

ATTACHMENT A

RESOLUTION NO. 3767

A RESOLUTION TO APPROVE CONDITIONAL USE PERMIT NO. 2017-CUP-01 TO ALLOW THE OPERATION OF AN ART GALLERY AND TATTOO - PERMANENT BODY ART STUDIO AT 110 N. 10th STREET, APN # 103-0-111-075 (CBD ZONE)

The Planning Commission of the City of Santa Paula does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On June 1, 2017, Ms. Stephanie Robinson (“Applicant”) submitted an application requesting approval of Conditional Use Permit #2017-CUP-01 to allow the operation of an art gallery and tattoo/permanent body art studio at an existing commercial building located at 110 N. 10th Street;
- B. Applicant’s application and materials received were reviewed by City’s Planning Department for, in part, consistency with the General Plan and conformity with the Santa Paula Municipal Code (“SPMC”), in accordance with Chapter 16 of the SPMC, “Development Code”;
- C. The City Planning Department reviewed the project’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”), the regulations promulgated there under (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”), and the City’s Environmental Guidelines (“Santa Paula Guidelines”; CEQA, CEQA Guidelines and Santa Paula Guidelines collectively referred to as “CEQA Regulations”);
- D. The Planning Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for July 25, 2017.
- E. On July 25, 2017, the Planning Commission opened a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Commission by Applicant’s representative;
- F. The Planning Commission considered the information provided by City staff, public testimony, and Applicant’s representative;
- G. This Resolution, and its findings, are made based upon the evidence presented to the Planning Commission at its July 25, 2017 hearing including, without limitation, the staff report submitted by the Planning Department.

SECTION 2: Factual Findings. The Planning Commission finds that the following facts exist:

- A. The applicant is proposing to establish a personal commercial service land use at real property located at 110 N. 10th Street (APN 103-0-111-075), which is legally described in the Application (the "Property"), by operating an art gallery and tattoo/permanent body art studio;
- B. This proposal does not entail new construction nor change to the footprint of the existing building;
- C. There is currently one tattoo studio located in the City, and public testimony demonstrated a desire for such a use in the City;
- D. The proposed use is expected to have similar characteristics to other retail and service uses in the area;
- E. The objectives, policies, general land uses, and programs of the Santa Paula General Plan contemplate a range of goods and service uses in the downtown area, Commercial zones, and Central Business District zone;
- F. The proposed use is anticipated to have impacts similar to other retail and service uses on the health, safety, or general welfare of persons residing or working in the vicinity, and property or improvements in the vicinity; and
- G. The General Plan and Zoning Designations are "Commercial" and "Central Business District" respectively and the proposed land use is consistent with these designations;

SECTION 3: Conclusions. Based upon the factual findings and evidence presented, the Planning Commission makes the following conclusions:

- A. Incorporation of the proposed land use on the property is not expected to have a negative environmental impact to surrounding properties nor the general neighborhood;

No new construction is proposed, the business owner will be using the existing building, This project is exempt from CEQA per Guidelines section 15303(c) "Conversion of Small Structures" because no new construction is proposed, the building is existing, only a change of land use is involved, and the floor area of the commercial space does not exceed 2,500 square-feet. The land use will not negatively affect the demand of existing onsite services including city services;

- B. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general convenience or welfare of the neighborhood or the community;

The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general

convenience or welfare of the neighborhood or community because the development is in conformance with the requirements specified within the Santa Paula Municipal Code (“SPMC”) and the use is compatible with the surrounding and planned land uses within the downtown vicinity;

- C. The characteristics of the proposed use are not unreasonably incompatible with the types of use permitted in the surrounding areas;

The proposed business is in harmony with the surrounding area because the intended use is compatible with existing business uses in the area and the characteristics of the proposed project are not unreasonably incompatible with the types of uses permitted in the surrounding area, such as retail, commercial and personal services.

- D. The proposed use will not, under the circumstances of the particular case be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The proposed use will not be detrimental to the health, safety, or general welfare because as conditioned, the project will comply with all current Building & Safety, Public Works, Fire and Ventura County Environmental Health Code requirements. The clustering of such uses in the CBD zone allows for convenient oversight for law enforcement and public safety.

- E. The proposed use is consistent with the objectives, policies, general land uses, and programs of the Santa Paula General Plan;

The Santa Paula General Plan land use designation for the property is Commercial Office, with which the proposed uses are consistent.

SECTION 4: Environmental Assessment. Based on the facts identified in Section 2 of this Resolution and evidence presented to the Commission at its July 25, 2017 hearing, the proposed project is categorically exempt from requirements of CEQA under the Santa Paula Guidelines and CEQA Guidelines, Section 15303(c) (Conversion of Small Structures).

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit “A”, which are incorporated into this Resolution by reference, the Planning Commission approves this project.

SECTION 6: This Resolution will remain effective unless superseded by a subsequent resolution.

SECTION 7: The Commission Secretary is directed to mail a copy of this Resolution to Applicant and Applicant’s Representative and to any other person requesting a copy.

SECTION 8: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time

period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this 25th day of July 2017.

Chairperson
City of Santa Paula Planning Commission

ATTEST:

Janna Minsk, Planning Director
Secretary

Approved as to form:

Gregg W. Kettles
Assistant City Attorney

Exhibit A

RESOLUTION NO. 3767 CONDITIONS OF APPROVAL

In addition to all applicable provisions of the Santa Paula Municipal Code (“SPMC”), Ms. Stephanie Robinson (Business Owner) agrees to comply with the following provisions as conditions for the City of Santa Paula’s approval of Conditional Use Permit # 2017-CUP-01 (“Project Conditions”).

General Conditions

1. The resolution and these associated Conditions of Approval have been adopted with the knowledge, understanding and consent of the owner/applicant.
2. The owner/applicant shall comply with all applicable ordinances, codes, regulations, policies, these conditions and pay all applicable fees and assessments to the City as required by the City’s Fee Schedule Resolution.
3. The owner/applicant’s failure to comply with, or breach of, any conditions hereof may result in the amendment or revocation of this permit, or any related permits, or the issuance of a citation, as may be appropriate in the case. The City may undertake such acts and incur such expenses as it may consider necessary to effect compliance, the cost thereof including, but not limited to, administration costs and recoverable attorney’s fees, to be reimbursed by the applicant or current property owners, as may be appropriate in the case.
4. This permit is subject to an ongoing review. If at any time valid, substantiated complaints are received, a public hearing may be held before the Planning Commission, at the sole discretion of the City, to determine if any condition or the permit should be modified, amended or revoked.
5. The permit is granted for the subject property only and is not transferable.

Planning Department Conditions

1. The applicant or business owner is required to obtain all applicable permits from the Building & Safety Department if tenant improvements are needed. Plans submitted to the Building Department must include a detailed floor plan indicating location of customer waiting area, display cases/counters, office/sterilization area and the number and location of booths.
2. Plans submitted to the Building & Safety Department must contain a copy of the conditions of approval and the project number, “2017-CUP-01” in the title blocks of the blue prints.
3. Any exterior changes to the building must obtain approval by the Planning Department prior to commencing construction.
4. The applicant/business owner must comply with all environmental health and safety requirements from Ventura County.

5. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Project #2017-CUP-01. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of 2017-CUP-01, The Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Santa Paula's elected officials, appointed officials, officers, and employees.

By signing this document, the Applicant(s) certifies that he/she has read, understood, and agrees to the project conditions listed in this document.

Stephanie Robinson, Business Owner/Tenant

Date