

CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

December 6, 2018 Agenda Item No. 3

SUBJECT:	E Art Gallery (PA2018-177) Minor Use Permit No. UP2018-014
SITE LOCATION:	2721 East Coast Highway, Suite 104
APPLICANT:	E Art Gallery
OWNER:	Jeffrey J. Brown
PLANNER:	Chelsea Crager, Associate Planner 949-644-3227, <u>ccrager@newportbeachca.gov</u>

PROJECT SUMMARY

A request to establish an art studio/gallery, including a minor use permit (MUP) to allow tattoo services (Personal Services, Restricted land use) within an existing commercial tenant space. Proposed hours of operation are 10:00 a.m. to 8:00, p.m., daily.

RECOMMENDATION

- 1) Conduct a public hearing;
- Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Resolution No. _ approving Minor Use Permit No. UP2018-014 (Attachment No. PC 1).

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LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Corridor Commercial	Commercial Corridor	Multi-tenant commercial
NORTH	Corridor Commercial	Commercial Corridor	Multi-tenant commercial
SOUTH	Corridor Commercial	Commercial Corridor	Retail
EAST	Corridor Commercial	Commercial Corridor	Multi-tenant commercial
WEST	Two-Unit Residential	Two-Unit Residential	Residential duplex

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INTRODUCTION

Project Setting

The subject tenant space is located within an existing two-story commercial building on East Coast Highway in Corona del Mar, south of Fernleaf Avenue. The building contains approximately 10,098 square feet of rentable space, and contains a mix of commercial uses including service and retail uses such as tailoring, fitness studios, salons, and a law office. No onsite parking spaces are provided. Surrounding land uses consist of primarily commercial uses including a yoga studio, a resale clothing boutique, restaurants and Sherman Library and Gardens, with adjacent residential uses immediately to the west of the site.

Project Description

The applicant requests a minor use permit to operate a tattoo studio (Personal Services, Restricted land use) in conjunction with an artist gallery/studio within an existing commercial tenant space. The art studio/gallery and tattoo studio will be located within an existing, 693-square-foot tenant space located on the lower level of the building. No increase in floor area and only minor interior improvements are proposed.

The tattoo aspect of the business would consist of two workstations with a maximum of two tattoo artists working at any time. The artists would operate by appointments only, with no "walk-in" services offered. The hours of operation are proposed to be between the hours of 10:00 a.m. to 8:00 p.m., daily.

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 studio will be subject to inspections to ensure it maintains proper sanitary facilities and that it meets all applicable health regulations.

The art gallery/studio aspect of the business will include painting and figurative drawing classes, painting canvas, and commissioned artwork. Art classes will typically consist of five to seven artists painting or drawing a live model one to two times per month. One-on-one art instruction may also be scheduled on an appointment basis.

DISCUSSION

<u>Analysis</u>

General Plan

The General Plan Land Use Element designation for the site is Corridor Commercial (CC). The CC designation is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian

activity. The existing building is occupied by a variety of retail and service uses. The proposed studio is defined as service use and is consistent with this designation.

Local Coastal Plan

The subject site is located in the Coastal Zone and is within the Commercial Corridor (CC) Coastal Zoning District. Personal Service, Restricted land uses and art galleries/studios are allowed uses within the CC Coastal Zoning District. There is no coastal development permit required because tenant space has historically been occupied by a retail or service use and there is no change in intensity of use proposed.

Zoning

The site is located within the Commercial Corridor (CC) Zoning District. Within Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the Zoning Code, the CC District allows Personal Services, Restricted uses subject to the approval of a MUP. The Zoning Code does not provide any specific requirements for tattoo studios other than the MUP requirement. The art gallery/studio component is permitted by right within the CC Zoning District.

Parking

Pursuant to Municipal Code Sections 20.40.040 and 21.40.040 (Off-Street Parking Spaces Required), retail, personal service uses and art studios require parking at a rate of one space for every 250 square feet of gross floor area. The existing multi-tenant commercial building is legal non-conforming due to parking because there are no parking spaces provided onsite. Municipal Code Sections 20.38.060(B)(1) and 21.38.060(B)(1) allow a nonconforming site building 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 for every 250 square feet of gross area. The proposed use meets these parking regulations.

Dispersion of Uses

There is one other restricted personal service land use (*i.e.*, day spas, healing arts, tanning salons, and tattoo services) within the subject building. The business, La Vita Salon/Spa, offers salon services in a nearby commercial space. The surrounding commercial area of Corona del Mar contains many personal services, general land uses (*i.e.*, barber and beauty shops, dry cleaning services). Although there have been no minor use permits approved for personal services, restricted land uses in the Corona del Mar neighborhood since 2010, there are eight personal service uses within two blocks.

There are five tattoo studios currently operating within the City: three on the Balboa Peninsula, one in Newport Shores and one recently approved in Newport Heights. Of the five, the nearest is Agape Art Collective, located approximately four miles away on Old Newport Boulevard. Therefore, staff believes the proposed project would not create an

over-concentration of personal service restricted or tattoo service uses within the area. Refer to Attachment No. PC4 for a map of the existing tattoo service locations.

Use Permit Findings

In accordance with Section 20.52.020.F (Conditional Use Permits and Minor Use Permits), the Planning Commission must make the following findings for approval for a minor use permit:

- 1. The use is consistent with the General Plan and any applicable specific plan.
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the Municipal Code.
- 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.
- 4. 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.
- 5. 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, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

As previously indicated, the proposed project includes uses consistent with the CC General Plan land use category and CC Zoning District. The existing building and tenant space were built and designed to accommodate commercial uses, with retail and service uses currently and historically occupying the site. The proposed tattoo studio use is a service that will be complementary to the other uses in the commercial building and surrounding area. No significant tenant improvements are proposed and the parking requirement would not increase from existing conditions.

The art gallery/studio and tattoo studio would operate with typical retail business hours of operation, occupy less than 700 square feet, and tattoo artists would operate by appointment only with no "walk-in" tattoo customers. A maximum of two tattoo stations would be authorized and each artist would be required to be registered with the County Health Department to ensure sanitary practices. Conditions are also included in the resolution to prevent loitering outside of the business.

The presence of La Vita Salon/Spa, another restricted personal service use that offers salon services, should be complementary and not foster undesirable conditions. Other tattoo studios in the vicinity are located over four miles away. Thus, the proposed project should not create or perpetuate a cluster of such uses that might be detrimental to the area.

Staff believes sufficient facts exist in support of each finding. As conditioned, it is expected to operate in an effective and non-detrimental manner that is would be compatible with the surrounding commercial tenants and commercial uses in the area.

<u>Alternatives</u>

- 1. The Planning Commission may suggest specific project modifications or operational changes 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/studio in an existing commercial tenant space.

Public Notice

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:

Chilsia Crager

Chelsea Crager Associate 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 Tattoo Service Location Map
- PC 5 Site Photos
- PC 6 Project Description PC 7 Project Plans

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Attachment No. PC 1

Draft Resolution with Findings and Conditions

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RESOLUTION NO. PC2018-032

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING MINOR USE PERMIT NO. UP2018-014 FOR A TATTOO STUDIO (PERSONAL SERVICES, RESTRICTED USE) LOCATED AT 2721 EAST COAST HIGHWAY, SUITE 104 (PA2018-177)

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

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by E. Art Gallery ("Applicant"), with respect to property located at 2721 East Coast Highway, Suite 104, Assessor's Parcel Number 459-171-14 ("Property"), requesting approval of a minor use permit.
- 2. The Applicant proposes a tattoo studio (Personal Services, Restricted land use) in conjunction with an art gallery/studio within an existing commercial tenant space.
- 3. The Property is designated Corridor Commercial ("CC") by the General Plan Land Use Element and is located within the Commercial Corridor ("CC") Zoning District.
- 4. The Property is located within the coastal zone and is within the Commercial Corridor ("CC") Coastal Zoning District. A coastal development permit is not required as the proposed project does not change the intensity of use at the subject property.
- 5. A Planning Commission public hearing was held on December 6, 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 Newport Beach Municipal Code ("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/studio 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 Corridor Commercial ("CC"). The CC designation is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The existing building onsite operates with commercial uses, with primarily retail 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 Corridor Commercial ("CC") Zoning District and CC Coastal Zoning District. Within NBMC Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements), the CC District allows Personal Services, Restricted uses subject to the approval of a minor use permit. The art gallery/studio component is permitted by right within the CC Zoning District. Both uses are allowed uses within the CC Coastal Zoning District pursuant to NBMC 21.20.020 (Commercial Coastal Zoning Districts and Land Uses)
- 2. The existing multi-tenant commercial building is considered legal non-conforming because the Property does not comply with current off-street parking requirements. NBMC Sections 20.38.060(B)(1) and 21.38.060(B)(1) allow 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 two hundred fifty (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 two hundred fifty (250) square feet of gross floor 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 studio and art gallery/studio will be located within an existing tenant space. There is no increase in floor area proposed as a part of the tenant improvements necessary to convert the existing space into a tattoo studio and art gallery/studio.
- The proposed operation will consist of two (2) workstations. A maximum of two (2) tattoo artists, registered and licensed by the Orange County Health Department, will provide the tattooing services.
- 3. The artists will operate on an appointment-only basis with no "walk-in" services for tattooing. No designated receptionist will be provided. The hours of operation for the business will be from 10:00 a.m. to 8:00 p.m., daily. The project has been conditioned to require at least a thirty (30) minute gap between each client appointment with their respective tattoo artist in order 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 fitness studio uses. Its operating characteristics are similar to other service uses, such as barber and beauty shops. The tattoo studio aspect of the business is accessory to the art gallery/studio.
- 5. The proposed tattoo studio's anticipated number of patrons and related traffic would be similar to other service uses, such as beauty salons and barber shops; however, the level of activity 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 five (5) tattoo studios currently operating within the City: three (3) on the Balboa Peninsula, one (1) in Newport Shores and one (1) in Newport Heights. Of the five (5), the nearest is Agape Art Collective, located approximately four (4) miles away on Old Newport Boulevard. Therefore, the proposed project would not create an over-concentration 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 three hundred (300) feet of the site. Thus, the proposed project would not create or continue a concentration of such uses therefore, there is an 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 is currently operating as a commercial building with mainly service and retail uses, 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 substantial construction within or outside of the space with the exception of minor tenant improvements. 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 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 UP2018-014, 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 6TH DAY OF DECEMBER, 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY:_____ Peter Zak, Chairman

BY:_____ Lee Lowrey, 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 art gallery/studio.
- 3. The hours of operation for the business shall be limited to 10:00 a.m. to 8:00 p.m., daily.
- 4. Tattoo services shall be scheduled by appointment only and no walk-in customers shall be accepted.
- 5. There shall be no appointments accepted after 7:00 p.m., daily.
- 6. To avoid overlapping appointments and minimize parking demand, a minimum of thirty (30) minutes shall be provided between the individual tattoo artist's appointments.
- 7. A maximum of two (2) tattoo artists shall operate at one time.
- 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 (two (2) 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.
- 11. All proposed signs shall be in conformance with the provisions of NBMC Chapter 20.42 (Sign Standards).
- 12. Use Permit No. UP2018-014 shall expire unless exercised within twenty four (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 (3) 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 twenty (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. 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.
- 23. This approval shall expire and become void unless exercised within twenty four (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.

24. 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, representatives, volunteers, 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 E Art Gallery including, but not limited to, Use Permit No. UP2018-014 (PA2018-177). 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.

Attachment No. PC 2

Draft Resolution for Denial

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RESOLUTION NO. PC2018-032

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DENYING MINOR USE PERMIT NO. UP2018-014 FOR A TATTOO STUDIO (PERSONAL SERVICES, RESTRICTED USE) LOCATED AT 2721 EAST COAST HIGHWAY, SUITE 104 (PA2018-177)

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

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by E. Art Gallery ("Applicant"), with respect to property located at 2721 East Coast Highway, Suite 104, Assessor's Parcel Number 459-171-14 ("Property"), requesting approval of a minor use permit.
- 2. The Applicant proposes a tattoo studio (Personal Services, Restricted land use) in conjunction with an art gallery/studio within an existing commercial tenant space.
- 3. The Property is designated Corridor Commercial ("CC") by the General Plan Land Use Element and is located within the Commercial Corridor ("CC") Zoning District.
- 4. The Property is located within the coastal zone and is within the Commercial Corridor ("CC") Coastal Zoning District. A coastal development permit is not required as the proposed project does not change the intensity of use at the subject property.
- 5. A Planning Commission public hearing was held on December 6, 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 Newport Beach Municipal Code ("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 (5) 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. UP2018-014.
- 2. This action shall become final and effective fourteen (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 6TH DAY OF DECEMBER, 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY:_____ Peter Zak, Chairman

BY:_____ Lee Lowrey, Secretary

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Attachment No. PC 3

Public Comments

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From:	<u>Ramirez, Brittany</u>
То:	Lippman, Tiffany
Subject:	FW: Tattoo Studio at 2721 E. Coast Hwy
Date:	Thursday, November 29, 2018 8:41:24 AM
Attachments:	City Notice - Tattoo Studio.pdf
	image001.png

BRITTANY RAMIREZ Community Development Department Administrative Analyst bramirez@newportbeachca.gov 949-644-3239

From: Crager, Chelsea
Sent: Wednesday, November 28, 2018 3:08 PM
To: Ramirez, Brittany <bramirez@newportbeachca.gov>
Subject: FW: Tattoo Studio at 2721 E. Coast Hwy

CHELSEA CRAGER

Associate Planner Community Development Department | Planning Division <u>ccrager@newportbeachca.gov</u> 949-644-3227

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

From: Accounting@janturnerhering.com <accounting@janturnerhering.com>
Sent: Wednesday, November 28, 2018 2:58 PM
To: Crager, Chelsea <<u>ccrager@newportbeachca.gov</u>>
Cc: JTH@janturnerhering.com
Subject: Tattoo Studio at 2721 E. Coast Hwy

Chelsea Crager,

I am responding to a notice I received at my home address regarding a public hearing on 12/6/18 to discuss the possibility of a tattoo parlor being located at 2721 E. Coast Highway. I am strongly opposed to this type of establishment operating in our neighborhood. A tattoo parlor is not an appropriate business for the family-friendly, community oriented city of Corona del Mar. My business is located across the street from the location named in the notice. I am concerned about the changes to our neighborhood that will certainly occur if businesses such as these begin to locate here. I am unable to attend the meeting on December 6th but wanted to voice my emphatic objection to this request.

Thank you,

Jan Turner Hering

accounting@janturnerhering.com Jan Turner Hering Interior Design, Inc. 2712 East Coast Highway | Corona Del Mar, CA 92625 P 949.640.6512, ext. 192 | F 949.640.0163 www.JanTurnerHering.com

CITY OF NEWPORT BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Thursday**, **December 06**, **2018**, at **4:00** p.m. or soon thereafter as the matter shall be heard, a public hearing will be conducted in the Council Chambers at 100 Civic Center Drive, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

E Art Gallery - A request for a minor use permit to operate a tattoo studio (Personal Services, Restricted land use) and art gallery with art classes, within an existing commercial tenant space. Proposed hours of operation are 10:00 a.m. to 8:00, p.m., daily.

The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities).

All interested parties may appear and present testimony in regard to this application. If you challenge this project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City, at, or prior to, the public hearing. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapter 20.64. The application may be continued to a specific future meeting date, and if such an action occurs, additional public notice of the continuance will not be provided.

The agenda, staff report, and corresponding documents will be available by end of business day on the Friday preceding the public hearing, and may be reviewed at the Community Development Department Permit Center (Bay C-1st Floor), at 100 Civic Center Drive, Newport Beach, California, CA 92660 or at the City of Newport Beach website at <u>www.newportbeachca.gov/planning commission</u>. Individuals not able to attend the meeting may contact the Planning Division or access the City's website after the meeting to review the action on this application. All mail or written communications (including email) from the public, residents, or applicants regarding an agenda item must be submitted by 5 p.m. on the business day immediately prior to the meeting. This allows time for the Planning Commission to adequately consider the submitted correspondence.

For questions regarding this public hearing item please contact Chelsea Crager, Associate Planner, at 949-644-3227, ccrager@newportbeachca.gov.

Project File No.: PA2018-177

Zone: CC (Commercial Corridor)

Location: 2721 East Coast Highway, Suite 104

Activity No.: UP2018-014 General Plan: CC (Corridor Commercial) Applicant: E Art Gallery

Lee Lowrey, Secretary, Planning Commission, City of Newport Beach

Dear Ms. Crager,

Thank you for your call. Please use the following text **instead** of what I submitted with names and cell phones.

Thank you.

Nov. 27, 2018

Dear Ms. Crager,

I received notification of File No.: PA 2018-177, Activity No. : UP2018-014, a permit application to operate a tattoo studio in Corona Del Mar. I, without question, feel as though this is not an appropriate business for my neighborhood. E Art Gallery will not provide the type of goods or services that boost the esteemed family business climate of our community. Tattoo parlors are not in keeping with a family-friendly community. There is a grade school within a quarter mile of the proposed establishment with young children using the nearest crosswalk to access their school. I am strongly opposed to this type of business going in this highly visible entry corridor in Corona Del Mar.

I am in favor of a great business promoting foot traffic going in this location. The tattoo parlor is not what our community needs at this time. I cannot attend the public hearing but am interested in having my opinion heard. E Art Gallery is an undesirable business and should not be allowed to enter my neighborhood.

September 3rd, 2018

To Employees, Business Owners, Consumers, and Residents of Newport Beach, California,

Myself, Savaanah Gallegos, owner and artist of 'E Art Gallery', and one other artist, will be conducting business as tattoo artists, and primarily, painters/ artists. We will be offering small drawing sessions and painting classes, as well as tattooing, by appointment only. Business hours are set to be open at 10:00 am and closing at 08:00 pm. (Regulations and guidelines from Public Hearing may result in change of business hours and/ or specifications of conducting business.) In support of approving our Minor Use Permit, please fill out form below. 'E Art Gallery' thanks you and invites you to come by our studio to take a sneak peek of the artwork and design. You may slip this form in our mailbox at the location listed above, as we may not be present due to traveling. Or, upon greeting, agree to have this petition picked up by Savaanah, or companion of 'E Art Gallery', at set date. Please feel free to use extra space below if you would like to add any comments and/or concerns about the business of 'E Art Gallery', to be reviewed by City Council.

I <u>Janessa Bookow</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Date: 9

16/18

Junessa Boohowt Signature:

September 3rd, 2018

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September 3rd, 2018

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Signature:

Savahtanu

Date: 9718

September 3rd, 2018

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Signature: Date: Mar
September 3rd, 2018

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gnature:	Date: 4-6-2018
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September 3rd, 2018

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Signature

Date: q

September 3rd, 2018

CLORIA

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Date: 9-5-18 Signatu*f*é

September 3rd, 2018

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September 3rd, 2018

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Classic Kids LLC Date: 0 Signature:

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September 3rd, 2018

To Employees, Business Owners, Consumers, and Residents of Newport Beach, California,

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I <u>CMCT</u> <u>Merceinko</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Date: 9/4 Signature: Van

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Signature:	Date: <	Sep 4,2018

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I <u>Mandale</u>, <u>Mary</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Signature

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I <u>GuillerMO</u> <u>Guillin</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Date: 🖓 Signature: 4-2018

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I <u>Addison Dalton</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

<u>400 avocado avenue</u>	, CDM
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Signature:	Date: 9/4/18
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September 3rd, 2018

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I <u>DV MPOM</u> <u>MWR</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Signature:

9-4-18 Date:

September 3rd, 2018

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Signature: Jumo Ju	Date:	G	

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I <u>Brenda</u> <u>Castillo</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Date:

Signature: R. Cashillo

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Signature:	$\left(\right) - \left(2 \right)$		Date:	9-4-18	
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I <u>Grace</u> François, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

IΛ 27001 ar A V 0 Signature: Date:

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3536 E COAST HIGHWAY #C 92625 IWNER ROSE BAKERY CAPE OF Signature: Date: 1h-2

September 3rd, 2018

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Signature: Date:	09/04/18

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I ______, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Date: 9-4-18 Signature:

71

September 3rd, 2018

To Employees, Business Owners, Consumers, and Residents of Newport Beach, California,

Myself, Savaanah Gallegos, owner and artist of 'E Art Gallery', and one other artist, will be conducting business as tattoo artists, and primarily, painters/ artists. We will be offering small drawing sessions and painting classes, as well as tattooing, by appointment only. Business hours are set to be open at 10:00 am and closing at 08:00 pm. (Regulations and guidelines from Public Hearing may result in change of business hours and/ or specifications of conducting business.) In support of approving our Minor Use Permit, please fill out form below. 'E Art Gallery' thanks you and invites you to come by our studio to take a sneak peek of the artwork and design. You may slip this form in our mailbox at the location listed above, as we may not be present due to traveling. Or, upon greeting, agree to have this petition picked up by Savaanah, or companion of 'E Art Gallery', at set date. Please feel free to use extra space below if you would like to add any comments and/or concerns about the business of 'E Art Gallery', to be reviewed by City Council.

I <u>LAWRENCE MCCHAEL HEPPer</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

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Signature:	<u></u>	 	Date:	9-4-18)
September 3rd, 2018

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I <u>Christophel</u> <u>JMCP</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Chronic Tacos 3601 E Gast Lighway

-18 Signature: Date:

September 3rd, 2018

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I <u>Mulisen</u> <u>Litelohakuchi walani Morgan</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Signature Date:

September 3rd, 2018

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I Maria Yate, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

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Date:

September 3rd, 2018

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The Flower Boutique -353	5 PCH, CDM
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Signature: Jan M. Pap	Date: 9.4.18

September 3rd, 2018

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Signature:	m Une	Date:	9-4-18

September 3rd, 2018

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Signature:	Date: 9/4/18

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I <u>(JSCC</u>, <u>Art</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Signature Date: 9-4/18

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I'm For it	
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Signature:	Date: 9-04-18

September 3rd, 2018

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Signature:	/	¢.,		Date:	14	14	
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September 3rd, 2018

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Signature:	Date: 9/04/18
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September 3rd, 2018

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I <u>ALESE MARGELLI</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

2929 E. Coast HIGHWAY GORONA BEL MARC.

Signature: Date: 09/04/2018

September 3rd, 2018

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3347 PCH CPM 92625 Date: Signature:

September 3rd, 2018

To Employees, Business Owners, Consumers, and Residents of Newport Beach, California,

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3333 E. COast HWY. 92625 Date: < Signature:

September 3rd, 2018

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Signature: Jup M

Date: 09/03/2018

September 3rd, 2018

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September 3rd, 2018

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20 Iris Ave Signature: Date:

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To Employees, Business Owners, Consumers, and Residents of Newport Beach, California,

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I <u>MAN</u> <u>H</u>(<u>M</u>), am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Signature Date:

September 3rd, 2018

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05 ECOGST highwar 9/3/201E Signature: Date:

September 3rd, 2018

orange county Desident

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I <u>YULY</u> <u>(DATION PUTICE PUZ</u> am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

believe Savaanah should be able to tattoo in her art studio. She is willing to follow all rules and regulations so I do not see a problem. Now a days almost everyone has taltas and they are more accepted now in Society. The Should have the same right to own a business just like anyone else. Thank Signature Date: 09

September 3rd, 2018

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I <u>EUSE</u> <u>BIAYUE</u>, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Coast Signature: Date: 9 2 18

September 3rd, 2018

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I <u>CEVAN</u> SHAVER, am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

Signature: Date:

September 3rd, 2018

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I <u>HUA</u> <u>HUA</u> <u>H</u> am in support of Savaanah Gallegos, 'E Art Gallery', to be approved of obtaining their Minor Use Permit. I believe 'E Art Gallery' will be beneficial by attracting consumers and increasing revenue to businesses of Corona Del Mar. I do not believe operation of tattooing would be detrimental to the growth of the city, endanger, jeopardize, or constitute a hazard to the public's convenience, health, interest, safety, or general welfare of residents, consumers and employees of Corona Del Mar, California.

E. Coast highway 5536 Signature: Date: G

Attachment No. PC 4

Tattoo Service Location Map

WIEWHOWALLYBUMWARAGE



MIENTIONALLYBLAWARAGE

Attachment No. PC 5

Site Photos

WIEWHOWALLYBUMWARAGE



WIEWHOWALLYBUMWARGE



WIEWHOWALLYBUMWARGE

Attachment No. PC 6

Project Description

WIEWHOWALLYBUMWARAGE

E Art Gallery 2721 East Coast Highway Suite 104 Corona Del Mar, CA 92625 (702)445-5788

August 15, 2018

Community Development Department Planning Division 100 Civic Center Drive Newport Beach, CA 92660/ P.O. Box 1768/ NewPort Beach, CA 92658-8915

To Whom It Concerns,

E Art Gallery is an art studio, which includes painting and figurative drawing classes, painting canvas, commissioned artwork, and Body Art. Savaanah Gallegos and Edgar Aguirre are the owners and employees of E Art Gallery, whom are certified, licensed professionals and adhere to standards set by OSHA and particular guidelines and state laws.

Tattooing, with disposable tubes and needles, is the only form of Body Art that is performed. Art classes will consist of 5-7 other world renowned artists, mostly, 18 years old and over, drawing and or painting figurative live people, which will be held privately and scheduled at least once or twice every other month, depending on the live model's schedule. Figurative live art classes will be held up to 3 hours maximum. There will be various genres of art to be shared such as figurative, abstract, cubism, and modern contemporary, etc. If the parent/ guardian of age group 10 years old and over decides to book an appointment of a one-on-one painting or drawing session with their child, they have the option to be present during the session or not. These sessions will be held for an hour to an hour and a half, depending on parent's decision of length of time and will only be booked based on Savaanah's open schedule once or twice a month, and depending how adamant their parent is about their child's art classes. Hours open to the public will be set from 1000- 2000, Monday to Sunday, and mostly operated by appointment. Thank you for your time and consideration.

Best Regards,

Savaanah Gallegos Owner

Edgar Aguirre

Owner

Attachment No. PC 7

Project Plans

MIENTIONALLYBLANKPACE



2 : Common Restroom 1 + attoo Station #1 1 tattoo Station #2 E ART GALLERY 2721 E. COAST HWY Suite 104 Corona Del Mar, CA 92625



and a

6/26/2018



