, Marine, etc.... I'd take an outboard repair shop preferred over Tattoo. What value does a Tattoo parlor bring vs element? I'm sure parents in the area will be thrilled as well.

What do you think? Would you want to live in a home/ investment near a Tattoo Parlor? Ain't chic.

"NO" to TATTOO near Old Newport Residential Neighborhoods and mix use. Let's not take the area all-the-way-down.

Thank you !

Susan

Susan Burns, Realtor  
Coldwell Banker Previews  
RE LIC 01412231

949.375.2427 Direct  
949.644.1690 Fax  
[www.ocbythesea.com](http://www.ocbythesea.com)

**From:** Portia Weiss <portiaweiss@gmail.com>  
**Sent:** Wednesday, March 21, 2018 11:02 AM  
**To:** Planning Commissioners  
**Subject:** PA-2017-232 Tatoo Studio

I would like to request that the Planning Commission deny the proposal of a tattoo studio at 365 Old Newport Boulevard. I frequent the merchants at this center and have experienced severe difficulty in parking there over the last two years, much prior to the construction traffic associated with the new medical building located directly across the street. On more than one occasion, I have had to abandon my parking efforts and return by bicycle or on foot. Crossing at the adjoining intersection of Westminster and Old Newport Boulevard, in any manner, is very dangerous. Even when I have been fortunate enough to find a parking place in the center, backing out has been a hazardous experience. I do not favor the approval of any businesses to this center that may produce any additional traffic. It would create further hazards to public access of the established merchants and prove detrimental to the economic health of these merchants.

Thank you.

Portia Weiss  
421 San Bernardino Avenue  
Newport Beach, CA 92663

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**From:** Westmoreland, Liz  
**Sent:** Wednesday, March 21, 2018 1:09 PM  
**To:** Ramirez, Brittany  
**Subject:** FW: PA2017-232 New Business, Tattoo parlor

**From:** Lynn Lorenz [mailto:lynnierlo@aol.com]  
**Sent:** Wednesday, March 21, 2018 1:09 PM  
**To:** Westmoreland, Liz <LWestmoreland@newportbeachca.gov>  
**Subject:** PA2017-232 New Business, Tattoo parlor

To whom it may concern:

The above-mentioned proposed business is unsuitable for Old Newport Boulevard. The traffic in that area is already of major concern, as is the idea of putting an animated business on the edge of a residential area. The businesses in the area under consideration are ones with the standard hours of 9 to 5, for the most part. You are considering a business with the proposed hours of 10 to 10: a further concern of homeowners in the Newport Heights area.

In addition, among the new businesses in this area are medical buildings which have chosen this location because of its proximity to Hoag. I doubt that more medical buildings, which will no doubt be of need in the future, will want to move into a business area which is characterized by a mishmash of businesses. The referenced business is just not a good fit for this unique area.

Lynn Lorenz  
434 Redlands Avenue  
Newport Beach, California

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**From:** Westmoreland, Liz  
**Sent:** Wednesday, March 21, 2018 3:55 PM  
**To:** Ramirez, Brittany  
**Subject:** FW: PA2017-232

**From:** Robyn Hamilton [mailto:robyn.hamilton15@gmail.com]  
**Sent:** Wednesday, March 21, 2018 3:44 PM  
**To:** Westmoreland, Liz <LWestmoreland@newportbeachca.gov>  
**Subject:** PA2017-232

My husband and I oppose this application.  
Robyn and Jack Hamilton  
339 Catalina Dr.  
NB 92663

**From:** [Westmoreland, Liz](#)  
**To:** [Ramirez, Brittany](#)  
**Subject:** FW: Project file No. PA2017-232 at 365 Newport Blvd (Agape Art Collective)  
**Date:** Wednesday, March 21, 2018 4:21:45 PM

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-----Original Message-----

From: Debra Brender [<mailto:dbrender01@gmail.com>]  
Sent: Wednesday, March 21, 2018 3:57 PM  
To: Westmoreland, Liz <[LWestmoreland@newportbeachca.gov](mailto:LWestmoreland@newportbeachca.gov)>  
Subject: Re: Project file No. PA2017-232 at 365 Newport Blvd (Agape Art Collective)

Ms. Westmoreland,

We recently received a notice from a neighbor about this proposed project, which we would like to oppose.

Thank you.

Sincerely,

Arnold and Debra Brender  
321 Catalina Drive  
Newport Beach, CA 92663

Sent from my iPhone

**From:** [Westmoreland, Liz](#)  
**To:** [Ramirez, Brittany](#)  
**Subject:** FW: Tattoo Shop  
**Date:** Thursday, March 22, 2018 8:13:29 AM

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LIZ WESTMORELAND  
Community Development Department  
Assistant Planner  
[lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov)  
949-644-3234

CITY OF NEWPORT BEACH  
100 Civic Center Drive, First Floor Bay B, Newport Beach, California 92660 | [newportbeachca.gov](http://newportbeachca.gov)

-----Original Message-----

From: Garrett Bailey [<mailto:garrettbailey@icloud.com>]  
Sent: Wednesday, March 21, 2018 8:26 PM  
To: Westmoreland, Liz <[LWestmoreland@newportbeachca.gov](mailto:LWestmoreland@newportbeachca.gov)>  
Subject: Tattoo Shop

I oppose the tattoo shop at 365 Old Newport Blvd. Garrett Bailey

## Westmoreland, Liz

---

**From:** TOMLU BAKER <tomlubaker@hotmail.com>  
**Sent:** Monday, March 26, 2018 11:58 PM  
**To:** Westmoreland, Liz; Dunlap, Bill  
**Cc:** TOMLU BAKER  
**Subject:** Parking Concerns Tattoo Studio (PA2017-232)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Liz Westmoreland,

After the March 22 Planning Commission Meeting, Commissioner Bill Dunlap and I discussed some Parking concerns with the proposed Tattoo Shop of PA2017-232. Excluding the impact of the current adjacent construction, the parking at the shopping center including the building 365 Old Newport Blvd has always been hazardous and frequently unsafe, due to the irregularities of the parking site layout and the lack of spaces.

To try to understand the severity of the lack of parking, the staff report under Parking (Page 5) was reviewed.

The staff report states the existing building at 365 Old Newport Blvd (ONB) is considered legal non-conforming with only five parking spaces. Additionally, the report indicates that current Code Section would require 25 spaces. Although not legally required, this indicates basically a need of 20 spaces for 365 ONB to have sufficient safe parking.

The shopping center extends from 365 ONB to 325 ONB (Lotus Bistro) and the lack of spaces is compounded. Would you please perform similar calculations for each of the other buildings showing the legal non-conforming and the estimated lack of total spaces? This should give an excellent indication of why the shopping center parking is hazardous and frequently unsafe.

Page 3 Project Setting states "a public parking lot is located approximately 250 feet to the south...". How many parking spaces does this public parking lot contain and have any been allocated to satisfy the parking requirements of past projects approved by the Planning Commission?

Sincerely,  
Tom Baker  
Newport Beach

**From:** David Moltz <dmoltz@sbcglobal.net>  
**Sent:** Friday, April 06, 2018 9:06 AM  
**To:** Westmoreland, Liz; Biddle, Jennifer; Garciamay, Ruby; Mackinen, Traci  
**Cc:** noturner@gmail.com; Lorett Corona  
**Subject:** Proposed TATTOO SHOP at 365 Old Newport Boulevard (PA2017-232)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi All

We are writing to express our position on the above referenced tattoo shop at 365 Newport Blvd.

Newport Blvd has struggled over the years with transient issues causing numerous problems with the safety of businesses and homeowners. The current redevelopment of medical and upscale businesses on Newport Blvd as well as the upscale development on the peninsula is a step in the right direction.

Not to be negative towards Costa Mesa, but that City has serious homeless problems compounded by drug addicts and mental illness. Newport Blvd seems to be impacted by this problem. The planning Commission, in my opinion should take this into consideration, and promote growth in a positive direction. If this Tattoo Shop was proposed next to the brand new City Hall building there is no way it would be approved... why should Newport Blvd be any different?... We are both Newport Beach! Maybe it would be good to treat the rest of Newport Beach with the same dignity that The Irvine Company has given to the City Hall side of Newport Beach.

We urge the Planning Commission to vote NO on the Tattoo Shop in consideration for the businesses, neighborhoods and our kids that would be impacted

Dave Moltz  
431 Irvine Ave  
Newport Beach, CA 92663  
(949) 887-3681 Direct



**From:** James & Nancy Turner <noturner@gmail.com>  
**Sent:** Wednesday, April 04, 2018 12:09 PM  
**To:** Westmoreland, Liz  
**Subject:** Tatoo Parlor

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

April4,2018

Dear Liz,

I have lived in Newport Heights for 50 years and have been an employee for the Newport Mesa Schools for 50years....WE DO NOT need another tattoo parlor in Newport.

A tattoo parlors is not an asset to our long term residential people or our school system... Newport Harbor and Ensign have enough problems minute by minute...THIS TATOO PARLOR WOULD BE A negative INFLUENCE ON OUR SOCIETY HERE.

PLEASE DO NOT ALLOW THIS ION OUR NEIGHBORHOOD.. THANK YOU, NANCY O. TURNER 435 IRVINE AVENUE NEWPORT BEACH, CA 92663

**From:** james turner <james.turner620@gmail.com>  
**Sent:** Wednesday, April 04, 2018 12:20 PM  
**To:** Westmoreland, Liz  
**Subject:** tattoo parlor

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I DO NOT want a tattoo parlor in our residential area. It is not an Asset to our community.  
It has a negative influence on our students at Newport Harbor and Ensign.  
Not appropriate in a long term residence community like Newport Heights.

James L. Turner  
435 Irvine Avenue  
Newport Beach, ca. 92663

**From:** James & Nancy Turner <noturner@gmail.com>  
**Sent:** Friday, April 06, 2018 4:08 PM  
**To:** Westmoreland, Liz  
**Subject:** Fwd: Proposed TATTOO SHOP at 365 Old Newport Boulevard (PA2017-232)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Begin forwarded message:

**From:** David Moltz <[dmoltz@sbcglobal.net](mailto:dmoltz@sbcglobal.net)>  
**Subject:** Proposed TATTOO SHOP at 365 Old Newport Boulevard (PA2017-232)  
**Date:** April 6, 2018 at 9:06:25 AM PDT  
**To:** "[lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov)"  
<[lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov)>, "[jbiddle@newportbeachca.gov](mailto:jbiddle@newportbeachca.gov)"  
<[jbiddle@newportbeachca.gov](mailto:jbiddle@newportbeachca.gov)>, "[rgarciamay@newportbeachca.gov](mailto:rgarciamay@newportbeachca.gov)"  
<[rgarciamay@newportbeachca.gov](mailto:rgarciamay@newportbeachca.gov)>, "[tmackinen@newportbeachca.gov](mailto:tmackinen@newportbeachca.gov)"  
<[tmackinen@newportbeachca.gov](mailto:tmackinen@newportbeachca.gov)>  
**Cc:** "[noturner@gmail.com](mailto:noturner@gmail.com)" <[noturner@gmail.com](mailto:noturner@gmail.com)>, Loretta Corona  
<[coronaloretta@yahoo.com](mailto:coronaloretta@yahoo.com)>  
**Reply-To:** David Moltz <[dmoltz@sbcglobal.net](mailto:dmoltz@sbcglobal.net)>

Hi All

We are writing to express our position on the above referenced tattoo shop at 365 Newport Blvd.

Newport Blvd has struggled over the years with transient issues causing numerous problems with the safety of businesses and homeowners. The current redevelopment of medical and upscale businesses on Newport Blvd as well as the upscale development on the peninsula is a step in the right direction.

Not to be negative towards Costa Mesa, but that City has serious homeless problems compounded by drug addicts and mental illness. Newport Blvd seems to be impacted by this problem. The planning Commission, in my opinion should take this into consideration, and promote growth in a positive direction. If this Tattoo Shop was proposed next to the brand new City Hall building there is no way it would be approved... why should Newport Blvd be any different?... We are both Newport Beach! Maybe it would be good to treat the rest of Newport

Beach with the same dignity that The Irvine Company has given to the City Hall side of Newport Beach.

We urge the Planning Commission to vote NO on the Tattoo Shop in consideration for the businesses, neighborhoods and our kids that would be impacted

Dave Moltz  
431 Irvine Ave  
Newport Beach, CA 92663  
(949) 887-3681 Direct

**From:** John Chaix <john@chaixlaw.com>  
**Sent:** Thursday, April 12, 2018 11:28 AM  
**To:** Westmoreland, Liz  
**Subject:** PA 2017-232

We own a home at 420 Holmwood Dr and have resided there for over 25 years and have three small children. As you know, the Newport Heights neighborhood is a family oriented community that utilizes the unique stores along the Old Highway corridor (Chicken Coop, Hair studio's , subway, marine stores, dry cleaners, Timree's art studio etc). The proposed use by a tattoo parlor is inconsistent with the overall redevelopment plan for the area and would not be frequented by the nearby residents for errands, shopping etc.

This proposed use would be contrary to the scheme for the area and would not be supported by the local community.

Thank you for your consideration.

John Chaix



**John Chaix, Esq.**

**Newport Beach, CA: 714-427-0664**

**Sacramento, CA: 916-235-8234**

**Phoenix, AZ: 602-235-9399**

**[www.chaixlaw.com](http://www.chaixlaw.com)**

**[john@chaixlaw.com](mailto:john@chaixlaw.com)**

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## **Attachment No. PC 4**

Planning Commission Hearing Minutes

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**NEWPORT BEACH PLANNING COMMISSION MINUTES  
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE  
THURSDAY, APRIL 5, 2018  
REGULAR MEETING – 6:30 P.M.**

I. **CALL TO ORDER** – The meeting was called to order at 6:35 p.m.

II. **PLEDGE OF ALLEGIANCE** – Commissioner Kleiman

III. **ROLL CALL**

PRESENT: Chair Peter Koetting, Secretary Erik Weigand, Commissioner Bill Dunlap, Commissioner Lauren Kleiman, Commissioner Kory Kramer, Commissioner Lee Lowrey

ABSENT: Vice Chair Peter Zak

Staff Present: Community Development Director Seimone Jurjis, Deputy Community Development Director Jim Campbell, Assistant City Attorney Michael Torres, City Traffic Engineer Tony Brine, Associate Planner Benjamin Zdeba, Assistant Planner Liz Westmoreland, Administrative Support Technician Patrick Achis

IV. **PUBLIC COMMENTS**

Mark Abrams, 254 Catalina Drive, estimated 20 percent of Keck USC Medical Center (located at 300 Old Newport Blvd.) employees park on the street in front of residents' homes because the medical center does not provide sufficient employee parking. The City parking lot offers two-hour parking, which does not benefit employees.

V. **REQUEST FOR CONTINUANCES**

None

VI. **CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF MARCH 22, 2018**

**Recommended Action:** Approve and file

**Motion** made by Secretary Weigand and seconded by Chair Koetting to approve the draft minutes of the March 22, 2018, meeting with the Commission's and Mr. Mosher's edits.

AYES: Koetting, Weigand, Dunlap, Kleiman, Kramer, Lowrey

NOES: None

ABSTAIN: None

ABSENT: Zak

VII. **CONTINUED BUSINESS:**

**ITEM NO. 2 AGAPE ART COLLECTIVE (PA2017-232)**

**Site Location: 365 Old Newport Boulevard**

**Summary:**

A request for a minor use permit to operate a tattoo studio (Personal Services, Restricted land use) and artist's studio within an existing commercial tenant space.

**Recommended Action:**

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2018-015 approving Minor Use Permit No. UP2017-031.

Assistant Planner Liz Westmoreland reported the application pertains to a minor use permit for a tattoo studio and artist studio. A tattoo studio is defined as a personal services, restricted land use and requires discretionary approval by the Zoning Code. In February, the Zoning Administrator referred the application to the Planning Commission based on ambiguity in the definition of the land use, specifically dispersal of uses in relation to the project site, neighborhood, or surrounding area. The project site is located on the second floor of an existing commercial building, which is occupied primarily by retail, food, and services uses. The applicant has not proposed an increase in the 885-square-foot tenant space. Proposed hours of operation are 10:00 a.m. to 10:00 p.m., daily with the bulk of appointments scheduled during the evening hours. Tattoo operators and artists are required to register with the Orange County Health Department and are regulated by the California Safe Body Art Act. The applicant proposes three stations maximum for tattooing, and there would be no designated receptionist. Five parking spaces are located on-site, and six tenant spaces are located in the subject building. Therefore, the building as a whole and each individual unit are considered nonconforming due to lack of sufficient parking. No other permitted personal services, restricted uses are located within the subject building or within 300 feet of the site. In staff's opinion, the proposed restricted personal service use would not appear to create or perpetuate a cluster of such uses in the immediate area that would cause detrimental nuisance conditions. Four tattoo uses are located in the City; the nearest to the subject site is located approximately one-half mile to the south. The nearest Costa Mesa tattoo use is located approximately one mile north of the subject site. Staff believes there is adequate dispersal of personal services, restricted land uses and specifically tattoo uses within the immediate and surrounding area. Correspondence from the public opposed the project and expressed concerns regarding parking, type of use proposed, and security. The proposed use would operate similar to other service uses. Most of the retail-based tenants in the subject building operate until approximately 5:00 p.m.; however, Subway can operate until 11:00 p.m., and the massage and restaurant uses can operate until 9:00 p.m. Staff contacted the Costa Mesa Police Department and learned that the department had not received any reports of crime related to the existing business. In addition, the Costa Mesa crime analyst indicated Agape Art Collective did not seem to cause any problems. Per the Zoning Code, a new use may occupy the proposed space as long as parking demand does exceed one space per 250 square feet of floor area. This standard would apply if a new retail or service use (including the proposed use) were to occupy the site with no intensification of use. Staff recommends approval of the project. The Planning Commission may not deny the application based on the tattoo use itself.

Commissioners Kramer, Kleiman, Koetting, Dunlap, and Lowrey reported no ex parte communications with the applicant or property owner, while Secretary Weigand spoke with the owner.

In meeting with tenants of the building, Commissioner Dunlap learned tenants' leases restricted parking in front of the building to 20 minutes. He questioned whether Agape's lease would contain the same provision and assumed Agape's patrons would remain in the studio longer than 20 minutes.

In reply to Chair Koetting's questions, City Traffic Engineer Brine stated parking in the area has developed over time. Assistant Planner Westmoreland advised there was no parking master plan for the three adjacent lots on the west side of Old Newport, south of sites. Because of the six tenants and only five parking spaces, the Police Department probably would not accommodate spaces designated for tenants. The parking lot is maintained by the City. Anyone can park in the lot, and seven of 28 spaces in the lot are limited to two-hour parking. This property has an existing sign program. Two of the buildings are owned by the same entity, and the third building is owned by a different entity.

In answer to Commissioner Lowrey's query, Deputy Community Development Director Campbell explained that there is no separation standard for these restricted personal service uses, and staff has not applied one for these uses.

In response to Commissioner Kramer's inquiries, Assistant Planner Westmoreland said there is no particular definition for healing arts. Massage is a separate land use and regulated by additional standards. Commissioner Kramer noted a Thai massage use was located within 300 feet of the subject property. If massage use was included in healing arts, then the application would be void on its face.

In reply to Secretary Weigand's questions, Assistant Planner Westmoreland did not recall the hours of operation for the Timree Gold Studio that previously occupied the project site, but it would have accommodated quite a few people in art classes. On paper, the Timree Gold Studio had the same parking demand as the proposed use.

In answer to Commissioner Dunlap's queries, Assistant Planner Westmoreland clarified that, for this application, staff considered all service-based uses in the commercial space as complementary. Commissioner Dunlap questioned whether the proposed tattoo business would provide a service for residents of the neighborhood. Public correspondence would lead one to believe otherwise.

In response to Chair Koetting's inquiries, Assistant Planner Westmoreland indicated the Subway located on the adjacent property was approved in the early 2000s with knowledge of the parking situation in the area. In addition, other food uses have been granted parking waivers with knowledge of the existing parking situation.

Chair Koetting opened the public hearing.

Joe Diestel, Newport Heights, voiced concerns about late-night customers, alcohol use, insufficient parking, traffic, and homelessness.

Tom Baker, resident, commented that a tattoo shop would negatively impact visitors' initial impression of the City as the area is considered a gateway to the City. All tattoo shops in the City are located in the same small area. He suggested the Planning Commission deny the application.

Mark Abrams, 254 Catalina Drive, believed allowing another business where there is not enough parking did not make sense.

Jim Mosher concurred with Mr. Baker's comments regarding concentration of tattoo shops and questioned conditions of approval for signage. Condition Numbers 8 and 13 appear to be redundant. He noted discrepancies in the address and parcel number for the property.

Jake Mello, applicant, related his professional experience and goals for this business. He currently plans to be the only tattoo artist; however, he wants the flexibility to have one or two additional artists in the future. Signage for the tattoo studio will conform with signage for other businesses located in the building. Appointments will be scheduled primarily after 5:00 p.m., to accommodate parking.

In response to Commissioners' questions, Mr. Mello did not anticipate all three workstations being used simultaneously. The space is intended to be his graphic design, painting, and tattoo studio. Tattooing is only one of the mediums he uses. Dr. John Sun is the building owner. If the application is approved, he will no longer work in the Costa Mesa studio. The Costa Mesa studio has eight artists who rely heavily on walk-in business; however, Mr. Mello has his own clientele and books only one appointment per day. He will book appointments during the day if necessary; however, he prefers to book appointments at 5:00 p.m. or later. Alcohol use and clients under 18 years of age will not be allowed. He is prepared to utilize more lighting and security to prevent loitering.

Danielle Diestel commented that the taxpayers in the area do not want a tattoo parlor. The tattoo parlor would not serve surrounding residents.

Nancy Turner did not believe a tattoo studio would be an appropriate influence on school children and the neighborhood.

Chair Koetting closed the public hearing.

In response to Chair Koetting's comments, Deputy Community Development Director Campbell reported there is a sign program for the building. The two conditions regarding signage inform the applicant of the need to comply with requirements of both the building sign program and the Municipal Code. Staff will scrutinize other uses in the area and ensure intensification is appropriate.

With regard to Secretary Weigand's remarks, Deputy Community Development Director Campbell explained that the Municipal Code prohibits flashing signs. The City cannot regulate the content of a sign.

Commissioner Kleiman stated that the way the application reads, the findings do not support a tattoo studio. The Commission could view the application differently if it provided for one workstation with a surrounding artist studio.

**Motion** made by Commissioner Kleiman and seconded by Commissioner Lowrey to adopt Resolution No. PC2018-015 denying Minor Use Permit No. UP2017-031.

Commissioner Dunlap suggested the Commission could approve the application with a variety of conditions. Commissioner Kleiman stated that she could support an application that reflects more of the business Mr. Mello described. Secretary Weigand said that he is pretty supportive of the studio, and would like to see the commission approve it at some point, but did not know if the votes exist. Weigand asked if it would be appropriate for staff to come back after revising the report.

Assistant City Attorney Torres recommended the Planning Commission continue the item to allow staff to work with the applicant to develop a different set of conditions instead of doing it at the hearing.

Commissioner Weigand stated that they would like to have the revisions incorporate the commission's concerns, but that they don't want to be so restrictive on this use that he can't operate. He believes the applicant has a good plan for the community. Commissioner Kleiman suggested that they ask the applicant how he would like to proceed.

In reply to the Commission's question, Mr. Mello agreed to work with staff.

Community Development Director Jurjis suggested the Commission continue the item to May 3, if it chooses to continue the item.

Commissioner Kleiman withdrew her motion; Commissioner Lowrey concurred.

**Motion** made by Secretary Weigand and seconded by Commissioner Kleiman to continue the application to May 3, 2018.

AYES: Koetting, Weigand, Dunlap, Kleiman, Kramer, Lowrey  
NOES: None  
ABSTAIN: None  
ABSENT: Zak

Chair Koetting announced Item 4 will be heard next with Item 3 following Item 4.

#### **VIII. PUBLIC HEARING ITEMS**

##### **ITEM NO. 3 ENTERPRISE RENT-A-CAR EXPANSION (PA2017-215)**

**Site Location: 4340 Campus Drive, 4360 Campus Drive, 4400 Campus Drive, 4500 Campus Drive, 4341 Birch Street and 4361 Birch Street**

##### **Summary:**

The applicant proposes to expand the existing Enterprise Rent-A-Car facilities located at 4500 Campus Drive and 4361 Birch Street ("Project"). The Project includes the following: (1) demolishing three existing office buildings (38,620 square feet in total) at 4340 Campus Drive, 4400 Campus Drive, and 4341 Birch Street; (2) remodeling of an existing approximately 11,682-square-foot office building to create a vehicle service center, hand car wash, personal offices, and vehicle parts storage; (3) grading and paving with installation of perimeter security fencing and walls, landscaping, and exterior lighting; and (4) striping and reconfiguring of paved areas to create 91 customer and employee parking spaces and approximately 810 stacked parking spaces for vehicle storage. The existing barriers between each of the lots will be removed to allow vehicle circulation without having to utilize the surrounding public right-of-way.

##### **Recommended Action:**

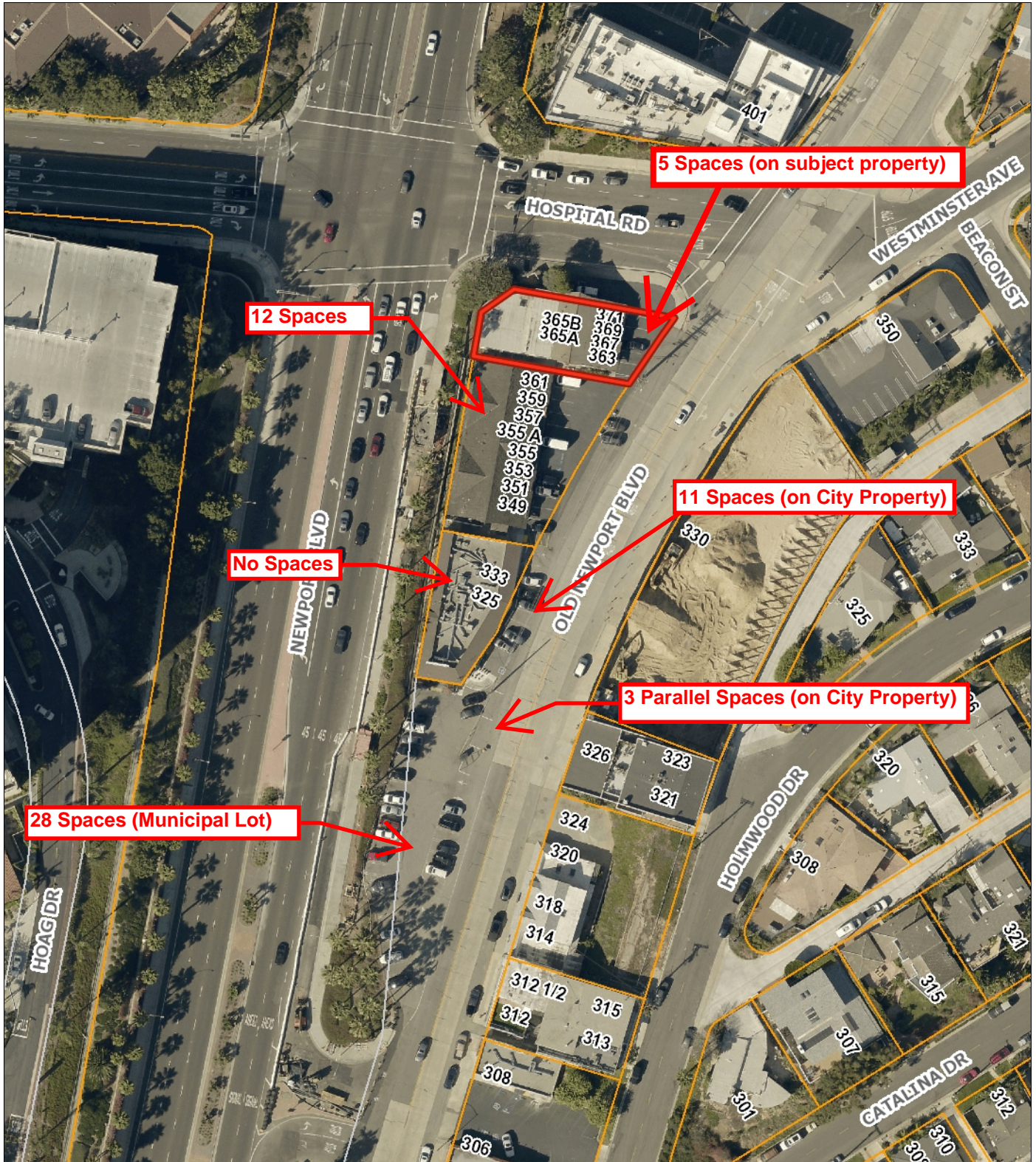
1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Class 2 – Replacement and Reconstruction) and Section 15303 (Class 3 – New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2018-014 approving Conditional Use Permit No. UP2017-030.

# **Attachment No. PC 5**

Parking Overview Map

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Newport  
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GIS



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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.

5/9/2018

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# **Attachment No. PC 6**

Project Plans

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## BUSINESS DESCRIPTION

Agape Art Collective is a well-established and well-respected business within the city of Costa Mesa. I, Jacob Mello (owner), am looking to convert my 2000sqft walk-in tattoo business into a smaller creative space while continuing to offer tattoo services of the very best quality, comfort and safety in a family-friendly and hospital grade environment.

This studio space will comply with all Orange County Health Department standards by designating a separate tattoo area from a comfortable waiting area complete with chairs and couches. All licensed practitioners will operate on a fully disposable – single service basis to eliminate any risk of cross contamination and comply with the Safe Body Art Act. The flooring will be a waterproof synthetic wood-look, while the walls will be a fully washable acrylic based paint. The space is 885sqft, with 75% dedicated to work areas. Any and all working surfaces will be non-porous and cleaned and sanitized properly after every procedure.

Hours of operation will be limited to 11am – 10pm daily. However, appointments will be concentrated between the hours of 5pm to 10pm to effectively accommodate parking. There will be no admittance of anyone under the age of 18, nor will loitering be permitted at any time.

Agape Art Collective will bring a positive reputation from Costa Mesa to Newport Beach and add value and quality to the property in question as well as offering a diverse clientele that will blend and attract business to our surrounding business neighbors.



