



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

October 15, 2015

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit (CUP) request to allow the establishment and operation of a tattoo parlor located at 743 Pine Avenue in the Downtown Planned Development District (PD-30) and accept Categorical Exemption 15-110. (District 1)

APPLICANT: Joseph Kasher
752 Coronado Avenue
Long Beach, CA 90804
(Application No.1507-42)

DISCUSSION

The applicant has applied for a Conditional Use Permit (CUP) to allow the establishment and operation of a tattoo parlor in a vacant commercial space at 743 Pine Avenue in the Downtown Planned Development District (PD-30) (Exhibit A – Location Map). The 2,150-square-foot space is located in “The Bungalow Building,” a single-story commercial building constructed in 1922 that, at the present time, contains four leasing areas. Business office uses currently occupy two of the spaces; a third space is vacant. No parking exists on site.

Tenant improvements proposed as part of the subject request include a tattooing area in the front of the space and a retail sales area for clothing, jewelry, and other goods within the space’s interior (Exhibit B - Plans & Photos). The parlor would deal exclusively in tattooing; body piercing, body art, and other forms of body modification would not be provided. The operator envisions no more than four tattoo artists working per shift, with most artists providing their services on an appointment-only basis.

Per PD-30’s Table 3-1 (“Land Uses and Permit Requirements”), tattoo parlors require CUP approval prior to licensing and operation. In order to approve a CUP request for a tattoo parlor, the Planning Commission must make two sets of positive findings: general findings applicable to all CUP requests, and specific findings applicable to tattoo service providers (Exhibit C – Findings). These specific findings are a mandatory 1,000-foot buffer between new tattoo parlors and any existing adult entertainment use, arcade, fortunetelling service, tattoo parlor, or tavern; and operating hours between 7:00 a.m. and 10:00 p.m. Though there are no existing adult entertainment, arcade, fortunetelling, or tavern uses within 1,000 feet of the subject site, there is an existing tattoo parlor located 865 feet from the site, straight-line distance. Measured as an aggregate distance, however, the two sites are approximately 1,104 feet from one another and thus compliant with the buffer standard (Exhibit D – Buffer Map). The proposed hours of operation – 11:00 a.m. to 8:00 p.m. – are

in compliance with the aforementioned hours of operation restriction and have been incorporated into the project conditions of approval (Exhibit E – Conditions of Approval).

As required by the Long Beach Police Department, operational conditions of approval are incorporated to ensure the proposed tattoo parlor use will not have adverse impacts on the subject site or the surrounding community. These conditions include installation of security lighting, a video surveillance system, and an alarm system. With these and other conditions incorporated, staff believes the proposed use will be an asset to the North Pine neighborhood and thus recommends approval.

PUBLIC HEARING NOTICE

Public hearing notices were distributed on September 16, 2015, as required by the Long Beach Municipal Code. No responses have been received as of the date of preparation of this report.

ENVIRONMENTAL REVIEW

The project has been deemed categorically exempt from further environmental review pursuant to the Guidelines of the California Environmental Quality Act (Exhibit F – Categorical Exemption 15-110).

Respectfully submitted,



JEFF WINKLEPLECK
CURRENT PLANNING OFFICER



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:JW:MH

P:\Planning\PC Staff Reports (Pending)\2015-10-15\273 Pine Avenue\Staff Report

- Exhibits:
- A. Location Map
 - B. Plans & Photos
 - C. Findings
 - D. Buffer Map
 - E. Conditions of Approval
 - F. Categorical Exemption No. 15-110

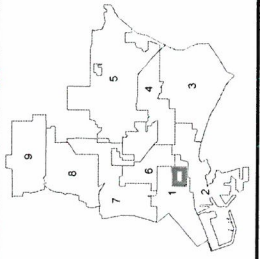
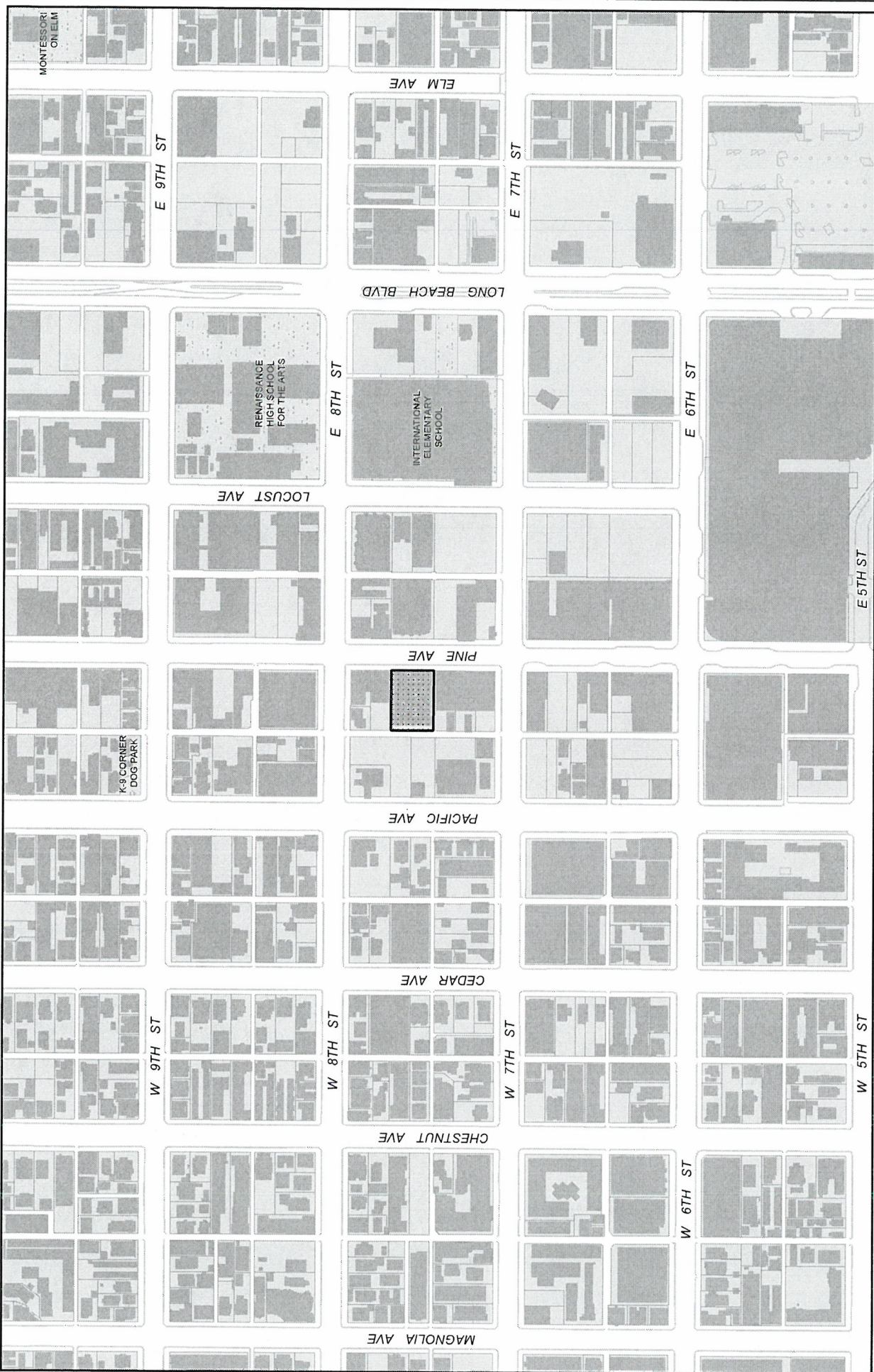
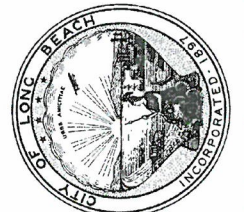


Exhibit A



Subject Property:
 743 Pine Ave
 Application No. 1507-42
 Council District 1
 Zoning Code : PD-30



CONDITIONAL USE PERMIT FINDINGS

743 Pine Avenue

Case No. 1507-42

Date: October 15, 2015

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 subject site is located in Land Use District 7 (Mixed Uses) and within the Downtown Planned Development District (PD-30). PD-30 allows tattoo parlors through the Conditional Use Permit process. A Conditional Use Permit is consistent when it carries out the intent of the land use district in which it is located, and otherwise complies with the required findings of the Zoning Regulations.

The Land Use Element designation of LUD 7 (Mixed Uses) is intended for use in large, vital activity centers, not in strips along major arterials, in order to prevent random siting of disparate uses along a strip. Land uses intended by this designation include employment centers, such as retail, offices, medical facilities and personal and professional services. The proposed tattoo parlor, a personal service use, will be located in a multi-tenant commercial building along a vital activity center, consistent with the goals of LUD 7.

- 2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, 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 15-110) was prepared for this project and is attached for your review.

The proposed use is not anticipated to be detrimental to the surrounding community. Police Department input was sought and received, and their feedback has been incorporated into conditions of approval that address potential negative impacts that may stem from the proposed use. These conditions include hours of operation, security measures, and compliance with all applicable State, County and local Health Department regulations. Approval of such requested Conditional Use Permits enables the City to enforce these

conditions and address potential safety or nuisance issues that may arise in the future.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

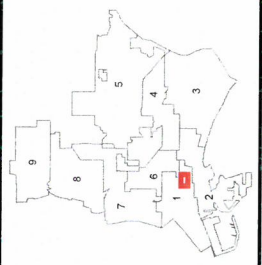
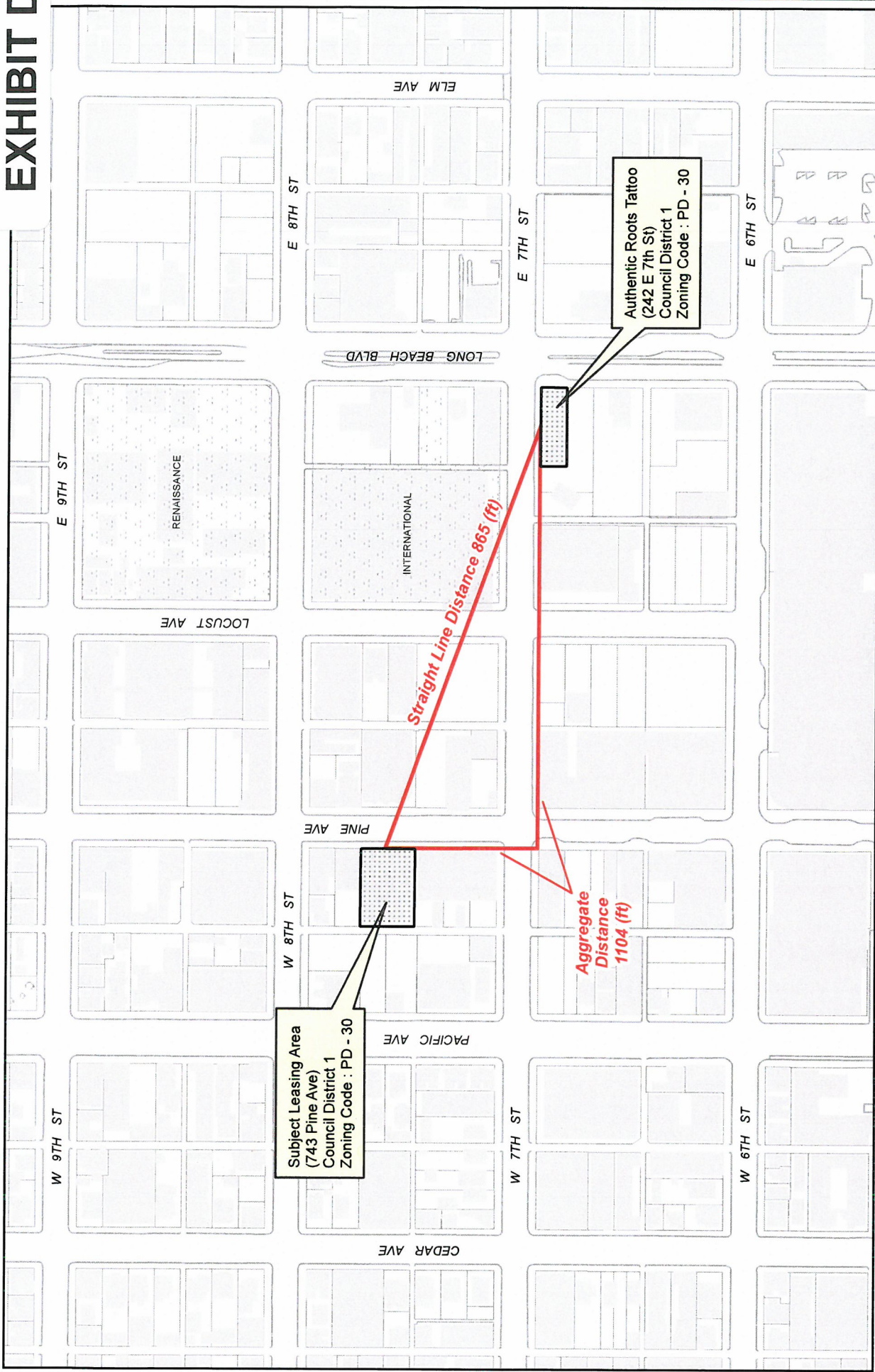
In addition to the above general findings, the following specific conditions pursuant to Zoning Code Section 21.52. apply to tattoo parlors and fortune-telling uses:

- A. No new fortunetelling 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**

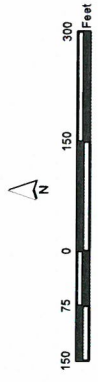
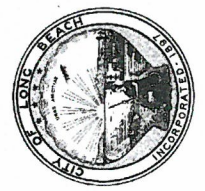
The proposed tattoo parlor is located 865 feet, straight-line distance, from an existing tattoo parlor (Authentic Roots Tattoo) located at 242 E. 7th Street. Their aggregate distance of separation – the door-to-door distance via travel on public rights-of-way – is over 1,100 feet, however. With conditions of approval addressing hours of operation, on-site security, and general nuisance abatement in place, staff feels the proximity of the two uses will not pose a detrimental effect on the surrounding community. No existing adult entertainment, arcade, fortunetelling, or tavern uses are located within 1,000 feet of the proposed tattoo parlor.

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

Staff has included a condition of approval limiting hours of operation from 10:00 a.m. to 8:00 p.m.



Conditional Use Permit Map (743 Pine Ave)



**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL****743 Pine Avenue****Application No. 1507-42****October 15, 2015**

1. The use permitted on the subject site, in addition to the other uses permitted in the Downtown Planned Development District (PD-30), shall be the establishment of a tattoo parlor.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or 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 entrance door and attached window glazing shall maintain 100 percent clear; the use of window tint shall be prohibited.
5. Individual tattoo booths/stalls shall be screened from public right-of-way view.
6. The operator of the approved use shall prevent loitering and loud noises around the subject site during and after the hours of business operation.
7. The hours of operation shall be between 10:00 a.m. and 8:00 p.m.
8. 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.
9. Prior to the issuance of a business license, the applicant shall review and provide all of the following public safety and crime prevention requirements to the satisfaction of the Chief of Police:
 - a. Wall pack 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.
 - b. The proposed business shall be equipped with an audible burglar alarm system and door/window alarm company contacts for added security.

- c. A video surveillance system with the following requirements/capabilities shall be installed:
- Location in a tamper-resistant location above the front entry door;
 - Color recording with a minimum 480-line resolution output;
 - Automatic exposure for day/night conditions;
 - Full coverage of all public rights-of-way and private parking areas adjacent to the business;
 - A minimum camera and DVR or digital storage resolution of 640x480 – 1280x960 pixels is preferred;
 - An IP-configurable DVR or digital storage setup with a public IP address;
 - Ability to provide system username and password to Long Beach Police Department;
 - Internet service with a minimum upload speed of 1mb per second; 5mb upload speed or higher is preferred;
 - Camera and DVR shall support standard MPEG formatting; and
 - Cameras shall have low-light capability, auto iris, and auto focus.
10. 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 studio.

Standard Conditions:

11. 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.
12. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
13. 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.
14. Any business operator is required to comply with these conditions of approval as long as a tattoo use is operated 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).
15. 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.

16. The Director of Development Services is authorized to make minor modifications to the approval design plans or 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.
17. 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).
18. Any graffiti found on site must be removed within 24 hours of its appearance.
19. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



CITY of LONG BEACH NOTICE of EXEMPTION EXHIBIT F

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

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

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

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

Categorical Exemption CE- 15-110

Project Location/Address: 743 PINE AVENUE
Project/Activity Description: CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE A TATTOO PARLOR IN THE DOWNTOWN PLANNED DEVELOPMENT DISTRICT (PD-30).

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

Applicant Name: JOSEPH KASHER
Mailing Address: 752 CORONADO AVE LB, CA 90804
Phone Number: 917-586-3005 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1507-42 Planner's Initials: _____
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 land use for existing commercial building

Contact Person: Craig Chalfant Contact Phone: 562-570-6368
Signature: [Signature] Date: 9/23/15