



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

August 21, 2014

## CHAIR AND PLANNING COMMISSIONERS

City of Long Beach  
California

### RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request and accept Categorical Exemption (CE 14-054) to allow the establishment of a tattoo parlor located at 1005 E. Anaheim Street within the Commercial Highway (CHW) zone. (District 6)

APPLICANT: Alejandro Yarbrough  
815 Pacific Avenue, #8  
Long Beach, CA 90813  
(Application 1405-12)

### DISCUSSION

The subject site is located at 1005 E. Anaheim Street between Martin Luther King Jr. Avenue and Lewis Avenue (Exhibit A – Location Map). The site is located within the Commercial Highway (CHW) zone and is developed with a 2,100-square-foot single story commercial building with 5 parking spaces (Exhibit B – Plans & Photographs). Within the building's lone tenant space the layout will include a waiting area, restroom, 1 work station and retail space. Condition # 8 has been incorporated to prevent loitering and other related nuisances to the site. Operating hours for the establishment will be from 10:00 am to 6:00 pm Monday through Saturday and are in compliance for this type of business and have been incorporated into the conditions of approval (Exhibit C – Findings and Conditions of Approval).

As required within the CHW zone, tattoo parlors are permissible if approved by the Planning Commission through a Conditional Use Permit (CUP). In order to approve a CUP request for a tattoo parlor, positive findings must be made. These findings are: no new tattoo parlor uses shall be located within 1,000 feet of any existing adult entertainment, arcade, fortunetelling, tattoo parlor or tavern use; and tattoo parlors may operate only between the hours of 7:00 a.m. to 10:00 p.m. The tattoo parlor is located within 1,000 feet of another tattoo parlor, as shown on the attached map The Dream Jungle Tattoo, located at 724 E. Anaheim Street, is currently in operation and 1,000 feet of the subject site. However, it will cease all operations on July 31, 2014. Therefore the proposal will be in compliance with the spacing requirement of 1,000 feet. The next nearest tattoo parlor is the Art Shack studio located at 242 E. 7<sup>th</sup> Street, approximately 3,700 feet away. Additionally, there are no tavern uses located within 1,000 feet of the proposed use. Thus, the proposed use is in compliance with the two findings listed in Section 21.52.273 of the Zoning Code.

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As required by the Police Department (LBPD), operational conditions of approval are incorporated to ensure the proposed use will not have adverse impacts on the subject site or the surrounding community. These conditions include proper lighting, prohibition of loitering, installation of security cameras and proper screening of tattooing areas of the shop from public view. Applicants will also be required to post a sign that explicitly indicates that minors cannot receive services. With the incorporation of operational conditions of approval, staff believe the proposed use will not become a nuisance and recommends the Planning Commission approve the Conditional Use Permit subject to conditions (Exhibit C – Findings and Conditions of Approval).

**PUBLIC HEARING NOTICE**

A Notice of Application was sent to the local community groups on June 11, 2014, and Public Hearing Notices were distributed on July 21, 2014, in accordance with the provision of the Zoning Ordinance. At the time of writing of this report, staff has received no inquiries on this project.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 14-054) was issued for the proposed project (Exhibit D).

Respectfully submitted,



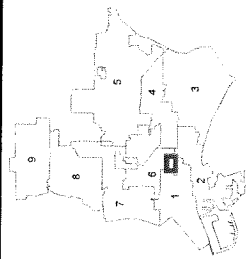
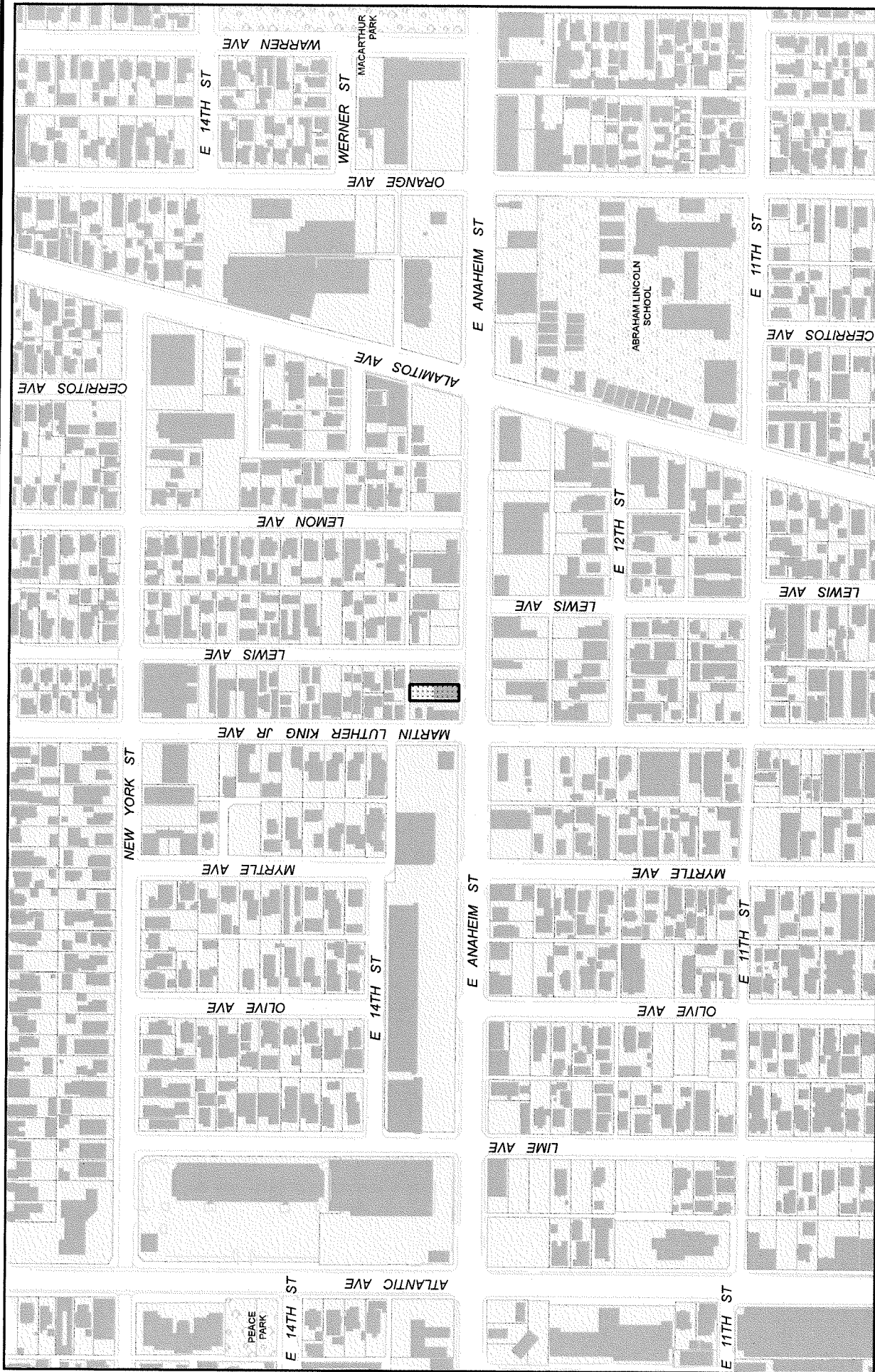
JEFF WINKLEPLECK  
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

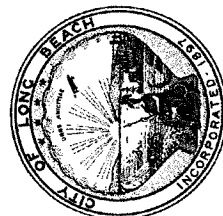
AJB:JW:jr

Attachments:      Exhibit A – Location Map  
                         Exhibit B – Plans & Photographs  
                         Exhibit C – Findings & Conditions of Approval  
                         Exhibit D – Categorical Exemption 14-054



## Exhibit A

**Subject Property:**  
1005 E Anaheim St  
Application No. 1405-12  
Council District 6  
Zoning Code : CHW



## **CONDITIONAL USE PERMIT FINDINGS**

**1005 E. Anaheim Street  
Application No. 1405-12  
August 21, 2014**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

**1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The project site is located in Land Use District #8A – Traditional Retail Strip Commercial District. LUD #8A is intended to serve local neighborhood needs rather than regional needs, and is established to recognize the need to provide commercial uses along the frontages of certain streets for the service and convenience of persons traveling by car, and needing local services. The General Plan states that commercial uses which may adversely affect adjoining residential uses are subject to Conditional Use Permits. Furthermore, this approval is consistent with all zoning regulations of the CHW district, as tattoo parlors are considered personal services and are allowed through the Conditional Use Permit process in the district.

**2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 14-054) was prepared for this project and is attached for your review.

The proposed use is not anticipated to be detrimental to the surrounding community. Conditions of approval will incorporate several operational requirements that address potential negative impacts from the proposed use such as allowable hours of operation, security measures, screening of work areas from public view, and compliance with all applicable standards of the Health Department. Approval of such requested Conditional Use Permit enables the City to enforce these conditions and address potential nuisances that may come in the future.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.**

In addition to the above general findings, the following specific conditions pursuant to Zoning Code Section 21.52. apply to tattoo parlors or fortune-telling:

- A. No new fortune-telling or tattoo parlor uses shall be located within one thousand feet (1,000') of any existing adult entertainment, arcade, fortune-telling, tattoo parlor or tavern use; and**

The proposed tattoo parlor is located more than 1,000 feet from the nearest tattoo parlor located at 242 E. 7<sup>th</sup> Street. In addition, there are no taverns within 1000 feet of the proposed use.

- B. Fortune-telling and tattoo parlors shall operate only between the hours of seven (7:00) a.m. and (10:00) p.m.**

Staff has included a condition of approval limiting hours of operation from (10:00) a.m. to six (6:00) p.m.

## **CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL**

**1005 E. Anaheim Street**

**Application No. 1405-12**

**Date: August 21, 2014**

1. The use permitted on the subject site, in addition to the other uses permitted in the CHW zoning district, shall be the establishment of a tattoo shop.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

### **Special Conditions:**

4. The front door and windows of the proposed business shall have clear glass, without the use of window tint of any kind.
5. Hours of operation shall be limited from 10:00 a.m. to 6:00 p.m. Monday-Saturday and shall be closed on Sunday. The applicant may submit for a modification of this condition after one year of this application's final action date for the administrative consideration of the removal of this condition.
6. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
7. A numbering address sign shall be located at the rear of the building, to the satisfaction of the Long Beach Police Department.
8. The operator of the approved use shall prevent loitering and loud noises around the project location during and after the hours of operation.
9. 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.

10. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
11. A 5 foot 6 inch high screen shall be placed adjacent to the tattoo work stations to prevent views of the work area from the public sidewalk to the satisfaction of the Director of Development Services.
12. Any new signage shall be individual channel letters in compliance with the sign ordinance Chapter 21.44 of the Long Beach Municipal Code.
13. The applicant shall comply with all requirements of the Long Beach Health Department for a tattoo parlor.
14. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
15. The applicant shall repave and stripe the existing parking lot as shown on the plans dated August 7, 2014.
16. The applicant shall obtain a building permit for a tenant improvement prior to the issuance of a business license.
17. The operator shall install exterior video security cameras at the front and rear of the business with full view of the public right-of-way and shall install exterior security video cameras that provide full view of any areas where operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.
18. The subject business should be individually equipped with an audible burglar alarm system with window and door contacts for added security.
19. A photometric report and electrical plan should identify all lighting requirements.
20. Applicant shall obtain a building permit for a tenant improvement prior to issuance of a business license.

**Standard Conditions:**

21. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
22. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
23. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
24. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
25. The Director of Development Services is authorized to make minor modifications to the approval design plans or the any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
26. 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).
27. Any graffiti found on site must be removed within 24 hours of its appearance.
28. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails

to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

**NOTICE of EXEMPTION from CEQA**

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
lbsd.longbeach.gov

TO: ☐ Office of Planning & Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

FROM: Department of Development Services  
333 W. Ocean Blvd, 5<sup>th</sup> Floor  
Long Beach, CA 90802

☐ L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

Categorical Exemption CE- 14-054

Project Location/Address: 1005 E. Anaheim St. Long Beach, CA 90813

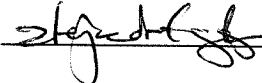
Project/Activity Description: tattoo, retail, ~~restaurant~~ ~~bar~~ ~~club~~ ~~nightclub~~

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Alejandro F. Yarbrough

Mailing Address: 815 Pacific Avenue #8, Long Beach, CA 90813

Phone Number: 562.388.5833

Applicant Signature: 

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1405-12 Planner's Initials: JR

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH  
STATE GUIDELINES SECTION 15301, Class 1, Existing facilities

Statement of support for this finding: New commercial land use in  
existing building

Contact Person: Jorge Ramirez

Contact Phone: (562) 570-6952

Signature: 

Date: 8-7-2014