MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 12, 2012
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE– Led by Commissioner Shier Burnett

ROLL CALL: ***Shier Burnett (P), Peterson (P), Bixby (P), Mantini (P), Delgleize (P), Farley (P), Ryan (P)***

AGENDA APPROVAL

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SHIER BURNETT, TO APPROVE THE PLANNING COMMISSION AGENDA OF JUNE 12, 2012, BY THE FOLLOWING VOTE:

AYES: **Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 12-07 (MECHANICAL CONCEPT TATTOO) **Applicant:** Brian Ragusin **Property Owner:** Angela O'Donnell, InterPacific Asset Management **Request:** To permit the establishment of an approximately 900 sq. ft. tattoo studio and ancillary art studio in a vacant commercial suite. **Location:** 6027 Warner Avenue, 92647 (northeast corner of Warner Avenue at Springdale Street) **Project Planner:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 12-007 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site.
- Commissioner Peterson has visited the site.
- Vice Chair Bixby has visited the site and drives by the site regularly.

- Chair Mantini has visited the site.
- Commissioner Delgleize has visited the site, drives by the site regularly, and spoken with staff.
- Commissioner Ryan has visited the site.

Hayden Beckman, Planning Aide, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the hours of operation.

THE PUBLIC HEARING WAS OPENED.

Ron Knowles, resident, spoke in opposition to Item No. B-1, stating the he felt the project was not appropriate for the site.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Commissioner Farley stated that his only concern with the project is the proximity to residential.

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY FARLEY, TO APPROVE CONDITIONAL USE PERMIT NO. 12-007 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, which states operation and minor alteration to existing structures are exempt from further review under CEQA.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-07:

1. Conditional Use Permit No. 12-007 for the establishment, maintenance and operation of an approximately 900 sq. ft. tattoo studio in an existing vacant tenant suite will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will be within a vacant suite of an existing multi-tenant commercial shopping center in an area comprised of similar and complimentary commercial uses to the proposed tattoo studio. In addition, based upon the conditions imposed, the tattoo establishment will comply with Huntington Beach Municipal Code Chapter 8.72, which establishes criteria, standards, and

regulations to ensure safe and sterile tattoo operations for the health of both clients and operators of the tattoo business.

2. The conditional use permit will be compatible with surrounding uses because the tattoo business will be conducted wholly within the interior of an existing unit within an established district containing similar commercial uses. The tattoo business is not anticipated to create undue noise and adequate on-site parking is provided.

3. The proposed tattoo establishment will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the business will comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, *Tattoo, Body Piercing and Permanent Cosmetics Regulations*, and any applicable standards of County of Orange Health Care Agency, Environmental Health.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. *Land Use Element*

Objective 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 10.1.11: Promote the introduction of a diversity of uses in Commercial General centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

The proposed project will offer a new use to an existing multi-tenant commercial shopping center that will provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide a unique commercial use that will encourage tourism to the site and the surrounding area. In addition, the proposed project meets all applicable zoning codes and development standards and improves the long-term viability of the property by expanding the current tenant base in the center.

B. *Economic Development Element*

Policy 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The project is located along a highly focal corridor of the City which contains existing restaurants, retail, and personal service uses. The proposed use serves to expand a diversity of uses along Warner Avenue and introduces a unique service to residents in the surrounding area and visitors to Huntington Beach.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-07:

1. The site plan and floor plans received and dated April 4, 2012 shall be the conceptually approved design.

2. The business shall comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, Tattooing, Body Piercing and Permanent Cosmetics Regulations, and any applicable standards of County of Orange Health Care Agency, Environmental Health.

3. The development services departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning & Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/green-building-guidelines-rating/).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED NOVEMBER 8, 2011

RECOMMENDED ACTION: Motion to: "Approve the November 8, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BIXBY, SECONDED BY DELGLEIZE, TO APPROVE THE NOVEMBER 8, 2011 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Ryan
NOES: None
ABSENT: None
ABSTAIN: Farley

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED NOVEMBER 22, 2011

RECOMMENDED ACTION: Motion to: "Approve the November 22, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RYAN, SECONDED BY BIXBY, TO APPROVE THE OCTOBER 11, 2011 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Peterson, Bixby, Delgleize, Farley, Ryan
NOES: None
ABSENT: None
ABSTAIN: Shier Burnett, Mantini

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Herb Fauland, Planning Manager - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Herb Fauland, Planning Manager – reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Herb Fauland, Planning Manager– reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

F-2. PLANNING COMMISSION COMMENTS

Vice-Chair Bixby noted that the Coastal Commission will be reviewing the Parkside/Shea Homes project tomorrow, June 13, 2012, in the Council Chambers.

Commissioner Delgleize reported on a recent meeting regarding the Interstate 405 Expansion project and recommended that her fellow commissioners attend a future meeting on the project. She then reported on the recent Orange County Infrastructure Summit.

Commissioner Ryan apologized to Commissioner Bixby for interrupting him at the May 15, 2012 Planning Commission meeting.

ADJOURNMENT: Adjourned at 7:22 PM to the next regularly scheduled meeting of Tuesday, July 10, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson