



PLANNING COMMISSION STAFF REPORT

APPLICATION: Ordinance No. 2018-03

AGENDA ITEM: PH-2

PREPARED BY: Nancy Lee
Associate Planner

MEETING DATE: June 13, 2018

SUBJECT: Ordinance No. 2018-03
Planning Commission Resolution No. 2018-03

REQUEST: Amendment to the Monrovia Municipal Code, amending Title 17 (Zoning) to provide regulation and approval requirements for Tattoo Establishments in the CRS/RCC, RCM, M, and HCD Zoning Districts.

APPLICANT: City of Monrovia

ENVIRONMENTAL DETERMINATION: Exempt pursuant to Section 15061(b)(3) of the Local and State CEQA Guidelines

BACKGROUND: Currently, tattoo parlors are conditionally permitted in the heavy commercial and industrial zones. The restrictive nature of the City's regulations is based on issues that other jurisdictions have had with the use. In the last 25 years the City has not received any conditional use permit (CUP) applications for tattoo parlors. Tattoo parlors are currently not permitted in the HCD zone.

In the fall of 2017, the City received a request to consider amending the Monrovia Municipal Code (MMC) to allow tattooing in the Historic Commercial Downtown (HCD) zone as an accessory use, as opposed to a primary use. An accessory use is secondary to the main or primary use and based on Monrovia's regulations, the floor area it could occupy would be limited to a small portion of the overall business, whereas a primary use would be a business with a floor area fully devoted to a specific use.

The concept of regulation of tattooing in HCD zone as an accessory use is similar to how Monrovia currently regulates massage in the HCD zone. Massage as a primary use is not permitted the HCD zone, however, it is allowed through a minor conditional use permit (MCUP) as an accessory use. For example in the HCD zone, a hair salon could offer massage as one of the services they provide with approval of a MCUP, but a full massage establishment would not be permitted.

At the direction of City Council, City staff solicited feedback from Monrovia Old Town Advisory Board (MOTAB) and the Planning Commission on their feedback on allowing tattooing as an accessory use in Old Town Monrovia.

MOTAB and Planning Commission Input

In January 2018, staff presented the issue to the Monrovia Old Town Advisory Board (MOTAB) and the Planning Commission. MOTAB is responsible for making

recommendations to the City Council on programs and projects to advance Old Town Monrovia. The board members voiced strong concerns and support for the concept but no direct opposition to amending the City's regulations. Staff presented the same information to the Planning Commission at their regular meeting of January 10, 2018. The Commission was open to the idea with strong regulations to minimize visibility from the street level.

On February 20, 2018, staff reported back to the City Council. At that point, the City Council requested additional outreach to Old Town Merchants. An online survey was conducted focused on soliciting feedback from merchants, property owners, and others. The survey asked, "Do you think that allowing tattooing as an incidental use in Old Town is a good idea?" The feedback received is reported below:

- Merchants - In favor (Yes 63%/No 37%)
- Old Town Property Owners (Yes 50%/No 50%)
- Others/None of the Above (Yes 47%/No 53%)

However, all respondents, regardless of their stance on tattoo, believed requiring additional approval processes was important.

Given that there no tattoo establishments in the City, at the request of City Council, staff also surveyed the neighboring cities of Arcadia, Duarte, and Pasadena to find out if they experienced enforcement issues from tattoo establishments. All three cities reported that they did not experience enforcement issues. The results of the survey were presented to the City Council on April 3, 2018 and staff received direction to move forward with drafting and ordinance that would permit accessory tattooing in the HCD zone with limitations.

DISCUSSION/ANALYSIS: From a land use perspective, tattoo establishments have historically been considered undesirable due to blighting and/or deteriorating effect in the surrounding community. Based on staff's survey of tattooing in Old Town, a part of the community is been open to allowing this use in Old Town, thus the perception is changing.

The intent of the proposed ordinance is to allow tattooing on a limited basis in the HCD zone. The ordinance allows tattooing as an accessory use within "Retail (indoor)" or "Service Commercial" primary uses and requires minor conditional use permit (MCUP). An accessory use is secondary to a primary business type and the amount of floor area tattooing could occupy would be limited to no more than 20% of the primary business. MCUP's are reviewed and approved by the Development Review Committee (DRC) through a public hearing process.

By moving the proposed ordinance forward, it opens up additional opportunities to existing businesses in the HCD zone.

Zoning Ordinance Amendment

Based on feedback from City Council, MOTAB, Planning Commission, Old Town Merchants, and the Community, staff has drafted an ordinance to initiate tattooing as an accessory use in the HCD zone. Most of the amendments are necessary to allow tattoo establishments as an accessory use in the HCD zone and necessitated to prevent conflict within the MMC.

Currently, tattoo establishments are included in the "Personal Services" definition, which bundles check cashing and massage establishments into one broad definition. Changes to the definitions and use charts in the MMC are also necessary to move the ordinance forward.

Specifically, the proposed amendments are necessary to clarify or remove outdated sections of the MMC. The proposed amendments are summarized below:

- The term “Accessory Use” has been amended to clarify that it is defined the same as the terms “Ancillary Use” and “Secondary Use”. This was necessary because the terms have the same meaning and are used interchangeably throughout the MMC.
- A definition for “Permanent Makeup” was added and is defined to be distinct from tattooing and is permitted as an accessory use in beauty and nail salons. This clarifies how the use is currently regulated.
- “Personal Services” has been deleted because “Check Cashing”, “Tattoo Parlor”, and “Massage Establishments” are now given standalone definitions. Wording in relevant sections of the MMC that still referred to Personal Services has been deleted.
- “Check Cashing” as a standalone use was determined to be compatible in commercial and manufacturing zones and now are permitted in those zones, but prohibited in the HCD zone. This is consistent to how the use has been traditionally regulated in Monrovia.
- “Tattoo Parlor” is an antiquated term and has been renamed to “Tattoo Establishments”.
- Chapter 17.44.195 is added to establish regulation of Tattoo Establishments. The definitions of “Tattoo” and “Tattoo Establishment” and operational limitations are provided in this section.
- “Tattoo Establishments” and “Massage Establishments” are added to the use chart as conditionally approved uses in the HCD zone.

Based on feedback from stakeholders, staff determined that “Retail (indoor)” and “Service Commercial” were the most appropriate use types in which tattooing could be allowed as an accessory use in the HCD zone. For reference, the definition of “Retail (indoor)” and “Service Commercial” are defined below:

- “Retail (indoor)” is defined as “places of business primarily engaged in the sale or rental to the ultimate consumer of goods and merchandise from an enclosed structure, but excluding wholesaling operations. Typical uses include department stores, apparel stores, sporting goods stores, furniture stores and art galleries”.
- “Service Commercial” is defined as “businesses performing services for customers primarily on the business premises. Such services may include but are not limited to beauty salons, nail salons, barbershops, dry cleaners (excluding dry cleaning machinery) and repair shops (watch, shoe, small household appliances and electronics)”.

Staff feels that both retail (indoor) and service commercial uses are pedestrian oriented and also types of businesses where consumers can enter and purchase a product or a service, similar to that of a tattoo establishment. Also, in researching tattoo establishments in other cities, staff did find a few art galleries that offered tattoo services.

Under the proposed ordinance, an apparel store or an art gallery located in the HCD zone could have tattooing as an accessory use upon approval of a MCUP. “Tattoo Establishments” operating as a primary use in excess of 20% of total floor area would not be permitted in the HCD zone.

Prior to drafting the ordinance, staff received comments from the City Council and other stakeholders about limiting the number of tattoo establishments and regulating signage for tattoo establishments as a way to minimize negative impacts. While consideration was given into limiting the number of tattoo establishments, staff believes that this practice would be unfair to business owners and challenging to implement. Further, staff determined that the requiring a MCUP provides the necessary safeguards to control negative impacts. As for the regulation of signage, the City cannot implement content based restrictions because this could affect First Amendment rights.

Proposed Tattoo Regulations

As part of the proposed ordinance, a new section dedicated to the regulation of tattoo establishments has been created. The terms “Tattoo” and “Tattoo Establishment” are defined in this section. All tattoo establishments, whether accessory or primary uses are conditioned to:

- Comply with applicable standards and regulations at the State, County, and local levels.
- Have an approved floor plan tied to business operation.
- Obtain a business license from the City.
- Allow for inspection by the Police Department during business hours.

Further, since tattoo establishments as accessory uses operating in the HCD zone will be permitted to operate on a limited basis with a MCUP, they are specifically conditioned to:

- Submit written consent from the property owner and primary business owner.
- Locate their operations towards the rear of the tenant space and away from the street level.
- Limit the hours of operation and number and visibility of tattoo stations.

Lastly, the new section provides circumstances where the MCUP for tattooing may become null and void. While the standards and conditions listed above are minimum operating requirements, the new regulation provides the Planning Commission or DRC the ability to add or modify conditions as deemed necessary. These new regulations would minimize potential impacts and failure to comply with conditions could result in revocation of the MCUP or CUP.

Safe Body Art Act

The proposed ordinance does not include regulation in the health and safety of tattoo establishments because the Safe Body Art Act would cover such concerns. The Safe Body Art Act became effective in California in 2012 and regulates health standards related to tattooing. Under this law, tattoo artists are required to annually register with the Los Angeles County Department of Public Health (County). Tattoo establishments operators are required to obtain a Health Permit from the County and operate the facility in accordance with the law. Upon approval of CUP or MCUP for a tattoo establishment, City staff would verify that the appropriate registrations and permits from the County are obtained prior to issuance of a business license for tattoo establishments.

Public Notice/Input

The public hearing notice for the proposed ordinance was noticed on May 31, 2018 in the Monrovia Weekly newspaper. Public hearing notices were sent to property owners and

occupants in the HCD zone. Additionally, property owners and occupants within a 300 foot radius of the HCD zone were sent public hearing notices. To date, staff received one phone call from property owner in the HCD who was objected to tattoo establishments in Old Town. Specifically, the objection was for any tattoo establishments in Old Town, regardless of the size of the operation. The Police Department also reviewed the proposed ordinance and did not have any objections.

Conclusion

Staff has incorporated feedback from the City Council, MOTAB, Planning Commission, and the community to draft an ordinance permitting tattooing as an accessory use in the HCD zone. The proposed ordinance includes regulations to ensure that there would be no impact and expands business opportunities by allowing certain businesses in the HCD zone. The proposed ordinance provides opportunities for tattooing services to locate in Old Town Monrovia, yet still maintain a balanced oversight.

RECOMMENDATION: Staff recommends approval of Ordinance No. 2018-03. If the Planning Commission concurs with this recommendation then, following the public hearing, the following motion is appropriate:

MOTION:

Close the public hearing and adopt Planning Commission Resolution No. PCR 2018-03.

ATTACHMENTS

- A. Ordinance No. 2018-03**
- B. Planning Commission Resolution 2018-03**

ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PROVIDING REGULATION AND APPROVAL REQUIREMENTS FOR TATTOO ESTABLISHMENTS IN THE CRS/RCC, RCM, M, AND HCD ZONING DISTRICTS AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECITALS

WHEREAS, on June 13, 2018, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2018-03. At the hearing, all interested persons were given the opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this Ordinance. Following the close of the public hearing, the Planning Commission adopted Resolution No. PCR2018-03 recommending the approval of Ordinance No. 2018-03 to the City Council; and

WHEREAS, on _____, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2018-03. At the hearing, all interested persons were given the opportunity to be heard. The City Council received and considered the staff report, the Planning Commission's recommendation, and all the information, evidence, and testimony presented in connection with this Ordinance; and

WHEREAS, the custodian of records for all materials that constitute the record of the proceedings upon which this decision is based is the City Clerk. Those documents are available for public review in the Office of the City Clerk located at 415 South Ivy Avenue, Monrovia, California 91016; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.080 (Terminology and General Definitions), subsection (B) (Defined Terms) of the Monrovia Municipal Code is hereby amended by amending the term "accessory use" to read as follows:

ACCESSORY USE. A use customarily incidental to a principal use established on the same lot or parcel of land, which accessory use shall not alter said principal use nor serve property other than the lot or parcel of land on which the principal use is located. The terms "ancillary use" and "secondary use" shall have the same meaning as "accessory use."

SECTION 2. Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.080 (Terminology and General Definitions), subsection (B) (Defined Terms) of the Monrovia Municipal Code is hereby amended by adding the terms "ancillary use," and "secondary use" in alphabetical order and shall read as follows:

ANCILLARY USE. The term “ANCILLARY USE” shall have the same meaning as the term “ACCESSORY USE.”

SECONDARY USE. The term “SECONDARY USE” shall have the same meaning as the term “ACCESSORY USE.”

SECTION 3. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.010 (Uses Permitted in Each Zone), subsection (E) of the Monrovia Municipal Code is hereby amended by deleting therefrom the land use term “Personal Services” and the zone references pertaining thereto from the use table; by adding the land use terms “Check Cashing, Massage Establishment, Tattoo Establishment” and the zones in which these uses are permitted; and reordering that subsection alphabetically. In addition, the single asterisk footnote is hereby amended to read as follows: “*Applies to businesses that offer specific services as an accessory use.” The amended references shall read as follows:

Use	Reference	RF RE RL	RM/RH	RH	NC	CRS RCC	RCM	O/RD/ LM	BE	M	P/QP
Commercial Uses											
Check Cashing					P	P	P	P	P	P	
Massage Establishment	17.44.105				Cm*	C/Cm*	C/Cm*	Cm*		C/Cm*	
Tattoo Establishment	17.44.195					C	C			C	

* Applies to businesses that offer specific services as an accessory use.

SECTION 4. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.020 (Special References Use/Activity) of the Monrovia Municipal Code is hereby amended by amending the review requirements for Massage Establishment to “MCUP/CUP”, and adding “Tattoo Establishment” alphabetically. The amended references shall read as follows:

Special References Use/Activity	Review Requirement	Code Reference
Massage establishment	mCUP/CUP	Chapter 5.24; § 17.44.105
Tattoo Establishment	CUP	§ 17.44.195

SECTION 5. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.030 (Use Type Explanations) of the Monrovia Municipal Code is hereby amended by adding the definitions “Check Cashing Business,” “Massage Establishment,” “Permanent Makeup” and “Tattoo Establishment”

alphabetically into the list of definitions; and deleting the definition “Personal Services” from the list of definitions. The text shall read as follows:

CHECK CASHING BUSINESS. Establishment, other than a bank or savings and loan or similar Financial Institution that cashes checks for a fee as its principal business activity and may or may not also make loans as part of that business activity.

MASSAGE ESTABLISHMENT. An establishment having a fixed place of business where any person engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, whether as a primary or secondary use, any activity set forth in the definition of “massage” in Chapter 5.24 of this Code. Any establishment engaged in, conducting, carrying on, or permitting any combination of massage and bath facilities, including but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a **MASSAGE ESTABLISHMENT**. A **MASSAGE ESTABLISHMENT** does not include nail salons, beauty shops and barber shops unless such establishments offer massage services as an accessory use.

PERMANENT MAKEUP means the act of placing an indelible mark or figure upon the human face by insertion of pigment under the skin for the purpose of permanently changing the color or other appearance of the face and includes the application of permanent eyeliner, eyebrows, eye shadow, lip liner, or lip color. The term Permanent Makeup does not include the term Tattoo, as defined in §17.44.195 of this Code. The application of Permanent Makeup is permitted as an accessory use in beauty salons and nail salons.

TATTOO ESTABLISHMENT. As defined in §17.44.195.

SECTION 6. Title 17 (Zoning), Chapter 17.14 (Historic Commercial Downtown (HCD) Zone), Section 17.14.020 (Use Restrictions for the HCD Zone) of the Monrovia Municipal Code is hereby amended by deleting “Personal Services (Massage Only)”, adding “Massage establishment (Accessory Use only)” and “Tattoo establishment (Accessory Use only)” alphabetically and adding a footnote 7. The amended references shall read as follows:

Use	Street Level	Non-Street Level
Commercial Uses		
Massage establishment (Accessory Use only)	Cm ⁶	Cm ⁶
Tattoo establishment (Accessory Use only)	Cm ⁷	Cm ⁷

7. Limited to retail (indoor) and service commercial primary uses that offer tattoo services as an accessory use pursuant to § 17.44.195.D of the code.

SECTION 7. Title 17 (Zoning), Chapter 17.44 (Special Uses), Section 17.44.105 (Massage Establishments), subsection (A) of the Monrovia Municipal Code is hereby amended by deleting the text “...and other personal services businesses, as defined in § 17.08.030”. The text shall read as follows:

(A) *Purpose.* The purpose of this section is to allow businesses other than massage establishments, such as nail salons, beauty shops, and barber shops, to offer massage services as an

accessory use in zones where such businesses' primary use is permitted but massage establishments are prohibited.

SECTION 8. Title 17 (Zoning), Chapter 17.44 (Special Uses), of the Monrovia Municipal Code is hereby amended by adding Section 17.44.195 (Tattoo Establishments) to read as follows:

§ 17.44.195 TATTOO ESTABLISHMENTS.

(A) *Purpose.* The purpose of this section is to establish an appropriate review process for Tattoo Establishments and to mitigate any adverse conditions or impacts associated with such establishments.

(B) *Definitions.* For purposes of this section, the following terms are defined as follows:

(1) **TATTOO.** The act of placing an indelible mark or figure upon the human body by insertion of pigment under the skin or by production of scars. The term "Tattoo" shall not include the term "Permanent Makeup," as defined in Section 17.08.030 of this Code.

(2) **TATTOO ESTABLISHMENT.** Any establishment that applies tattoos or provides tattoo services as a primary or accessory use.

(C) *Conditional use permit required.* Tattoo Establishments located in the zones specified in § 17.08.010 shall obtain a conditional use permit from the Planning Commission in accordance with the procedures set forth in § 17.52.230 through § 17.52.320 of this code.

(D) *Minor conditional use permit required for tattoo establishments that are an accessory use in the Historic Commercial Downtown (HCD) zone.* A Tattoo Establishment shall be allowed as an accessory use in connection with retail (indoor) and service commercial uses, in the Historic Commercial Downtown (HCD) zone specified or in § 17.14.020, provided that 20% or less of the business floor area of the Primary Use is used by the Tattoo Establishment and a minor conditional use permit has been approved by the Development Review Committee for the Tattoo Establishment pursuant to Chapter 17.52 of this Code.

(1) *Standards and conditions specific for tattoo establishment services as an accessory use.* In addition to the following conditions, the Development Review Committee shall have the ability to modify and/or add conditions based on the review of each application.

- a. The applicant shall submit proof of consent from the property owner and primary business owner for the tattoo establishment.
- b. Tattoo establishment operations shall be located within the rear 50% of the primary business floor area.
- c. The visibility of the tattoo establishment shall be minimized from the street level.
- d. The tattoo establishment shall be limited to one tattoo station, and the station shall be visibly minimized within the interior floor area of the primary use.
- e. In the event that the primary use ceases to operate for 30 days, the minor CUP for the tattoo establishment shall become null and void.
- f. The tattoo establishment shall operate within the same hours of operation as the hours of operation of the primary use.

(E) *Conditions for tattoo establishments services approved with a conditional use permit or a minor conditional use permit.* In addition to the following conditions, the Planning Commission or Development Review Committee shall have the ability to modify and/or add conditions based on the review of each application. Standard conditions for tattoo establishments are as follows:

- (1) The business shall comply with all standards and regulations of any State, County, and local laws and any applicable standards of the County of Los Angeles Department of Public Health.
- (2) The approved floor plan is an integral part of the decision approving the conditional use permit or minor conditional use permit. All changes to the approved floor plan are required to be reviewed by the Planning Commission or Development Review Committee.
- (3) Approval of the request does not constitute a business license. A business license is required and shall be obtained prior to commencement of business operations.
- (4) All areas where the Tattoo Establishment is approved shall be available for inspection by the Police Department during all business hours.

SECTION 9. Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, Ordinance 2018-03 is considered exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the regulation of tattoo establishments in a manner that will prevent adverse impacts upon adjacent areas will have a significant effect on the environment, since these uses will be located in zones that require discretionary review. Therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)). The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City staff has correctly concluded that it can be seen with certainty that there is no possibility the proposed amendments to the Municipal Code and the effects derivative from that adoption may have a significant effect on the environment.

SECTION 10. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 11. This Ordinance shall take effect thirty (30) days after its final passage and adoption. A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which this proposed Ordinance is to be adopted. Within fifteen (15) days after adoption of this Ordinance, the City Clerk is instructed to publish a summary of this Ordinance with the names of those City Council members voting for and against this Ordinance, and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council members voting for and against this Ordinance or amendment at least until the day of such publication.

INTRODUCED this ___ day of _____, 2018

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2018.

Tom Adams, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

Alice D. Atkins, CMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia

PLANNING COMMISSION RESOLUTION NO. 2018-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONROVIA, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 2017-03 AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PROVIDING REGULATION AND APPROVAL REQUIREMENTS FOR TATTOO ESTABLISHMENTS IN THE CRS/RCC, RCM, M, AND HCD ZONING DISTRICTS AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECITALS

(i) On June 13, 2018, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2018-03. At the hearing, all interested persons were given the opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this Ordinance.

(ii) Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, Ordinance 2018-03 is considered exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the regulation of tattoo establishments in a manner that will prevent adverse impacts upon adjacent areas will have a significant effect on the environment, since these uses will be located in zones that require discretionary review. Therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)). The Planning Commission has reviewed the project and based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City staff has correctly concluded that it can be seen with certainty that there is no possibility the proposed amendments to the Municipal Code and the effects derivative from that adoption may have a significant effect on the environment.

(iii) The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California 91016.

(v) All legal prerequisites to the adoption of this Resolution have occurred.

A. RESOLUTION

NOW, THEREFORE, the Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct.
2. Adoption of Ordinance No. 2018-03 will not have a significant effect on the environment.
3. The project is in conformance with the environmental goals and policies adopted by the City. Specifically, Ordinance No. 2018-03 is consistent with the General Plan Land Use Element Goal 1, which requires the City to provide for a mix of land uses (residential, commercial, industrial) which provides a balanced community.
4. Ordinance No. 2018-03 will not adversely affect the public health, safety, or welfare in that it will provide for orderly and consistent development in the City, as appropriate regulations, standards and limitations have been included to protect the character of the CRS/RCC, RCM, M, and HCD zoning districts.
5. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance 2018-03 to the City Council set in "Exhibit A" attached hereto and incorporated herein by this reference.

The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2018.

Robert Parry, Chair
Monrovia Planning Commission

ATTEST:

APPROVED AS TO FORM:

Craig Jimenez, AICP, Secretary
Monrovia Planning Commission

Carol Lynch, Assistant City Attorney
City of Monrovia