



City Council

March 20, 2018

Tattoo Parlors

Application No. 1712-10

Zoning Code Amendment (ZCA17-016), Local Coastal
Program Amendment (LCPA17-006)

Background: Why An Update Is Needed

- 2010: the 9th U.S. Circuit Court of Appeals ruled Tattooing is a protected under the First Amendment.
- March 2017: *Real v. City of Long Beach (9th Cir.)*, ruled the existing Zoning Code unreasonably restricted permitted locations of tattoo parlors in the City.
- The proposed Zoning Code Amendment would adopt less restrictive locational requirements, performance standards, and administrative procedures.

Background: Existing Regulations

- Current Zoning only permits new tattoo parlors with Conditional Use Permit (CUP) in the following zones:
 - Regional Highway District (CHW)
 - Downtown Plan and Midtown Specific Plan areas
- Per Zoning Code 21.52.273 and 21.45.166, Tattoo Parlors:
 - Are not permitted within 1,000 feet of other adult entertainment uses (arcade, fortunetelling, other tattoo parlors or taverns);
 - Shall operate only between 7 a.m. and 10 p.m.
 - Shall not serve of alcohol or controlled substances
 - Must maintain clear doorways, lighting, no loitering, 18+ age limit signs, and security features

Background: Social Context

- In the 1990s, American Planning Association notes negative perceptions of tattoo parlors:
 - Often co-located with adult-only uses (age 18+)
 - Perception ignored tattoo parlors are held to stricter State health regulations, similar to medical clinics.
- As a result, tattoo parlors in Long Beach are highly-regulated with no evidence of nuisance or negative impacts.
- Currently, there are (9) licensed tattoo parlors in the City
 - (4) required CUPs
 - (5) are legal-non-conforming

Proposed Zoning Code Amendment

Permitted Zoning Districts

- Tattoo Parlors would be by-right in the following commercial zones:
 - CNP, CAN, CNR, CCA, CCP, CCR, CCN, CHW
 - Commercial zones in Planned Development districts, and specific plans


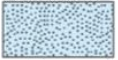

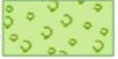


Locational Buffer Requirements

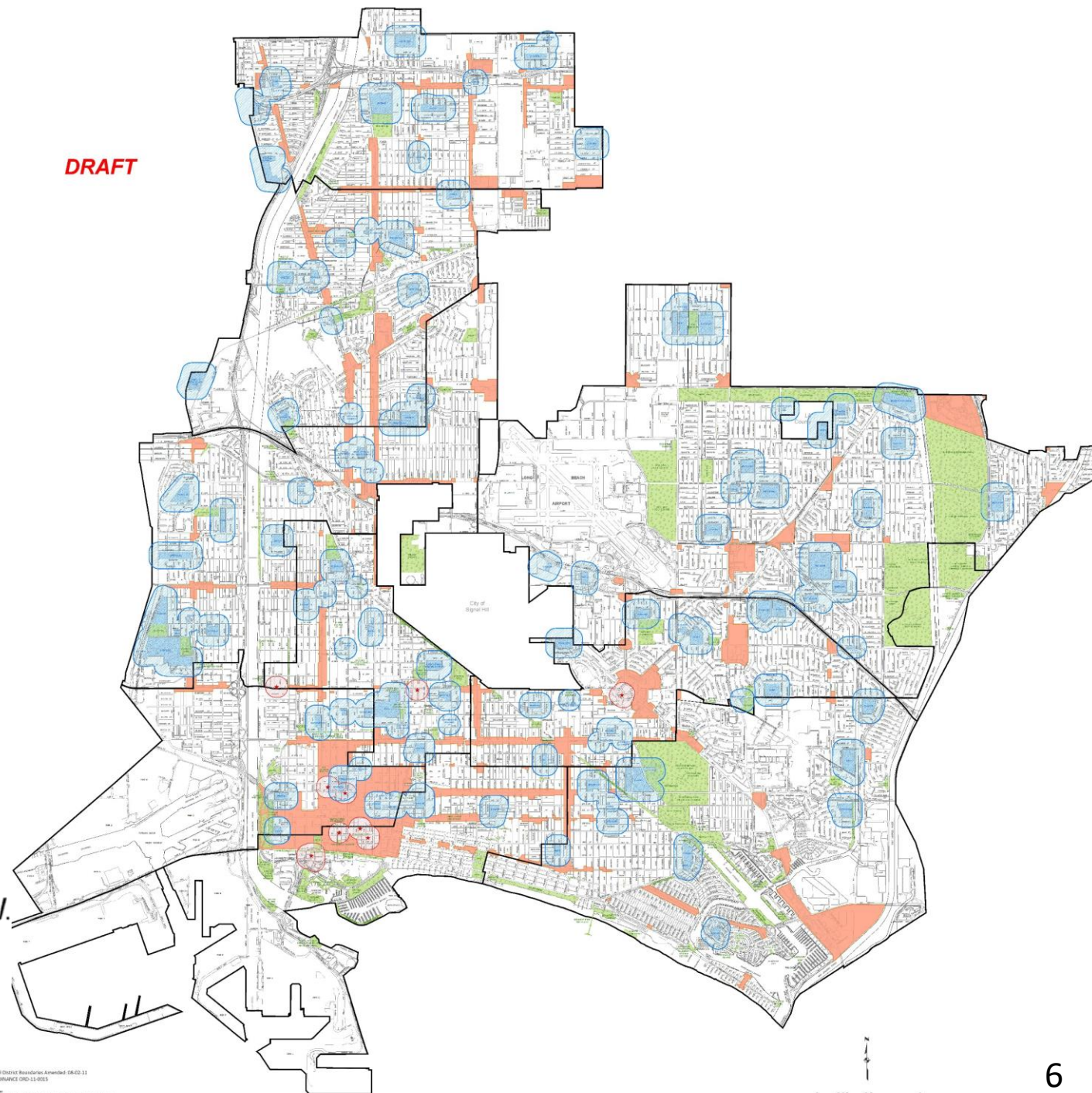
- 500-feet away from an existing tattoo parlor required
- 500-feet away from a public or private school required

Proposed Permitted Locations: Buffer Zones

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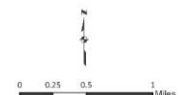
LEGEND

- ★ Existing Tattoo Parlors
-  500' Existing Tattoo Parlor Buffer
-  Public and Private Schools
-  500' Public and Private School Buffer
-  Parks
-  Council District Boundary
-  **Tattoo Parlors allowed in these areas:**
Areas outside of Buffer Areas and inside of zones:
CNP, CNA, CNR, CCA, CCP, CCR, CCN and CHW.



SOURCE: City of Long Beach GIS. Feb 2018.

City District Boundaries Amended: 08-02-11
ORDINANCE ORD-11-0215



Proposed Performance Standards

Operations

- Hours of operation shall be between 7 a.m. and 10 p.m.
- Service of alcohol, marijuana, or other substances prohibited
- Patrons shall not be indecently exposed to public view
- Loitering shall be prevented

Appearance

- Property to be maintained in good order, with a clear entrance at all times
- Exterior security bars and roll-up doors are prohibited
- Lighting standards for the exterior of the building
- Graffiti removal shall occur within 24 hours

Health & Public Safety

- All State and City health regulations will be enforced
- Minimum age of customers shall be 18 years
- Audible burglar alarms and cameras required

Public & Legislative Process

California Environmental Quality Act (CEQA)

- Negative Declaration (ND) 04-17 was circulated for public review December 18 to January 18, 2018 (30 days).

Planning Commission Hearing (February 1, 2018)

- Approved recommendation for the City Council accept ND 04-17, Zoning Code Amendment (ZCA17-016) and Local Coastal Program Amendment (LCPA17-0006)

City Council Public Notices (per LBMC 21.21.302)

- Press-Telegram, March 2, 2018
- Posters in (3) public places
- Mailed to all libraries, requesting individuals, and California Coastal Commission

Public Input to Date

- Staff received 5 calls, and 1 public testimony at Planning Commission in support of the Amendment.

Recommendation

Planning Commission recommends the City Council:

1. Adopt Negative Declaration (ND) 04-17;
2. Declare the Ordinance amending Title 21 of the Zoning Code related to Tattoo Parlors, read the first time and lay over to the next regular meeting for final reading;
3. Adopt the Resolution directing the Director of Development Services to submit the Local Coastal Program Amendment to the California Coastal Commission