



# City of Rialto

## Legislation Details (With Text)

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**Title:** Conditional Development Permit No. 2018-0008: A request to allow a tattoo parlor establishment located at 245 West Foothill Boulevard within C-P (Commercial-Pedestrian) zone of the Foothill Boulevard Specific Plan.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Location Map, 2. Exhibit B - Site Plan, 3. Exhibit C - Floor Plan, 4. Exhibit D - Notice of Exemption, 5. Exhibit E - Draft Resolution

Date	Ver.	Action By	Action	Result
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For the Planning Commission Meeting of April 25, 2018

**TO:** Honorable Chairman and Planning Commissioners

**APPROVAL:** Robb Steel, Interim City Administrator

**REVIEWED BY:** Gina M. Gibson, Planning Manager

**FROM:** Daniel Rosas, Assistant Planner

**Conditional Development Permit No. 2018-0008:** A request to allow a tattoo parlor establishment located at 245 West Foothill Boulevard within C-P (Commercial-Pedestrian) zone of the Foothill Boulevard Specific Plan.

**APPLICANT:**

Shawn Monaco, P.O Box 1122, San Bernardino, CA 92402.

**LOCATION:**

The subject site (APN: 0130-031-51) is located at 245 W. Foothill Boulevard ("Site") on the south side of Foothill Boulevard approximately 200 feet east of Willow Avenue (Refer to attached Location Map).

**BACKGROUND:**

*Surrounding Land Use and Zoning*

The zoning designation for the Site is C-P (Commercial-Pedestrian). Land uses surrounding the Site and their corresponding zoning designations are shown in the chart below.

<b>Location</b>	<b>Existing Land Use</b>	<b>Zoning</b>
Site	Tattoo Parlor/ Multi-tenant Commercial	Commercial-Pedestrian (C-P)*
North	Shopping Center	Commercial-Pedestrian (C-P)*
East	Multi-tenant Commercial Building	Commercial-Pedestrian (C-P)*
South	School District Facility	Support Facility (S-C)**
West	Multi-tenant Commercial Building	Commercial-Pedestrian (C-P)*

\* within the Foothill Boulevard Specific Plan

\*\* within the Central Area Specific Plan

### *General Plan Designations*

<b>Location</b>	<b>General Plan Designation</b>
Site	Specific Plan
North	Specific Plan
East	Specific Plan
South	School Facility
West	Specific Plan

To the north of the project site, across Foothill Boulevard is a neighborhood retail shopping center that includes a grocer, retail auto parts, dental office, cleaners, etc. To the east are a drive-thru restaurant and a multi-tenant commercial building on Palm Avenue. To the south is the Rialto Unified School District's Center for Education. To the west is a multi-tenant commercial building. The zoning of the project site and the properties to the west, north and east of the site, are all Commercial Pedestrian (C-P) within the Foothill Boulevard Specific Plan.

### *Site Characteristics*

The project site is a 1.16 acre parcel of land and consists of three (3) commercial buildings that include a 1,392 square foot stand-alone building fronting on Foothill Boulevard, an 8,307 square foot multi-tenant commercial building along the east property line and a 9,918 square foot multi-tenant commercial building along the south property line adjacent to the alley.

## **ANALYSIS/DISCUSSION:**

### *Project Proposal*

Mr. Shawn Monaco, the applicant, filed a request to establish a tattoo parlor called "Majestic Tattoo", specializing in body art tattooing. According to the applicant's plans (**Exhibits B & C**), the floor area will include four (4) workstations, one (1) drawing and printing table, a lobby, a restroom, hand washing sink and a section for equipment clean-up. This will be the applicant's first tattoo shop establishment. The proposed hours of operation for the establishment are from 11:00 a.m. to 9:00 p.m. Monday through Thursday, from 11:00 a.m. to 11:00 p.m. Friday and Saturday and closed on Sunday. However, upon staff's review of the project proposal, the Rialto Police Department only supports hours of operation restricted to 10:00pm with the ability to restrict the operations further if the proposed project generates significant calls for service and/or creates a nuisance condition.

To date, there are (2) existing tattoo parlor located within the City. If the Planning Commission

approves this project, the City will have three (3) tattoo parlors.

### *Entitlement Requirements*

Table 3.1 (Permitted Uses) of the Foothill Boulevard Specific Plan does not list tattoo shops as a permitted use. However, per Table 3.1 of the Foothill Boulevard Specific Plan, other uses not listed, including tattoo parlors, are subject to the approval of a Conditional Development Permit by the Planning Commission. The applicant complied with this requirement and filed a completed Conditional Development Permit application on April 5, 2018.

### *Parking Calculations*

Seventy-two (72) parking spaces were constructed for the project site prior to the adoption of the Foothill Boulevard Specific Plan in 2010. The required amount of parking pursuant to the Specific Plan for general retail is three (3) spaces per 1,000 square feet of ground-level floor area and one (1) parking space per 125 square feet of restaurant. This translates into a parking requirement of eighty-two (82) parking spaces. The commercial property has a deficit of ten (10) parking spaces. Historically, the commercial property has been occupied by previous tenants and has not been known to have a parking issue. The site and most buildings in the area are legal nonconforming and cannot accommodate additional parking. The following chart displays the minimum parking requirement for the one-story commercial building pursuant to Table 3.4 (Parking Standards) of the Foothill Specific Plan and Section 18.58 (Off-Street Parking) of the Rialto Municipal Code.

<i>Type of Use</i>	<i>Floor Area (square feet)</i>	<i>Parking Ratio</i>	<i>Number of spaces required</i>
Restaurant	4,609	1 / 125	37
General Retail	14,991	3 / 1000	45
Total Required/Total Provided			<b>82/72</b>
Total Under-Parked			<b>-10</b>

### *Safety*

Sergeant Joshua Lindsay with the Rialto Police Department reviewed the project and did not have any objection to the establishment of the tattoo shop, subject to the imposition of all Conditions of Approval contained within the Draft Resolution of Approval (**Exhibit E**), such as limiting the hours of operation, requiring possession of valid health permits, and prohibiting display of graphic imagery, among others.

### *Land Use Compatibility*

As conditioned, the project is consistent with the C-P zone of the Foothill Boulevard Specific Plan, the existing uses within the commercial building, and the surrounding land uses. The project will not negatively affect any other tenant within the commercial building, or any other nearby use, provided that the applicant adheres to all Conditions of Approval. With the approval of the Conditional Development Permit, the tattoo parlor will be subject to a Planning Commission review within six (6) months from the date of approval to ensure compliance of all Conditions of Approval, and to ensure that the establishment has not become a nuisance. Thereafter, the establishment will be subject to an annual review.

### **GENERAL PLAN CONSISTENCY:**

The project is consistent with the following goal of the Economic Development Element of the Rialto General Plan:

**Goal 3-1:** Strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate.

### **ENVIRONMENTAL IMPACT:**

The project is exempt under California Environmental Quality Act (CEQA) Section 15301, Existing Facilities. Section 15301, lists the proposed use as a Class I categorical exemption from CEQA which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination (**Exhibit D**).

### **PUBLIC NOTICE:**

The City mailed public hearing notices for the proposed project to all property owners within 300 feet of the Site, and published the public hearing notice in the San Bernardino Sun newspaper as required by State law.

### **RECOMMENDATION:**

It is recommended that the Planning Commission:

- Adopt the attached (**Exhibit E**) Resolution of Approval for Conditional Development Permit No. 2018-0008 to allow a tattoo parlor establishment within a 880 square foot commercial unit located at 245 W. Foothill Boulevard, subject to the findings and conditions therein.