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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA GRANTING A CONDITIONAL DEVELOPMENT PERMIT TO ALLOW THE ESTABLISHMENT OF A TATTOO PARLOR WITHIN AN EXISTING 880 SQUARE FOOT TENANT SPACE LOCATED AT 245 WEST FOOTHILL BOULEVARD, WITHIN THE COMMERCIAL PEDESTRIAN (C-P) ZONE OF THE FOOTHILL BOULEVARD SPECIFIC PLAN.

WHEREAS, the applicant, Shawn Monaco, proposes to establish a tattoo parlor (“Project”) within an existing 880 square-foot tenant space located at 245 W. Foothill Boulevard, within the Commercial Pedestrian (C-P) zone of the Foothill Boulevard Specific Plan (“Site”); and

WHEREAS, Table 3.1 (Permitted Uses) of the Foothill Boulevard Specific Plan does not list tattoo parlors as a permitted use within the C-P zone. However, pursuant to Table 3.1 of the Foothill Boulevard, other uses not listed, such as the Project, require the approval of a conditional development permit by the Planning Commission, and the applicant has agreed to apply for a conditional development permit (“CDP No. 2018-0008”); and

WHEREAS, on April 25, 2018, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2018-0008, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2018-0008; and closed the public hearing; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto as follows:

SECTION 1. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above of this Resolution are true and correct and incorporated herein.

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CDP No. 2018-0008, including written staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated herein, the

1 Planning Commission hereby determines that CDP No. 2018-0008 satisfies the requirements of
2 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
3 precedent to granting a conditional development permit. The findings are as follows:

- 4 1. The proposed use is deemed essential or desirable to provide a service or facility
5 which will contribute to the convenience or general well-being of the neighborhood
6 or community; and

7 *This finding is supported by the following facts:*

8 As there are currently two (2) existing tattoo parlors established within the City to date,
9 the Project will result in three (3) tattoo parlors located within in the City of Rialto.
10 Residents and visitors seeking tattoo services will have an option to utilize such services
11 in the City. The additional business generated in the City is generally seen as beneficial
12 to the community. Additionally, the Conditions of Approval imposed on the
13 establishment will ensure that the establishment contributes to the well-being of the
14 community and that it does not become a nuisance or hazard to the public.

- 15 2. The proposed use will not be detrimental or injurious to health, safety, or general
16 welfare of persons residing or working in the vicinity; and

17 *This finding is supported by the following facts:*

18 To the north of the project site, across Foothill Boulevard is a neighborhood retail
19 shopping center that includes a grocer, retail auto parts, dental office, cleaners, etc. To
20 the east is a drive-thru restaurant and a multi-tenant commercial building on Palm
21 Avenue. To the south is the Rialto Unified School District's Center for Education. To the
22 west is a multi-tenant commercial building. The zoning of the project site and the
23 properties to the west, north and east of the site, are all Commercial Pedestrian (C-P)
24 within the Foothill Boulevard Specific Plan. These land uses are not expected to be
25 negatively impacted by the proposed Project, if all Conditions of Approval are strictly
26 followed, including regulations limiting the hours of operation, requiring possession of
27 valid health permits, and prohibiting display of graphic imagery, among others.

- 28 3. The site for the proposed use is adequate in size, shape, topography, accessibility
and other physical characteristics to accommodate the proposed use in a manner
compatible with existing land uses; and

This finding is supported by the following facts:

The Site is located within an existing commercial building with adequate access from major
rights-of-way. No development will take place as a part of the Project. The Site currently
has seventy-two (72) parking spaces, while eight-two (82) parking spaces are required.
This translates into a ten (10) parking space deficit. The commercial property was
developed prior to the Foothill Boulevard Specific Plan at a general retail parking rate.

Historically, the commercial property has been occupied by previous tenants and has not been known to have a parking issue. Staff concludes that the proposed use will not negatively affect the existing parking, and there will continue to be adequate parking for all uses within the center.

4. The site has adequate access to those utilities and other services required for the proposed use; and

This finding is supported by the following facts:

The Project will have adequate access to all utilities and services required through main water, electric, sewer, and other utility lines that are already hooked up to the Site.

5. The proposed use will be arranged, designed, constructed, and maintained so as it will not be injurious to property or improvements in the vicinity or otherwise be inharmonious with the General Plan and its objectives, the Foothill Boulevard Specific Plan, or any zoning ordinances; and

This finding is supported by the following facts:

The Site is located within an existing building that has been developed and maintained in a manner that is consistent with the C-P zone. The establishment of a tattoo parlor is consistent with the C-P zone. If all Conditions of Approval contained within CDP No. 2018-0008 are satisfied, the Project should not negatively impact the neighboring land uses and the neighboring tenant within the commercial building.

Additionally, the proposed use is consistent with Goal 3-1 of the General Plan by contributing to the strengthening of a small independent business.

6. Any potential adverse effects upon the surrounding properties will be minimized to every extent practical and any remaining adverse effects shall be outweighed by the benefits conferred upon the community or neighborhood as a whole.

This finding is supported by the following facts:

The Conditions of Approval contained herein will minimize the Project's impacts. The granting of CDP 2018-0008, allowing the establishment of a tattoo parlor within an existing tenant space, will potentially maintain a viable tenant within a commercial building that has historically suffered from high turnover. Furthermore, the use will offer residents and visitors seeking tattoo services a place to use within the community. Therefore, any potential adverse effects are outweighed by the benefits conferred upon the community and neighborhood as a whole.

1 SECTION 3. Shawn Monaco, is hereby granted CDP No. 2018-0008 to allow the
2 establishment of a tattoo shop within an existing 880 square foot commercial unit located at 245 W.
3 Foothill Boulevard, within the C-P zone of the Foothill Boulevard Specific Plan.

4 SECTION 4. The project is categorically exempt from the requirements of the California
5 Environmental Quality Act (CEQA), pursuant to Section 15301, Existing Facilities. The Planning
6 Commission directs the Planning Division to file the necessary documentation with the Clerk of the
7 Board of Supervisors for San Bernardino County.

8 SECTION 5. That CDP No. 2018-0008 is granted to Shawn Monaco, in accordance with
9 the plans and application on file with the Planning Division, subject to the following conditions:
10

- 11 1. The approval is granted to allow the establishment of a tattoo parlor within an existing
12 880 square foot commercial unit located at 245 W. Foothill Boulevard, as shown on the
13 plans submitted to the Planning Division on April 5, 2018, and as approved by the
14 Planning Commission. If the Conditions of Approval specified herein are not satisfied
15 or otherwise completed, the Project shall be subject to revocation.
- 16 2. City inspectors shall have access to the site to reasonably inspect the site during
17 normal working hours to assure compliance with these conditions and other codes.
- 18 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
19 officers, or employees from any claims, damages, action, or proceeding against the
20 City or its agents, officers, or employees to attack, set aside, void, or annul any
21 approval of the City, its advisory agencies, appeal boards, or legislative body
22 concerning CDP No. 2018-0008. The City will promptly notify the applicant of any
23 such claim, action, or proceeding against the City and will cooperate fully in the
24 defense.
- 25 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
26 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
27 subject to protest by the applicant at the time of approval or conditional approval of
28 the Project or within 90 days after the date of the imposition of the fees, dedications,
29 reservations, or exactions imposed on the Project.
- 30 5. The proposed use shall be restricted to body art tattoo services. No additional services
31 shall be provided without first obtaining the necessary permits and/or approvals
32 required.

6. The tattoo establishment operator shall obtain a health permit from the County of San Bernardino Environmental Health Services Department. A copy of the permit shall be submitted to the Planning Division prior to issuance of a Certificate of Occupancy. The health permit shall be maintained at all times.
7. All employees and/or independent contractors that perform tattoo services shall maintain a valid health permit from the County of San Bernardino Environmental Health Services Department at all times.
8. The hours of operation shall be restricted to 11:00 a.m. to 9:00 p.m., Monday through Thursday, 11:00a.m. to 10:00 p.m. Friday and Saturday and closed on Sunday.
9. Display of any nude, pornographic, or gang related imagery inside and outside of the building is prohibited.
10. The tattoo establishment shall not provide services to intoxicated patrons.
11. All biological waste and other biological hazardous materials shall be disposed of on a weekly basis. A copy of a service agreement between the tattoo establishment operator and a biological waste disposal service provider shall be submitted to the Planning Division prior to issuance of a Certificate of Occupancy. In conjunction with the service agreement, the tattoo establishment shall be kept free from unsanitary conditions that in the judgment of the City of Rialto constitute a hazard to public health and safety.
12. The tattoo establishment shall operate in compliance with Government Code Sections 119300 through 119328 at all times.
13. No one under 18 years of age shall be permitted within the tattoo establishment unless accompanied by a parent or legal guardian. Prior to the issuance of a Certificate of Occupancy, signage shall be posted in a conspicuous location near the entrance of the establishment informing the public of the age restriction.
14. A Knox-Box will be affixed to the building near the main entry door and outfitted with a key to the business to facilitate the entry of emergency personnel. The Knox-Box shall be attached in such a way as to prevent vandalism, theft, or destruction.
15. Measures to discourage loitering shall be incorporated into the operation of the tattoo parlor as follows:
 - a. Signs displaying "No Loitering" shall be posted on the building, to the satisfaction of the Rialto Police Department, at all times.
 - b. Arcades and video games are prohibited from being on the premises.

- 1 16. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto
2 Municipal Code.
- 3 17. A sign permit shall be obtained for any signage related to the establishment prior to the
4 issuance of any Certificate of Occupancy.
- 5 18. A City business license shall be required prior to issuance of a Certificate of Occupancy.
- 6 19. The applicant shall obtain all necessary approvals and operating permits from all
7 Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
- 8 20. Six (6) months after the date of approval, the Planning Commission will review the
9 approved tattoo shop to determine if the operator has complied with all conditions of
10 approval of the Conditional Development Permit. Thereafter, the Planning Commission
11 will review the approved facility on an annual basis.
- 12 21. The privileges granted by the Planning Commission pursuant to approval of this
13 Conditional Development Permit are valid for one (1) year from the effective date of
14 approval. If the applicant fails to commence the project within one year of said
15 effective date, this conditional development permit shall be null and void and any
16 privileges granted hereunder shall terminate automatically. If the applicant or his or
17 her successor in interest commences the project within one year of the effective date
18 of approval, the privileges granted hereunder will continue inured to the property as
19 long as the property is used for the purpose for which the conditional development
20 permit was granted, and such use remains compatible with adjacent property uses.
- 21 22. If the applicant fails to comply with any of the Conditions of Approval placed upon
22 Conditional Development Permit No. 2018-0008, the Planning Commission may
23 initiate proceedings to revoke the Conditional Development Permit in accordance
24 with the provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto
25 Municipal Code. Conditional Development Permit No. 2018-0008 shall be revoked,
26 suspended or modified in accordance with Section 18.66.070 of the Zoning
27 Ordinance at the discretion of the Planning Commission if:
- 28 a) The use for which such approval was granted has ceased to exist, been
subsequently modified or have been suspended for six (6) months or more;
- b) Any of the express conditions or terms of such permit are violated;
- c) The use for which such approval was granted becomes or is found to be
objectionable or incompatible with the character of the City and its
environs due to noise, loitering, criminal activity or other undesirable
characteristics including, but not strictly limited to uses which are or have
become offensive to neighboring property or the goals and objectives of

1 the Commercial Pedestrian (C-P) zone, the Foothill Boulevard Specific
2 Plan, and the City's General Plan.

3 SECTION 6. The Chairman of the Planning Commission shall sign the passage and
4 adoption of this resolution and thereupon the same shall take effect and be in force.

5 PASSED, APPROVED AND ADOPTED this 25th day of April, 2018.
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9 JOHN PEUKERT, CHAIR
10 CITY OF RIALTO PLANNING COMMISSION
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