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# **NEWPORT BEACH**

## **City Council Staff Report**

May 10, 2022  
Agenda Item No. 5

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** Seimone Jurjis, Community Development Director - 949-644-3232, sjurjis@newportbeachca.gov

**PREPARED BY:** Jaime Murillo, Principal Planner  
**PHONE:** 949-644-3209, jmurillo@newportbeachca.gov

**TITLE:** Ordinance No. 2022-12: LCP Amendment Related to Tattoo Establishments (PA2020-030)

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**ABSTRACT:**

For the City Council's consideration is the adoption of an amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) updating development standards related to tattoo establishments. The attached ordinance was introduced and considered at the April 26, 2022, City Council meeting.

**RECOMMENDATION:**

- a) Find this amendment exempt pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3), and Section 15265(a)(1), because it has no potential to have a significant effect on the environment and local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program;
- b) Conduct second reading and adopt Ordinance No. 2022-12, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Adopting Local Coastal Program Amendment No. LC2020-002 Related to Tattoo Establishment Development Standards (PA2020-030).*

**DISCUSSION:**

On December 14, 2021, the City Council adopted amendments to Title 20 (Zoning Code) of the NBMC to allow ministerial approval of tattoo establishments in commercial zones of the City subject, however, to separate requirements and other development and operational standards. The amendment serves the objectives of creating reasonable time, place and manner restrictions as required by the First Amendment, while also ensuring tattoo establishments are compatible with the surrounding area, do not result in an overconcentration, and maintain the quality and character of the community. Similar amendments to Title 21 of the NBMC are also needed for consistency with the adopted changes to Title 20.

On November 30, 2021, the City Council adopted Resolution No. 2021-127, authorizing submittal of LCP Amendment No. LC2020-002 to the California Coastal Commission (CCC) for review and approval. The resolution specified LCP Amendment No. LC2020-002 shall not become effective until approval by the CCC and adoption, including any modifications suggested by the CCC, by resolution(s) and/or ordinance(s) of the City Council.

On March 9, 2022, the CCC approved LCP Amendment No. LC2020-002 with no modifications. As a result, the amendment is now considered deemed approved and became a certified part the City of Newport Beach Local Coastal Program on March 9, 2022. This item is the final adoption of the ordinance amending Title 21 to approve LC2020-002, as certified by the Coastal Commission.

**FISCAL IMPACT:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

The action proposed herein is not a project subject to CEQA in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) and 15378. While this amendment would allow tattoo establishments as an allowed use within the City, it does not authorize new development that would directly result in physical changes to the environment. There is no evidence that amending the regulations for tattoo establishments would result in any new effects on the environment. Additionally, pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENT:**

Attachment A – Ordinance No. 2022-12