

City of Brisbane Agenda Report

TO: Honorable Mayor and City Council

FROM: Interim Community Development Director via City Manager

SUBJECT: Zoning Regulations for Tattoo Parlors

DATE: Meeting of July 6, 2010

City Council Goals:

To provide for effective and efficient delivery of City services (Goal #1).

To provide public service that assures the safety of property and citizens residing, working or visiting in Brisbane (Goal #9).

Purpose:

To initiate a zoning ordinance amendment to specifically address tattoo parlors.

Recommendation:

Authorize staff to initiate a zoning code amendment for the regulation of tattoo parlors.

Background and Discussion:

The City has received an inquiry regarding which zoning districts within the City allow tattoo parlors. Tattoo parlors are not specifically listed as permitted or conditional uses in any zoning district, but many jurisdictions treat them as “personal services,” which are included as permitted or conditional uses in a number of Brisbane’s zoning districts.

Brisbane Municipal Code Section 17.01.080.B gives the Planning Director authority to interpret general categories of uses or to refer any administrative interpretation to the Planning Commission for a final determination. General Plan Program 12a directs that “When evaluating land uses, consider whether a use would result in adverse impacts on existing and proposed land uses nearby, and whether those impacts can be mitigated.” In cases where it is uncertain or ambiguous as to how a proposal would be consistent with adopted City policy, City Council Resolution No. 2004-43 specifies that the matter should be referred to the City Council for appropriate direction on the policy to be followed, before a decision is made on the proposal. Staff believes that the operational characteristics of tattoo parlors are distinct from typical “personal services” such as

barbershops or nail salons, and it would be appropriate for the zoning regulations to specifically address tattoo parlors.

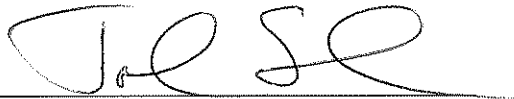
Pursuant to State Health & Safety Code Sections 119300-119309 (“Tattooing, Body Piercing, and Permanent Cosmetics”), San Mateo County adopted Ordinance No. 04285 which gives the County Health Department jurisdiction over the sterilization, sanitation and safety aspects of tattoo parlors (referred to in the ordinance as “body art establishments”). The ordinance includes detailed health and safety standards for such uses. The ordinance specifically does not preempt local land use control or zoning regulation applicable to body art establishments.

Fiscal Impact:

None.

Measure of Success:

The adoption of appropriate regulations concerning tattoo parlors as determined through the Zoning Code Amendment process.



Interim Community Development Director



City Manager