



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

March 20, 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

In 2010, the United States 9th Circuit Court of Appeals ruled that the act of tattooing is a federally-protected form of Freedom of Speech under the First Amendment of the U.S. Constitution. Following this ruling, a number of California cities, including Oceanside, Torrance, and Hermosa Beach, were determined to be in violation of the First Amendment by placing too many restrictions and locational requirements on prospective tattoo parlors and artists. Similarly, in March 2017, *Real v. City of Long Beach*, the U.S. 9th Circuit Court of Appeals ruled that Title 21 of the Long Beach Municipal Code (Zoning Ordinance) violates the First Amendment by unreasonably restricting prospective tattoo artists from establishing tattoo parlors in Long Beach.

Pursuant to *Real v. City of Long Beach*, the City Attorney's Office requested that staff prepare a Zoning Code Amendment with tattoo regulations that are content-neutral, uphold the First Amendment rights, and provide reasonable performance and locational standards, and an administrative approval and relief process that considers existing land uses.

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On February 1, 2018, the Planning Commission (Exhibit A – Planning Commission Report) held a public hearing on the proposed Zoning Code Amendment on tattoo parlors. The Planning Commission received a staff presentation, deliberated, closed the public hearing, and in its advisory capacity to the City Council, found the amendment consistent with the General Plan. Following the hearing and discussion, the Planning Commission unanimously recommended that the City Council approve the Zoning Code Amendment. This recommendation is consistent with the General Plan, specifically upholding the Land Use Element's emphasis on expanding Citizen Opportunity and Economic Development. The following provides an overview of the proposed regulations in the draft Ordinance, as recommended by the Planning Commission (Draft Ordinance).

Under the current Zoning Ordinance, tattoo parlors are only permitted in the CHW (Regional Highway District) and in limited specific plan/planned development areas with a Conditional Use Permit (CUP). The permitted CHW zone represents one out of eleven commercial zones in the City (including the Highway Commercial District (CH) and Tourist and Entertainment Commercial District (CT)). The proposed Zoning Code Amendment would amend Table 32-1 of the Zoning Ordinance to allow new tattoo parlors in all commercial zoning districts by-right, with the exception of the Commercial Storage District zoning district (CS), which is intended for storage uses. Tattoo parlors would also be permitted in equivalent commercial zones within the Downtown Plan, Midtown Specific Plan, and the Southeast Area (SEADIP) Specific Plan (see Exhibit B – Tattoo Parlor GIS Buffer Map Analysis).

The Zoning Code Amendment includes locational requirements consisting of 500 feet of separation between a new tattoo parlor and another tattoo parlor. Additionally, a new requirement of a 500-foot separation from a public or private school is proposed in Sections 21.45.166(2) and 21.45.166(3) to address potential compatibility issues with sensitive land uses (uses that serve children and minors under the age of 18).

Tattoo parlors will be subject to a staff-level review through a ministerial review process. This process is common to other ministerial uses, whereby approval can be granted for a permitted use when an established set of criteria is met. Ministerial applications are decided upon based on established regulations, with no discretion, and do not require a public hearing. Furthermore, the use of a ministerial process will allow tattoo parlors to be reviewed based on established criteria, without potential for uncertainty, to meet the 9th U.S. Circuit Court of Appeals ruling that tattoos are a protected form of freedom of speech. The use of a ministerial process meets this intent because the regulations provide clarity and certainty as to the time, place, and manner. Furthermore, if a requirement is unclear, the applicant may request a Zoning Administrator interpretation.

The Zoning Code Amendment further provides for administrative relief from the ministerial review process if the location and distance requirements cannot be met. This is proposed to be handled through the existing Administrative Use Permit process, with specific findings required to demonstrate that the proposed tattoo parlor will not create added impacts to a certain area.

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In addition to zoning regulations, tattoo parlors in Long Beach are currently subject to regulation and oversight from the City's Department of Health and Human Services (Health Department), pursuant to the State Body Art Act (AB 300). Under AB 300, all body art practitioners are required to annually register with the City, obtain annual bloodborne pathogen training, provide documentation of Hepatitis B vaccination status, obtain specific health information from clients, and obtain "informed consent" from clients. AB 300 also requires the owner of a body art facility to obtain a Health Permit, operate the facility in a safe and clean manner, maintain written procedures for the operation of the facility, and maintain records of training and equipment sterilization.

In review of public safety, the City's Police Department tracked their calls-for-service and confirmed that tattoo parlors do not generate any additional calls when compared to professional, medical, or other clinical offices in similar locations.

Public hearing notices were published in the Long Beach Press-Telegram, posted in three public locations, and distributed on March 1, 2018, and no responses were received as of the date of preparation of this report. Any responses and comments received will be conveyed to the City Council prior to the public hearing.

In accordance with the Guidelines for implementation of the California Environmental Quality Act (CEQA), a Negative Declaration (ND 04-17) was prepared for the proposed Tattoo Parlor Ordinance (Exhibit C). The Negative Declaration was made available for a 30-day public review and comment period that began on December 18, 2017, and ended on January 18, 2018. California Native American tribes were also given additional notice of the proposed Zoning Code Amendment, starting January 4, 2018.

This matter was reviewed by Assistant City Attorney Michael J. Mais on February 15, 2018 and by Budget Analysis Officer Julissa José-Murray on March 2, 2018.

TIMING CONSIDERATIONS

City Council action is requested on March 20, 2018, to comply with a 60-day transmittal period requirement, which expires on April 1, 2018, per Zoning Code 21.25.103.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

HONORABLE MAYOR AND CITY COUNCIL

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

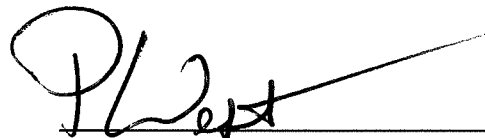


TOM MODICA
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

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P:\Planning\City Council Items (Pending)\Council Letters\2018\2018-03-20\Tattoo Ordinance\Tattoo Ord City Council Letter_LFT and City Attorney APPROVED (Final).docx

APPROVED:



PATRICK H. WEST
CITY MANAGER

Attachments: City Council Ordinance
City Council Resolution
Exhibit A – Planning Commission Staff Report from January 18, 2018
Exhibit B – Tattoo Parlor GIS Buffer Map Analysis
Exhibit C – Negative Declaration (ND) 04-17

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 five hundred
24 feet (500') 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 five hundred
28 feet (500') of any public or private primary or secondary school, unless

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

3 C. Tattoo parlors shall operate only between the hours of seven
4 (7:00) a.m. and ten (10:00) p.m., unless granted through an Administrative
5 Use Permit, in accordance with Division IV of Chapter 21.25 and Section
6 21.52.273(B).

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

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

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

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

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

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

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

28 K. Security cameras providing full camera coverage of all entries

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

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

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

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

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

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

25
26 Section 6. The City Clerk shall certify to the passage of this ordinance by
27 the City Council and cause it to be posted in three (3) conspicuous places in the City of
28 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

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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

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.	

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
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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
Lona 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 //

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

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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



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

January 18, 2018

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council accept Negative Declaration ND 04-17, and approve Zoning Code Amendment (ZCA17-016) and Local Coastal Program Amendment (LCPA17-006) to revise provisions relating to the regulation of tattoo parlors, specifically pertaining to locational requirements, performance standards, and administrative review procedures. (Citywide)

APPLICANT: City of Long Beach, Long Beach Development Services
333 West Ocean Boulevard, 3rd Floor
Long Beach, CA 90802
(Application 1712-10)

DISCUSSION

In 2010, the 9th U.S. Circuit Court of Appeals ruled that tattooing is a protected form of speech under the First Amendment. In 2017, a civil rights action was brought against the City of Long Beach challenging the City's regulation of tattoo parlors. In *Real v. City of Long Beach* (9th Cir. March 29, 2017), the 9th Circuit reversed a district court decision, holding that Title 21 of the Long Beach Municipal Code (Zoning Ordinance) violates the First Amendment by unreasonably restricting prospective tattoo artists from establishing tattoo parlors in Long Beach.

Pursuant to the federal court's rulings, the City Attorney's office requested that staff prepare proposed amendments to the Zoning Ordinance to regulate tattoo parlors in a manner that is content-neutral and narrowly tailored to serve a substantial government interest (Exhibit A – Draft Code Amendment with redlines). The proposed amendments address locational requirements and performance standards for new tattoo parlors, and establish revised procedures to administer the proposed standards. A procedure for administrative relief is also provided under the proposed review process.

The proposed Zoning Code Amendment will retain and not change the existing definition for "Tattoo Parlor" under Section 21.15.2990 of the Zoning Code, which states:

"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

CHAIR AND PLANNING COMMISSIONERS

January 18, 2018

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in exchange for financial or other valuable consideration. It does not include tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office. (Ord. C-6533 § 1 (part), 1988)

Under the current Zoning Ordinance, tattoo parlors are permitted only with a minor Conditional Use Permit (CUP) in select commercial zoning districts and specific plan areas and are not permitted at locations within one thousand feet (1,000') of any existing adult entertainment, arcade, fortunetelling, another tattoo parlor, or tavern use. Tattoo parlors are further regulated by special conditions prescribing locational requirements and hours of operation in Section 21.52.273. Special conditions of approval are applied to each approved CUP on a case by case basis. Additionally, all CUP applications are subject to a public hearing by the Planning Commission, which can take several months to complete. As a result, the CUP process, coupled with the limited number of zoning districts permitting tattoo parlors, were determined to be too restrictive and in conflict with the First Amendment's freedom of speech, as determined by *Real v. City of Long Beach* (9th Cir. March 29, 2017).

In developing the new regulations, staff consulted regulations recently established in other California cities, including Oceanside, Torrance, and Hermosa Beach. In order to balance a constitutionally protected activity with local regulation, the Zoning Ordinance amendments described herein are recommended to regulate the time, manner, and place of new tattoo parlor uses.

Background

As of January 2018, our records indicate that there are nine (9) licensed tattoo parlors in the City of Long Beach; of which, only four (4) were required to obtain CUPs, leaving the other five (5) as legal-non-conforming. These five non-conforming tattoo parlors were approved prior to the existing CUP requirement.

The City's existing Zoning Ordinance and CUP requirements are holdover regulations from earlier attitudes regarding tattoo parlors. According to the American Planning Association (APA), many municipalities experienced wide proliferation of tattoo parlors, especially in suburban areas, during the 1990s. At the time, tattoo parlors across the U.S. were often co-located or adjacent to other adult entertainment uses such as body piercing and massage parlors, giving them the image of an eccentric or exotic type of business targeting clients over 18 years of age. There were general fears that tattoo parlors would have a negative impact on local communities and surrounding uses, especially if they were located in close proximity to each other. However, the APA acknowledged that this negative image of tattoo parlors ignored the fact that all tattoo parlors are subject to additional County and State health regulations, similar to medical clinics. Because they offer a service that is considered a minor surgical procedure, all tattoo parlors must submit their records to the relevant oversight agencies (Exhibit B – APA Zoning News). This additional level of regulation, coupled with local regulations, has resulted in tattoo parlors in the City of Long Beach being a highly-regulated land use with no clear evidence of nuisance or negative externalities for the surrounding community.

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Despite the total number of tattoo parlors, over the three-year period from January 2014 to December 2016, a total of 87 calls for service were received by the Long Beach Police Department for six of the nine tattoo establishments. Among these calls for service, 45 calls were for parking violation complaints at a single location, and 11 calls were for audible burglar alarms. Setting aside these routine non-violent calls for service, a total of 31 calls for service were received over the three-year period.

As a point of comparison, there are 71 chiropractic offices operating in the City of Long Beach. A sampling of six chiropractic offices from various districts throughout the City was analyzed for calls for service. Over the same three-year period, a total of 23 calls for service were received by the Long Beach Police Department for these establishments.

The data does not indicate a significantly disproportionate number of calls for service originating from tattoo parlors relative to chiropractic offices. The Long Beach Police Department Vice Investigations unit also confirms that there are no recurring issues with any of the City's existing tattoo parlors. The City's generally positive experience with tattoo parlors in recent years may be attributed at least in part to the rigorous land use entitlement process.

Zoning District Amendment

The current Zoning Ordinance allows tattoo parlors in the CHW, CH, CT, PD-1 "Midtown Specific Plan" (permitted in the Transit Node and Corridor Districts only), and PD-30 "Downtown Plan" (not including the Downtown-Neighborhood Overlay) zoning districts only with the issuance of a Conditional Use Permit. The proposed amendment would amend Table 32-1 of the Zoning Ordinance to allow new tattoo parlors in all commercial zoning districts by-right, with the exception of the CS zoning district, which is intended for storage uses. New tattoo establishments would be subject to specific locational requirements and performance standards.

Locational Requirements

There is an existing body of research documenting the potential adverse effects of tattoo parlors on sensitive land uses. In a 2002, *Pediatrics* journal published a national study evaluating the association between tattooing and several high-risk behaviors in adolescents, and concluded that, "Permanent tattoos are strongly associated with high-risk behaviors among adolescents. In the clinical setting, the presence of a tattoo noted during clinical examination of an adolescent should prompt in-depth assessment for a variety of high-risk behaviors." Some of the high-risk behaviors found more prevalent in adolescents with tattoos included: increased sexual activity, substance abuse, violence, and school failure (see Exhibit C – *Pediatrics: Tattooing and high-risk behavior in adolescents*, 2002). Based on these facts, staff proposes the following separation requirements for new tattoo parlors with respect to potentially incompatible businesses and sensitive land uses.

The proposed separation standards have been updated to include previously unpermitted commercial zoning districts and to address potential incompatibilities with nearby land

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January 18, 2018

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uses. The proposed amendment would require five hundred feet (500') of separation between a new tattoo parlor and another tattoo parlor. Additionally, a new requirement of a five-hundred-foot (500') separation from a public or private school is proposed in Sections 21.45.166(2) and 21.45.166(3) to address potential compatibility issues with sensitive land uses. For the purposes of this amendment, distance measurements are taken from the property line of a proposed tattoo parlor business parcel to the property line of the other use in question. See Exhibit D for a GIS Analysis of parcels eligible for Tattoo Parlors.

Performance Standards

In order to ensure good business practices and prevent nuisance activity, certain performance standards are proposed for new tattoo parlors in Sections 21.45.166(4) through 21.45.166(17) of the Zoning Ordinance. These include the following proposed standards:

- Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
- Service of alcohol, marijuana-based substances, or other controlled substances shall not be permitted in conjunction or within the premises of a tattoo parlor use.
- Storefront entrance and glazing is to be clear of any tinting or other obstructions.
- Patrons receiving tattoos shall not be indecently exposed to public view.
- Loitering at the business and vicinity shall be prevented at all times.
- Minimum age of customers shall be enforced. State law establishes a minimum age of 18 for any individual seeking tattoo services.
- Lighting standards for the exterior of the building.
- Security standards including audible burglar alarm and security cameras.
- Health regulations of State and County entities are to be observed.
- Property is to be maintained in good order at all times.
- Exterior security bars and roll-up doors are prohibited.
- Graffiti removal shall occur within 24 hours of its appearance.

The proposed performance standards herein were informed by research into numerous cities including Oceanside, Torrance and Hermosa Beach. These cities represent some of the first cities in California to adopt and approve new zoning ordinances for tattoo parlors in response to similar federal court cases (*Yvon v. City of Oceanside*, 9th Cir. June 27, 2016; *Garcia v. City of Torrance*, CA Central Dist. May 20, 2015; *Anderson v. City of Hermosa Beach*, 9th Cir. March 29, 2017). Collectively, these cities and court cases provided a range of ordinance language and regulation precedence for Long Beach to propose performance standards that balance a constitutionally protected activity with local governmental regulation.

Administration/Procedures

Tattoo parlors will be subject to a staff-level review through a ministerial review process. This process is common to other ministerial uses, whereby approval can be granted for a permitted use when an established set of criteria is met. Ministerial applications are

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January 18, 2018

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decided upon based on established regulations, with no discretion and do not require a public hearing. Furthermore, the use of a ministerial process will allow tattoo parlors to be reviewed based on established criteria, without potential for uncertainty, to meet the 9th U.S. Circuit Court of Appeals ruling that tattoos are a protected form of freedom of speech. The use of a ministerial process meets this intent because the regulations provide clarity and certainty as to the time, place, and manner. Furthermore, if a requirement is unclear, the applicant may request a Zoning Administrator interpretation.

The Zoning Code Amendment further provides for administrative relief from the ministerial review process if the locational and distance requirements cannot be met. This is proposed to be handled through the existing Administrative Use Permit process, with specific findings required to demonstrate that the proposed tattoo parlor will not create added impacts to a certain area.

PUBLIC HEARING NOTICE

This action was noticed through publication in the Press Telegram on December 26, 2017, in accordance with the provision of the Zoning Ordinance. Additionally, written notices were sent to the California Coastal Commission and all City libraries, and three public hearing notices were posted in public places throughout the City.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), a Negative Declaration was prepared for the Tattoo Parlor Ordinance. The Negative Declaration was posted on the City's website and has been circulated for comment. As of the date of preparation of this report, the City has received one phone call in support of updated tattoo parlor regulations. The Negative Declaration is available as an attachment to this report (Exhibit E – Negative Declaration 04-17).

CHAIR AND PLANNING COMMISSIONERS

January 18, 2018

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Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



TOM MODICA
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

TM:LFT:CT:gb

Attachments:

- Exhibit A – Draft Code Amendment with redlines
- Exhibit B – American Planning Association. (Apr 1998). Zoning News: Zoning Gets Under Your Skin
- Exhibit C – Pediatrics (2002). Tattooing and high-risk behavior in adolescents. Roberts, Tim A. and Ryan, Sheryl A.
- Exhibit D – Tattoo Parlor GIS Buffer Map Analysis
- Exhibit E – Negative Declaration ND 04-17
- Exhibit F – Public Comments and Testimony

LBMC Code Section	Code Text
21.15.2990 – 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.

21.32 – Commercial Districts																																											
Table 32-1, Uses In All Other Commercial Zoning Districts	<table border="1"> <thead> <tr> <th data-bbox="472 705 581 772"></th> <th colspan="3" data-bbox="581 705 818 772">Neighborhood</th> <th colspan="4" data-bbox="818 705 1122 772">Community</th> <th data-bbox="1122 705 1235 772">Regional</th> <th data-bbox="1235 705 1312 772">Other</th> <th data-bbox="1312 705 1474 772"></th> </tr> <tr> <th data-bbox="472 772 581 852"></th> <th data-bbox="581 772 659 852">CNP</th> <th data-bbox="659 772 737 852">CNA</th> <th data-bbox="737 772 818 852">CNR</th> <th data-bbox="818 772 896 852">CCA</th> <th data-bbox="896 772 974 852">CCP</th> <th data-bbox="974 772 1052 852">CCR</th> <th data-bbox="1052 772 1122 852">CCN</th> <th data-bbox="1122 772 1235 852">CHW</th> <th data-bbox="1235 772 1312 852">CS</th> <th data-bbox="1312 772 1474 852"></th> </tr> </thead> <tbody> <tr> <td data-bbox="472 852 581 1476">Tattoo parlor^a</td> <td data-bbox="581 852 659 1476">NY</td> <td data-bbox="659 852 737 1476">NY</td> <td data-bbox="737 852 818 1476">NY</td> <td data-bbox="818 852 896 1476">NY</td> <td data-bbox="896 852 974 1476">NY</td> <td data-bbox="974 852 1052 1476">NY</td> <td data-bbox="1052 852 1122 1476">NY</td> <td data-bbox="1122 852 1235 1476">CY</td> <td data-bbox="1235 852 1312 1476">N</td> <td data-bbox="1312 852 1474 1476"> 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. </td> </tr> </tbody> </table>											Neighborhood			Community				Regional	Other			CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS		Tattoo parlor ^a	NY	NY	NY	NY	NY	NY	NY	CY	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.
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<u>21.45.166 Tattoo Parlors</u>	<u>The following special development standards shall apply to tattoo parlors, whether as a primary or an accessory use.</u>																																										
A.	<u>No new tattoo parlor use shall be located within five hundred feet (500') of another tattoo parlor, unless granted through an Administrative Use Permit, in accordance with Division IV of Chapter 21.25 and Section 21.52.273(B).</u>																																										
B.	<u>No new tattoo parlor use shall be located within five hundred feet (500') of any public or private primary or secondary school, unless granted through an Administrative Use Permit, in accordance with Division IV of Chapter 21.25 and Section 21.52.273(B).</u>																																										

C.	<u>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).</u>
D.	<u>Service of alcohol, marijuana-based substances, or other controlled substance shall not be permitted in conjunction or within the premises of a tattoo parlor use.</u>
E.	<u>The entrance door and storefront window glazing shall be 100 percent clear and free of obstructions such as signs, window tinting, shelving, or racks.</u>
F.	<u>"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.</u>
G.	<u>The operator of the approved use shall prevent loitering and loud noises around the subject site during and after the hours of business operation.</u>
H.	<u>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.</u>
I.	<u>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.</u>
J.	<u>The proposed business shall be equipped with an audible burglar alarm system and door/window alarm company contacts for added security.</u>
K.	<u>Security cameras providing full camera coverage of all entries 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 Video 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.</u>
L.	<u>The applicant shall comply with all State and County Department of Health Services regulations regarding the establishment of businesses engaged in tattooing, body piercing and permanent cosmetic application. Furthermore, the applicant shall comply with all City of Long Beach Health Department regulations for the establishment of a tattoo parlor.</u>
M.	<u>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).</u>
N.	<u>Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.</u>
O.	<u>Any graffiti found on site must be removed within 24 hours of its appearance.</u>

<p><u>P.</u></p>	<p><u>Provisions in 21.45.166(A) through (P) may be appealed to the City's Zoning Administrator, in accordance with Section 21.10.045.</u></p>
<p>21.52.273 – Tattoo or and Fortunetelling services</p>	<p>A. The following conditions shall apply to tattoo and fortunetelling services:</p> <ol style="list-style-type: none"> 1. No new fortunetelling uses or tattoo parlor uses shall be located within one thousand feet (1,000') of any existing adult entertainment, arcade, fortunetelling, tattoo parlor, or tavern use; and 2. Fortunetelling and tattoo parlors <u>uses</u> shall operate only between the hours of seven (7:00) a.m. and ten (10:00) p.m. <p><u>B. Prior to approval of an Administrative Use Permit for Tattoo Parlors, the Zoning Administrator shall, in addition to findings required in Section 21.25.407, find that:</u></p> <ol style="list-style-type: none"> 1. <u>The proposed tattoo parlor does not introduce new light, noise, or traffic near neighboring sensitive land uses, including residences, businesses, schools, childcare or pre-school facilities, that is beyond normal circumstances in that location.</u>

Zoning Gets Under Your Skin

By Chris Burke

Over the past three years, tattoo parlors and body massage parlors have proliferated rapidly. Once regarded as a novelty popular in warm climates and seedy commercial strips, tattoo parlors have been springing up everywhere, from large commercial strips to the quiet confines of suburbia. Body massage parlors are following close behind and becoming increasingly popular in both cities and suburban areas. This issue of Zoning News discusses the complex issues associated with regulating these businesses.

Tattoo Parlors

Tattooing, by definition, refers to the "method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin" (Denver Municipal Code, Ordinance No. 212-97). This art has existed for centuries, but recently its popularity has increased. Want proof? Watch any professional basketball or football game, or look at any music video and count the number of people donning tattoos. Go to any local mall or college and take notice of arms, shoulders, and legs covered with graphic designs. Tattooing is not limited to the age group between 18 and 25, but it would be safe to assume that it is more prevalent with them than with people over 30.

Tattoo parlors are increasingly locating in suburban areas where commercial regulations may be less stringent.

In the past, tattoos were perceived as a symbol of gang or club affiliation. That perception may still be accurate, but, according to a source at the National Tattoo Association, tattoos are seen as having sex appeal and have become increasingly popular with women. Following a similar growth pattern for spandex in the 1980s, tattoo parlors were initially most popular in warmer climates but eventually expanded throughout the country. Tattoo businesses have also moved from urban commercial strips to smaller suburban areas. This growth in smaller municipalities has caused public officials to rethink their zoning ordinances.

Currently, there is no available estimate concerning the growth or number of tattoo establishments. A source at the Professional

Tattoo Artist Guild, a membership organization for tattoo artists, estimated 1,000 percent growth in the industry over the past five years. Although this figure is high, it suggests how fast the industry has grown. Tattoo parlors are increasingly locating in suburban areas where commercial regulations may be less stringent. States regulate the procedures tattoo parlors must follow, but local governments determine where they may locate. Because tattoo establishments provide a service for a fee, they usually are considered commercial enterprises, though some municipalities classify them differently. Because some tattoo parlors offer other services such as body piercing and drug paraphernalia, it is



Chris Burke

Prominently placed tattoo signs, like this one in suburban Chicago, can either raise eyebrows or pique curiosity.

common for them to be grouped as adult entertainment uses or required to obtain conditional use permits to operate.

Tattoo parlors traditionally have been considered an eccentric, exotic type of business. People have a mental image of the shops, the types of patrons they attract, and where they should be permitted. This mental image often overlooks the fact that tattoo parlors face many of the same restrictions as local clinics. Unlike most commercial businesses, tattoo parlors raise medical and hygiene concerns. Because they use needles and razors, tattoo proprietors handle biohazardous waste and pose potential health hazards.

Tattooing is a minor surgical procedure that uses needles to inject ink under the skin's surface. Because the skin is broken, hygiene is a primary concern not only for the customer and shop owner, but for the municipality as well. Local officials must be concerned with the possible transmission of communicable diseases such as hepatitis and human immunodeficiency virus (HIV). Maintaining the idea that tattooing is a surgical procedure, some cities such as Ocean City, Maryland, and Oak Harbor, Washington, prohibit the practice unless it is performed by a licensed physician or osteopath. Oak Harbor's ordinance clearly states that tattooing

Most ordinances classify legitimate therapeutic massage businesses as those associated with health clubs, physical therapy clinics, full service beauty salons, hotels, and medical facilities.

falls under the practice of medicine because it “penetrates the tissue of human beings,” which falls under the city’s definition of surgery. Oak Harbor regards the prohibition of tattoo parlors as a measure to protect residents’ public health. Ocean City’s ordinance does not clearly state the reasoning for its strict restrictions, but the ordinance is detailed enough to discourage the most immaculate proprietor.

While prohibiting tattoo parlors may seem an extreme regulatory measure, many communities implement legislation with very clear guidelines for operations. For example, the Mission Viejo, California, ordinance prohibits tattooing on certain skin surfaces, lists what type of antiseptic and dressing must be used, addresses sterilization procedures, and states very specific guidelines for equipment, tattooing procedures, and surfaces. In addition, the business owner is required to submit in writing to the state health department the sources of all dyes or inks used in the operation prior to receiving a permit. Though the regulations appear strict, Mission Viejo’s ordinance resembles most ordinances that allow tattoo parlors.

While many regulations are strict, they generally don’t require tattoo artists to have a professional permit to practice unless the ordinance requires physicians or osteopaths to perform the procedure. In fact, there are no official tattoo organizations certifying professionals. Tattoo artists have associations that serve as membership organizations, but artists are not required, for example, to take a minimum number of credit hours in tattoo artistry at their local college. This may not seem significant to someone deciding what color of dragon to install on his or her shoulder, but it is of concern to state officials trying to determine what constitutes a legitimate tattoo business.

Most tattoo artists are not licensed physicians or osteopaths. Therefore, one might conclude that ordinances that require tattoo owners and operators to be licensed in the medical field may as well prohibit them, but that assumption would be wrong. The state of Maryland requires tattoo parlor owners to be licensed physicians or osteopaths, but tattoo parlors operate in College Park, Landover Hills, Prince Frederick, and Silver Spring. This suggests that stringent regulations don’t totally deter such businesses.

For communities that allow tattoo parlors, regulations are similar to those for clinics. Most regulations include strict guidelines for hygiene and for disposing of and sterilizing the necessary equipment. All ordinances reviewed by *Zoning News* require, as a matter of state law, that any patron be at least 18 years of age or in the company of a legal parent or guardian before being tattooed. Tattoo operators must submit their personal medical records to the health department and maintain records of all their clients. Further restrictions require tattoo parlors to adhere to those regulations listed in

the local ordinance for commercial districts. In addition, some ordinances allow the parlors only in light industrial districts or require them to obtain conditional use permits to locate in a commercial district.

Massage Parlors

Massage parlors are also experiencing growth. While many of today’s massage businesses call themselves day spas, massage parlors have not always been popular or viewed in a positive light. Historically, they have been associated with prostitution and fronts for other illicit behavior. In contrast, today’s parlors or spas are providing services for models, corporate executives, athletes, and anyone willing to spend \$100 or more to feel good. Although this business has found a legitimate niche in today’s service industry, the negative image has not totally disappeared.

As the day spas continue to grow and find success within the service industry, the massage industry’s darker side, adult massage parlors, share in the success. How can one distinguish them? Unlike adult theaters and book stores, adult massage parlors will not advertise or appear different on the outside. Just last month as a prank, San Francisco 49ers teammates referred wide



Chris Burke

Massage parlors can be inconspicuously located, like this one that shares a quiet suburban residential area.

receiver Jerry Rice to a massage parlor that was raided by police. Rice mistakenly thought it was a legitimate business until police showed up. This mistake can happen to anyone, including those municipalities trying to regulate massage parlors.

Massage parlors are another business typically found under the adult use umbrella and sometimes are required to have a conditional use permit to operate. As previously reported in *Zoning News* (“Massaging the Regulations,” October 1997), massage parlors can be unwanted in communities because of the difficulty of clearly defining the type of massage permitted. Most ordinances classify legitimate therapeutic massage businesses as those associated with health clubs, physical therapy clinics, full service beauty salons, hotels, and medical facilities. This type of massage presents no problem because it is affiliated with a larger commercial use. However, massage can exist as an exotic adult use with scantily dressed masseuses

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Tattooing and high-risk behavior in adolescents

Pediatrics, Dec. 2002 by Timothy A. Roberts, Sheryl A. Ryan

ABBREVIATION. SD, standard deviation

Tattooing is a common behavior in western society. Ten percent to 16% of adolescents age 12 to 18 and 3% to 9% percent of the general population report having permanent tattoos. (1-4) Despite the frequency of tattooing in adolescents, few studies have looked specifically at this behavior.

The majority of studies on tattooing have focused on the medical complications of having a tattoo applied. The behavioral surveys currently in the literature are in highly selected samples of adolescents and demonstrate inconsistent associations with risk behavior. For example, populations studied to date have been from detention centers, alternative schools, clinic populations, and colleges. These studies have demonstrated a high incidence of sexual risk behavior, violent behavior, substance use, and criminality among those with tattoos (5-9) However, other studies done in high school students and military recruits have not found these associations. (1,2,10) These inconsistent results have made the clinical significance of tattoos in adolescents difficult to determine

In view of the contradictory evidence available on this subject and the increasing frequency of tattooing among youths, this study sought to clarify the clinical significance of tattooing in adolescents. This study examined a large, nationally representative sample of adolescents to answer 3 questions: 1) what is the prevalence of tattooing in adolescents? 2) What are the associations between tattooing and key demographic variables in adolescents? 3) Are tattooing and high-risk behaviors associated with each other in adolescents?

METHODS

Source of Data

This study is a secondary analysis of the National Longitudinal Study of Adolescent Health (Add Health). Add Health is a survey that provides a nationally representative sample of adolescents 11 to 21 years of age. For this survey, adolescents initially were randomly selected from a representative sample of junior and senior high schools and invited to complete 2 waves of in-home surveys approximately 1 year apart in 1995 and 1996. The schools were stratified by size, ethnic composition, region, and neighborhood type. Individual adolescents were stratified by gender and grade. Other groups were intentionally oversampled during the survey process to supplement the nationally representative core sample group. A total of 12,118 adolescents completed the first wave of the in-home survey.

For this study, we used the Add Health public use data set. Although this data set contains 50% of the nationally representative core sample group and 50% of the oversampled group of black adolescents with college-educated parents, only the

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sample size of 6072. Data from wave 1 of the Add Health survey, collected in 1995, were used for analysis, except as noted.

Respondents in 12th grade at wave 1 were not interviewed in wave 2 ($n = 960$). An additional 517 respondents did not complete wave 2 of the survey, leaving a final population of 4595 adolescents for analyses involving wave 2 data. After excluding the adolescents who were in 12th grade at wave 1, the adolescents who completed wave 1 but did not complete wave 2 of the survey were significantly more likely to be male ($P < .001$).

On both waves 1 and 2 of the survey, adolescents were asked to rate how honest they had been while answering the survey using a 4-point scale ranging from "not at all honestly" to "completely honestly." Respondents who reported being "not at all honest" while responding to the survey were excluded from the current study (2.8% of the sample). This group was significantly more likely to be male ($P < .001$), be black ($P < .005$), have lower parental education ($P < .001$), have lower household income ($P < .05$), and live in a single-parent household ($P < .05$). The demographic characteristics of the sample population studied, after excluding those who reported being "not at all honest," are listed in Table 1.

Predictor Variables

The major predictor variable used was the report of the possession of a permanent tattoo. On wave 1 and 2, adolescents who were taking the survey were asked, "Do you have a permanent tattoo? Yes/No." A number of sociodemographic factors were also used as predictor variables, including gender, age (categorized as 11-13 years of age, 14-16 years of age, and 17-21 years of age to correspond to early, middle, and late adolescence), ethnicity (white non-Hispanic, black non-Hispanic, Hispanic, and other), neighborhood type (rural, suburban, and urban), number of parents living in the home (1 or >1), highest level of parental education reported by either parent (less than high school, high school, education beyond high school, and college education or more), and family income (divided into quartiles based on median family income from 1989 census tract data).

Finally, peer substance use was used as a predictor variable. Peer substance use was measured using a 10-point scale created from 3 questions about daily smoking, monthly drinking, and monthly marijuana use in the subject's 3 best friends (scale [α] = 0.76).

Outcome Variables

Several self-reported high-risk behaviors were used as the primary outcome variables. These outcome variables were selected from 4 major areas of high-risk behavior involvement: sexual involvement, substance use, violent behavior, and school problems. Sexual involvement was measured with a single item that measured whether the adolescent had ever had sexual intercourse. Substance use was evaluated using 3 separate items that measured any smoking during the last month, any marijuana use

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- Tattooing, aspects
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tested for any report of involvement in a serious physical fight during the last year, inflicting serious injuries (injuries requiring medical treatment) in the last year, and joining a named gang during the last year. School problems were measured using 2 items that tested for any episode of truancy during the last year and school failure (grade of D or less in English, math, science, or history on the last report card). All variables were scored dichotomously as involvement versus no involvement

Analyses

Descriptive analyses were used to determine the prevalence of tattooing in the sample and the incidence of new tattoo acquisition between waves 1 and 2. To adjust for the large weighted sample size, Add Health sample weights were normalized and recalculated so that the weighted n for a particular sample was equal to the sample size. Bivariate associations between demographic variables and responses to the honesty question, reported tattooing, and outcome risk behaviors as well as the association between tattooing and risk behavior were examined using [chi square] analyses. The relationship between tattooing and peer substance use was examined using an independent sample t test to compare the mean peer substance use score

To determine the independent association between tattooing and risk behaviors, controlling for sociodemographic variables and peer substance use, we developed logistic regression models. All of the demographic variables that were significantly associated at a level of $P > .05$ with any of the risk behaviors were retained in the final models. Before development of the final models, each of the components was tested for multiple colinearity; no correlations high enough to present problems with multicollinearity were found. The model was tested against each of the risk behaviors at wave 1, except for gang membership, which was asked only on wave 2. For gang membership, a separate logistic regression model was developed using wave 2 data following the procedure outlined above. The descriptive analyses, [chi square] analyses, independent sample t test, and logistic regressions were performed using SUDAAN (11) to account for the clustered sampling design of the Add Health survey. Because of the large sample size and the large number of associations examined, the level of significance for all tests was set at $P < .01$.

RESULTS

Prevalence of Tattooing

Permanent tattoos were reported by 270 (4.6%) of the 5837 adolescents in wave 1. Between waves 1 and 2 of the survey, approximately 1 year later, 131 (3.0%) of the 4379 adolescents in wave 2 reported acquiring a tattoo for the first time. The average age of tattoo acquisition between waves 1 and 2 was 16.8 years (standard deviation [SD], 1.4).

Demographic Correlates of Tattooing

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Tattooing and high-risk behavior in adolescents

Pediatrics, Dec. 2002 by Timothy A. Roberts, Sheryl A. Ryan

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Older adolescents were significantly more likely to be tattooed (0.5% in the youngest adolescents and 7.6% in the oldest adolescents; $P < .001$). Adolescents from single-parent households were twice as likely to be tattooed (6.4% vs 3.2%, $P < .001$). Adolescents whose families were in the lowest income quartile were significantly more likely to be tattooed (6.8%; $P < .001$), and adolescents with families in the highest income quartile were significantly less likely to be tattooed (3.2%; $P < .005$). The prevalence of tattooing also varied significantly with the level of parental education. Adolescents whose parent had a high school education or less were more likely to be tattooed (7.0% and 5.7%; $P < .01$), and adolescents whose parent had a college education or more were less likely to be tattooed (2.4%; $P < .001$). Gender, ethnicity, and the neighborhood type were not significantly associated with tattooing (Table 2).

Tattooing was also significantly associated with higher levels of peer substance use. Nontattooed adolescents reported an average peer substance use score (on a scale of 0-9) of 2.4 (SD 2.6), whereas tattooed adolescents reported an average score of 5.1 (SD 2.8; $P < .001$). In our sample, 34.6% of nontattooed versus 55.5% of tattooed adolescents reported that none of their 3 best friends was a daily smoker or had used alcohol or marijuana in the last month. Conversely, 3.5% of nontattooed and 11.6% of tattooed adolescents reported that all 3 of their 3 best friends were daily smokers and had used alcohol and marijuana in the last month (data not shown).

Tattooing and Risk Behaviors

In bivariate analysis (Table 3), significant associations were found between tattooing and all of the high-risk behaviors that we examined ($P < .001$ for all associations). For example, in the area of sexual activity, 83% of tattooed adolescents reported a history of sexual intercourse compared with 36% of nontattooed adolescents. In the area of substance use, 63% of tattooed and 26% of nontattooed adolescents reported smoking in the last 30 days. Fifty-four percent of tattooed adolescents and only 32% of nontattooed adolescents reported involvement in a serious physical fight during the last year. Finally, in the area of school problems, 60% of tattooed adolescents reported a history of school truancy compared with only 26% of nontattooed adolescents.

In logistic regression analyses adjusting for socio-demographic variables and peer substance use, tattooed adolescents were significantly more likely to report high rates of involvement in all of the risk behaviors examined (Table 4). Sexual intercourse and gang membership had the strongest relationships with tattooing. Tattooed adolescents were 4 times more likely to have ever had sexual intercourse and almost 3 times more likely to have been initiated into a named gang in the last year compared with adolescents without tattoos. Smaller associations were found with marijuana use in the last month, being involved in a serious physical fight in the last year, and having a grade of D or less on the last report card. For these behaviors, tattooed adolescents were almost twice as likely as nontattooed adolescents to report involvement.

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DISCUSSION

This study demonstrates that tattooing is a common behavior among adolescents and is strongly related to a wide variety of behaviors that put adolescents at risk for morbidity and mortality. Tattooed adolescents report greater involvement in sexual intercourse, higher levels of substance use by their peers and by themselves, significantly higher levels of violence perpetration, and more frequent school problems than their nontattooed peers.

Previous studies that examined the associations between tattooing and adolescent risk behavior have been done in smaller biased samples and have demonstrated mixed associations between tattooing and a variety of risk behaviors. (1,2,5-10) This is the first study to use a large, nationally representative sample of adolescents to examine the association between tattooing and high-risk behavior in adolescents. This work provides a more generalizable picture of the prevalence of tattooing and the behavioral context of tattooing in adolescents than previous work in this area

Behaviors related to sexuality, substance use, violence, and school failure during adolescence are widely known to have significant immediate consequences as well as repercussions that continue long into adulthood. (12) Identifying adolescents who are at risk for these behaviors, because of their environment, peer group, or other factors, and preventing the consequences of these behaviors are the focus of preventive efforts in the clinical care of adolescents. (13) Given the strong links between tattooing and high-risk behavior found in this study, tattooing in an adolescent can serve as a useful, easily visible, clinical marker that may identify adolescents who are at a higher risk for engaging in risk behavior.

Several limitations to this study must be noted. First, this survey was school based and surveyed only those adolescents who were enrolled in school at the beginning of the recruitment process. Because many of the risk behaviors studied are associated with school difficulty and dropping out of school, this survey may underestimate the level of risk behaviors present in the general adolescent population. Second, this study uses self-reported data, and it is unknown how reliable adolescent reports of tattoo possession and risk behavior involvement are in the survey used here. This issue was addressed during the data collection by the use of a self-administered computer-assisted survey technique for the sensitive areas of the survey, a method that has been shown to maximize confidentiality of these responses and disclosure of sensitive information. (14) This study also made use of the self-reported "honesty question" provided on the survey to exclude adolescents who reported dishonesty when answering the survey. Third, the data for this study were collected in 1995 and may not reflect the current prevalence or behavioral context of tattooing in adolescents. In our study, 4.5% of adolescents reported having tattoos, which is lower than the rate reported in studies done concurrently (1,2) and much lower than more recent studies. (3,8,9) The difference in the frequency of tattooing found in our study and other studies of tattooing in adolescents done during the same time period may reflect differences in the way the data were collected. Previous studies on tattooing in adolescents in the mid-1990s were conducted in convenience samples, (1,2) which may be biased toward

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and behavioral associations of tattooing among adolescents at the time these data were collected in 1995. In more recent studies, the frequency of tattooing among adolescents is much higher than was found in our study (3,8,9). This probably reflects a combination of data collection methods and an actual increase in the frequency of tattooing among adolescents. This raises the concern that as tattooing has become more common, the associations with risk behavior may have become less strong. However, another study of risk behavior and tattooing among adolescents by Carroll et al. (9) completed in 2001, reported a much higher rate of tattooing (13.1%) but had similar strong associations among tattooing, substance use, and sexual behavior. Finally, this study examined only the presence or absence of tattooing and did not examine the details of the individual tattoo, such as how the tattoo was obtained, whether the adolescent had parental consent before obtaining the tattoo, tattoo meaning, age the tattoo was obtained, or the location of the tattoo. Of particular concern is the lack of information about how the tattoo was applied because several studies have suggested a higher rate of risk behavior associated with amateur tattooing as compared with professionally applied tattoos. (2,7,9) Despite these limitations, however, the representative sample of adolescents used in this study adds significantly to previously published studies in this area and provides a more generalizable picture of the prevalence of tattooing and the behavioral context of tattooing in adolescents.

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Continued from page 2.

It is important to note that this research was done in a junior and senior high school-age population and reflects the behavioral context of tattooing in this group only and does not generalize to tattooing in other age groups. Also, although it may be tempting to conclude that all tattooed adolescents engage in high-risk behavior, our data serve only to support the higher likelihood of tattooed adolescents being involved in such behaviors. Clearly, the observation of a tattoo is no substitute for skillful clinical interviewing done in a supportive and nonjudgmental manner. Observation of a tattoo should be used in the same way that observation of clothing, hair, demeanor, and other aspects of appearance can be used to supplement the clinical interview. Each of these aspects of appearance is primarily under an adolescent's control and reflects the image that he or she is projecting to the world. Observing and seeking to understand the image that an adolescent is projecting may provide important clues as to how an adolescent views his or her role in the world and can be valuable in tailoring a clinical encounter to best serve the adolescent's health needs, particularly as they relate to counseling about behavior.

Future Directions

Additional research into the relationship between risk behaviors and the details of the tattoo, such as age of first tattoo, amateur tattooing, meaning of the tattoo, and the presence of other types of body modification such as body piercing, should provide useful details in the clinical setting and is an important area for additional investigation. Also, additional research is needed to identify the mechanisms responsible for the links between possession of a tattoo in an adolescent and increased risk behavior. In our study, we hypothesized that sociodemographic factors or peer affiliation would mediate the relationship between tattooing and high-risk behavior, however, even after adjusting for these factors, tattooing still had strong independent associations with all of the risk behaviors that we examined. One potential mechanism would be lower levels of parental monitoring and poor communication with parents. This is suggested by previous studies that found that the majority of adolescents who have tattoos did not get parental permission or discuss getting a tattoo with their parents before they acquired the tattoo. (1-3) In 2 of these studies, 40% to 60% of the tattooed adolescents reported that their parents still were unaware of the tattoo. (1,2) Given the strong association between low parental monitoring and risk behavior, this could be a strong potential mediating factor. (15)

CONCLUSION

Tattooing is a common behavior among adolescents and has strong associations with early sexual intercourse, substance use, interpersonal violence, and school failure. These risk behaviors account for the majority of the morbidity and mortality seen in adolescents. Tattooing may serve as a permanent, easily detachable, visual marker for an adolescent who is at risk for involvement in premature sexual intercourse, substance

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examination of an adolescent should prompt a more intensive assessment for high-risk behaviors and subsequent counseling during clinical office visits

TABLE 1 Demographics of the Sample Population

Sociodemographic Group	N (Weighted %)
Gender (n = 5827)	
Male	2776 (48)
Female	3051 (50)
Ethnicity (n = 5832)	
White	3743 (70)
Black	1069 (14)
Hispanic	697 (12)
Other	323 (5)
Age (n = 5837)	
11-12 y	489 (9)
14-16 y	2723 (49)
17-21 y	2565 (42)
Neighborhood type (n = 5726)	
Rural	1659 (27)
Suburban	2138 (35)
Urban	1929 (34)
Family composition (n = 5723)	
1 parent	1771 (30)
2 or more parents	3952 (70)
Highest level of parental education (n = 5519)	
Less than a high school diploma	614 (11)
High school diploma	1742 (33)
Some college	1156 (21)
College graduate or higher	2006 (39)

TABLE 2. Prevalence of Tattooing, by Demographic Variables

Demographic Variable	Proportion of Adolescents in Each Group with Tattoos (Weighted %)
Gender	
Male	137/2776 (4.8%)
Female	133/3051 (4.2%)
Ethnicity	
White	152/3743 (4.1%)
Black	43/1069 (4.4%)
Hispanic	51/697 (6.6%)
Other	18/323 (5.1%)
Age	

RELATED TO

- Tattooing, aspects
- Tattooing, aspects
- Youth / De aspects
- Risk-taking (Psychology) Demographic

17-21 y	125/2505 (7.6%)
Number of parents in household	
2 or more parents	131/3952 (3.3%) *
1 parent	116/1771 (6.6%)
Family income by quartiles	
Lowest quartile	90/1423 (6.3%) *
Second quartile	60/1373 (4.4%)
Third quartile	57/1381 (4.1%)
Fourth quartile	63/1660 (3.8%)
Highest level of parental education	
Less than a high school diploma	42/614 (7.0%) *
High school diploma	102/1744 (5.9%)
Some college	42/1155 (3.6%)
College graduate or higher	20/2006 (1.0%)
Neighborhood type	
Rural	69/1650 (4.2%)
Suburban	89/2138 (4.2%)
Urban	101/1929 (5.2%)

* $P < .001$

TABLE 3. Bivariate Analysis: Association of Tattooing with Risk Behaviors

Risk Behavior	Proportion of Tattooed Adolescents Engaging in the Risk Behavior (Weighted %)	Proportion of Nontattooed Adolescents Engaging in the Risk Behavior (Weighted %)
Sexual intercourse *	224/268 (83.4)	2042/5521 (36.8)
Substance use		
Binge drinking *	208/267 (78.4)	2542/5555 (45.5)
Smoking *	168/268 (63.7)	1379/5535 (25.5)
Marijuana use *	104/261 (37.6)	644/5495 (12.2)
Violent behavior		
Fighting *	139/269 (53.0)	1731/5561 (31.0)
Inflicted injuries *	96/265 (37.0)	945/5555 (17.4)
Joined gang *	34/265 (13.9)	147/4077 (3.7)
School problems		
Truancy *	148/247 (60.2)	1451/5460 (26.1)
School failure *	125/240 (51.6)	1502/5317 (28.7)

* $P < .001$.

TABLE 4. Logistic Regression: Independent Association of Tattooing with Risk Behaviors

Risk Behaviors

Non-tattooed
(OR 195; CI)

Sexual intercourse	6.0 (2.6-13.2) (double dagger)
Substance use	
Smoking	2.3 (1.5-3.5) (double dagger)
Marijuana use	1.7 (1.2-2.5) *
Binge drinking	1.9 (1.2-2.9) *
Violent behavior	
Fighting	1.7 (1.5-2.4) (dagger)
Inflicted injuries	2.1 (1.5-3.0) (dagger)
Joined gang	2.8 (1.7-4.6) (double dagger)
School problems	
Truancy	2.1 (1.5-3.0) (double dagger)
Failing school	1.7 (1.2-2.4) (dagger)

OR indicates odds ratio, CI, confidence interval.

* P < .01.

(dagger) P < .005.

(double dagger) P < .001.

ACKNOWLEDGMENTS

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We thank Peggy Avinger, MS, for assistance with data management and analysis and Sean Carroll, MD, for assistance with the development of this project.

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Timothy Roberts is on active duty with the US Navy, the views expressed in this article are those of the authors and do not necessarily reflect the official policy or position of the Department of the Navy, Department of Defense, or the United States government

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EXHIBIT D

City of Long Beach, CA

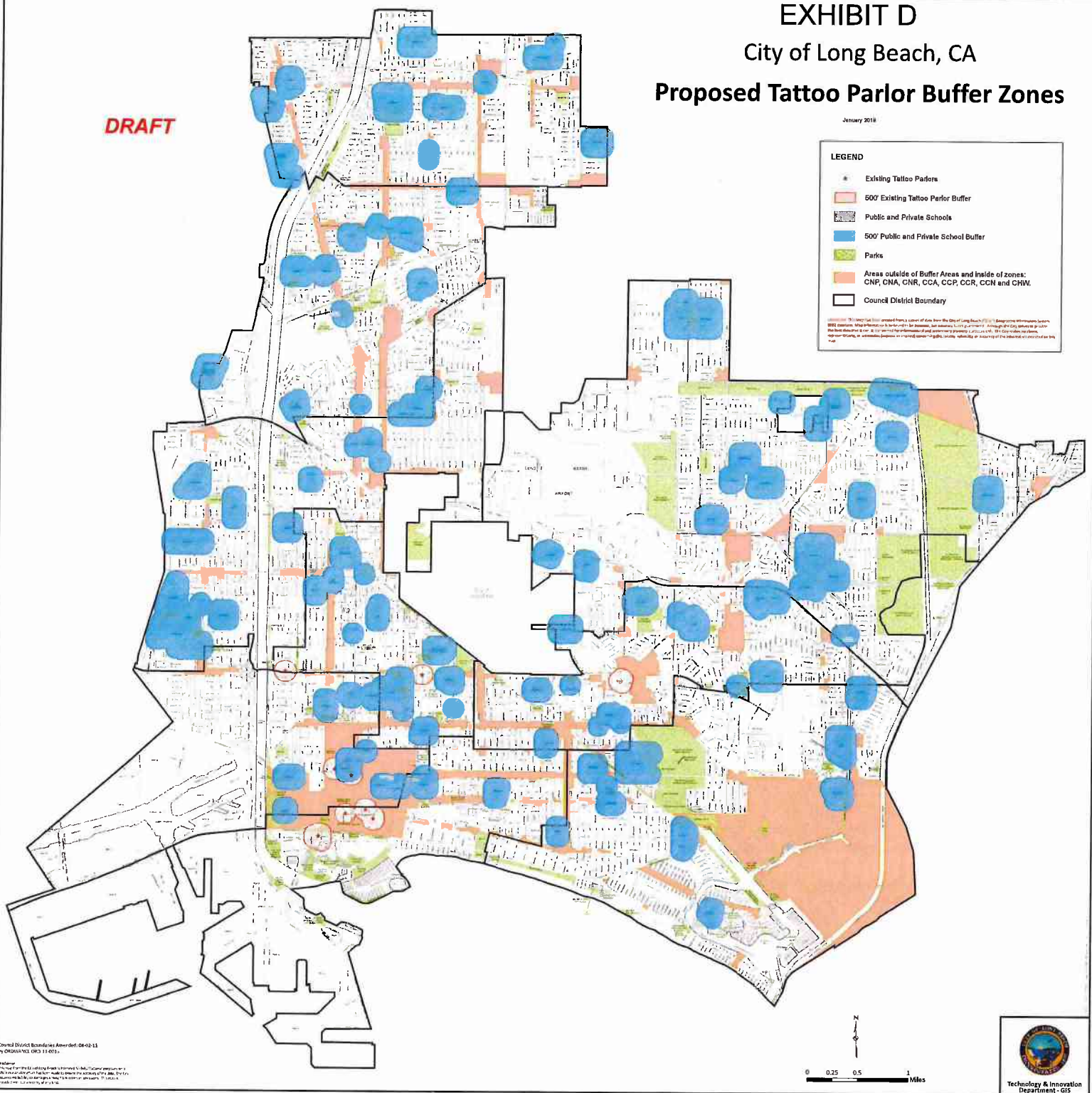
Proposed Tattoo Parlor Buffer Zones

January 2018

LEGEND

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

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Council District Boundaries Approved: 04-02-11
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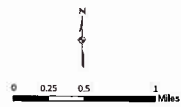


EXHIBIT E



City of Long Beach
Tattoo Parlor Ordinance

NEGATIVE DECLARATION

ND 04-17

Prepared by:

City of Long Beach
Department of Development Services
Planning Bureau

INITIAL STUDY

Project Title:

City of Long Beach Tattoo Parlor Ordinance

Lead agency name and address:

City of Long Beach
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Contact person and phone number:

Craig Chalfant, Senior Planner
(562) 570-6368

Project Location:

City of Long Beach, County of Los Angeles, California.

Project Sponsor's name and contact information:

City of Long Beach, Long Beach Development Services
c/o Christopher Koontz
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802
(562) 570-6288

General Plan:

The proposed Tattoo Parlor Ordinance would cover all General Plan Land Use Districts that apply to any commercial zoning district or Planned Development (PD) district in the City of Long Beach.

Zoning:

The proposed Ordinance applies to all commercial zoning districts, except the CS Commercial Storage district, and all Planned Development districts that permit commercial land uses in the City of Long Beach.

Project Description:

The proposed project involves a revision to the City of Long Beach Zoning Code definition of tattoo parlor, amendment of the Zoning Code to allow tattoo parlors as a permitted use by-right in all commercial zoning districts allowing commercial land uses (except the CS Commercial Storage district), establishment of new special development standards for tattoo parlors, removal of tattoo parlor land use specific conditions from the City of Long Beach Zoning Code Chapter 21.52 Conditional Uses, and establishment of a new Zoning Clearance Process for land uses that are permitted by-right. These project components are further discussed below.

The City of Long Beach Zoning Code Section 21.15.2990, Tattoo Parlor, would be amended to specifically exclude land uses involving the application of permanent cosmetics, when applied by a licensed dermatologist on premises licensed as a dermatological office, from this land use definition.

Tattoo parlors are currently a prohibited land use in all commercial zoning districts, except the CHW Regional Highway District, CH High Commercial District, and CT Tourist and Entertainment Commercial District. The CHW, CH and CT currently require approval of a Conditional Use Permit for the establishment of any new tattoo parlor land uses. This project would allow tattoo parlors as a permitted land use by-right in all commercial zoning districts, except the CS Commercial Storage district, subject to special development standards. The CS district would continue to classify tattoo parlors as a prohibited land use. In addition, tattoo parlors would be allowed as a permitted land use by-right in all Planned Development (PD) districts that allow commercial land uses, subject to special development standards.

As part of this project proposal, the City of Long Beach Zoning Code would be amended to establish special development standards for the operation of tattoo parlor land uses. These special development standards would be set forth in a new Zoning Code Chapter.

This project proposal also includes removal of all reference to tattoo parlors from Zoning Code Section 21.52.273. This Zoning Code Section would thereafter only apply to fortunetelling services. Finally, this project would include a new Section to Zoning Code Chapter 21.25 for a new zoning clearance process.

Surrounding land uses and settings:

The City of Long Beach is adjacent to the following municipalities: City of Los Angeles (Wilmington, Port of Los Angeles), Carson, Compton, Paramount, Bellflower, Lakewood, Hawaiian Gardens, Cypress, Los Alamitos and Seal Beach. It is also adjacent to the unincorporated communities of Rancho Dominguez and Rossmoor. In addition, the City of Signal Hill is completely surrounded by the City of Long Beach.

Public agencies whose approval is required:

Long Beach Planning Commission (recommend City Council adopt Negative Declaration 04-17 and approve the Tattoo Parlor Ordinance)

Long Beach City Council (adopt Negative Declaration 04-17 and approve the Tattoo Parlor Ordinance)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Population and Housing
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Public Services
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Recreation
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Noise	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Craig Chalfant
Senior Planner

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are supported adequately by the information sources a lead agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration; Less Than Significant With Mitigation Incorporation” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration (per Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effect were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Supporting information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) The explanation of each issue should identify:
 - a) The significance criteria or threshold. If any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS

a. Would the project have a substantial adverse effect on a scenic vista?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed Tattoo Parlor Ordinance (TPO) would not result in significant adverse effects to any scenic vistas or public views of scenic vistas. The City topography is relatively flat, with scenic vistas of the ocean to the south and Palos Verdes to the west. In addition, distant views of the San Gabriel and San Bernardino Mountains to the north as well as the Santa Ana Mountains to the east are occasionally available to the public on days of clear visibility (primarily during the winter months).

The TPO involves amendments to the City's Zoning Code regarding the regulation of tattoo parlor land uses and the processing of non-residential land uses that are permitted by-right. Implementation of the proposed TPO would allow for the orderly operations of tattoo parlors in a manner providing greater public protection from potential adverse effects of such land use operations (i.e., noise, loitering). This proposed project would not result in any negative impacts to the City's visual environment. Therefore, no further analysis of this environmental issue is necessary.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

There are no State scenic highways located within the City. No scenic resources, trees or rock outcroppings would be damaged as a result of TPO implementation. There would therefore be no impact to any natural scenic resource and no further analysis is required.

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section I.a. and b. above for discussion.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

All future tattoo parlor land use operations and other permitted by-right non-residential land uses would be required to comply with all applicable regulations, including Long Beach Municipal Code Chapter 9.37 (Long Beach Nuisance Code). Since TPO implementation would not directly or indirectly create any adverse light or glare impacts, no further analysis is required.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections II. a., b. and c. - There are no agricultural zones within the City of Long Beach, which is a fully urbanized community that has been built upon for over half a century. The TPO would have no effect upon agricultural resources within the City of Long Beach or any other neighboring city or county.

III. AIR QUALITY

The South Coast Air Basin is subject to some of the worst air pollution in the nation, attributable to its topography, climate, meteorological conditions, large population base, and dispersed urban land use patterns.

Air quality conditions are affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric forces such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, determine how air pollutant emissions affect air quality.

The South Coast Air Basin has a limited capability to disperse air contaminants because of its low wind speeds and persistent temperature inversions. In the Long Beach area, predominantly daily winds consist of morning onshore airflow from the southwest at a mean speed of 7.3 miles per hour and afternoon and evening offshore airflow from the northwest at 0.2 to 4.7 miles per hour with little variability between seasons. Summer wind speeds average slightly higher than winter wind speeds. The prevailing winds carry air contaminants northward and then eastward over Whittier, Covina, Pomona and Riverside.

The majority of pollutants found in the Los Angeles County atmosphere originate from automobile exhausts as unburned hydrocarbons, carbon monoxide, oxides of nitrogen and other materials. Of the five major pollutant types (carbon monoxide, nitrogen oxides, reactive organic gases, sulfur oxides, and particulates), only sulfur oxide emissions are produced mostly by sources other than automobile exhaust.

a. Would the project conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Southern California Association of Governments (SCAG) has determined that if a project is consistent with the growth forecasts for the subregion in which

it is located, it is consistent with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP), and regional emissions are mitigated by the control strategies specified in the AQMP. Since the TPO does not propose any specific developments or growth inducing projects that would conflict with the SCAG growth forecasts, it would be consistent with the AQMP and therefore no further analysis is required.

b. Would the project violate any air quality standard or contribute to an existing or projected air quality violation?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

TPO implementation would not significantly lower air quality standards or contribute to an air quality violation. Therefore, the TPO impact on air quality would be less than significant and no further environmental analysis is required.

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections III.a. and b. above for discussion.

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The CEQA Air Quality Handbook defines sensitive receptors as children, athletes, elderly and sick individuals that are more susceptible to the effects of air pollution than the population at large. Facilities that serve various types of sensitive receptors, including, schools, hospitals, and senior care centers, are located throughout the City. The TPO proposes special development standards for tattoo parlors that include minimum locational distances from schools and public parks. Please see Sections III.a. and b. above for further discussion.

e. Would the project create objectionable odors affecting a substantial number of people?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Potential sources of odors during construction include use of architectural coatings and solvents, and diesel-powered construction equipment. SCAQMD Rule 1113 limits the amount of volatile organic compounds (VOCs) from architectural coatings and solvents, which lowers odorous emissions.

The TPO would not allow land uses that could directly or indirectly result in any significant adverse odors or intensification of odors beyond those typically associated with construction activities. No further environmental analysis is necessary.

IV. BIOLOGICAL RESOURCES

a. Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Wildlife habitats within the City are generally limited to parks, nature preserves, and water body areas. The TPO would not promote activities that would remove or impact any existing or planned wildlife habitats. No further environmental analysis is required.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Land uses subject to this proposed project would occur in established urbanized areas and would not remove or impact any riparian habitat or other sensitive natural communities. No further environmental analysis is required.

- c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Future TPO implementation would occur in established urbanized areas and would not promote or involve alteration of any protected wetland areas. No further environmental analysis is required.

- d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Future TPO implementation would occur in established urbanized areas and would not alter or adversely impact any native resident or migratory fish or wildlife species, corridors or nursery sites. No further environmental analysis is required.

- e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

TPO implementation would be consistent with the General Plan and in conformity with all local policies and regulations. It would not alter or

eliminate any existing or future policy or ordinance protecting biological resources. No further environmental analysis is required.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not have any adverse effects on any existing or future habitat conservation plans. Please see Sections IV.a. through e. above for further discussion.

V. CULTURAL RESOURCES

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City of Long Beach is an urbanized community and nearly all properties within the City (with the exception of areas such as protected park lands) have been previously disturbed and/or developed. The TPO would not promote, encourage or enable projects or activities that could remove, degrade or in any way adversely impact local historic resources. No further environmental analysis is required.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would establish special development standards for tattoo parlor land uses and a zoning clearance process for certain land uses permitted by-right. TPO implementation would not result in any specific construction activities involving extensive excavation, and therefore would not be anticipated to affect or

destroy any archaeological resources due its geographic location. Please see Section V.a. above for further discussion.

c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO does not propose any projects that would be anticipated to result in extensive excavation that could adversely impact any paleontological resources or geologic features. Please see Sections V.a. and b. above for further discussion.

d. Would the project disturb any human remains, including those interred outside of formal cemeteries?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO does not propose any projects that would involve extensive excavation that could result in the disturbance of any designated cemetery or other burial ground or place of interment. Please see Sections V.a. through c. above for further discussion.

VI. GEOLOGY AND SOILS

a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per Plate 2 of the Seismic Safety Element of the General Plan, the most significant fault system in the City is the Newport-Inglewood fault zone. This fault zone runs in a northwest to southeast angle across the southern half of the City.

All land uses subject to the provisions of this project would be required to comply with applicable building codes that account for the possibility of seismic events. No further environmental analysis is necessary.

ii) Strong seismic ground shaking?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Newport-Inglewood fault zone could create substantial ground shaking if a seismic event occurred along that fault. Similarly, a strong seismic event on any other fault system in Southern California has the potential to create considerable levels of ground shaking throughout the City. However, numerous variables determine the level of damage to a specific location. Given these variables, it is not possible to determine the level of damage that may occur on the site during a seismic event. All land uses must conform to all applicable State and local building codes relative to seismic safety. Please see Section VI.a.i. above for further discussion.

iii) Seismic-related ground failure, including liquefaction?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per Plate 7 of the Seismic Safety Element, most of the City is located in areas of either minimal or low liquefaction potential. The only exceptions are in the southeastern portion of the City, where there is significant liquefaction potential, and the western portion (most of the area west of Pacific Avenue and south of the 405 freeway), where there is either moderate or significant liquefaction potential. Please see Section VI.a.i. above for further discussion.

iv) Landslides?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per the Seismic Safety Element, the City is relatively flat and characterized by slopes that are not high (less than 50 feet) or steep (generally sloping flatter than

1-1/2:1, horizontal to vertical). The State Seismic Hazard Zone map of the Long Beach Quadrangle indicates that the lack of steep terrain (except for a few slopes on Signal Hill and Reservoir Hill) results in only about 0.1 percent of the City lying within the earthquake-induced landslide zone for this quadrangle. Therefore, no impact would be expected and no further environmental analysis is required. Please see Section VI.a.i. above for further discussion.

b. Would the project result in substantial soil erosion or the loss of topsoil?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

All land uses subject to the regulations of this proposed project would be required to adhere to all applicable construction standards regarding erosion control, including best management practices to minimize runoff and erosion impacts from earth-moving activities such as excavation, recontouring and compaction. No further environmental analysis is necessary.

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VI.b. above for discussion. All land uses subject to the regulations of this project would be constructed in compliance with all applicable building code requirements regarding soil stability.

d. Would the project be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections VI.b. and c. above for explanation.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The entire City is served by an existing sewer system and therefore has no need for septic tanks or any other alternative wastewater disposal systems. No further environmental analysis is required.

VII. GREENHOUSE GAS EMISSIONS

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 400 million tons of carbon dioxide per year. Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit over the next century. Methane is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The TPO would not result in direct or indirect GHG impacts, but rather would establish special development standards for tattoo parlors and processing requirements for certain land uses permitted by-right. No further environmental analysis is needed.

b. Would the project conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VII.a. above for discussion. The proposed project would not permit any land use operations that would conflict with any plans, policies or

regulations related to the reduction of greenhouse gas emissions. No further environmental analysis is needed.

VIII. HAZARDS AND HAZARDOUS MATERIALS

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The types of land uses which would be subject to the provisions of this proposed project would not be anticipated to involve any substantial transport, use or disposal of any hazardous materials. In addition, any future handling and disposal of hazardous or potentially hazardous materials would be in full compliance with Long Beach Municipal Code Sections 8.86 through 8.88 as well as all existing State safety regulations. No further environmental analysis is required.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VIII.a. above for discussion.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VIII.a. above for discussion.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code

Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. All future land uses that would be regulated by the provisions of this proposed project would be subject to separate CEQA review that would include analysis of information from the Cortese List. Please see Section VIII.a. above for further discussion.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Long Beach Airport is located within the City, just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. The TPO would not alter air traffic patterns or encourage future projects that could conflict with established Federal Aviation Administration (FAA) flight protection zones. All future development in the vicinity of the Long Beach Airport would be in compliance with all applicable local and FAA requirements. Please see Section VIII.a. above for further discussion.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

There are no private airstrips located within or adjacent to the City. No further environmental analysis is required.

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not encourage or otherwise set forth any policies or recommendations that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No further environmental analysis is required.

h. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City is a highly urbanized community and there are no properties located adjacent to wild lands and there is no risk of exposing people or structures to a significant risk of loss, injury or death involving wild land fires. No further environmental analysis is required.

IX. HYDROLOGY AND WATER QUALITY

The Federal Emergency Management Agency (FEMA) has produced a series of Flood Insurance Rate Maps (FIRMs) designating potential flood zones (based on the projected inundation limits as well as the 100-year flood as delineated by the U.S. Army Corps of Engineers).

a. Would the project violate any water quality standards or waste discharge requirements?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would be consistent with all chapters of the General Plan, including the Conservation Element. All land uses subject to the TPO provisions would be required to be in full compliance with all applicable federal, State and local water quality standards and regulations. No further environmental analysis is required.

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX.a. above for discussion. The City is a highly urbanized community with the water system infrastructure fully in place to accommodate future development consistent with the General Plan.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed TPO does not encourage or enable any alterations to existing drainage patterns or to the course of streams or rivers. Please see Section IX.a. above for further discussion.

d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections IX.a. and c. above for discussion.

e. Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections IX.a. and c. above for discussion. The City's existing storm water drainage system is adequate to accommodate runoff from any future land uses subject to the TPO provisions. The TPO would not adversely affect provisions for retention and infiltration of stormwater consistent with the City's Low Impact Development (LID) policies.

f. Would the project otherwise degrade water quality?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections IX.a. and c. above for discussion. All future land uses subject to the TPO provisions would be subject to all applicable water quality standards, regulations and best management practices.

g. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

According to the Federal Emergency Management Agency (FEMA), most of Long Beach is located in Zone X, which is outside of the 100 year flood hazard area. The proposed project applies to certain permitted by-right land uses only and would not directly or indirectly result in placing any residential land uses in flood hazard areas.

h. Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX.g. above for discussion.

i. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX.g. above for discussion. The City of Long Beach is not located in the proximity of a levee or dam.

j. Would the project result in inundation by seiche, tsunami or mudflow?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

According to Plate 11 of the Seismic Safety Element, the majority of Long Beach is not within a zone influenced by the inundation of seiche, tsunami, or mudflow. Potential tsunami hazards would be limited to properties and public improvements near the coastline. The proposed project would not result in any increased risk of inundation to any properties. Please see Section IX.g. for further discussion.

X. LAND USE AND PLANNING

a. Would the project physically divide an established community?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO establishes processing procedures for certain types of land uses and special development standards for tattoo parlors. These proposed regulations would not directly or indirectly divide any established community, but rather would provide controls on tattoo parlor land use operations that would protect the surrounding community from potential adverse effects (i.e., noise, loitering). No further environmental analysis is required.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section X.a. above for discussion. The TPO would not conflict the City's General Plan, the 2010 Strategic Plan, or any other applicable land use plans and policies. Impacts to existing local regulations would therefore be less than significant.

c. Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Sections X.a. and b. above for discussion. The City is a highly urbanized environment characterized by in-fill development projects that recycle previously developed properties. No habitat conservation plan or natural communities conservation plan would be impacted by project implementation.

XI. MINERAL RESOURCES

Historically, the primary mineral resources within the City of Long Beach have been oil and natural gas. However, oil and gas extraction operations have diminished over the last century as the resources have become depleted. Today, extraction operations continue but on a reduced scale compared to past levels.

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO does not propose any alteration of local mineral resource land uses and there are no mineral resource activities that would be altered or displaced by implementation. No further discussion is required.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XI.a. above for discussion.

XII. NOISE

Noise is defined as unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence.

Some land uses are considered more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. Residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, parks and outdoor recreation areas are more sensitive to noise than are commercial and industrial land uses.

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Future construction activities related to land uses subject to the provisions of this project could involve various types of short-term noise impacts from trucks, earth-moving equipment, and paving equipment. However, all construction activities and land use operations must be performed in compliance with the City's Noise Ordinance (Long Beach Municipal Code Section 8.80). TPO implementation would not alter the Noise Ordinance provisions or exempt any future land uses or improvement projects from local noise controls. The local Noise Ordinance would continue to regulate all future land use construction and operational noise levels. No further environmental analysis of this issue is necessary.

b. Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XII.a. above for discussion. All future TPO implementation would occur in compliance with local noise and vibration controls.

c. Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XII.a. above for discussion. TPO special development standards include a prohibition against loud noises around the subject site during and after the hours of business operation.

d. Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Sections XII.a. and c. above for discussion.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Long Beach Airport is located within the City just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. All future development in the vicinity of the Long Beach Airport would be in compliance with all applicable local and FAA requirements. The TPO would not alter air traffic patterns or encourage developments that could conflict with established Federal Aviation Administration (FAA) flight protection zones. No further environmental analysis is necessary.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area excessive noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

There are no private airstrips located within or adjacent to the City. No further environmental analysis is required.

XIII. POPULATION AND HOUSING

The City of Long Beach is the second largest city in Los Angeles County. At the time of the 2000 Census, Long Beach had a population of 461,522, which was a 7.5 percent increase from the 1990 Census. The 2010 Census reported a total City population of 462,257.

a. Would the project induce substantial population growth in an area, either directly or indirectly?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO only sets forth processing procedures for permitted by-right land uses and special development standards for tattoo parlors. It is not intended to directly or indirectly induce population growth. No further environmental analysis is required.

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO does not set forth or encourage any policies, projects or implementation measures that would directly or indirectly displace existing residential units in the City. No further environmental analysis is required.

c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XIII.b. above for discussion. The TPO does not set forth or encourage any policies, projects or implementation measures that would directly or indirectly displace people residing in the City.

XIV. PUBLIC SERVICES

Fire protection would be provided by the Long Beach Fire Department. The Department has 23 stations in the City. The Department is divided into bureaus of Fire Prevention, Fire Suppression, the Bureau of Instruction, and the Bureau of Technical Services. The Fire Department is accountable for medical, paramedic, and other first aid rescue calls from the community.

Police protection would be provided by the Long Beach Police Department. The Department is divided into bureaus of Administration, Investigation, and Patrol. The City is divided into four Patrol Divisions: East, West, North and South.

The City of Long Beach is served by the Long Beach Unified School District, which also serves the City of Signal Hill, Catalina Island and a large portion of the City of Lakewood. The District has been operating at or over capacity during the past decade.

Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO only sets forth processing procedures for permitted by-right land uses and special development standards for tattoo parlors. It is not intended to directly or indirectly induce population growth that could result in increased demand for fire protection services or fire protection facilities. No further environmental analysis is required.

b. Police protection?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XIV.a. above, the TPO would not significantly increase demands for police protection service, nor require provision of new police facilities.

c. Schools?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XIV.a. above, the TPO would not result in an increased demand for public school services or facilities.

d. Parks?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XIV.a. above, the TPO would not generate any additional demand for provision of park services or facilities by the City.

e. Other public facilities?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

No other impacts have been identified that would require the provision of new or physically altered governmental facilities.

XV. RECREATION

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO only sets forth processing procedures for permitted by-right land uses and special development standards for tattoo parlors. It is not intended to directly or indirectly induce population growth that could result in increased demand for recreational facilities. No further environmental analysis is required.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XV.a. above. No further environmental analysis is required.

XVI. TRANSPORTATION/TRAFFIC

a. Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO only sets forth processing procedures for permitted by-right land uses and special development standards for tattoo parlors. It is not intended to directly or indirectly induce population or employment growth that could result in increased number of vehicle trips, volume to capacity ratios, or traffic congestion. No further environmental analysis is required.

b. Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVI.a. for discussion. Since the TPO would not encourage or plan for significant traffic growth, there would be no significant impacts on levels of service.

c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO regulatory and procedural requirements for permitted by-right land uses would have no impact on air traffic patterns. No further environmental analysis is required.

d. Would the project substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not create or encourage any hazardous transportation related design features or incompatible uses. No further environmental analysis is required.

e. Would the project result in inadequate emergency access?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not propose or encourage any specific land uses or development projects or transportation network modifications that would have the potential to result in deficient or inadequate emergency access routes. No further environmental analysis is required.

f. Would the project conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not propose or encourage any specific land uses or development projects or transportation network modifications that would conflict with adopted policies supporting alternative transportation. No further environmental analysis is required.

XVI. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, that is:

- a. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources as defined in Public Resources Code Section 5020.1(k)?

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section V. above. TPO implementation would not result in any specific construction activities involving extensive excavation, and therefore would not be anticipated to significantly affect or destroy any Native American tribal cultural resources. No further environmental analysis is required.

- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XVI.a. above. No further environmental analysis is required.

XVIII. UTILITIES AND SERVICE SYSTEMS

a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

d. Would the project have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections XVIII.a. through g. The TPO regulatory and procedural requirements for permitted by-right land uses would not be expected to place an undue burden on any utility or service system. The City of Long Beach is an urbanized setting with all utilities and services fully in place. Future demands for utilities and service systems have been anticipated in the General Plan goals, policies and programs for future growth. No further environmental analysis is necessary.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

As determined in Section IV. Biological Resources and Section V. Cultural Resources, the TPO would have no significant adverse impacts on biological or cultural resources. The proposed project would not degrade the quality of the environment, impact any natural habitats, effect any fish or wildlife populations, threaten any plant or animal communities, alter the number or restrict the range of any rare or endangered plants or animals, or eliminate any examples of the major periods of California history or prehistory.

b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO land use regulatory and procedural requirements would not contribute to any cumulative growth effects beyond what is anticipated for the City’s future in the General Plan.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The land use requirements of this proposed project would not directly or indirectly cause any substantial adverse effects on human beings. For this reason, the City has concluded that the proposed TPO can be implemented without causing significant adverse environmental effects and determined that the Negative Declaration is the appropriate type of CEQA documentation.

EXHIBIT F
PUBLIC COMMENTS AND TESTIMONY
(Application 1712-10, ZCA17-016, LCPA17-006)
TATTOO PARLOR: ZONING CODE AMENDMENT

DATE	NAME	ENTITY	NOTES
8/23/2017	Patrick Conlin	Muldoons Bar	Call received in support of having greater locations for tattoo parlors

DRAFT

EXHIBIT B

City of Long Beach, CA

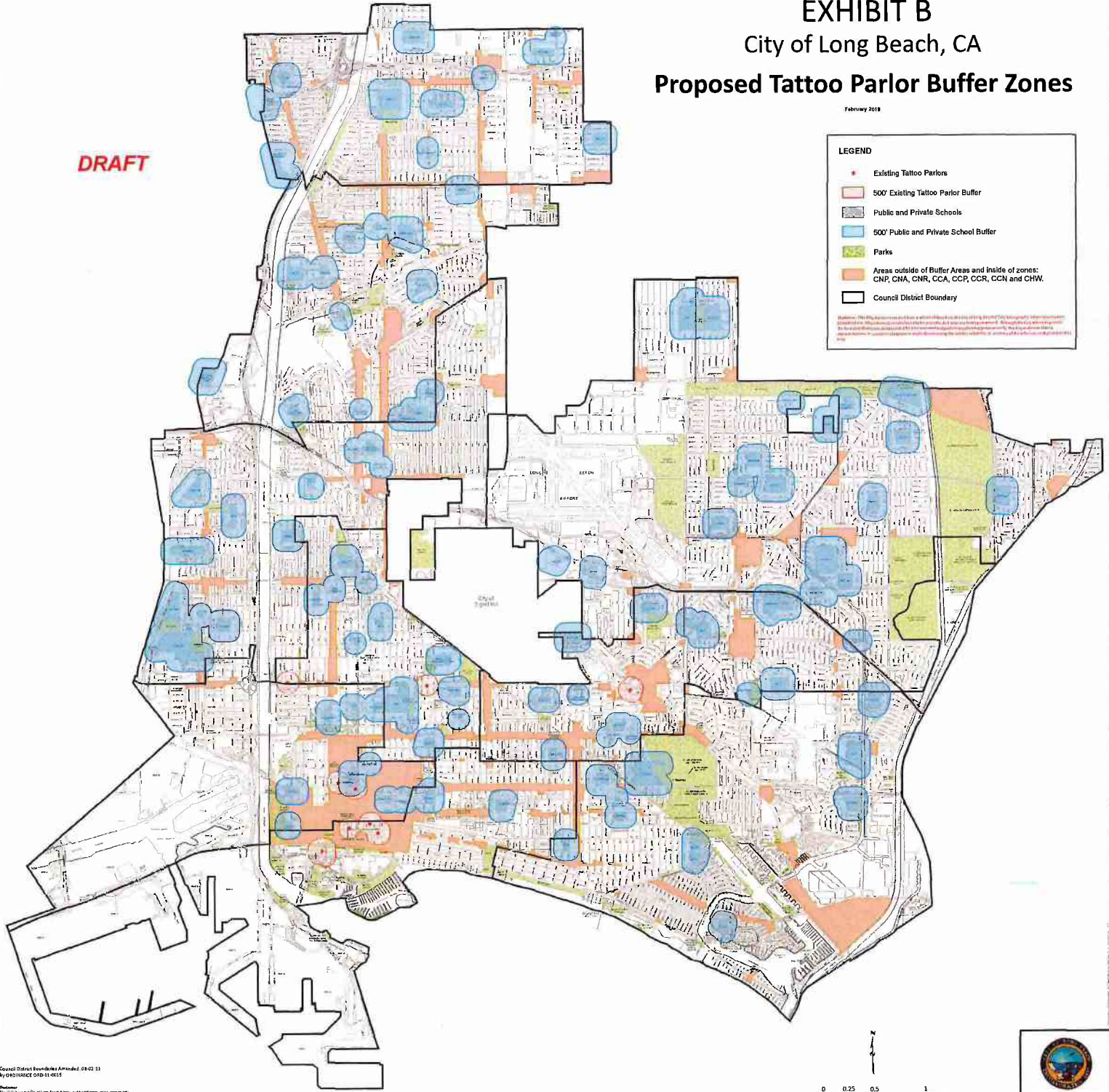
Proposed Tattoo Parlor Buffer Zones

February 2018

LEGEND

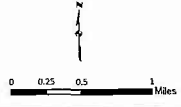
- Existing Tattoo Parlors
- 500' Existing Tattoo Parlor Buffer
- Public and Private Schools
- 500' Public and Private School Buffer
- Parks
- Areas outside of Buffer Areas and inside of zones: CNP, CNA, CNR, CCA, CCP, CCR, CCN and CHW.
- Council District Boundary

Disclaimer: This map was prepared for a specific purpose and is not intended to be used for any other purpose. The City of Long Beach and its staff are not responsible for any errors or omissions in this map. The City of Long Beach and its staff are not responsible for any damages, including consequential damages, arising from the use of this map. The City of Long Beach and its staff are not responsible for any actions taken based on the information contained in this map.



Council District Boundaries Amended: 09-02-11
by Resolution 13011-0011

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City of Long Beach
Tattoo Parlor Ordinance

NEGATIVE DECLARATION

ND 04-17

Prepared by:

City of Long Beach
Department of Development Services
Planning Bureau

INITIAL STUDY

Project Title:

City of Long Beach Tattoo Parlor Ordinance

Lead agency name and address:

City of Long Beach
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Contact person and phone number:

Craig Chalfant, Senior Planner
(562) 570-6368

Project Location:

City of Long Beach, County of Los Angeles, California.

Project Sponsor's name and contact information:

City of Long Beach, Long Beach Development Services
c/o Christopher Koontz
333 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802
(562) 570-6288

General Plan:

The proposed Tattoo Parlor Ordinance would cover all General Plan Land Use Districts that apply to any commercial zoning district or Planned Development (PD) district in the City of Long Beach.

Zoning:

The proposed Ordinance applies to all commercial zoning districts, except the CS Commercial Storage district, and all Planned Development districts that permit commercial land uses in the City of Long Beach.

Project Description:

The proposed project involves a revision to the City of Long Beach Zoning Code definition of tattoo parlor, amendment of the Zoning Code to allow tattoo parlors as a permitted use by-right in all commercial zoning districts allowing commercial land uses (except the CS Commercial Storage district), establishment of new special development standards for tattoo parlors, removal of tattoo parlor land use specific conditions from the City of Long Beach Zoning Code Chapter 21.52 Conditional Uses, and establishment of a new Zoning Clearance Process for land uses that are permitted by-right. These project components are further discussed below.

The City of Long Beach Zoning Code Section 21.15.2990, Tattoo Parlor, would be amended to specifically exclude land uses involving the application of permanent cosmetics, when applied by a licensed dermatologist on premises licensed as a dermatological office, from this land use definition.

Tattoo parlors are currently a prohibited land use in all commercial zoning districts, except the CHW Regional Highway District, CH High Commercial District, and CT Tourist and Entertainment Commercial District. The CHW, CH and CT currently require approval of a Conditional Use Permit for the establishment of any new tattoo parlor land uses. This project would allow tattoo parlors as a permitted land use by-right in all commercial zoning districts, except the CS Commercial Storage district, subject to special development standards. The CS district would continue to classify tattoo parlors as a prohibited land use. In addition, tattoo parlors would be allowed as a permitted land use by-right in all Planned Development (PD) districts that allow commercial land uses, subject to special development standards.

As part of this project proposal, the City of Long Beach Zoning Code would be amended to establish special development standards for the operation of tattoo parlor land uses. These special development standards would be set forth in a new Zoning Code Chapter.

This project proposal also includes removal of all reference to tattoo parlors from Zoning Code Section 21.52.273. This Zoning Code Section would thereafter only apply to fortunetelling services. Finally, this project would include a new Section to Zoning Code Chapter 21.25 for a new zoning clearance process.

Surrounding land uses and settings:

The City of Long Beach is adjacent to the following municipalities: City of Los Angeles (Wilmington, Port of Los Angeles), Carson, Compton, Paramount, Bellflower, Lakewood, Hawaiian Gardens, Cypress, Los Alamitos and Seal Beach. It is also adjacent to the unincorporated communities of Rancho Dominguez and Rossmoor. In addition, the City of Signal Hill is completely surrounded by the City of Long Beach.

Public agencies whose approval is required:

Long Beach Planning Commission (recommend City Council adopt Negative Declaration 04-17 and approve the Tattoo Parlor Ordinance)

Long Beach City Council (adopt Negative Declaration 04-17 and approve the Tattoo Parlor Ordinance)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Population and Housing
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Public Services
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Recreation
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Noise	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Craig Chalfant
Senior Planner

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are supported adequately by the information sources a lead agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration; Less Than Significant With Mitigation Incorporation” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration (per Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effect were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Supporting information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) The explanation of each issue should identify:
 - a) The significance criteria or threshold. If any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS

a. Would the project have a substantial adverse effect on a scenic vista?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed Tattoo Parlor Ordinance (TPO) would not result in significant adverse effects to any scenic vistas or public views of scenic vistas. The City topography is relatively flat, with scenic vistas of the ocean to the south and Palos Verdes to the west. In addition, distant views of the San Gabriel and San Bernardino Mountains to the north as well as the Santa Ana Mountains to the east are occasionally available to the public on days of clear visibility (primarily during the winter months).

The TPO involves amendments to the City's Zoning Code regarding the regulation of tattoo parlor land uses and the processing of non-residential land uses that are permitted by-right. Implementation of the proposed TPO would allow for the orderly operations of tattoo parlors in a manner providing greater public protection from potential adverse effects of such land use operations (i.e., noise, loitering). This proposed project would not result in any negative impacts to the City's visual environment. Therefore, no further analysis of this environmental issue is necessary.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

There are no State scenic highways located within the City. No scenic resources, trees or rock outcroppings would be damaged as a result of TPO implementation. There would therefore be no impact to any natural scenic resource and no further analysis is required.

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section I.a. and b. above for discussion.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

All future tattoo parlor land use operations and other permitted by-right non-residential land uses would be required to comply with all applicable regulations, including Long Beach Municipal Code Chapter 9.37 (Long Beach Nuisance Code). Since TPO implementation would not directly or indirectly create any adverse light or glare impacts, no further analysis is required.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections II. a., b. and c. - There are no agricultural zones within the City of Long Beach, which is a fully urbanized community that has been built upon for over half a century. The TPO would have no effect upon agricultural resources within the City of Long Beach or any other neighboring city or county.

III. AIR QUALITY

The South Coast Air Basin is subject to some of the worst air pollution in the nation, attributable to its topography, climate, meteorological conditions, large population base, and dispersed urban land use patterns.

Air quality conditions are affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric forces such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, determine how air pollutant emissions affect air quality.

The South Coast Air Basin has a limited capability to disperse air contaminants because of its low wind speeds and persistent temperature inversions. In the Long Beach area, predominantly daily winds consist of morning onshore airflow from the southwest at a mean speed of 7.3 miles per hour and afternoon and evening offshore airflow from the northwest at 0.2 to 4.7 miles per hour with little variability between seasons. Summer wind speeds average slightly higher than winter wind speeds. The prevailing winds carry air contaminants northward and then eastward over Whittier, Covina, Pomona and Riverside.

The majority of pollutants found in the Los Angeles County atmosphere originate from automobile exhausts as unburned hydrocarbons, carbon monoxide, oxides of nitrogen and other materials. Of the five major pollutant types (carbon monoxide, nitrogen oxides, reactive organic gases, sulfur oxides, and particulates), only sulfur oxide emissions are produced mostly by sources other than automobile exhaust.

a. Would the project conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Southern California Association of Governments (SCAG) has determined that if a project is consistent with the growth forecasts for the subregion in which

it is located, it is consistent with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP), and regional emissions are mitigated by the control strategies specified in the AQMP. Since the TPO does not propose any specific developments or growth inducing projects that would conflict with the SCAG growth forecasts, it would be consistent with the AQMP and therefore no further analysis is required.

b. Would the project violate any air quality standard or contribute to an existing or projected air quality violation?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

TPO implementation would not significantly lower air quality standards or contribute to an air quality violation. Therefore, the TPO impact on air quality would be less than significant and no further environmental analysis is required.

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections III.a. and b. above for discussion.

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The CEQA Air Quality Handbook defines sensitive receptors as children, athletes, elderly and sick individuals that are more susceptible to the effects of air pollution than the population at large. Facilities that serve various types of sensitive receptors, including, schools, hospitals, and senior care centers, are located throughout the City. The TPO proposes special development standards for tattoo parlors that include minimum locational distances from schools and public parks. Please see Sections III.a. and b. above for further discussion.

e. Would the project create objectionable odors affecting a substantial number of people?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Potential sources of odors during construction include use of architectural coatings and solvents, and diesel-powered construction equipment. SCAQMD Rule 1113 limits the amount of volatile organic compounds (VOCs) from architectural coatings and solvents, which lowers odorous emissions.

The TPO would not allow land uses that could directly or indirectly result in any significant adverse odors or intensification of odors beyond those typically associated with construction activities. No further environmental analysis is necessary.

IV. BIOLOGICAL RESOURCES

a. Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Wildlife habitats within the City are generally limited to parks, nature preserves, and water body areas. The TPO would not promote activities that would remove or impact any existing or planned wildlife habitats. No further environmental analysis is required.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Land uses subject to this proposed project would occur in established urbanized areas and would not remove or impact any riparian habitat or other sensitive natural communities. No further environmental analysis is required.

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Future TPO implementation would occur in established urbanized areas and would not promote or involve alteration of any protected wetland areas. No further environmental analysis is required.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Future TPO implementation would occur in established urbanized areas and would not alter or adversely impact any native resident or migratory fish or wildlife species, corridors or nursery sites. No further environmental analysis is required.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

TPO implementation would be consistent with the General Plan and in conformity with all local policies and regulations. It would not alter or

eliminate any existing or future policy or ordinance protecting biological resources. No further environmental analysis is required.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not have any adverse effects on any existing or future habitat conservation plans. Please see Sections IV.a. through e. above for further discussion.

V. CULTURAL RESOURCES

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City of Long Beach is an urbanized community and nearly all properties within the City (with the exception of areas such as protected park lands) have been previously disturbed and/or developed. The TPO would not promote, encourage or enable projects or activities that could remove, degrade or in any way adversely impact local historic resources. No further environmental analysis is required.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would establish special development standards for tattoo parlor land uses and a zoning clearance process for certain land uses permitted by-right. TPO implementation would not result in any specific construction activities involving extensive excavation, and therefore would not be anticipated to affect or

destroy any archaeological resources due its geographic location. Please see Section V.a. above for further discussion.

c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO does not propose any projects that would be anticipated to result in extensive excavation that could adversely impact any paleontological resources or geologic features. Please see Sections V.a. and b. above for further discussion.

d. Would the project disturb any human remains, including those interred outside of formal cemeteries?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO does not propose any projects that would involve extensive excavation that could result in the disturbance of any designated cemetery or other burial ground or place of interment. Please see Sections V.a. through c. above for further discussion.

VI. GEOLOGY AND SOILS

a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per Plate 2 of the Seismic Safety Element of the General Plan, the most significant fault system in the City is the Newport-Inglewood fault zone. This fault zone runs in a northwest to southeast angle across the southern half of the City.

All land uses subject to the provisions of this project would be required to comply with applicable building codes that account for the possibility of seismic events. No further environmental analysis is necessary.

ii) Strong seismic ground shaking?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Newport-Inglewood fault zone could create substantial ground shaking if a seismic event occurred along that fault. Similarly, a strong seismic event on any other fault system in Southern California has the potential to create considerable levels of ground shaking throughout the City. However, numerous variables determine the level of damage to a specific location. Given these variables, it is not possible to determine the level of damage that may occur on the site during a seismic event. All land uses must conform to all applicable State and local building codes relative to seismic safety. Please see Section VI.a.i. above for further discussion.

iii) Seismic-related ground failure, including liquefaction?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per Plate 7 of the Seismic Safety Element, most of the City is located in areas of either minimal or low liquefaction potential. The only exceptions are in the southeastern portion of the City, where there is significant liquefaction potential, and the western portion (most of the area west of Pacific Avenue and south of the 405 freeway), where there is either moderate or significant liquefaction potential. Please see Section VI.a.i. above for further discussion.

iv) Landslides?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per the Seismic Safety Element, the City is relatively flat and characterized by slopes that are not high (less than 50 feet) or steep (generally sloping flatter than

1-1/2:1, horizontal to vertical). The State Seismic Hazard Zone map of the Long Beach Quadrangle indicates that the lack of steep terrain (except for a few slopes on Signal Hill and Reservoir Hill) results in only about 0.1 percent of the City lying within the earthquake-induced landslide zone for this quadrangle. Therefore, no impact would be expected and no further environmental analysis is required. Please see Section VI.a.i. above for further discussion.

b. Would the project result in substantial soil erosion or the loss of topsoil?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

All land uses subject to the regulations of this proposed project would be required to adhere to all applicable construction standards regarding erosion control, including best management practices to minimize runoff and erosion impacts from earth-moving activities such as excavation, recontouring and compaction. No further environmental analysis is necessary.

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VI.b. above for discussion. All land uses subject to the regulations of this project would be constructed in compliance with all applicable building code requirements regarding soil stability.

d. Would the project be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections VI.b. and c. above for explanation.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The entire City is served by an existing sewer system and therefore has no need for septic tanks or any other alternative wastewater disposal systems. No further environmental analysis is required.

VII. GREENHOUSE GAS EMISSIONS

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 400 million tons of carbon dioxide per year. Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit over the next century. Methane is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The TPO would not result in direct or indirect GHG impacts, but rather would establish special development standards for tattoo parlors and processing requirements for certain land uses permitted by-right. No further environmental analysis is needed.

b. Would the project conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VII.a. above for discussion. The proposed project would not permit any land use operations that would conflict with any plans, policies or

regulations related to the reduction of greenhouse gas emissions. No further environmental analysis is needed.

VIII. HAZARDS AND HAZARDOUS MATERIALS

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The types of land uses which would be subject to the provisions of this proposed project would not be anticipated to involve any substantial transport, use or disposal of any hazardous materials. In addition, any future handling and disposal of hazardous or potentially hazardous materials would be in full compliance with Long Beach Municipal Code Sections 8.86 through 8.88 as well as all existing State safety regulations. No further environmental analysis is required.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VIII.a. above for discussion.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VIII.a. above for discussion.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code

Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. All future land uses that would be regulated by the provisions of this proposed project would be subject to separate CEQA review that would include analysis of information from the Cortese List. Please see Section VIII.a. above for further discussion.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Long Beach Airport is located within the City, just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. The TPO would not alter air traffic patterns or encourage future projects that could conflict with established Federal Aviation Administration (FAA) flight protection zones. All future development in the vicinity of the Long Beach Airport would be in compliance with all applicable local and FAA requirements. Please see Section VIII.a. above for further discussion.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

There are no private airstrips located within or adjacent to the City. No further environmental analysis is required.

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not encourage or otherwise set forth any policies or recommendations that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No further environmental analysis is required.

h. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City is a highly urbanized community and there are no properties located adjacent to wild lands and there is no risk of exposing people or structures to a significant risk of loss, injury or death involving wild land fires. No further environmental analysis is required.

IX. HYDROLOGY AND WATER QUALITY

The Federal Emergency Management Agency (FEMA) has produced a series of Flood Insurance Rate Maps (FIRMs) designating potential flood zones (based on the projected inundation limits as well as the 100-year flood as delineated by the U.S. Army Corps of Engineers).

a. Would the project violate any water quality standards or waste discharge requirements?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would be consistent with all chapters of the General Plan, including the Conservation Element. All land uses subject to the TPO provisions would be required to be in full compliance with all applicable federal, State and local water quality standards and regulations. No further environmental analysis is required.

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX.a. above for discussion. The City is a highly urbanized community with the water system infrastructure fully in place to accommodate future development consistent with the General Plan.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed TPO does not encourage or enable any alterations to existing drainage patterns or to the course of streams or rivers. Please see Section IX.a. above for further discussion.

d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections IX.a. and c. above for discussion.

e. Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections IX.a. and c. above for discussion. The City's existing storm water drainage system is adequate to accommodate runoff from any future land uses subject to the TPO provisions. The TPO would not adversely affect provisions for retention and infiltration of stormwater consistent with the City's Low Impact Development (LID) policies.

f. Would the project otherwise degrade water quality?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections IX.a. and c. above for discussion. All future land uses subject to the TPO provisions would be subject to all applicable water quality standards, regulations and best management practices.

g. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

According to the Federal Emergency Management Agency (FEMA), most of Long Beach is located in Zone X, which is outside of the 100 year flood hazard area. The proposed project applies to certain permitted by-right land uses only and would not directly or indirectly result in placing any residential land uses in flood hazard areas.

h. Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX.g. above for discussion.

i. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX.g. above for discussion. The City of Long Beach is not located in the proximity of a levee or dam.

j. Would the project result in inundation by seiche, tsunami or mudflow?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

According to Plate 11 of the Seismic Safety Element, the majority of Long Beach is not within a zone influenced by the inundation of seiche, tsunami, or mudflow. Potential tsunami hazards would be limited to properties and public improvements near the coastline. The proposed project would not result in any increased risk of inundation to any properties. Please see Section IX.g. for further discussion.

X. LAND USE AND PLANNING

a. Would the project physically divide an established community?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO establishes processing procedures for certain types of land uses and special development standards for tattoo parlors. These proposed regulations would not directly or indirectly divide any established community, but rather would provide controls on tattoo parlor land use operations that would protect the surrounding community from potential adverse effects (i.e., noise, loitering). No further environmental analysis is required.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section X.a. above for discussion. The TPO would not conflict the City's General Plan, the 2010 Strategic Plan, or any other applicable land use plans and policies. Impacts to existing local regulations would therefore be less than significant.

c. Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Sections X.a. and b. above for discussion. The City is a highly urbanized environment characterized by in-fill development projects that recycle previously developed properties. No habitat conservation plan or natural communities conservation plan would be impacted by project implementation.

XI. MINERAL RESOURCES

Historically, the primary mineral resources within the City of Long Beach have been oil and natural gas. However, oil and gas extraction operations have diminished over the last century as the resources have become depleted. Today, extraction operations continue but on a reduced scale compared to past levels.

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO does not propose any alteration of local mineral resource land uses and there are no mineral resource activities that would be altered or displaced by implementation. No further discussion is required.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XI.a. above for discussion.

XII. NOISE

Noise is defined as unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence.

Some land uses are considered more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. Residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, parks and outdoor recreation areas are more sensitive to noise than are commercial and industrial land uses.

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Future construction activities related to land uses subject to the provisions of this project could involve various types of short-term noise impacts from trucks, earth-moving equipment, and paving equipment. However, all construction activities and land use operations must be performed in compliance with the City's Noise Ordinance (Long Beach Municipal Code Section 8.80). TPO implementation would not alter the Noise Ordinance provisions or exempt any future land uses or improvement projects from local noise controls. The local Noise Ordinance would continue to regulate all future land use construction and operational noise levels. No further environmental analysis of this issue is necessary.

b. Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XII.a. above for discussion. All future TPO implementation would occur in compliance with local noise and vibration controls.

c. Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XII.a. above for discussion. TPO special development standards include a prohibition against loud noises around the subject site during and after the hours of business operation.

d. Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Sections XII.a. and c. above for discussion.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Long Beach Airport is located within the City just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. All future development in the vicinity of the Long Beach Airport would be in compliance with all applicable local and FAA requirements. The TPO would not alter air traffic patterns or encourage developments that could conflict with established Federal Aviation Administration (FAA) flight protection zones. No further environmental analysis is necessary.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area excessive noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

There are no private airstrips located within or adjacent to the City. No further environmental analysis is required.

XIII. POPULATION AND HOUSING

The City of Long Beach is the second largest city in Los Angeles County. At the time of the 2000 Census, Long Beach had a population of 461,522, which was a 7.5 percent increase from the 1990 Census. The 2010 Census reported a total City population of 462,257.

a. Would the project induce substantial population growth in an area, either directly or indirectly?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO only sets forth processing procedures for permitted by-right land uses and special development standards for tattoo parlors. It is not intended to directly or indirectly induce population growth. No further environmental analysis is required.

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO does not set forth or encourage any policies, projects or implementation measures that would directly or indirectly displace existing residential units in the City. No further environmental analysis is required.

c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XIII.b. above for discussion. The TPO does not set forth or encourage any policies, projects or implementation measures that would directly or indirectly displace people residing in the City.

XIV. PUBLIC SERVICES

Fire protection would be provided by the Long Beach Fire Department. The Department has 23 stations in the City. The Department is divided into bureaus of Fire Prevention, Fire Suppression, the Bureau of Instruction, and the Bureau of Technical Services. The Fire Department is accountable for medical, paramedic, and other first aid rescue calls from the community.

Police protection would be provided by the Long Beach Police Department. The Department is divided into bureaus of Administration, Investigation, and Patrol. The City is divided into four Patrol Divisions: East, West, North and South.

The City of Long Beach is served by the Long Beach Unified School District, which also serves the City of Signal Hill, Catalina Island and a large portion of the City of Lakewood. The District has been operating at or over capacity during the past decade.

Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO only sets forth processing procedures for permitted by-right land uses and special development standards for tattoo parlors. It is not intended to directly or indirectly induce population growth that could result in increased demand for fire protection services or fire protection facilities. No further environmental analysis is required.

b. Police protection?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XIV.a. above, the TPO would not significantly increase demands for police protection service, nor require provision of new police facilities.

c. Schools?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XIV.a. above, the TPO would not result in an increased demand for public school services or facilities.

d. Parks?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XIV.a. above, the TPO would not generate any additional demand for provision of park services or facilities by the City.

e. Other public facilities?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

No other impacts have been identified that would require the provision of new or physically altered governmental facilities.

XV. RECREATION

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO only sets forth processing procedures for permitted by-right land uses and special development standards for tattoo parlors. It is not intended to directly or indirectly induce population growth that could result in increased demand for recreational facilities. No further environmental analysis is required.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XV.a. above. No further environmental analysis is required.

XVI. TRANSPORTATION/TRAFFIC

a. Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO only sets forth processing procedures for permitted by-right land uses and special development standards for tattoo parlors. It is not intended to directly or indirectly induce population or employment growth that could result in increased number of vehicle trips, volume to capacity ratios, or traffic congestion. No further environmental analysis is required.

b. Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVI.a. for discussion. Since the TPO would not encourage or plan for significant traffic growth, there would be no significant impacts on levels of service.

c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO regulatory and procedural requirements for permitted by-right land uses would have no impact on air traffic patterns. No further environmental analysis is required.

d. Would the project substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not create or encourage any hazardous transportation related design features or incompatible uses. No further environmental analysis is required.

e. Would the project result in inadequate emergency access?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not propose or encourage any specific land uses or development projects or transportation network modifications that would have the potential to result in deficient or inadequate emergency access routes. No further environmental analysis is required.

f. Would the project conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO would not propose or encourage any specific land uses or development projects or transportation network modifications that would conflict with adopted policies supporting alternative transportation. No further environmental analysis is required.

XVI. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, that is:

- a. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources as defined in Public Resources Code Section 5020.1(k)?**

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section V. above. TPO implementation would not result in any specific construction activities involving extensive excavation, and therefore would not be anticipated to significantly affect or destroy any Native American tribal cultural resources. No further environmental analysis is required.

- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XVI.a. above. No further environmental analysis is required.

XVIII. UTILITIES AND SERVICE SYSTEMS

a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

d. Would the project have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections XVIII.a. through g. The TPO regulatory and procedural requirements for permitted by-right land uses would not be expected to place an undue burden on any utility or service system. The City of Long Beach is an urbanized setting with all utilities and services fully in place. Future demands for utilities and service systems have been anticipated in the General Plan goals, policies and programs for future growth. No further environmental analysis is necessary.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

As determined in Section IV. Biological Resources and Section V. Cultural Resources, the TPO would have no significant adverse impacts on biological or cultural resources. The proposed project would not degrade the quality of the environment, impact any natural habitats, effect any fish or wildlife populations, threaten any plant or animal communities, alter the number or restrict the range of any rare or endangered plants or animals, or eliminate any examples of the major periods of California history or prehistory.

b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The TPO land use regulatory and procedural requirements would not contribute to any cumulative growth effects beyond what is anticipated for the City’s future in the General Plan.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The land use requirements of this proposed project would not directly or indirectly cause any substantial adverse effects on human beings. For this reason, the City has concluded that the proposed TPO can be implemented without causing significant adverse environmental effects and determined that the Negative Declaration is the appropriate type of CEQA documentation.



City Council

March 20, 2018

Tattoo Parlors

Application No. 1712-10

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



Tattoo Parlor Defined:

"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 tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

(Ord. C-6533 § 1 (part), 1988)



Background: Why An Update Is Needed

- In 2010, the 9th U.S. Circuit Court of Appeals ruled Tattooing is a protected under the First Amendment.
- In March 2017, *Real v. City of Long Beach (9th Cir.)*, challenged the existing Zoning Code unreasonably restricted the permitted locations of tattoo parlors in the City.
- The City Attorney requested that Development Services study potential Zoning Code Amendments to adopt less restrictive locational requirements, performance standards, and administrative procedures.



Background: Existing Regulations

- Current Zoning permits new tattoo parlors with Conditional Use Permit (CUP) in the following zones:
 - CHW, CH, CT
 - Downtown Plan and Midtown Specific Plan areas
- Tattoo parlors are not permitted within 1,000 feet of other adult entertainment uses (arcade, fortunetelling, other tattoo parlors or taverns).
- Tattoo parlors are also regulated with locational requirements and hours of operation in Zoning Code Section 21.52.273.



Background: Social Context

- Current Zoning and CUP requirements reflect earlier negative attitudes regarding tattoo parlors.
- The American Planning Association notes in the 1990s there was broad expansion of tattoo parlors
 - Often co-located with other adult uses (age 18+)
 - However, perception ignored that tattoo parlors must also comply with City and State regulations, similar to medical clinics.
- As a result, tattoo parlors in Long Beach are highly-regulated with no clear evidence of nuisance or negative impacts



Background: Existing Tattoo Parlors in Long Beach

- Currently, there are (9) licensed tattoo parlors in the City
 - (4) required CUPs
 - (5) are legal-non-conforming

Outer Limits Tattoo, est. 1927, is the oldest continuously operated tattoo shop in the U.S. and the second oldest in the world.



Proposed Zoning Code Amendment

Permitted Zoning Districts

- Recognize Tattoo Parlors as by-right in all commercial zones (excluding CS – Commercial Storage), PDs, and specific plans

Location Requirement:

- 500-feet from an existing tattoo parlor required
- 500-feet from a public or private school required
- Zoning Code Amendment provides administrative relief if the locational / distance requirements cannot be met

California Environmental Quality Act (CEQA)








- Negative Declaration (ND) 04-17 was circulated for public review December 18 to January 18, 2018 (30 days).
- Staff has received 4 calls, and 1 public testimony in support of new Amendment.

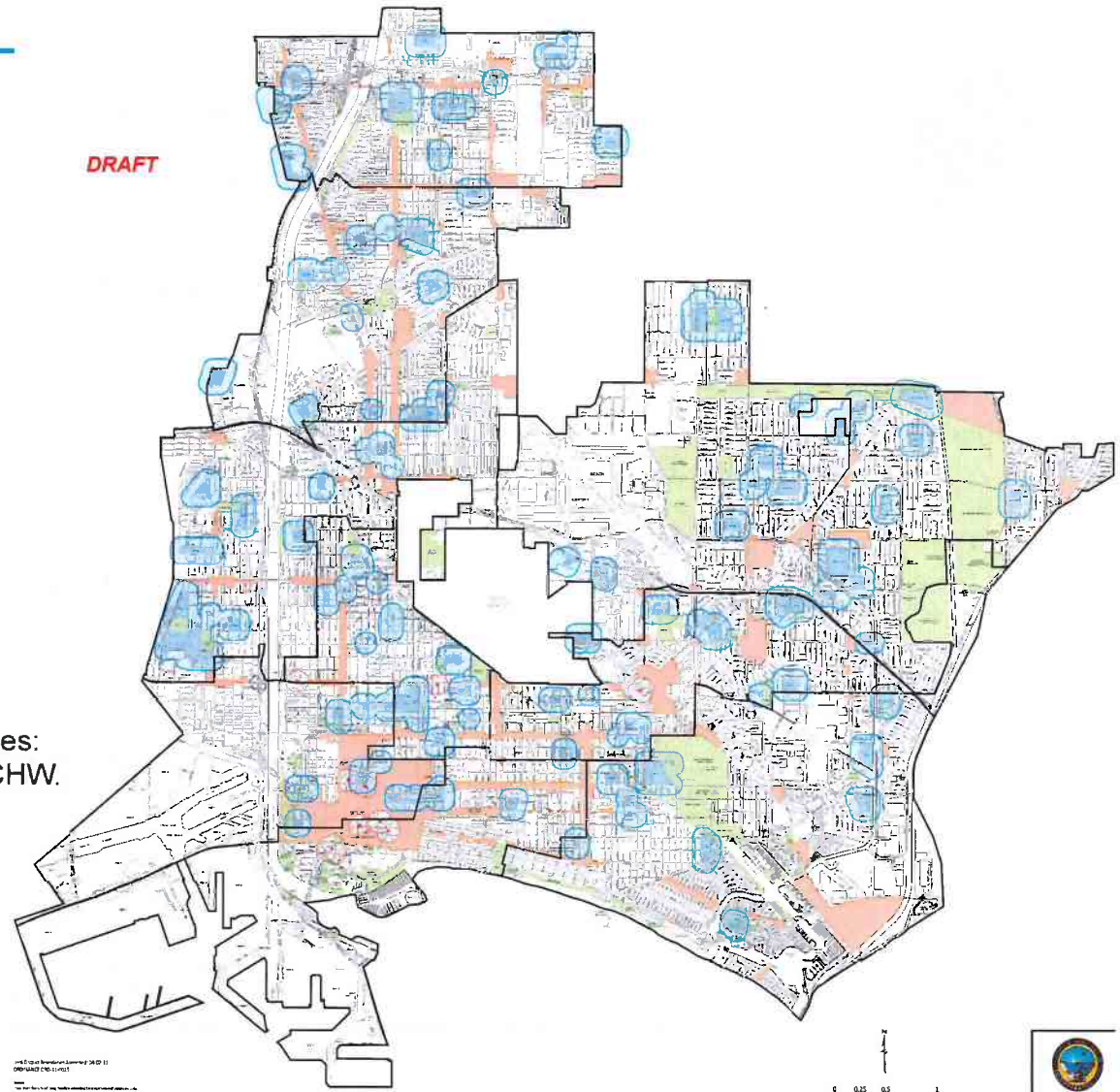


Proposed Permitted Locations: Buffer Zones

DRAFT

LEGEND

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



SOURCE: City of Long Beach GIS. Feb 2018.



Proposed Development Standards

Operations

- Hours of operation shall be between 7:00 a.m. and 10:00 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 regulations are to be observed and enforced
- Minimum age of customers shall be 18 years
- Audible burglar alarm and cameras required



Findings and Recommendation

- Recommendation is consistent with the requirement to expand by-right permitted zoning locations, upholding U.S. First Amendment rights to Freedom of Speech, and the Land Use Element's emphasis on Citizen Opportunity and Economic Development.
- Staff 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 it to the CA Commission for a Local Coastal Program Amendment.

