



OFFICE OF THE CITY ATTORNEY
Long Beach, California

CH-1

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lattime

DEPUTIES

C. Geoffrey Allred
Richard F. Anthony
William R. Baerg
LaTasha N. Corry
Haleh R. Jenkins
Monica J. Kilaita
Nicholas J. Masero
Dawn A. McIntosh
Barbara J. McTigue
Lauren E. Misajon
Katrina R. Pickett
Howard D. Russell
Arturo D. Sanchez
Victoria A. Silcox
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

May 1, 2018

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and adopt Negative Declaration (ND) 04-17;

Declare an Ordinance amending various sections of Title 21 of the Long Beach Municipal Code (Zoning Ordinance), relating to the regulation of Tattoo Parlors, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program. (Citywide)

DISCUSSION

Pursuant to the request of City Council on March 20, 2018, the ordinance was revised to extend the location of Tattoo Parlors from five hundred feet (500') to seven hundred feet (700') from another Tattoo Parlor or from any public or private primary or secondary school unless granted through an Administrative Use Permit.

SUGGESTED ACTION:

Approve recommendation.

CHARLES PARKIN, City Attorney

By

MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm

A17-01506

\\clbchat\at\$\apps\ctylaw32\wpdocs\d026\p029\00867033.doc

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 21.15.2990,
TABLE 32-1 AND TABLE 32-1A OF CHAPTER 21.32,
SECTION 21.52.273; AND BY ADDING SECTION 21.45.166,
ALL RELATED TO TATTOO PARLORS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.15.2990 of the Long Beach Municipal Code is amended to read as follows:

21.15.2900 Tattoo parlor.

"Tattoo parlor" means a commercial land use where the marking or coloring of the skin is performed by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include the application of permanent cosmetics or tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

Section 2. Table 32-1, Uses in all Other Commercial Zoning Districts, of Chapter 21.32 of the Long Beach Municipal Code is amended to add "Tattoo parlor" as shown on Exhibit "A" attached hereto.

Section 3. Table 32-1A, Uses in all Other Commercial Zoning Districts, of Chapter 21.32 of the Long Beach Municipal Code is amended to add "Tattoo parlor" as shown on Exhibit "B" attached hereto.

1 Section 4. Section 21.52.273 of the Long Beach Municipal Code is
2 amended to read as follows:

3 21.52.173 Tattoo and fortunetelling services.

4 A. The following conditions shall apply to fortunetelling services:

5 1. No new fortunetelling uses shall be located within one
6 thousand feet (1,000') of any existing adult entertainment, arcade,
7 fortunetelling, tattoo parlor or tavern use; and

8 2. Fortunetelling uses shall operate only between the hours
9 of seven (7:00) a.m. and ten (10:00) p.m.

10 B. Prior to approval of an Administrative Use Permit for Tattoo
11 Parlors, if an Administrative Use Permit is required, the Zoning
12 Administrator shall, in addition to findings requested in Section 21.25.407,
13 find that the proposed tattoo parlor does not introduce new light, noise, or
14 traffic near neighboring sensitive land uses, including residences,
15 businesses, schools, childcare, or pre-school facilities, that is beyond
16 normal circumstances in that location.

17
18 Section 5. Section 21.45.166 is added to the Long Beach Municipal
19 Code to read as follows:

20 21.45.166 Tattoo parlors.

21 The following special development standards shall apply to tattoo parlors,
22 whether as a primary or an accessory use:

23 A. No new tattoo parlor use shall be located within seven
24 hundred feet (700') of another tattoo parlor, unless granted through an
25 Administrative Use Permit, in accordance with Division IV of Chapter 21.25
26 and Section 21.52.273(B).

27 B. No new tattoo parlor use shall be located within seven
28 hundred feet (700') of any public or private primary or secondary school,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

unless granted through an Administrative Use Permit, in accordance with Division IV of Chapter 21.25 and Section 21.52.273(B).

C. Tattoo parlors shall operate only between the hours of seven (7:00) a.m. and ten (10:00) p.m., unless granted through an Administrative Use Permit, in accordance with Division IV of Chapter 21.25 and Section 21.52.273(B).

D. Service of alcohol, marijuana based substances, or other controlled substance shall not be permitted in conjunction with a tattoo parlor use.

E. The entrance door and storefront window glazing shall be 100 percent (100%) clear and free of obstructions such as signs, window tinting, shelving, or racks.

F. "Specified anatomical areas" as defined in Chapter 21.15 (Definitions) shall not be exposed in the publicly accessible areas of the business or viewable from the public right-of-way.

G. The operator of the approved use shall prevent loitering and loud noises around the subject site during and after the hours of business operation.

H. A sign stating, "No tattoo service will be provided for anyone under the age of 18," shall be visible at all times on the door of the front entrance.

I. Lighting shall be placed above all exterior doors. Metal halide or other similar, "white light"-emitting bulbs shall be used to clearly illuminate the tenant address.

J. The proposed business shall be equipped with an audible burglar alarm system and door/window alarm company contacts for added security.

K. Security cameras providing full camera coverage of all entries

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

and exits into the building and full camera coverage of all public rights-of-way and private parking areas provided by the business. Cameras must record in color with output of at least four hundred eighty (480) lines resolution. Recordings shall be retained for no less than thirty (30) days on an IP-configurable Digital Recording Recorder (DVR) or digital storage setup with a public IP address. The surveillance system username and password shall be provided to the Long Beach Police Department.

L. The applicant shall comply with all applicable State, County and City Health and Human Services regulations including, but not limited to the State Safe Body Art Act regarding the establishment and operation of businesses engaged in tattooing, body piercing and permanent cosmetic application.

M. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

N. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

O. Any graffiti found on site must be removed within twenty-four (24) hours of its appearance.

P. Provisions in 21.45.166(A) through (P) may be appealed to the City's Zoning Administrator, in accordance with Section 21.10.045.

Section 6. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

EXHIBIT "A"

TABLE 32-1

21.32 – Commercial Districts											
Table 32-1, Uses In All Other Commercial Zoning Districts											
		Neighborhood			Commercial				Regional	Other	
		CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Tattoo parlor	Y	Y	Y	Y	Y	Y	Y	Y	N	Subject to special development standards (see Section 21.45.166). Tattoo parlors shall be permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.166.	

EXHIBIT "B"

Table 32-1A

Table 32-1A, Uses In All Other Commercial Zoning Districts	Use	CO	CH	CT
	Tattoo parlor	Y*	Y*	Y*
	* = Special standards apply. Refer to Chapter 21.45.			

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND SECTIONS TO THE CITY'S ZONING REGULATIONS RELATING TO TATTOO PARLORS TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, on _____, 2018, the City Council of the City of Long Beach amended certain provisions of Title 21 of the Long Beach Municipal Code regarding Tattoo Parlors; and

WHEREAS, it is the desire of the City Council to submit the above referenced amendments to the Long Beach Municipal Code to the California Coastal Commission for its review and approval as a Local Coastal Plan implementing ordinance amendment; and

WHEREAS, the City Council gave full consideration to all facts and the proposals respecting the amendments to the Long Beach Municipal Code at a properly noticed and advertised public meeting; and

WHEREAS, the City Council approved the proposed amendments to the Long Beach Municipal Code by adopting amendments to Title 21. The proposed amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments are consistent with the City's certified Local Coastal Program and will not adversely affect the character, livability or appropriate development in the City of Long Beach and that the

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 amendments are consistent with the goals, objectives and provisions of the General Plan;
2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
3 follows:

4 Section 1. The amendments to Title 21 of the Long Beach Municipal
5 Code adopted on _____, 2018, by Ordinance No. ORD-_____, a
6 copy of which is attached to and incorporated in this resolution, will be submitted to the
7 California Coastal Commission for its earliest review as to that part of the ordinance that
8 directly affects land use matters in that portion of the California Coastal Zone within the
9 City of Long Beach.

10 Section 2. The Director of Development Services of the City of Long
11 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
12 with appropriate supporting materials, to the California Coastal Commission with a
13 request for its earliest action, as an amendment to the Local Coastal Program that will
14 take effect automatically upon Commission approval pursuant to the Public Resources
15 Code or as an amendment that will require formal City Council adoption after Coastal
16 Commission approval.

17 Section 3. This resolution shall take effect immediately upon its adoption
18 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

19 //
20 //

21
22
23
24
25
26
27
28

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lana Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing resolution was adopted by the City Council of the
City of Long Beach at its meeting of _____, 2018, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk