



**BENICIA PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
MEETING MINUTES**

**Thursday, July 14, 2011
7:00 p.m.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Don Dean, Rick Ernst, Belinda Smith, Lee Syracuse and Vice-Chair Rod Sherry.

Absent: Commissioner George Oakes (unexcused), Chair Brad Thomas (excused)

Staff Present: Kat Wellman, Contract Attorney
Charlie Knox, Public Works & Community Development Director
Doug Vu, Associate Planner
Kathy Trinke, Administrative Secretary

C. Reference to Fundamental Rights of Public - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. ADOPTION OF AGENDA

On motion of Commissioner Ernst, seconded by Commissioner Syracuse, the agenda was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Smith, Syracuse and Vice-Chair Sherry

Noes: None

Absent: Commissioner Oakes and Chair Thomas

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

A. Approval of Minutes of June 9, 2011

Kathy Trinique, Administrative Secretary, requested that the Planning Commission consider amending the minutes as requested by speaker, Leann Taagepera, at the June 9 meeting, to correct a name spelling (Taagepera) and to revise a sentence concerning the public access easement under public comment, Item No. VI A. The requested changes were read to the Commission, as requested by Commissioner Smith.

Commissioner Dean asked the Commission to amend the minutes to include a recommendation from Chair Thomas concerning Item No. VI A to state that the City Council consider vacating the entire remaining portion of the public easements.

On motion of Commissioner Syracuse, seconded by Commissioner Dean, the Consent Calendar was adopted, with minutes amended, by the following vote:

Ayes: Commissioners Dean, Ernst, Smith, Syracuse and Vice-Chair Sherry.
Noes: None
Absent: Commissioner Oakes and Chair Thomas
Abstain: None.

VI. REGULAR AGENDA ITEMS

A. METAL OBJECT IN WINDOW AT 724 FIRST STREET – TO BE CONTINUED

PROPOSAL:

At its May 12, 2011 meeting, the Planning Commission directed staff to return within two months for discussion of a sign permit and/or variance for the metal object in the window of the Rellik Tavern. Staff is continuing to review the application of the Municipal Code to this item.

Recommendation:

Staff recommended that this item be continued to a date determined by staff in conjunction with the business owner.

Vice-Chair Sherry recused himself due to a conflict of interest. Commissioner Ernst volunteered to assume the role of Acting Chair for this item.

Charlie Knox, Public Works and Community Development Director, provided a verbal report, stating that staff is still considering the appropriate Municipal Code for this item. Staff received one e-mail comment from Mr. Jack Maccoun in support of the existing window sign.

Acting Chair Ernst stated that the City's sign ordinance is lacking and needs to be updated. It is enforced on a complaint basis and that is not effective. The sign ordinance should provide better definitions that businesses can easily follow.

Opened for public comments. None were received.

No action was taken.

B. USE PERMIT TO OPERATE A TATTOO BODY ART STUDIO AS AN ANCILLARY USE TO AN ART GALLERY

PROPOSAL:

The applicant requested approval of a use permit to operate a tattoo body art studio as an ancillary use to a new art gallery located at 814 First Street. The art gallery will have regular business hours from 11 a.m. to 7 p.m. everyday of the week, and the business owner will be available to provide body art during these hours by appointment only.

Recommendation:

Staff recommended approval of Use Permit 11PLN-00025 to allow the operation of a tattoo body art studio as an ancillary use to an art gallery located at 814 First Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution.

Doug Vu, Associate Planner, provided the Commission with an overview of the project. Tattoo businesses are permitted within the Town Core if it is an ancillary use. This business has 220 square feet of art gallery, 60 square feet of office, 120 square feet for tattoo body art, with two work stations. The business utilizes sanitary practices and will (voluntarily) post a sign that no one under 18 years of age is permitted in the tattoo area and verify that all customers are at least 18 years of age. The tattoo artist has registered with the Solano County Department of environmental Health and will observe safe and sanitary practices.

Commissioner Dean asked concerning Condition of Approval #1, who approves extension of the Use Permit, if the business has not been established within two years.

Charlie Knox, Director, responded that if the extension is requested before the two year expiration date, it could be approved at the Director's level. If requested after that time, it would have to come back to the Planning Commission.

Commission Smith asked about adding another condition of approval to require the applicant to comply with State regulations. She also asked if he applied for his sign permit and if he intends to do so.

Doug Vu responded that under Condition of Approval #7 we can add “State of California” to require compliance with State law. We have not yet received a sign permit application.

Landon Mau, applicant, responded that he will be submitting his sign application soon.

Acting Chair Ernst noted that we have another business in the downtown area with an ancillary tattoo business to the primary hair design business. When the City approved that application, the ancillary use was required to be less than 50% of the rental space. He asked if this other business was required to have a sign that no one under 18 years of age is permitted in the tattoo area.

Doug Vu responded that this is a voluntary requirement and is not sure if the same was required of the other business.

Kat Wellman, Contract Attorney, advised the Commission to approve or deny this application on its own merits.

Commissioner Smith noted that the ordinance or reference document numbers are not included in staff reports. She asked staff to include them in future staff reports for easy reference.

Doug Vu responded that we will add those reference numbers in future reports.

Public Comment:

Landon Mau, of Creations and Illustrations, applicant spoke on behalf of his project. He stated that he wants to relocate his business from Military East/Grant Street to First Street. He plans to become more involved in the arts community. He plans to display art in his studio. He has a sign permit application will be applying for a sign permit. The sign is being designed.

Commissioner Dean asked Mr. Mau what type of art will be displayed.

Mr. Mau responded that he plans to display his art, mural, logos, and once a month, have an open gallery displaying local artists work.

Public Comment closed.

Commissioner Syracuse asked about health concerns 10 years ago for Hepatitis C disease associated with tattoo application. How does the City deal with this problem.

Mr. Knox responded that State laws on health and sanitation for tattoo application are now more stringent.

Ms. Wellman added that this concern is addressed under the Condition of Approval No. 3, which requires the applicant to adhere to all health and safety requirements.

Commissioner Smith asked if the City limits the number of this type of business on First Street, since we currently have another tattoo business just off of First Street.

Mr. Knox responded that the only restriction in effect applies to formula based eating and drinking businesses.

On motion made by Commissioner Syracuse and seconded by Commissioner Dean, approving Use Permit 11PLN-00025 to allow the operation of a tattoo body art studio as an ancillary use to an art gallery located at 814 First Street, based on the findings and subject to the conditions of approval set forth in the proposed resolution, adopted by the following vote:

Ayes: Commissioners Dean, Smith, Syracuse and Acting Chair Ernst
Noes: None
Absent: Commissioner Oakes and Chair Thomas
Abstain: Vice-Chair Sherry

VII. COMMUNICATION FROM STAFF

Vice-Chair Sherry left the meeting due to personal reasons. Commissioner Ernst volunteered to chair the rest of the meeting.

Mr. Knox informed the Commission that staff doesn't have any items scheduled for the next two meetings. Staff may query the Commissioners for discussion topics.

Acting Chair Ernst asked how the work was coming along with the Sign Ordinance revision.

Mr. Knox agreed that the Sign Ordinance does need revision. Staff is waiting for more direction from City Council and, in the meantime, we are doing the best we can using the current ordinance. One of the City's priorities includes strategies for business attraction and retention.

The Commission and staff discussed A-frame signs, where they are allowed and enforcement policies.

Ms. Wellman closed the discussion by stating that all cities that she is familiar with need to update their sign ordinances. It is a difficult project to deal with all the issues surrounding signs. It is a major project and requires major resources, time, energy and follow-through. It will not happen by the next meeting. She suggested a good place to start is with commercial signs.

VIII. COMMUNICATION FROM COMMISSIONERS

Commissioner Smith asked if the Harborwalk development on First Street has a sign program. She also asked if the City allows the use of neon and temporary banners.

Mr. Knox responded that temporary banners are allowed for special events, not to advertise a product or businesses. The Municipal Code allows a banner to remain in place up to 75 days. Enforcement is primarily complaint driven.

Neon is allowed as an illuminated sign but it may not move or flash. There is a limit to the percentage of the window that may be neon.

The Harborwalk development does have a more restrictive sign program. Staff can review the details of their program and report back to the Commission.

IX. ADJOURNMENT

Meeting was adjourned at 7:45 pm.