

RESOLUTION NO. PC2020-06

A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION APPROVING VARIANCE NO. 20-01 TO ALLOW A TATTOO PARLOR WITHIN 500 FEET OF EXISTING RESIDENTIAL STRUCTURES AND A RELIGIOUS ASSEMBLY USE, FOR PROPERTY LOCATED AT 48-975 GRAPEFRUIT BOULEVARD, SUITE #4 (APN 603-250-012). KENNY CORONEL VARGAS (DBA: “INK DEVOTION”), APPLICANT.

WHEREAS, Mr. Kenny Coronel Vargas, has filed an application for Variance No. 20-01 to allow an 800 square foot tattoo parlor in a new commercial center located at at 48-975 Grapefruit Boulevard, Suite #4 which is within 500 feet of existing residential structures and an existing religious assembly use; and,

WHEREAS, the City has processed said application pursuant to the City’s Municipal Code and the California Environmental Quality Act of 1970) as amended; and,

WHEREAS, on May 20, 2020, the Planning Commission of the City of Coachella held a duly noticed and published Public Hearing and considered Variance No. 20-01 as presented by the applicant, adopting the finding, conditions, and staff recommendations; and,

WHEREAS, the Planning Commission does find that the project is consistent with the City’s General Plan and Zoning Code subject to the recommended findings and conditions of approval contained in the staff report and contained herein; and,

WHEREAS the proposed 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; and

WHEREAS, the proposed project could not adversely affect the general health, safety and welfare of the community.

NOW, THEREFORE, be it resolved, that the Planning Commission of the City of Coachella, California does hereby approve Variance No. 20-01, subject to the findings and conditions of approval listed below.

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. Strict 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:

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.

PASSED APPROVED and ADOPTED this 20th day of May 2020.

Javier Soliz, Chair
Coachella Planning Commission

ATTEST:

Yesenia Becerril
Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos
City Attorney

I HEREBY CERTIFY that the foregoing Resolution No. PC2020-06, was duly adopted at a regular meeting of the Planning Commission of the City of Coachella, California, held on the 20th day of May 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Yesenia Becerril
Planning Commission Secretary