

RESOLUTION NO. 19-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-04 FOR A TATTOO PARLOR AT 336 NORTH HARBOR BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The Planning Commission of the City of La Habra does hereby resolve as follows:

Section 1. The Planning Commission does hereby find and determine that:

- a. Amusement LFP, LLC filed an application requesting approval of Conditional Use Permit 19-04 for a tattoo parlor at 336 North Harbor Boulevard.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15301(a), Class 1: "Existing Facilities" of the California Environmental Quality Act Guidelines.
- c. The proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal disturbs no soil, this project is exempted by the Water Quality Ordinance from the preparation of a Non-Priority Plan.
- d. The Planning Commission held a duly noticed public hearing on April 22, 2019 to consider the Applicant's request for Conditional Use Permit 19-04. The Planning Commission after considering all the written and oral evidence offered including the staff report and all attachments, approves the request.

Section 2. The Planning Commission further finds and determines that:

- a. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Conditional Use Permit application under Chapter 18.66 of the La Habra Municipal Code.
- b. The Planning Commission hereby makes the following required findings of the Conditional Use Permit application:
 1. The granting of such Conditional Use Permit will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

The business operator will be required to comply with the California Health and Safety Code Sections 119300-119328 which are enforced

by the Orange County Health Care Agency. The regulations are intended to protect both the practitioner and the client from transmission of infectious diseases.

The proposed tattoo parlor is compatible with the mix of land uses contained within the City. The Planning Commission has approved similar uses in previous years, which have not caused any significant impacts to the surrounding properties. Therefore, the approval of the tattoo parlor will not be detrimental to the public welfare.

2. The subject site is physically suitable for the type of land use being proposed.

The proposal will not physically affect the site. The activities associated with the tattoo parlor will be conducted within the existing commercial suite. The facility will be required to comply with all Municipal Codes and Ordinances.

The required parking for the proposed mix of uses within the center is 147 spaces and 134 spaces exist on-site. However, pursuant to Section 18.08.120 of the La Habra Municipal Code (LHMC), the Director of Community and Economic Development may grant up to a 10% deviation of any code standard when deemed appropriate. The administrative waiver of 13 spaces represents a 10% deviation from code and would not adversely impact the shopping center. Additionally, 21 compact stalls exist on site, which are above the required parking requirement

3. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this title.

La Habra Municipal Code Section 18.06.040 allows for the establishment of tattoo parlors with the approval of a Conditional Use Permit by the Planning Commission.

4. The granting of this Conditional Use Permit will not adversely affect the Comprehensive General Plan.

The Land Use designation for the subject site is Corridor Mixed Use 1. Specifically, the project implements policy LU 11.1 (Diversity of Uses) of the General Plan 2035. Therefore, the granting of this Conditional Use Permit will not adversely affect the Comprehensive General Plan.

Section 3. This action is subject to the following conditions:

General conditions:

Standard Condition 1.1 CODE COMPLIANCE

The property owner/business operator shall comply with all applicable City of La Habra Municipal Codes and Ordinances.

Standard Condition 1.2 BUILDING PERMITS

The applicant/developer shall comply with all the applicable California/La Habra Building Code requirements and obtain all required permits from the Chief Building Official. Construction shall comply with the current California/La Habra Building Code (or Residential Code), California/La Habra Plumbing Code, California/La Habra Mechanical Code, California/La Habra Electrical Code, California/La Habra Energy Code, and California/La Habra Green Building Standards Code, as applicable. All plans submitted for building permits must demonstrate intent to comply with California/La Habra Codes to the satisfaction of the Chief Building Official.

Standard Condition 1.3 GRAFFITI ABATEMENT

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight (48) hours of its discovery in matching colors to the existing improvements.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

The property owner/business operator shall comply with the current Los Angeles County/La Habra Fire Code and Fire Department requirements, as applicable.

Standard Condition 1.5 MINOR MODIFICATIONS

The Director of Community and Economic Development or designee may approve minor modifications through the Administrative Adjustment process to the conditions of approval so long as the intent of the Planning Commission or City Council is maintained.

Standard Condition 1.6 PLANS

This approval is for those plans date stamped March 6, 2019 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of April 22, 2019. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.

Standard Condition 1.7 COMPLIANCE

The failure to comply with any of these conditions of approval by the property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 19-04.

Standard Condition 1.8 VIOLATION

In the event that the property owner/business operator violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the City for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

Standard Condition 1.9 LANDSCAPING MAINTENANCE

The applicant/developer shall maintain landscaping in a healthy and well-kept manner at all times. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.

Standard Condition 1.10 BUILDING REPAINTING

The applicant/developer shall maintain the building in good condition at all times and shall repaint the approved buildings and accoutrements every eight (8) years at a minimum. The Director of Community and Economic Development or designee may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.11 PAVEMENT RESURFACING

The applicant/developer shall re-slurry any asphalt driveways and re-stripe the parking areas every five (5) years at a minimum. The Director of Community and Economic Development or designee may require more frequent slurry and re-striping if the parking area is not maintained in good condition.

Standard Condition 1.15 OUTDOOR VENDING MACHINES

The property owner/business operator shall not operate or allow any outdoor vending machines on the site at any time.

Standard Condition 1.16 OUTDOOR DISPLAY OF MERCHANDISE

The property owner/business operator shall not display any merchandise outside of the building at any time unless approved by the Director of Community and Economic Development or designee through a Special Event Permit.

Standard Condition 1.17 PUBLIC PAY PHONES

The property owner/business operator shall, at all times, prohibit the installation and use of exterior public pay telephones.

Standard Condition 1.18 LITTER

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove all litter from the exterior areas around the premises, including adjacent public sidewalk areas and parking areas, no less frequently than once each day prior to the close of business.

Standard Condition 1.37 CONDUCT OF BUSINESS

The property owner/business operator shall, at all times, conduct business operations in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of La Habra.

Prior to the issuance of building permits:

Standard Condition 1.36 HEALTH DEPARTMENT APPROVAL
REQUIRED

The property owner/business operator shall obtain all necessary permits from the Orange County Health Care Agency.

Standard Condition 4.24 SECURITY AND CAMERA PLANS

The applicant/developer shall submit a security camera system design plan with proposed camera locations to the Chief of Police for approval. All recordings shall be kept on file for a minimum of 30 days and be available to the City upon request. Additionally, signage shall be placed in the parking lot indicating that security cameras are in use.

Standard Condition 4.25 TRASH ENCLOSURE (Modified)

The applicant/developer shall provide plans for review by the City Engineer to install an enclosed, six-foot tall masonry block trash enclosure with enough

area to contain a three-yard refuse bin and a ninety-six gallon recycling cart, finished to match the main building. Said trash enclosure shall include provisions for a solid roofed cover, hose bib, and an area drain connected to the sanitary sewer system, the design and location is subject to approval by the City Engineer and Director of Community Development or designee. The required trash enclosure shall be installed and inspected prior to issuance of business license.

Standard Condition 4.31 ACKNOWLEDGEMENT OF SIGN CODE

The property owner/business operator shall acknowledge receipt of the Sign Code, Banner Policies/Guidelines and approved sign program for the property and sign an agreement to abide thereby. In addition, the property owner/business operator shall not utilize any human display signs.

Project specific conditions:

1. The property owner/business operator shall operate Monday through Sunday from 12:00 p.m. (noon) to 11:00 p.m.
2. The property owner/business operator shall deter any loitering outside the front and rear of the facility by posting appropriate signs and informing the clientele that it is prohibited.
3. The property owner/business operator shall not provide body piercings or have any piercing rooms.
4. The property owner/business operator shall not tattoo a person under the age of 18 years pursuant to California Penal Code Section 653, which states that any person providing a tattoo to an individual under the age of 18 years is guilty of a misdemeanor.
5. The property owner/business operator shall at all times provide literature and or signs within the facility informing patrons of the process for tattoo removal.
6. The property owner/business operator shall have the tattoo room open and visible to the general public at all times and no dividing walls shall be permitted. The property owner/business operator shall not offer tattoos on portions of the body defined as "specific anatomical areas" by the Adult Use Ordinance Section 18.56.010.
7. The property owner shall repair the rear parking lot on the east side of the building to include slurry seal and restriping prior to issuance of building permits.

8. The property owner shall remove all debris at the rear of the property on the east side of the building and all unpermitted banners. Additionally, any damaged sign cabinets on the building façade shall be repaired and any missing sign face replaced, to include blank sign faces for empty business spaces. This work shall be completed prior to issuance of a business permit to the satisfaction of the Director of Community and Economic Development or designee.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 19-04. The Planning Commission Secretary shall certify to the adoption of this resolution and transmit a copy thereof to the applicant.

Said motion CARRIED by the following roll call vote:

AYES: COMMISSIONERS: MANLEY, FERNANDEZ, BERNIER, POWELL
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NIGSARIAN

Dated: April 22, 2019

ATTEST:  APPROVED: 
Carmen G. Henderson, Secretary Chairman, Jerry Powell