



## Staff Report

### Agenda Item No. D-1

**To:** City of Imperial Planning Commission

**From:** Yvonne Cordero, Planner

**Date:** September 18, 2024

<b>Applicant:</b>	Russell McCracken
<b>Project Location:</b>	116 S. Imperial Avenue
<b>Project Description:</b>	Conditional Use Permit 24-08 to allow the operation of a tattoo studio
<b>Zoning:</b>	Village Commercial (VC)
<b>Environmental:</b>	Categorically Exempt
<b>Recommendation:</b>	Approve, subject to Conditions of Approval

### **Background**

Russel McCracken, owner of Imperial Electric Tattoo Studio, submitted an application for a Conditional Use Permit (CUP) to operate a tattoo shop within the Village Commercial (VC) Zone. Historically, body piercing and tattoo/branding shops, pawn shops and smoke/tobacco shops were not listed as allowed land uses in the City. The City's Zoning Code states that land uses that are not specifically listed as permitted or prohibited unless determined to be a land use similar in development characteristics, are not permitted. A zoning text amendment adding the aforementioned land uses within all Commercial Zones was approved in Resolution PC2012-02 (Attachment B) on October 24, 2012.

The applicant is currently the sole proprietor of a tattoo shop in El Centro and learned of available space inside the Nineties Hair Studio, located at 116 S. Imperial and made the decision to relocate to Imperial. He is excited to open Imperial's only tattoo studio at the new location and intends to provide Imperial Valley residents with artistic, custom tattoos in a clean, safe and professional environment. Mr. McCracken recognizes the rapid growth of the City of Imperial and aims to be a part of the thriving business community while preserving the small-town charm that Imperial is renowned for.

Mr. McCracken is an Imperial Valley native who began his tattooing career with an apprenticeship in 2012 while working as a Correctional Officer. He has completed extensive industry-required courses, including SHARPS Safety training, Bloodborne Pathogens Certification, Universal Precautions training, and CPR/First Aid Certification. Upon retiring, he opened his tattoo shop in September 2022 and has operated

by appointment only in El Centro. His artistic, intricate, and colorful body art has acquired a large social media following, clearly demonstrating his talents and love for the art of tattooing.

Based on his experience working in the industry and due to customer demand, Imperial Electric Tattoo Studio intends to continue operating by appointment only. However, he will establish provisional hours of operation from 10 a.m. to 4 p.m. to accommodate walk-in customers and to establish additional clientele as he settles into the new location.

The Development Review Committee (DRC) reviewed the project and provided their comments incorporated in the Conditions of Approval in Exhibit A of Resolution PC2024-08 (Attachment A). The applicant has reviewed and agreed to the Conditions of Approval and is eager to open his business. It is important to note that the applicant has been inspected and approved by the Imperial County Health Department and the Imperial County Fire Department.

### **Project Site Location**



**Imperial Electric Tattoo Studio**





### **Discussion/Analysis**

The subject site is zoned within the Village Commercial (VC) Zone. The surrounding designated land uses and zoning to the North, South, East and West of the project site are Village Commercial (VC) as well.

### **Environmental Compliance**

The operation of an existing private structure involving no expansion of the existing use categorizes this project to be categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301-Existing Facilities.

### **Evaluation**

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings when reviewing a Conditional Use Permit. The required findings are listed below in ***bold italics***, followed by an evaluation:

- 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.***

The subject site is within the Village Commercial (VC) Zone, intended as the social and civic heart of the City. Small shops, such as Imperial Electric Tattoo Studio aligns with this zoning by providing the only tattooing services in the City in a vibrant and family-oriented atmosphere. Its operations support the goals of the Imperial General Plan, ensuring a pedestrian-friendly and unique cultural experience within the Downtown Character Area. Its operation is consistent with the objectives of the Village Commercial Zone and the City's development goals.

- 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.***

The location is ideal for a tattoo shop, offering patrons of the hair studio, and the surrounding businesses additional services in a centralized location, within the City's Downtown area. The site's location is in a highly visible, well-trafficked intersection making it a suitable location for retail services. The project does not present to create any adverse effects or be of any material detriment to adjacent land uses, residents, buildings, structures, or natural resources. The operational characteristics further ensure that the proposed use remains compatible with the surrounding Village Commercial area. Given these factors, the project will not negatively impact the community or environment and is consistent with the objectives outlined in Section 24.19.340.B of the Imperial Zoning Ordinance.

3. *That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.*

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare. Mr. McCracken has demonstrated professionalism and a high regard to public health, safety and welfare by completing and implementing the industry-required education and complying with the regulations under the California Health and Safety Code (Safe Body Art Act).

4. *That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.*

The proposed project complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Imperial Electric Tattoo Studio will be located in the Village Commercial (VC) Zone, where tattoo shops are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements will be fully adhered to. By meeting these conditions, the project ensures alignment with the City's zoning standards and regulations.

### **Public Notification**

The public hearing scheduled for September 25, 2024, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on September 12, 2024. A Notice of Public Hearing was mailed to all property owners within 300 feet of the property. The City of Imperial has not received any public comments for or against this project as of the date of this report's publication.

### **Recommendation**


Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve Conditional Use Permit 24-08 to allow the operation of Imperial Electric Tattoo Studio.

### **Attachments**

- Attachment A – Resolution PC2024-08 with Conditions of Approval
- Attachment B – Resolution PC2012-02

Prepared by: Yvonne Cordero, Planner

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Othon Mora', is written over a horizontal line.

Othon Mora, MCM, CBO  
Community Development Director

**RESOLUTION NO. PC2012-02**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL RECOMMENDING AN AMENDMENT OF THE ZONING CODE RELATED TO BODY PIERCING/TATTOO/BRANDING PARLORS, PAWN SHOPS, AND SMOKE OR TOBACCO SHOPS**

**WHEREAS**, a duly notified public hearing was conducted on September 12, 2012, and continued to October 10, 2012 and October 24, 2012.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Imperial to recommend the amendment of Section 24.01.180 of the Imperial Zoning Ordinance to include the following definitions:

1. **"Body-piercing shop"** means a building or portion thereof where piercing, branding, or other similar modification of human body parts is administered or from which a body-piercing business or service is operated. This shall not include establishments which limit their piercing to ears only.
2. **"Pawn shop"** means a building or portion thereof where personal property is received and for which money is advanced, with the right of privilege granted to the person to whom said money is advanced to reclaim such property upon repayment of said money, together with all legal charges incident thereto. This chapter does not regulate banks, saving and loan institutions, credit unions, or other banking organizations regulated by State or Federal law.
3. **"Tattooing or branding shop"** means a building or portion thereof where the tattooing or branding of human body parts is administered or from which a tattooing or branding business or service is operated.
4. **"Smoke shop or Tobacco shop"** shall have the same definition as provided by State law, except that businesses such as convenience stores, grocery stores, or other similar stores that sell tobacco as an ancillary use is not considered a regulated business.

**BE IT FURTHER RESOLVED** by the Planning Commission of the City of Imperial to recommend the amendment of Section 24.05.120.B of the Imperial Zoning Ordinance as follows:

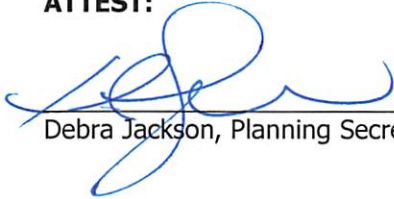
<b>B. General Commercial Uses (cont.)</b>	<b>C-1</b>	<b>C-2</b>	<b>VC</b>
54. Body Piercing, Tattoo, and/or Branding Parlors	C	C	C
55. Pawn Shops	C	C	C
56. Smoke or Tobacco Shops	C	C	C

**PASSED AND ADOPTED** by the Planning Commission of the City of Imperial at a regular meeting held on October 24, 2012.



Sam Ross, Planning Commission Chairman

**ATTEST:**



Debra Jackson, Planning Secretary

**STATE OF CALIFORNIA)**  
**COUNTY OF IMPERIAL )ss**  
**CITY OF IMPERIAL )**

I, Debra Jackson, the undersigned, Secretary of the City of Imperial Planning Commission, DO HEREBY CERTIFY that the foregoing Resolution No. PC 2012-02 was duly and regularly adopted at Regular meeting of the City of Imperial Planning Commission held on the 24<sup>th</sup> day of October 2012, by the following vote:


AYES: HONSE, LUCAS, MCDADE, PECHTL, AND ROSS

NAYES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION 5-0



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DEBRA JACKSON, SECRETARY  
CITY OF IMPERIAL PLANNING COMISSION



**STATE OF CALIFORNIA)**  
**COUNTY OF IMPERIAL )ss**  
**CITY OF IMPERIAL )**

I, Debra Jackson, the undersigned, Secretary of the City of Imperial Planning Commission, DO HEREBY CERTIFY that the foregoing Resolution No. PC 2012-02 was duly and regularly adopted at Regular meeting of the City of Imperial Planning Commission held on the 24<sup>th</sup> day of October 2012, by the following vote:

AYES: HONSE, LUCAS, MCDADE, PECHTL, AND ROSS

NAYES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION 5-0



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DEBRA JACKSON, SECRETARY  
CITY OF IMPERIAL PLANNING COMMISSION