

July 12, 2007

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission**

**Regular Meeting of
July 17, 2007**

SUBJECT: TATTOO BUSINESSES

Recommendations:

1. Provide feedback to staff on the appropriate method of regulating tattoo businesses;
2. Initiate an amendment to the zoning ordinance pursuant to Section 17.66.020 of the zoning ordinance, and set the matter for public hearing.

Background:

In 1995, the Planning Commission recommended that tattoo business be permitted in the C-3 zones subject to a conditional use permit. The City Council, however, did not adopt the recommended ordinance at that time.

Recently, the City has received inquiries regarding the establishment of a tattoo business (also known as body art establishments) in the City. Presently, the zoning ordinance does not list such a use as permitted within any zoning district. In such cases, the ordinance provides the following:

17.26. 040 Similar use permitted.

When a use is not specifically listed in this chapter, it shall be understood that the use is prohibited unless it is determined by the community development director that the use is similar to and not more objectionable than other uses listed.

It is further recognized that every conceivable use cannot be identified in this chapter, and anticipating that new uses will arise over time, this section authorizes the community development director to compare a proposed use and measure it against those listed for determining similarity. The director's determination shall not be final until confirmed by the city council as a consent calendar item on the council agenda following the director's determination.

In determining similarity the director shall make all of the following findings:

- A. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the general plan;
- B. The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;
- C. The proposed use shall not adversely impact the public health, safety and general welfare of the city's residents; and
- D. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the zone in which it is to be located.

The preceding provisions call for a comparison of the new use with other permitted uses in the district in terms of "similarity". However, tattoo or body art businesses are distinctive land uses which do not share substantial similarities with other permitted uses and which might have different impacts on surrounding land uses and residents. Therefore, staff recommends consideration of a code amendment to address the proposed use.

Analysis:

The following options may be considered in addressing the tattoo business issue:

1. Allow the use by right with no discretionary review;

2. Allow the use subject to approval of a conditional use permit (CUP);
3. Allow the use subject to a CUP, plus impose locational restrictions similar to those placed on adult businesses (e.g. minimum 200 feet from residentially-zoned property, 1000 feet from schools, churches and parks, and 1000 feet from any other tattoo parlor).
4. Continue to not allow the use.

In addition to the above options, the City must consider whether to allow the use in one or more commercial districts: C-1 (Neighborhood Commercial), C-2 (Restricted Commercial), or C-3 (General Commercial). For comparison purposes, adult businesses are allowed only in the C-3 district with a conditional use permit.

Potential adverse impacts of tattoo parlors might include:

1. Noise;
2. Attraction of substantial numbers of patrons from outside the area to establishments near residential neighborhoods, and associated potential for crime or vandalism.
3. Possible lowering of property values if adjacent to residential areas.

Health and safety issues which may have been a concern in 1995 have largely been addressed with recent amendments to L.A. County Health Code, which regulates "body art establishments" and requires a County-issued public health facility permit under section 11.36.350 of the L.A. County Code.

Like other conditionally permitted uses, such uses can be restricted on a case by case basis in order to mitigate their adverse effects on surrounding properties and the public in general. Also, uses can have locational restrictions if found appropriate, as with adult businesses. For tattoo businesses, the CUP requirement under option 2 above may be appropriate. It might also be appropriate to allow such uses only in the C-3 district, which encompasses general commercial uses on larger lots. It should be noted, however, that if option 3 is chosen, the combination of restrictions would probably limit these establishments to the Ralph's shopping center and to a portion of the commercial area at the southeast corner of Coast Highway and Artesia Boulevard.

Staff recommends that the Commission:

1. Provide feedback to staff on the preferred method of regulating tattoo businesses, such as the criteria in one of the options listed preceding;
2. Initiate an amendment to the zoning ordinance, to be brought back for review and public hearing.


Ken Robertson,
Acting Director of Community Development