

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 06/11/2019
Agenda Item: 05**

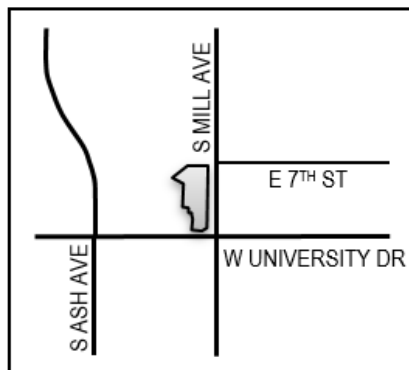
ACTION: Request a Use Permit to allow live entertainment for HOUSE OF TACOS, located at 740 South Mill Avenue. The applicant is Barrio Tacos.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: HOUSE OF TACOS (PL190038) is requesting a Use Permit to allow live entertainment in an existing restaurant within the CC, City Center zoning district. The request is a result of a code violation (CM180551). The request includes the following:

ZUP190016 Use Permit to allow live entertainment.



Property Owner	Mill Avenue Retail, LLC
Applicant	Victor Bagnod, Barrio Tacos
Code Compliance Inspector	Marvin White
Zoning & Overlay Districts	CC, PAD
Vehicle Parking	No change in demand
Bicycle Parking	No change in demand
Hours of Operation	M-Th 11am-11pm, F-Sat 11am-2am, Sun 1pm-10pm

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director
 Legal review by: N/A
 Prepared by: Dalton Guerra, Planner I
 Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS

House of Tacos is an existing restaurant located on the northwest corner of East University Drive and South Mill Avenue. House of Tacos was cited by Code Compliance for conducting live entertainment without a Use Permit on May 24, 2018. There will be a condition of approval to address allowable hours for live entertainment. The applicant has stated in the letter of explanation that the live entertainment will be conducted on Fridays and Saturdays from approximately 8pm-2am and 8pm-11pm on Tuesdays.

PUBLIC INPUT

To date, staff has not received any public input.

POLICE INPUT

No problems foreseen. A security plan will be required per city code.

USE PERMIT

The proposed use requires a Use Permit to allow live entertainment within the CC, City Center zoning district and PAD, Planned Area Development Overlay District.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; offering live entertainment incidental to the primary restaurant use is not expected to create a significant increase in traffic.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; limiting the hours in which live entertainment can occur will address the noise concern for surrounding tenants and neighbors.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*; live entertainment is a permitted use in the CC zone subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the subject property is within the City Center zoning district and is surrounded by commercial uses.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; a security plan will be required to be submitted to the City of Tempe Crime Prevention Unit.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received, and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL:

1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public

hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

4. The live entertainment use shall take place inside only. No live entertainment will be allowed outside, including the use of outdoor speakers.
5. Live entertainment to cease at 10:00 pm Sunday, 11:00 pm Monday-Thursday, and 1:55 am Friday-Saturday.
6. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6409 before July 11, 2019.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

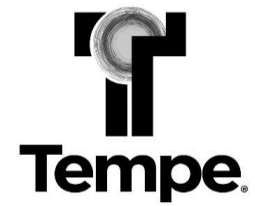
- The Use Permit is valid for House of Tacos and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.

HISTORY & FACTS:

- May 24, 2018 Code Compliance filed a code violation (CM180551) for a business conducting live entertainment without a Use Permit for House of Tacos, located at 740 South Mill Avenue, Suite 140.
- February 28, 2019 An application was submitted to Community Development requesting a Use Permit to allow live entertainment for House of Tacos, located at 740 South Mill Avenue, Suite 140.

ZONING AND DEVELOPMENT CODE REFERENCE:

- Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
Section 6-308 Use Permit
Section 6-313 Security Plan



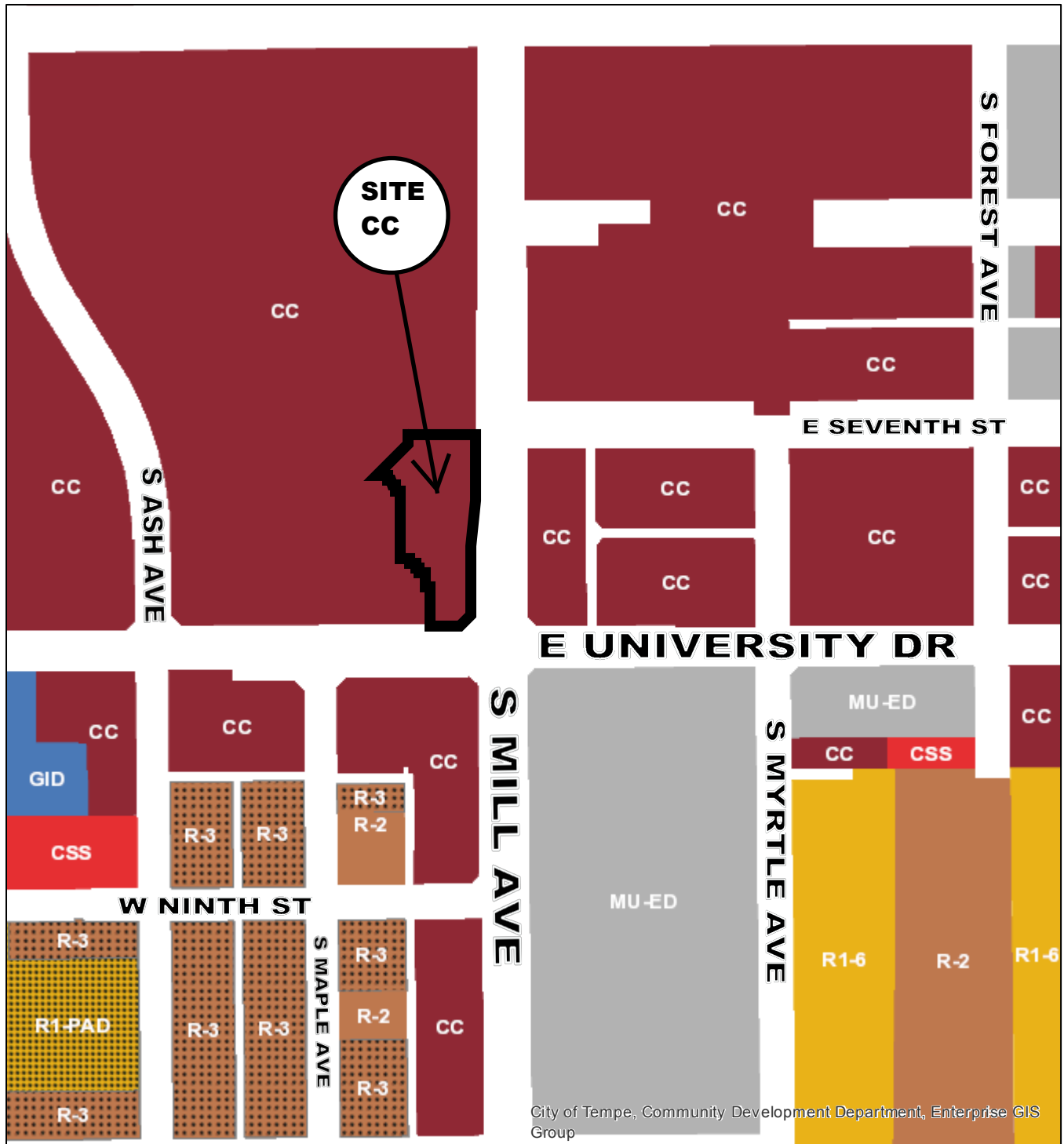
DEVELOPMENT PROJECT FILE
for
HOUSE OF TACOS
(PL190038)

ATTACHMENTS:

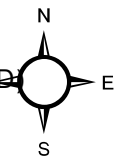
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
- 5-7. Floor Plans

HOUSE OF TACOS

PL 190038



- | | |
|--|---|
| General Industrial District (GID) | Single-Family Residential (R1-6) |
| City Center (CC) | Single-Family Residential Planned Area Dev (R1-PAD) |
| Mixed Use Educational (MU-ED) | Multi-Family Residential (R-2) |
| Commercial Shopping and Services (CSS) | Multi-Family Residential Limited (R-3) |

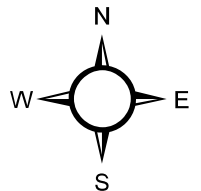


HOUSE OF TACOS

PL 190038

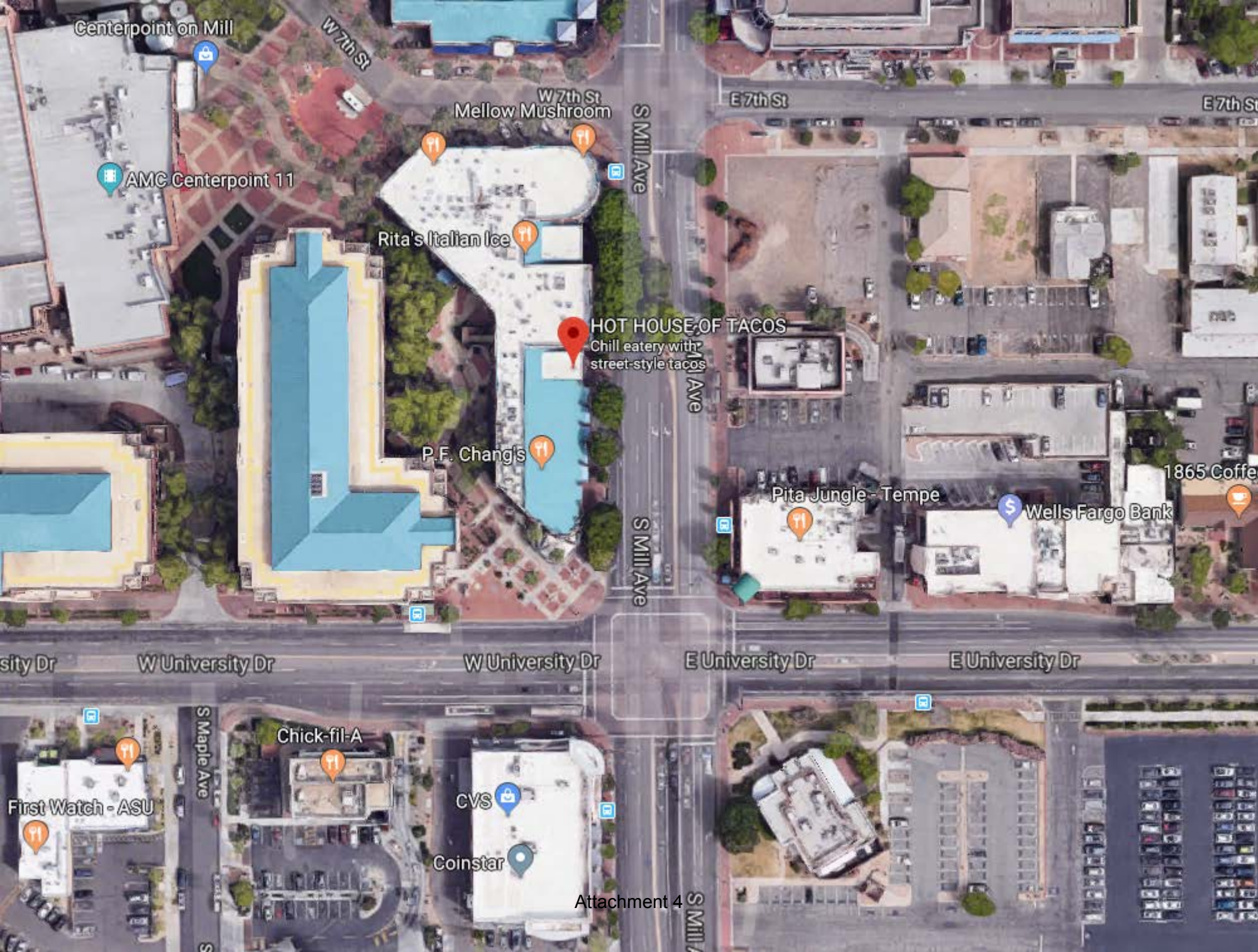


Aerial Map



House of Tacos on Mill Avenue is seeking a live entertainment permit. House of Tacos (HOT) is a restaurant/bar open from 11:00-11:00pm M-Th, ~~and~~ 11:00-2:00 on Friday & Saturday and 1:00p-10:00pm on Sundays. We currently employ 10 people. The permit would allow us to have a DJ on the weekends from approx. 8pm-12am, and 8pm-11:00pm on Tuesdays. Having a live entertainment permit would make us compatible with other existing businesses on Mill Ave who have similar goals and hours of operation. Seeing as we are located amongst other bars/restaurants with similar goals, we do not foresee nuisance that would arise from noise. Disruptive behavior will be controlled through the use of a security plan, including a bouncer at the door. Use of permit will not contribute to deterioration of neighborhood or downgrading of property values. We also do not foresee any conflict with vehicular or pedestrian traffic.

X Victor Bagnod

Centerpoint on Mill

W 7th St

W 7th St
Mellow Mushroom

S Mill Ave

E 7th St

E 7th St

AMC Centerpoint 11

Rita's Italian Ice

HOT HOUSE OF TACOS
Chill eatery with street-style tacos

P.F. Chang's

Ave

Pita Jungle - Tempe

Wells Fargo Bank

1865 Coffee

University Dr

W University Dr

W University Dr

E University Dr

E University Dr

S Mill Ave

S Maple Ave

Chick-fil-A

CVS

Coinstar

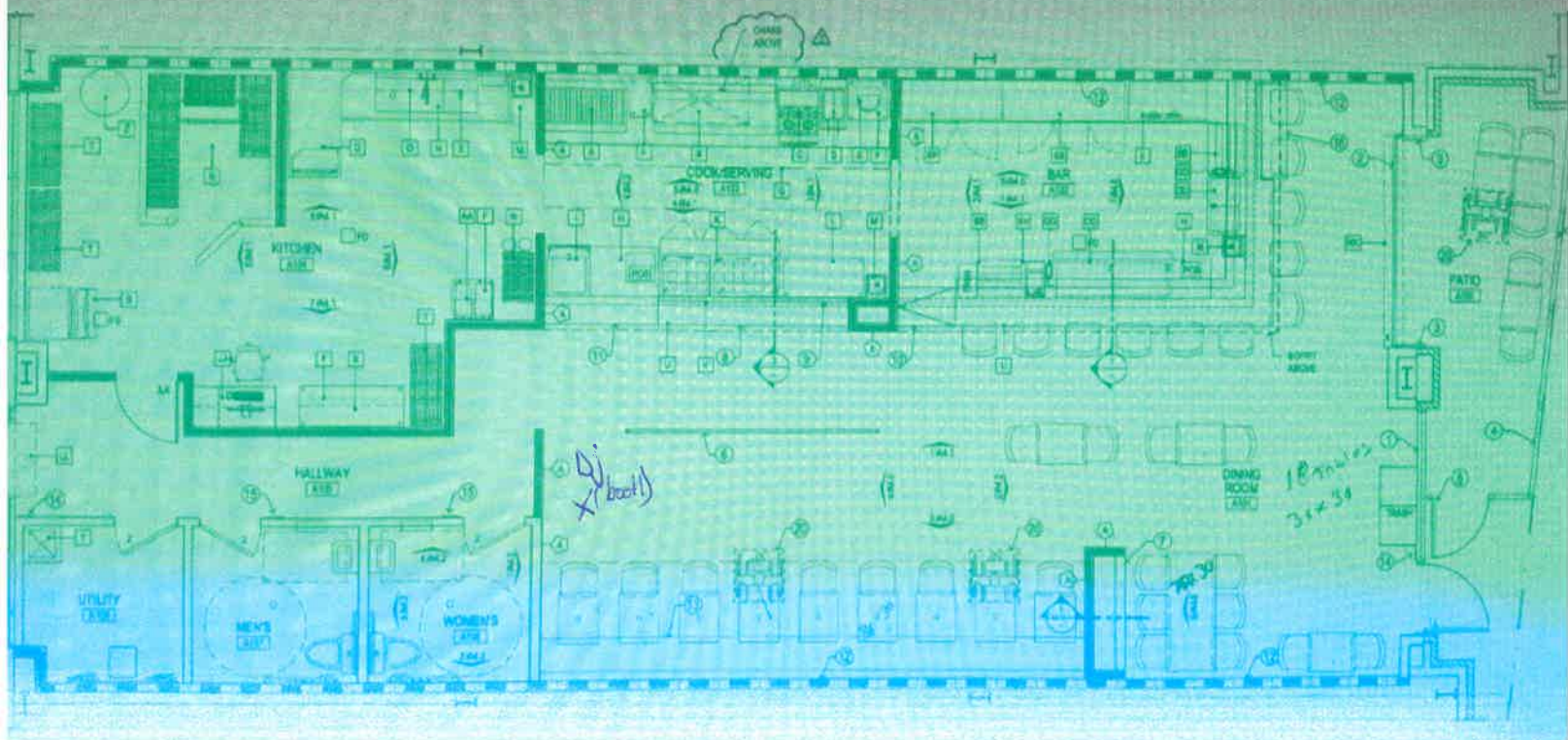
First Watch - ASU

Attachment 4

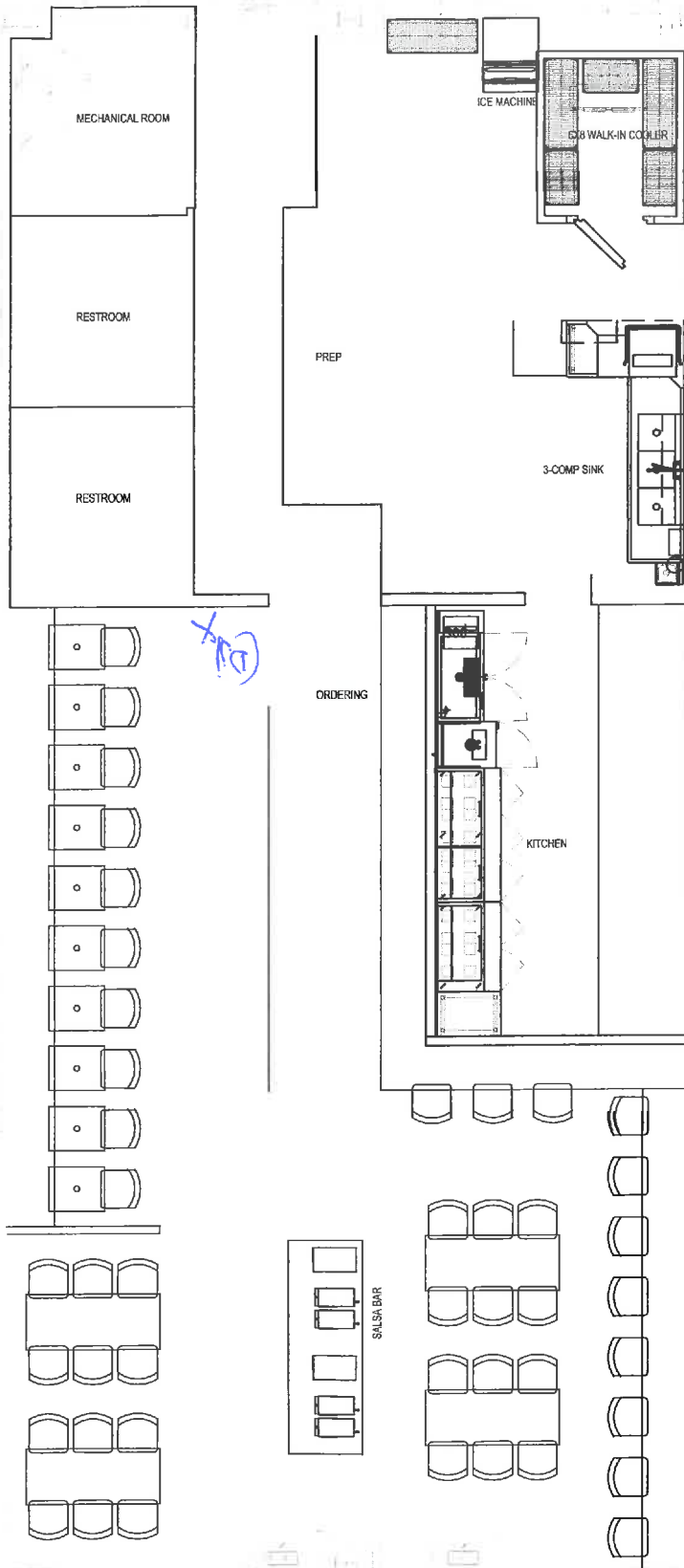
S Mill Ave

SMOKEY AND SHAWPS GROMMET
AS REQUIRED IN WALL

NEW CONSTRUCTION
2001 W. ALAMEDA DR. SUITE 102
TEMPE, ARIZONA 85281
CONTACT: TRAVIS HANDBLUG
480.743.3016



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SHEET A001
TEST LAYOUT
SCALE: 1/8" = 1'-0"



Charcoal Grill TL

740 S Mill Avenue Ste #140
Tempe, Arizona 85281



NOTE:
NOT FOR CONSTRUCTION,
ALL DIMENSIONS TO BE FIELD
VERIFIED.

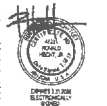
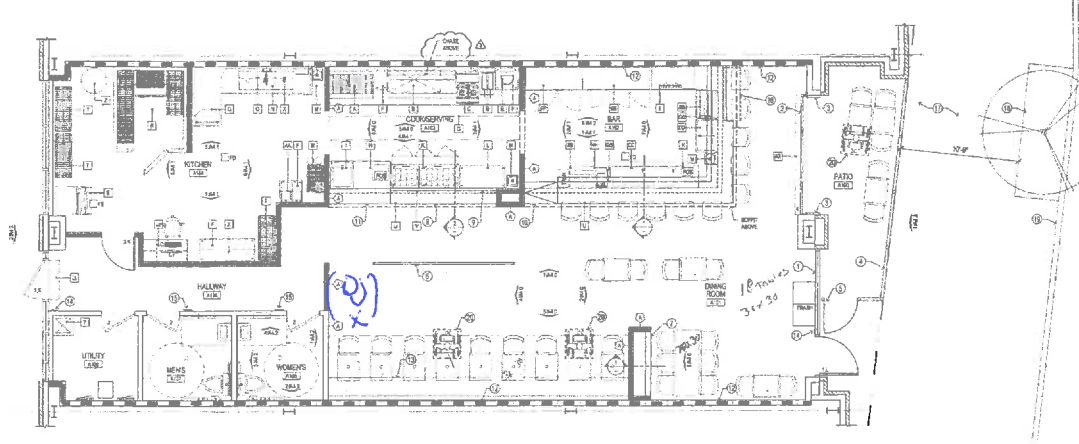
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Plan General Notes

1. VERIFY ALL SET POINTS, PRESSURES AND FLOW REQUIREMENTS WITH TRAVEL PRIOR TO INSTALLATION.
2. CONTRACTOR SHALL PROVIDE RECORDS AND AS-BUILT DRAWINGS FOR ALL EQUIPMENT AND MATERIALS.
3. CONTRACTOR SHALL PROVIDE RECORDS AND AS-BUILT DRAWINGS FOR ALL TRAVEL PRIOR TO INSTALLATION.
4. CONTRACTOR SHALL VERIFY ALL CONDUIT AND PIPING REQUIREMENTS AND PROVIDE RECORDS AND AS-BUILT DRAWINGS FOR ALL TRAVEL PRIOR TO INSTALLATION.
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10. CONTRACTOR SHALL VERIFY ALL CONDUIT AND PIPING REQUIREMENTS AND PROVIDE RECORDS AND AS-BUILT DRAWINGS FOR ALL TRAVEL PRIOR TO INSTALLATION.

Accessibility Notes

1. ALL DOORS FOR ACCESSIBLE PATHS SHALL COMPLY WITH THE FOLLOWING:
 - a. MINIMUM CLEARANCE: 80" MIN. CLEARANCE
 - b. MAXIMUM CLEARANCE: 80" MIN. CLEARANCE
 - c. MAXIMUM CLEARANCE: 80" MIN. CLEARANCE
2. CONTRACTOR SHALL VERIFY ALL ACCESSIBLE PATHS AND PROVIDE RECORDS AND AS-BUILT DRAWINGS FOR ALL TRAVEL PRIOR TO INSTALLATION.
3. CONTRACTOR SHALL VERIFY ALL ACCESSIBLE PATHS AND PROVIDE RECORDS AND AS-BUILT DRAWINGS FOR ALL TRAVEL PRIOR TO INSTALLATION.
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FLOOR PLAN
SCALE: 1/8" = 1'-0"

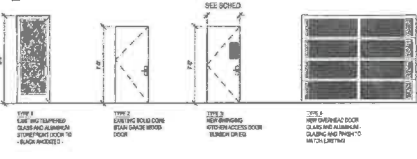
Wall Types Legend

- 1. EXTERIOR WALL - 12" CMU WALL WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES. FINISH WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 2. INTERIOR WALL - 1/2" GYPSUM BOARD ON BOTH SIDES. FINISH WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 3. PARTITION WALL - 1/2" GYPSUM BOARD ON BOTH SIDES. FINISH WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 4. GLASS WALL - 1/2" GYPSUM BOARD ON BOTH SIDES. FINISH WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 5. CONCRETE WALL - 12" CONCRETE WALL WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 6. BRICK WALL - 8" BRICK WALL WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 7. METAL WALL - 1/2" GYPSUM BOARD ON BOTH SIDES. FINISH WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 8. GLASS CURTAIN WALL - 1/2" GYPSUM BOARD ON BOTH SIDES. FINISH WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 9. GLASS PARTITION WALL - 1/2" GYPSUM BOARD ON BOTH SIDES. FINISH WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 10. GLASS PARTITION WALL - 1/2" GYPSUM BOARD ON BOTH SIDES. FINISH WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.

Keynotes

1. NEW ALUMINUM CURTAIN WALL SYSTEM, 12" ALUMINUM CURTAIN WALL SYSTEM WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
2. NEW ALUMINUM CURTAIN WALL SYSTEM, 12" ALUMINUM CURTAIN WALL SYSTEM WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
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10. NEW ALUMINUM CURTAIN WALL SYSTEM, 12" ALUMINUM CURTAIN WALL SYSTEM WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.

Door Types



- 1. SOLID CORE DOOR - 1 1/2" SOLID CORE DOOR WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 2. HOLLOW CORE DOOR - 1 1/2" HOLLOW CORE DOOR WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 3. GLASS DOOR - 1 1/2" GLASS DOOR WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.
- 4. SLIDING GLASS DOOR - 1 1/2" SLIDING GLASS DOOR WITH 1/2" GYPSUM BOARD AND 1/2" GYPSUM BOARD ON BOTH SIDES.

- DOOR FINISHES:
 - 1. PAINTED TO MATCH FINISHES
 - 2. PAINTED TO MATCH FINISHES
 - 3. PAINTED TO MATCH FINISHES
 - 4. PAINTED TO MATCH FINISHES
 - 5. PAINTED TO MATCH FINISHES
 - 6. PAINTED TO MATCH FINISHES
 - 7. PAINTED TO MATCH FINISHES
 - 8. PAINTED TO MATCH FINISHES
 - 9. PAINTED TO MATCH FINISHES
 - 10. PAINTED TO MATCH FINISHES

REVISIONS FOR CODE COMPLIANCE

NO.	DATE	DESCRIPTION
1	10/15/10	ISSUED FOR PERMIT
2	10/15/10	ISSUED FOR PERMIT
3	10/15/10	ISSUED FOR PERMIT
4	10/15/10	ISSUED FOR PERMIT
5	10/15/10	ISSUED FOR PERMIT
6	10/15/10	ISSUED FOR PERMIT
7	10/15/10	ISSUED FOR PERMIT
8	10/15/10	ISSUED FOR PERMIT
9	10/15/10	ISSUED FOR PERMIT
10	10/15/10	ISSUED FOR PERMIT

Kitchen Equipment

NO.	DESCRIPTION	QTY	UNIT	MAKE	MODEL	FINISH	INSTALL	REMARKS
1	STOVE	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
2	REF	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
3	DISHWASHER	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
4	SINK	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
5	CAPTURE HOOD	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
6	ISLAND	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
7	STOVE	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
8	REF	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
9	DISHWASHER	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
10	SINK	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
11	CAPTURE HOOD	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
12	ISLAND	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
13	STOVE	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
14	REF	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
15	DISHWASHER	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
16	SINK	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
17	CAPTURE HOOD	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
18	ISLAND	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
19	STOVE	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
20	REF	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
21	DISHWASHER	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
22	SINK	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
23	CAPTURE HOOD	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
24	ISLAND	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
25	STOVE	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
26	REF	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
27	DISHWASHER	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
28	SINK	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
29	CAPTURE HOOD	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	
30	ISLAND	1	EA	FRIGIDAIRE	FRIGIDAIRE	SS	10/15/10	

TEMPERATURE CONTROLLED
GLASS PARTITION WALLS
AND GLASS CURTAIN WALLS
TEMP. AZ ARCH

CD
PROJECT NO. 101110
DATE: 10/15/10
SCALE: 1/8" = 1'-0"
FLOOR PLAN
A2.0