



STAFF REPORT
5/20/2020

TO: Planning Commission Chair and Commissioners

FROM: Luis Lopez, Development Services Director

SUBJECT: Resolution No. PC2020-05 and Resolution No. PC2020-06 approving Conditional Use Permit 320 and Variance No. 20-01 regarding the “Ink Devotion” Tattoo Studio located at 48-975 Grapefruit Boulevard, Suite #4.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. PC2020-05 and Resolution No. PC2020-06 approving Conditional Use Permit No. 320 and Variance No. 20-01 subject to the findings and conditions of approval contained in the staff report.

BACKGROUND:

The proposed use will be located within the newly constructed Plaza Mi Pueblo shopping center located at the northwest corner of Grapefruit Boulevard and Avenue 49. Ink Devotion will be operated by the applicant, Kenny Vargas, and his business partner, also a tattoo artist with over 13 years of experience. Mr. Vargas has worked in the previously approved “Art and Ink Tattoo” located at the Valley Verde shopping center in Coachella, and at “Heatstroke Tattoo” located in Indio.

On March 16, 2020, the applicant submitted an application requesting a Conditional Use Permit to allow the proposed tattoo parlor within the CG General Commercial Zone. Chapter 17.87 – Tattoo and Body Piercing Parlors of the Coachella Municipal Code requires Tattoo Parlors to be at least 500 feet from an existing residential use and 500 feet from an existing religious institution. The applicant was informed that a Variance was required due to the close proximity of the proposed business to the single-family neighborhood south on Avenue 49 and the Islamic Society of Palm Springs facility to the west. Accordingly, the applicant chose to pursue a variance request. The project was routed for agency comments from March 18, 2020 to April 9, 2020 where City and outside agencies provided comments/conditions for the project.

DISCUSSION/ANALYSIS:

The applicant is proposing to operate an 800 square foot tattoo studio in an existing retail shopping center known as “Plaza Mi Pueblo”. The newly developed center is located at 48-975 Grapefruit Boulevard at the northwest corner of Grapefruit Boulevard and Avenue 49. The shopping center

was previously approved by the Planning Commission under Architectural Review No. 17-01 on April 19, 2017.

The new commercial center is operating at partial capacity with three of the five suites occupied and currently working on their tenant improvements, which include a real estate office, a barber shop and a sit-down restaurant. The tattoo shop will occupy the fourth suite leaving one retail space vacant.

In January 2012 the City of Coachella adopted Ordinance 1033 adding Chapter 17.87 to the City's Municipal Code providing regulations for tattoo and body piercing parlors. Prior to the adoption of this ordinance the City of Coachella did not regulate these types of businesses. However, with the growing demand for the establishment of tattoo shops, the City sought to establish regulations and criteria for the development and operation of tattoo parlors in order to address the potential negative secondary effects of tattoo parlors.

Chapter 17.87 restricts the siting of tattoo parlors in the CG (General Commercial) and MS (Manufacturing Service) zones. The chapter further regulates the location criteria of such uses within each zone. As described above, the subject property is within the CG zone, however, the site abuts a single-family residential neighborhood to the south. Chapter 17.87 requires a minimum distance of 500 feet between an existing single-family residence and a tattoo parlor, measured "building to building," it also requires a minimum distance of 500 feet between an existing religious institution and a tattoo parlor, measured "building to building." The proposed Ink Devotion Tattoo Studio location is within 200 feet of existing single-family residences on Las Cruces Street across the street south of Avenue 49 and is within 400 feet of the Islamic Society of Palms Springs facility (mosque), and a manufactured home to the west (on Avenue 49) of the proposed tattoo shop. The project site is located within 200 feet of an existing residences and within 400 feet of an existing religious institution it does not meet the location criteria.

Variance 20-01:

The intent and purpose of a Variance as stated in Chapter 17.76 of the City's Municipal Code, is to prevent or to lessen practical difficulties and unnecessary physical hardships; to remedy disparity of privilege, nor to permit a use substantially inconsistent with the limitation upon other properties in the same zone and vicinity, not to grant relief from self-imposed hardships.

In order to grant a variance, the Planning Commission must make all the following affirmative findings with facts to support their decision.

1. *That the strict application of the provisions of this chapter would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter.*
2. *That there are special circumstances applicable to the subject property such as size shape, topography, location or surroundings, that do not apply generally to other property in the same zone and vicinity;*
3. *That such variance is necessary for the preservation and enjoyment of substantial property right or use generally possessed by other property in the same zone and vicinity, but which,*

because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;

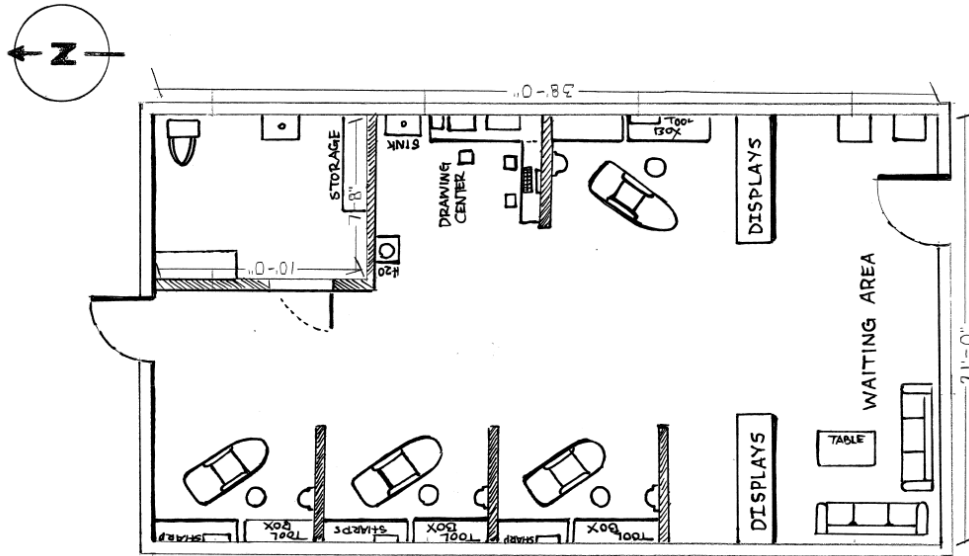
- 4. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located, and;*
- 5. That the granting of the variance will not adversely affect any element of the general plan.*

As stated in Chapter 17.87, tattoo parlors can be located in the CG zone with the approval of a CUP. The CG zone is in wide availability throughout the City with commercial corridors running along Cesar Chavez Street, Grapefruit Boulevard and Dillon Road, with additional CG zoned properties throughout the City. However, these corridors generally abut residential uses, with the exception of the Dillon Road corridor. The applicant had been in communication with staff and inquired about two other locations along the Cesar Chavez corridor, however, those two locations also abut the R-S (Residential Single-Family) Zone, like the majority of the General Commercial zone located along the Cesar Chavez corridor.

The siting of the proposed use on this particular project site can be seen as a self-imposed hardship and not an unnecessary hardship. However, there are some unusual circumstances surrounding the proposed location. For example, the properties along the north side of Avenue 49 are designated under the General Plan as “Neighborhood Center” which will allow neighborhood commercial uses, in combination with high-density residential uses. Therefore, there will be future commercial uses allowable along the north side of Avenue 49 from Grapefruit Blvd to Frederick Street that will potentially change the character of this neighborhood. Additionally, the existing manufactured home located on the west side of the Quick Quack Car Wash facility is used mostly as a contractor’s yard and does not exhibit a traditional residential character. Regarding the religious assembly use, the mosque is currently in the process of being re-designed with a major renovation that will create a larger assembly hall and parking area towards the western portions of the site. There is an existing manufactured home/contractor yard and a car wash facility that separate the mosque from the tattoo parlor location. Thus, the tattoo parlor would have minimal impacts on these adjoining sensitive uses. Similarly, the homes on the south side of Avenue 49 are located across a major collector street (Avenue 49) and have a masonry perimeter wall that provides further buffering of the commercial use from the residences.

Site Plan/Circulation:

The proposed 800 square foot retail space is located within the newly developed Plaza Mi Pueblo on the north section of the commercial center. Primary ingress/egress to the site is from Grapefruit Boulevard with parking directly adjacent to the subject retail space. Secondary access to the site is from Avenue 49 along the southern boundary of the project site.



Environmental Consideration:

This project was found to be categorically exempt from environmental review, pursuant to the California Environmental Quality Act Guidelines (CEQA Guidelines - Section 15301, Existing Facilities). As such, no additional environmental review is required for the project.

General Plan Designation and Zoning District:

The proposed project is consistent with the General Plan and the City of Coachella Official Zoning Map. The proposed project is within a land use designation of Suburban Retail district according to the General Plan 2035 Land Use Element that allows retail commercial businesses and offices.

The proposed tattoo parlor is designated C-G (General Commercial) as referenced on the City's Official Zoning Map. Tattoo and body piercing parlors are permitted in the General Commercial zone subject to the approval of a Conditional Use Permit. The proposed use will be subject to the standards and regulations contained in Chapter 17.87 Tattoo and Body Piercing Parlor.

Environmental Setting:

The subject site is located on the north side of Avenue 49 and west of Grapefruit Boulevard. Land uses adjacent to the proposed facility include the following:

- North: Quick Quack Carwash / C-G (General Commercial)
- South: CET Trade School/ C-G (General Commercial) & Pueblo De La Paz / R-O 6000 (Residential Overlay 6000)
- East: Railroad and vacant property / (M-S), Manufacturing Services
- West: Quick Quack Carwash, Manufactured Home & Contractor Yard / C-G (General Commercial)

ALTERNATIVES:

1. Approve Conditional Use Permit 320 and Variance No. 20-01, subject to the findings and conditions of the staff report.
2. Continue Conditional Use Permit 320 and Variance No. 20-01 and provide staff and the applicant with direction.
3. Deny Conditional Use Permit 320 and Variance No. 20-01 with findings.

CONCLUSIONS AND RECOMMENDATIONS:

The proposed project substantially complies with the City's General Plan policies for the Suburban Retail District designation, and will comply with City standards and regulations contained in Chapter 17.87 Tattoo and Body Piercing Parlor. Accordingly, staff has prepared the attached resolutions approving the project with findings and conditions of approval.

RECOMMENDED ALTERNATIVE(S):

Staff recommends alternative #1.

FINDINGS FOR CONDITIONAL USE PERMIT 320:

1. The proposed use will not be in conflict with, but will be in harmony with and in accordance with the objectives of the general plan. The proposed tattoo parlor will be located at 48-975 Grapefruit Boulevard, Suite 4 and has a land use designation of Suburban Retail District. Further, the property is zoned GC (General Commercial). Tattoo parlors within the GC zone are required to obtain a Conditional Use Permit. With approval of a Conditional Use Permit the proposed project will not be in conflict with either the General Plan or Zoning Ordinance.
2. The proposed use will be located, designed, constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area. The proposed tattoo parlor will be located in an existing shopping center that is partially occupied. The proposed floor plan of the tattoo parlor will include a separate waiting area, work stations, design area and light table, bathrooms and separate sink washing station. The design of the interior space is set up for optimal use and to assure cleanliness and safety of both the customers and employees. The occupied space will be compatible with existing retail and restaurant businesses in the same center. The City of Coachella adopted an Ordinance creating standards and regulations for tattoo and body piercing parlors Chapter 17.87 of the City's Municipal Code. Section 17.87.050 of that chapter established location criteria for such uses, requiring a minimum of 500 feet distance between a tattoo parlor and the closest property line of a single-family residence. The proposed tattoo parlor is within 200 feet of single-family residences and 400 feet to an existing religious institution, measured "building to building." However, Variance 20-01 grants a reduction in the required setback of a tattoo parlor from existing

residential structures and existing religious institutions located less than 500 feet from the proposed location of business.

3. Consideration is to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities, to harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development. The proposed tattoo parlor will occupy an existing tenant space within the “Plaza Mi Pueblo” shopping center. The proposed use will not increase the scale, bulk, coverage or density of the shopping center thus not having an effect on public facilities or utilities. The proposed use will not generate any greater traffic than otherwise expected of a retail use in this center.
4. Where the proposed use may be potentially hazardous or disturbing to existing or reasonable expected neighboring uses, it must be justified by the common public interest as a benefit to the community as a whole. The proposed tattoo parlor will be located in a shopping center that is located near residential neighborhoods to the south and to the west. However, as mentioned above Variance 20-01 grants a reduction in the required setback from those uses thereby justifying a common public benefit to the community as a whole.
5. The proposed use will include vehicular approaches to the property designed for reasonable minimal interference with traffic on surrounding public streets or roads. Ingress/egress to the site will be from Grapefruit Boulevard and Avenue 49.

FINDINGS FOR VARIANCE 20-01:

1. The strict application of the tattoo parlor regulations would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code. The proposed site for the “Ink Devotion” tattoo parlor is located along Grapefruit Boulevard. While Grapefruit Boulevard is within the GC (General Commercial) zone which allows tattoo parlors with approval of a CUP, much of the developed Grapefruit Boulevard is adjacent to or at least within 500 feet of residential neighborhoods with the exception of a few retail centers near Cesar Chavez Street and Avenue 50. The strict application of Chapter 17.87 Tattoo and Body Piercing Parlors would prevent a viable retail/service business from operating for this entire sector of Grapefruit Boulevard which is a major arterial street in the City. The Zoning Code seeks to allow neighborhood and regional commercial uses in the CG zone along Grapefruit Boulevard provided they do not create any adverse impacts on surrounding residential uses. The proposed use meets all the other applicable regulations contained in Chapter 17.87.
2. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity. The proposed site for the “Ink Devotion” tattoo parlor is along Grapefruit Boulevard, one of the City’s major commercial corridors. The City’s General Plan envisions future neighborhood commercial and high-density multifamily residential uses along the north side of Avenue 49 to the west of this site which will create a more urban character along this corridor. The subject site is within 350 feet of a manufactured

home and contractor yard along the north side of Avenue 49, which do not represent a traditional residential character. The site is within 400 feet of an existing mosque which is being expanded towards the west with a new assembly hall and parking lot and the mosque site is not physically affected by the operation of a small tattoo parlor that would be oriented towards Grapefruit Boulevard.

3. The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question. Strick application of the tattoo parlor distance requirements would deny the property owner and merchant of a viable business in a location that will have reasonable hours of operation, and will be compatible with adjacent commercial uses.
4. The granting of the variance would not be materially detrimental to the public health and welfare and injurious to surrounding property. The proposed tattoo parlor will be required to follow the strict conditions set in place by Ordinance 1033 and included in CUP 320, as well as, the County of Riverside Department of Public Health Services. The subject site is a viable commercial location and the tenant suite proposed for the tattoo parlor is oriented away from the sensitive uses, and oriented closer to Grapefruit Boulevard.
5. The granting of the variance will not adversely affect any element of the general plan. The proposed use is located within the land use designation of Suburban Retail District which is consistent with the GC zoning of the site. The north side of Avenue 49 to the west of the site is designated for Neighborhood Center uses which will create a more urban character with neighborhood commercial and high-density multifamily residential uses. The project is internally consistent with the General Plan policies related to having commercial and service uses within walking distance from residential uses. The tattoo parlor is a specialized commercial use that is compatible with the permitted land uses of the general commercial zone, as proposed.
6. The proposed tattoo and parlor complies with the minimum development and operational standards contained in Chapter 17.87. With the exception of the Location Criteria requiring a minimum distance of 500 feet from existing residential and existing religious institutions for which this variance is being requested, the use meets all other development and operational standards. The proposed tattoo parlor will operate only between the hours of 9 a.m. to 9 p.m. (Monday thru Saturday) and 10 a.m. to 9 p.m. (Sunday) as conditioned. In addition, all tattoo artists will be fingerprinted for a background investigation by the Riverside County Sheriff's Department and any prior history within the past five years related to gang activity will be precluded from working at this or any tattoo parlor, as conditioned. Signs will be posted inside the business prohibiting the use or sale of alcohol, tobacco or anyone under the age of 18 visiting the business. The tattoo parlor is required to have a 150 square foot waiting area separate from the rest of the space, which the applicant is complying with and is shown on the proposed floor plan.

CONDITIONS OF APPROVAL FOR CUP 320:

1. Approval of Conditional Use Permit No. 320 is contingent upon the approval of Variance 20-01 for reduced distance requirements from existing residential uses, in order to allow one 800 square foot tattoo parlor at 49-975 Grapefruit Boulevard, Suite #4. Prior to the issuance of a business license, the applicant shall submit detailed plans showing compliance with the City and County regulations for tattoo parlors for review and approval by the Planning Director and Building Official.
2. Hours of operation shall be limited to: Monday through Saturday from 9:00 a.m. to 9:00 p.m. and Sunday from 10:00 a.m. to 9:00 p.m.
3. Adequate security and lighting shall be provided to ensure the safety of persons at all times subject to review and approval by the Chief of Police and Planning Director.
4. There shall be no on-site consumption, sale and/or possession of alcoholic beverages.
5. There shall be no on-site smoking or sale of tobacco products.
6. There shall be no loitering at or near the facility during or after the hours of operation.
7. All tattoo artists shall agree to be fingerprinted for a background investigation through the Riverside County Sheriff's Department or other approved agency prior to conducting any tattooing or body piercing work. Any prior history within the past five years involving gang-related activity, acts of violence or Health & Safety Code drug convictions shall preclude the tattoo artist from operating at a proposed tattoo and body piercing parlor. Verification to confirm that the applicant is not a registered sex offender (as defined under California Penal Code Section 290) shall be a part of the background investigation. No person who is a registered sex offender, as defined under California Penal Code Section 290 shall be allowed to own or operate a Tattoo and/or Body Piercing Parlor, or be employed at a Tattoo and/or Body Piercing Parlor as a practitioner.
8. All employees shall be at least 18 years of age. All patrons shall be at least 18 years of age unless accompanied by a parent or guardian.
9. All tattoo and body piercing parlors shall post a copy of their approved Riverside County Department of Public Health license and a copy of the conditional use permit conditions of approval in a visible location for patrons to observe.
10. All tattoo and body piercing parlors shall have signs posted inside the business with the following messages:

No One Under 18 Allowed Unless Accompanied by an Adult
No Smoking Allowed
No Alcoholic Beverages Allowed

11. A customer waiting area of at least 150 square feet shall be provided for all tattoo and body piercing parlors.
12. All tattoo and body piercing parlors shall provide one tattooing workstation with a clear unobstructed dimension of five (5) feet by five (5) feet.
13. The applicant shall provide to the City of Coachella Environmental Regulatory Programs Manager and/or the Coachella Sanitary District Superintendent a listing of types of inks to be used in the course of business and a plan for how said inks and tattooing equipment will be cleaned and disposed of as a condition of approval for this project.
14. The applicant and all tattoo practitioners on the premises shall register with the Riverside County Environmental Health Department and shall comply with County regulation for tattoo establishments, including the payment of all applicable fees

CONDITIONS OF APPROVAL FOR VARIANCE NO. 20-01:

1. Variance No. 20-01 is granted to allow a new 800 square foot tattoo parlor that is within 500 feet of existing residential uses and an existing religious assembly use on property located at 49-975 Grapefruit Boulevard, Suite #4. All other applicable development standards of the Zoning Code shall be complied with.
2. Approval of Variance No. 20-01 is contingent upon Planning Commission approval of the attendant application for Conditional Use Permit No. 320 proposed for an 800 square foot tattoo parlor, and subject to compliance with any conditions of approval imposed upon Conditional Use Permit No. 320.
3. The applicant shall obtain building permits and complete the tenant improvements for the proposed tattoo parlor within 12 months of the effective date, unless extended by the Planning Commission.

Attachments: Resolution No. PC2020-05
Resolution No. 2020-06
Aerial Map
Site Plan
Floor Plan
Correspondence