



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, Planning Manager
Meeting Date: Tuesday, September 20, 2022
Approved by: Brad Raulston, City Manager

SUBJECT:

Request for information related to amending National City Municipal Code (NCMC) 18.30.310 related to locational requirements for tattoo shops.

RECOMMENDATION:

Initiate through minute action an amendment to NCMC 18.30.310 to modify subsection (A)(4)

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

At the meeting of September 6, 2022, the City Council voted to bring back an item related to amending NCMC 18.30.310.

Certain land uses require special standards to mitigate their potential adverse impacts and are regulated by additional requirements found in Chapter 18.30 – Specific Use Regulations of the NCMC. Tattoo parlors and body-piercing establishments have restrictions in NCMC 18.30.310 related to areas in which they may locate. There is also a requirement in subsection (A)(5) for a Conditional Use Permit (CUP). The location requirements include the following:

1. No tattoo or body piercing establishment shall be located within one-mile of another such establishment.
2. Tattoo parlors and body-piercing establishments shall be located no less than 1,000 feet from a church, school, or playground.
3. Tattoo parlors and body-piercing establishments shall be no closer than two hundred fifty feet from a residential zone.
4. No tattoo and body-piercing establishments shall be located east of Interstate 805.

Subsection (A)(4) prevents such businesses from locating within Westfield Plaza Bonita, which is a regional shopping mall east of Interstate 805. City Council requested information related to the creation of an exception to allow tattoo businesses in the area of the City.

Adding language to this subsection to create an exception for businesses within the Major Mixed-Use District (MXD-2) zone would allow a tattoo shop within the mall. This amendment would not remove the requirements for a tattoo shop to meet the other three location-based restrictions. Staff analysis shows that tattoo shops would only be permitted within the mall property due to these restrictions. While the second requirement states that the location of a tattoo business shall be no less than 1,000 feet from a school, staff finds that private schools, including the existing charter school operating in the mall, have different regulations related to geographic locations and size and should not be used for the purpose of determining the location of a commercial business.

As mentioned above, the purpose of specific use requirements is to mitigate potential adverse impacts. A proposed code amendment to allow tattoo businesses east of Interstate 805 would only allow for businesses within a zone district that already serves a variety of commercial and personal service uses. In addition, any new tattoo business would be required to obtain a CUP, which allows the city to place conditions on the operation of the business. Staff is recommending an initiation through minute action to move forward with a proposed amendment.

FINANCIAL STATEMENT:

Not applicable

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - NCMC 18.30.310 – Tattoo and body-piercing establishments

Exhibit B - Potential business location map

Exhibit C – Strikethrough/underline