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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 1,190 SQUARE FOOT TENANT SPACE ON A MULTI-TENANT COMMERCIAL BUILDING LOCATED AT 1645 S. RIVERSIDE AVENUE UNIT C, WITHIN THE RETAIL COMMERCIAL (R-C) ZONE OF THE GATEWAY SPECIFIC PLAN.

WHEREAS, the applicant, Emmanuel Sanchez, proposes to establish a tattoo parlor (“Project”) within an existing 1,190 square-foot tenant space on a multi-tenant commercial building located at 1645 S. Riverside Avenue unit C, within the Retail Commercial (R-C) zone of the Gateway Specific Plan (“Site”); and

WHEREAS, Pursuant to section 18.31.020 (Permitted Uses) of the Gateway Specific Plan, does not list tattoo parlors as a permitted uses. However, other uses not listed are subject to 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. 2019-0001”); and

WHEREAS, on February 13, 2019, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2019-0001, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2019-0001; 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. 2019-0001, 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. 2019-0001 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 three (3) existing tattoo parlors established within the City to date,  
9 the Project will result in four (4) 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, is a multi-tenant commercial building that includes a  
19 restaurant, dental office, and a retail business. To the east is a vacant tenant space within  
20 the proposed tattoo parlor multi-tenant commercial building. To the south is a restaurant.  
21 To the west is a future multi-tenant commercial building. The zoning of the project site  
22 and the surrounding properties, are all Retail Commercial (R-C) within the Gateway  
23 Specific Plan. These land uses are not expected to be negatively impacted by the  
24 proposed Project, if all Conditions of Approval are strictly followed, including  
25 regulations limiting the hours of operation, requiring possession of valid health permits,  
26 and prohibiting display of graphic imagery, among others.

27 The tattoo establishment operator shall obtain a health permit from the County of San  
28 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.

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.

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

1  
2 *This finding is supported by the following facts:*

3 The Site is located within an existing multi-tenant commercial building with adequate  
4 access from Riverside Avenue. No development will take place as a part of the Project.  
5 The Site currently has seventeen (17) parking spaces, while twenty-two (22) parking spaces  
6 are required. This translates into a five (5) parking space deficit. The commercial property  
7 was developed at a general retail parking rate. Historically, the commercial property has  
8 been occupied by previous tenants and has not been known to have a parking issue. Staff  
9 concludes that the proposed use will not negatively affect the existing parking, and there will  
10 continue to be adequate parking for all uses within the center.

- 11  
12  
13 4. The site has adequate access to those utilities and other services required for the  
14 proposed use; and

15  
16 *This finding is supported by the following facts:*

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

- 19  
20 5. The proposed use will be arranged, designed, constructed, and maintained so as it  
21 will not be injurious to property or improvements in the vicinity or otherwise be  
22 inharmonious with the General Plan and its objectives, the Gateway Specific Plan, or  
23 any zoning ordinances; and

24  
25 *This finding is supported by the following facts:*

26 The Site is located within an existing multi-tenant building that has been developed and  
27 maintained in a manner that is consistent with the R-C zone. The establishment of a  
28 tattoo parlor is consistent with the R-C zone. If all Conditions of Approval contained  
within CDP No. 2019-0001 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 2019-0001, allowing the establishment of a tattoo parlor within an  
existing tenant space on a multi-tenant commercial building, will potentially maintain a

1 viable tenant within a commercial building that has historically suffered from high  
2 turnover. Furthermore, the use will offer residents and visitors seeking tattoo services a  
3 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.

4 SECTION 3. Emmanuel Sanchez, is hereby granted CDP No. 2019-0001 to allow the  
5 establishment of a tattoo parlor within an existing 1,190 square foot tenant space on a multi-tenant  
6 commercial building located at 1645 S. Riverside Avenue unit C, within the R-C zone of the  
7 Gateway Specific Plan.

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

12 SECTION 5. That CDP No. 2019-0001 is granted to Emmanuel Sanchez, in accordance  
13 with the plans and application on file with the Planning Division, subject to the following  
14 conditions:  
15

- 16 1. The approval is granted to allow the establishment of a tattoo parlor within an existing  
17 1,190 square foot tenant space on a multi-tenant commercial building located at 1645 S.  
18 Riverside Avenue unit C, as shown on the plans submitted to the Planning Division on  
19 January 14, 2019, and as approved by the Planning Commission. If the Conditions of  
Approval specified herein are not satisfied or otherwise completed, the Project shall be  
subject to revocation.
- 20 2. City inspectors shall have access to the site to reasonably inspect the site during  
21 normal working hours to assure compliance with these conditions and other codes.
- 22 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,  
23 officers, or employees from any claims, damages, action, or proceeding against the  
24 City or its agents, officers, or employees to attack, set aside, void, or annul any  
25 approval of the City, its advisory agencies, appeal boards, or legislative body  
26 concerning CDP No. 2019-0001. The City will promptly notify the applicant of any  
27 such claim, action, or proceeding against the City and will cooperate fully in the  
28 defense.
4. In accordance with the provisions of Government Code Section 66020(d)(1), the  
imposition of fees, dedications, reservations, or exactions for this Project, if any, are  
subject to protest by the applicant at the time of approval or conditional approval of

- the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
5. The proposed use shall be restricted to body art tattoo services. No additional services shall be provided without first obtaining the necessary permits and/or approvals 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 10:00 a.m. to 8:00 p.m., Monday through Saturday, 11:00a.m. to 7:00 p.m. 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:

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2 a. Signs displaying “No Loitering” shall be posted on the building, to the  
3 satisfaction of the Rialto Police Department, at all times.

4 b. Arcades and video games are prohibited from being on the premises.

5 16. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto  
6 Municipal Code.

7 17. A sign permit shall be obtained for any signage related to the establishment prior to the  
8 issuance of any Certificate of Occupancy.

9 18. A City business license shall be required prior to issuance of a Certificate of Occupancy.

10 19. The applicant shall obtain all necessary approvals and operating permits from all  
11 Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.

12 20. Six (6) months after the date of approval, the Planning Commission will review the  
13 approved tattoo parlor to determine if the operator has complied with all conditions of  
14 approval of the Conditional Development Permit. Thereafter, the Planning Commission  
15 will review the approved facility on an annual basis.

16 21. The privileges granted by the Planning Commission pursuant to approval of this  
17 Conditional Development Permit are valid for one (1) year from the effective date of  
18 approval. If the applicant fails to commence the project within one year of said  
19 effective date, this conditional development permit shall be null and void and any  
20 privileges granted hereunder shall terminate automatically. If the applicant or his or  
21 her successor in interest commences the project within one year of the effective date  
22 of approval, the privileges granted hereunder will continue inured to the property as  
23 long as the property is used for the purpose for which the conditional development  
24 permit was granted, and such use remains compatible with adjacent property uses.

25 22. If the applicant fails to comply with any of the Conditions of Approval placed upon  
26 Conditional Development Permit No. 2019-0001, the Planning Commission may  
27 initiate proceedings to revoke the Conditional Development Permit in accordance  
28 with the provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto  
Municipal Code. Conditional Development Permit No. 2019-0001 shall be revoked,  
suspended or modified in accordance with Section 18.66.070 of the Zoning  
Ordinance at the discretion of the Planning Commission if:

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;

