



AGENDA REPORT

Department: Community Development
Prepared by: Martin Reeder, AICP, Planning Manager
Meeting Date: Tuesday, November 1, 2022
Approved by: Brad Raulston, City Manager

SUBJECT:

Public Hearing and Introduction of an Ordinance Amending Section 18.30.310 (Tattoo Parlors and Body-Piercing Establishments) of Title 18 (Zoning) of the National City Municipal Code related to the location of tattoo and body-piercing establishments.

RECOMMENDATION:

Introduce the Ordinance

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

The Planning Commission recommended amending NCMC 18.30.310 as proposed.

EXPLANATION:

Section 18.30.310 (Tattoo parlors and body-piercing establishments) of Title 18 (Zoning) of the National City Municipal Code, states as follows:

A. Restrictions.

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.
5. A Conditional Use Permit is required.

The Council initiated a Code Amendment related to the prohibition of tattoo shops east of Interstate 805 at their meeting of September 20, 2022. The business owner initiating the discussion of amendment is interested in leasing a commercial suite in Westfield Plaza Bonita, but was prevented from applying for a Conditional Use Permit (CUP) due to Section 18.30.310 A. 4.

Proposed Changes

Staff is recommending amending Section 18.30.310 A. 4. To read as follows:

4. No tattoo and body-piercing establishments shall be located east of Interstate 805 except within the MXD-2 zone.

Analysis

The areas of the City east of I-805 that are zoned MXD-2 (Major Mixed-Use District) are as follows:

- Westfield Plaza Bonita
- North side of Sweetwater Road at Cypress Street (Super 8 Hotel, 7-Eleven)
- Both sides of Plaza Blvd. between I-805 and Euclid Avenue
- Approximate 3 by 4 block area east of Paradise Valley Hospital between East 4th and 8th Streets

Due to the other distance requirements (i.e. 250 feet from residential zones, 1,000 feet from a school), the only MXD-2 zoned area east of I-805 that would allow for a tattoo shop would be Westfield Plaza Bonita.

Findings

There are two findings required for approval of a Code Amendment, one related to General Plan consistency and one related to compliance with the California Environmental Quality Act (CEQA).

General Plan Conformance

The requested amendment to this section is consistent with the General Plan, in that tattoo and body-piercing establishments are already permitted in the MXD-2 zones elsewhere in the City. There is no regulation at the local, state, or federal level that prohibits tattoo and body-piercing establishments from a specific geographic area (i.e. east of I-805). It is also unknown why such a restriction was applied in the first place. A tattoo and body-piercing establishment is a commercial use in a commercial zone, which would be consistent with land use policies in the General Plan.

CEQA Compliance

This application is not considered to be a project under CEQA as any changes would either be in relation to discretionary projects that have their own CEQA review. Being that a tattoo or body-piercing establishment is a commercial use that would function within an existing commercial suite, it would most likely qualify for a CEQA exemption under the CUP process application process.

Summary

Staff is recommending the change to the City's Municipal Code related to tattoo parlors and body-piercing establishments. Section 18.30.310 still requires a CUP for such an establishment. Therefore, approval of this Code Amendment in and of itself would not authorize any new businesses. The Planning Commission held a public hearing on the item at their meeting of October 17, 2022, at which time they recommended approval of the proposed amendment.

FINANCIAL STATEMENT:

Not Applicable

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

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:

First Reading

EXHIBITS:

Ordinance