



City of Rialto

Legislation Text

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For the Planning Commission Meeting of February 13, 2019

TO: Honorable Chairman and Planning Commissioners
APPROVAL: Robb Steel, Assistant CA/Development Services Director
REVIEWED BY: Gina M. Gibson Williams, Planning Manager
FROM: Edgar Gonzalez, Assistant Planner

Conditional Development Permit No. 2019-0001: A request to allow the establishment of a tattoo parlor within an existing 1,190 square foot tenant space in 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.

APPLICANT:

Emmanuel Sanchez, 704 N. Riverside Avenue, Rialto, CA 92376.

LOCATION:

The subject site (APN: 0132-122-29) is located at 1645 S. Riverside Avenue unit C ("Site") on the east side of Riverside Avenue approximately 300 feet north of Valley Boulevard (Refer to attached Location Map (**Exhibit A**)).

BACKGROUND:

Surrounding Land Use and Zoning

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

Location	Existing Land Use	Zoning
Site	Tattoo Parlor	Retail Commercial (R-C)*
North	Multi-tenant Building	Retail Commercial (R-C)*
East	Vacant Tenant Space	Retail Commercial (R-C)*
South	El Pollo Loco Restaurant	Retail Commercial (R-C)*
West	Future Multi-tenant Development	Retail Commercial (R-C)*

* Within the Gateway Specific Plan

General Plan Designations

Location	General Plan Designation
Site	General Commercial*
North	General Commercial*
East	General Commercial*
South	General Commercial*
West	General Commercial*

*Within an Specific Plan Overlay

Site Characteristics

The project site is a 0.34 acre parcel of land and consists of one (1) multi-tenant commercial building with four (4) tenant spaces located on the east side of Riverside Avenue approximately 300 feet north of Valley Boulevard. Two of the suites are vacant. Subway and Farmer's Insurance occupy two of the suites. The project site is accessible from Riverside Avenue and Valley Boulevard.

ANALYSIS/DISCUSSION:

Project Proposal

Mr. Sanchez, the applicant, filed a request to establish a tattoo parlor called "Bridge City Tattoo", specializing in body art tattooing. According to the applicant's plans (**Exhibits B & C**), the floor area will include six (6) workstations, lobby area, restroom and sanitation area for equipment clean up. This will be the applicant's first tattoo establishment. The proposed hours of operation are 10:00 a.m. to 8:00 p.m. Monday through Saturday and 11:00 a.m. to 7:00 p.m. on Sundays (**Exhibit D**).

To date, there are three (3) existing tattoo parlors located within the City. If the Planning Commission approves the proposed location, the City will have four (4) tattoo parlors.

The Planning Commission established a policy requiring a minimum of three-quarters of a mile (3,960 feet) separation between all tattoo establishments, in order to prevent over proliferation of services in the community. The project site is approximately 1.5 miles from the nearest tattoo establishment, which exceeds the $\frac{3}{4}$ mile separation criteria.

Entitlement Requirements

Section 18.31.020 (Permitted Uses) of the Gateway Specific Plan, does not list tattoo parlors as a permitted use. However, the Regional Commercial zone specifies that "other uses not listed" 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 January 14, 2019.

Parking Calculations

The project site has seventeen (17) parking spaces. The required amount of parking for general retail is one (1) parking space per 250 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 twenty-two (22) parking spaces. The commercial property has a deficit of five (5) parking spaces. The multi-tenant commercial building was constructed in 2008 as a speculative retail building with four (4) tenant

spaces. Each tenant space was calculated at a parking rate of 1 space per every 250 square feet, conforming with the parking requirements at the time of construction. Subway restaurant acquire one of the tenant spaces at a later time, making the multi-tenant building non-conforming, as restaurants have a higher parking ratio (1 per 250sf) than general retail. Historically, the commercial property has been occupied by previous tenants and has not been known to have a parking issue. The following chart displays the minimum parking requirement for the one-story commercial building pursuant to Section 18.58.050 (Office, commercial and industrial parking requirements) of the Rialto Municipal Code.

Type of Use	Floor Area (square feet)	Parking Ratio	Number of spaces required
Tenant A - Subway	1,050sf	1 / 125sf	1 / 9
Tenant B - Farmers Insurance	830sf	1 / 250sf	3
Tenant C - Tattoo Parlor	1,190sf	1 / 250sf	5
Tenant D - Vacant	1,180sf	1 / 250sf	5
Total Required/Total Provided			17/22
Total Under-Parked			-5

Safety

Sergeant Joshua Lindsay with the Rialto Police Department reviewed the project and did not have any objection to the establishment of the tattoo parlor, subject to the imposition of all Conditions of Approval contained within the Draft Resolution of Approval (**Exhibit E**).

Land Use Compatibility

As conditioned, the project is consistent with the R-C zone of the Gateway 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, as the applicant shall adhere 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 F**).

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. 2019-0001 to allow a tattoo parlor establishment within a 1,190 square foot commercial unit located at 1645 S. Riverside Avenue unit C, subject to the findings and conditions therein.