



City of Huntington Beach Planning and Building Department  
**STUDY SESSION REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Tess Nguyen, Associate Planner *TN*  
**DATE:** April 27, 2010  
**SUBJECT:** **CONDITIONAL USE PERMIT NO. 10-007 (TATTOO AND BODY PIERCING STUDIO)**

**APPLICANT/  
BUSINESS**

**OWNER:** James Sawyer and Dominic Elefante, 222 Portland Avenue, Huntington Beach CA 92648

**PROPERTY**

**OWNER:** P.A. Poon & Son Inc., 18822 Beach Boulevard #101-103, Huntington Beach CA 92648

**LOCATION:** 18822 Beach Boulevard #113 (southeast corner of Beach Boulevard and Constantine Drive)

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**PROJECT REQUEST AND SPECIAL CONSIDERATIONS**

Conditional Use Permit No. 10-007 represents a request to permit the establishment of an approximately 1,145 sq. ft. tattoo and body piercing studio in an existing commercial center pursuant to HBZSO Section No. 211.04, CO, CG, and CV Districts: Land Use Controls—Tattoo Establishments. Ancillary to the tattoo studio is an art gallery and retail shop of tattoo-inspired clothing and accessories. The tattoo and body piercing area will only occupy approximately 135 sq. ft. of the tenant space with the remaining floor area devoted to the retail area, offices, restroom, and janitor closet. The establishment will operate from 11:00 AM to 11:00 PM on Monday through Saturday and from 12:00 PM to 10:00 PM on Sunday. Eight employees will operate the tattoo and body piercing studio, art gallery, and retail shop.

**CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	CG-F1 (Commercial General—0.35 Max FAR)	CG (Commercial General)	Commercial
North (across Constantine Drive) of the Subject Property	CG-F2-d (Commercial General—0.5 Max FAR)	CG	Commercial
South and West (across Beach Boulevard) of the Subject Property	CG-F1	CG	Commercial
East of Subject Property	RM-15 (Residential Medium Density—Max. 15 du/ac)	RM (Residential Medium Density)	Multi-Family Residential

The site is currently developed with a 28,200 sq. ft. strip commercial center constructed in 1980. There are 13 businesses operating within the shopping center including a sports bar, dry cleaners, nail salon, hair salon, restaurant, offices, and retail stores. The tattoo and body piercing studio is proposed to occupy a vacant tenant space.

**APPLICATION PROCESS AND TIMELINES**

**DATE OF COMPLETE APPLICATION:**

March 23, 2010

**MANDATORY PROCESSING DATE(S):**

May 23, 2010

Conditional Use Permit No. 10-007 was filed on February 23, 2010 and deemed complete on March 23, 2010. The application is tentatively scheduled for the Planning Commission meeting of May 11, 2010.

**CEQA ANALYSIS/REVIEW**

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, which states that minor alterations and operation to existing structures are exempt from further environmental review.

**COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES**

The Departments of Building & Safety, Fire, Police, and Public Works have reviewed the application and identified comments and applicable code requirements. The Code Requirements letter was transmitted on March 29, 2010, and is attached for informational purposes (Attachment No. 5). The business is subject to Huntington Beach Municipal Code Chapter 8.72, *Tattooing, Body Piercing and Permanent Cosmetics Regulations* and will be regulated and inspected for compliance by City staff and the County of Orange Health Care Agency (Environmental Health). A Registered Environmental Health Specialist (REHS) coordinates registration of each tattoo artist with the County, performs yearly random inspections to verify compliance with regulations, and assists City staff in responding to complaints regarding tattoo operations.

**PUBLIC MEETINGS, COMMENTS AND CONCERNS**

There have been no public meetings regarding this request. To date, there have been no comments from the public regarding this request.

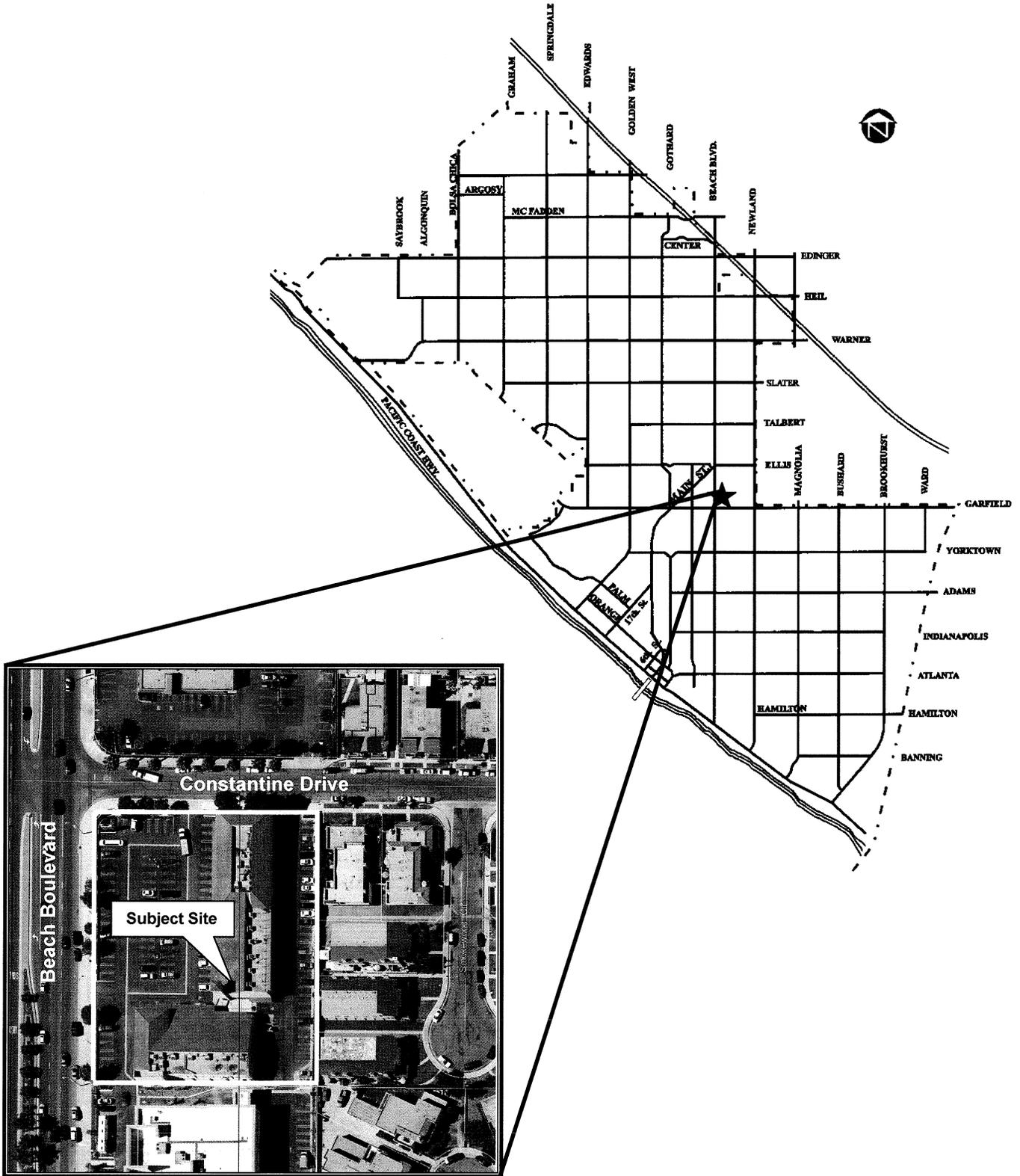
**PLANNING ISSUES**

The primary issues to consider with the proposed tattoo and body piercing use are related to the compatibility with the surrounding land uses and the applicant’s ability to comply with unique Municipal and Health Care Codes regarding business operations at a tattoo and body piercing establishment.

**ATTACHMENTS:**

1. Vicinity map
2. Site plan and floor plan received and dated March 31, 2010
3. Project Narrative received and dated March 23, 2010
4. HBMC Chapter 8.72 – Tattooing, Body Piercing and Permanent Cosmetics Regulations
5. Code Requirements Letter dated March 29, 2010 (for informational purposes only)

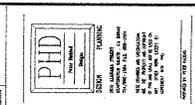
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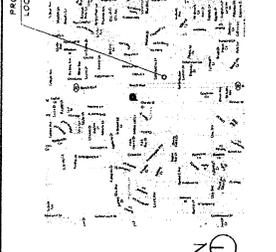
**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 10-007**  
**(TATTOO AND BODY PIERCING STUDIO—18822 BEACH BOULEVARD #113)**

ATTACHMENT NO. 1.1

REVISIONS

VICINITY MAP



BUILDING DATA

**CODES**  
 2001 CALIFORNIA BUILDING CODE (BASED ON THE 2001 IBC)  
 2001 CALIFORNIA FIRE CODE (BASED ON THE 2001 FBC)  
 2001 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2001 NEC)  
 ALL APPLICABLE STATE AND LOCAL CODES AND ORDINANCES

EXISTING TANK BUILDING TYPE V NON-SPRINKLERED  
 CONSTRUCTION TYPE B  
 OCCUPANCY NUMBER OF STORES (2)

SUITE IS	AREA	RATIO	OCCUPANCY
1ST FLOOR	45 S.F.	30	14
2ND FLOOR	100 S.F.	100	3
UNDES	500 S.F.	100	3
TOTAL	645 S.F.		21

INDEX

SHEET	DESCRIPTION
T-1	TITLE SHEET REFERENCE SITE PLAN
A-1	FLOOR PLAN REFLECTED CEILING PLAN

SCOPE OF WORK

TENANT IMPROVEMENT  
 1) ADD PARTITIONS PER PLAN  
 2) ADD DISPLAY FIXTURES AND COUNTERS PER PLAN

LEGAL

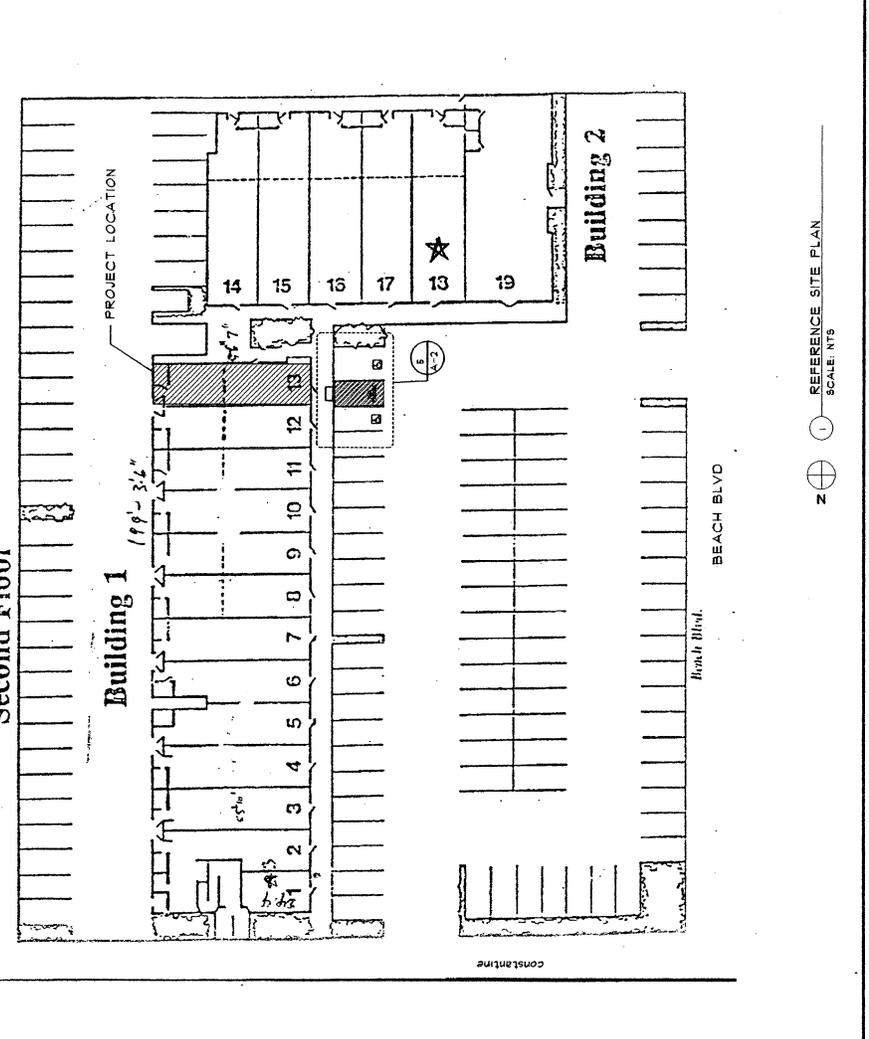
LANDLORD/OWNER  
 P.A. POON I SON  
 1822 BEACH BLVD, SUITE 113  
 HUNTINGTON BEACH, CA  
 PROJECT ADDRESS  
 1822 BEACH BLVD, SUITE 113  
 HUNTINGTON BEACH, CA 92646

NOTES

- STATE REQUIREMENTS**
1. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS AT SITE PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HUNTINGTON BEACH.
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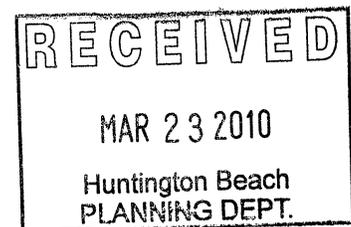
Hello my name is James J. Sawyer I have been a tattoo artist for the past fifteen years. I have been very fortunate to have traveled around the world doing what I love to do; putting my artwork on my clients who often become good friends. My profession has been good to me and now has presented a chance for entrepreneurship with a good friend and partner Dominic Elefante. We would love the opportunity to make this dream of ours a reality, opening up a tattoo/body piercing/art emphasized retail shop. The location at 18822 Beach Blvd. is exactly what we are looking for.

At the proposed location we would provide the following services: tattoos, body piercing, and a small variety of tattoo inspired clothing and accessories. The location is just the right size for us with approximately 1,200 sq. ft., with about 900ft on bottom and 300ft on top. Our hours of operation would run from 11am-11pm Monday thru Saturday and Sunday 12pm-10pm. As far as employees go we would have a crew of five tattoo artists including myself, one shop helper/manager, one body piercer, and one front desk/cashier.

We would also like to have occasional art shows creating an art gallery atmosphere. We have a goal of putting on one exhibit every two months. At that time we would invite different artists to display their artwork at our location. Some of these exhibits will be charity shows where the proceeds of the artwork sold go to a selected charity. The other exhibits, which are not for charity, will be for the sole purpose of art appreciation. Any art for sale would be directly through the artist whose contact information would be provided.

The timing could not be any better for us and we are hopeful that with the submission of this application we will be one step closer to our goal. Along with good timing on the financial end, we are also very happy with our neighbors in the Seaport Square Plaza. To the left of us are Max's Sports Bar and Grill and The Monkey House Café and to the right of us are Molina Tax Shop, Beauty Salon, Head Hunters Head Shop, and the legendary Vinyl Records. There is also plenty of parking in the front and back.

People of all walks of life choose to express themselves through tattoos and body piercing. It has been described as therapeutic and the ultimate form of expression. As my mentor and boss the legendary Jack Rudy says, "Tattoo saved my life". Thank you for taking the time to read our narrative of what we are optimistically looking forward to.



**Chapter 8.72**

**TATTOOING, BODY PIERCING AND PERMANENT COSMETICS REGULATIONS**

(Repealed Chapter 8.70 – Tattooing Establishment and Operation Regulations – 3237-7/94)  
(Chapter 8.72 - 3625-1/04)

**Sections:**

- 8.72.010 Definitions
- 8.72.020 Locational Criteria
- 8.72.030 License Required
- 8.72.040 Record Retention
- 8.72.050 Health and Sanitary Requirements
- 8.72.060 Operator
- 8.72.070 Establishment
- 8.72.080 Equipment and Supplies-General
- 8.72.090 Patrons
- 8.72.100 Skin Preparation
- 8.72.110 Tattoo
- 8.72.120 Body Pierce
- 8.72.130 Interpretation
- 8.72.140 Severability
- 8.72.150 Enforcement
- 8.72.160 Violations
- 8.72.170 Penalties

**8.72.010 Definitions**

- (a) **Aftercare Instructions:** Written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the tattoo or body piercing and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- (b) **Antiseptic:** A chemical that kills or inhibits the growth of organisms on skin or living tissue.
- (c) **Autoclave:** An apparatus that is registered and listed with the federal food and drug administration for sterilizing articles by using superheated steam under pressure.
- (d) **Bloodborne Pathogens:** Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C (HCV), and HIV.
- (e) **Body Pierce:** To puncture, perforate, or penetrate any human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. The puncturing of the outer perimeter or lobe of the ear shall not be included in this definition.

- (f) **Contaminated:** The presence or reasonably anticipated presence of blood, body fluid, or other potentially infectious materials, as defined in 29 Code of Federal Regulations, Part 1910.1030 (latest edition), known as” Occupational Exposure to Bloodborne Pathogens” in or on the surface of an item or person.
- (g) **Contaminated Waste:** Any contaminated material used in tattooing, body piercing, or permanent cosmetics that is to be disposed of.
- (h) **Department/Officer:** That person or office designated by order of the City Council of the City of Huntington Beach or by contract approved by the said Council as the person or office having responsibility for the enforcement of the provisions of this article. This also includes any Orange County Health Officer.
- (i) **Disinfectant:** A chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.
- (j) **Establishment:** Any place whether public or private, temporary or permanent, in nature or location, where tattooing, body piercing, or application of permanent cosmetics is performed.
- (k) **Equipment:** All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a tattoo, body piercing, or permanent cosmetic establishment.
- (l) **Minor:** Any person under the age of 18 years.
- (m) **Operator:** Any person, whether the proprietor or another person, administering a tattoo, body piercing, or permanent cosmetic to any customer of the establishment.
- (n) **Proprietor:** The person having general control and management over the conduct of the business at a tattoo, body piercing, or permanent cosmetic establishment, whether or not such person is the legal owner of the premises or the business.
- (o) **Practitioner/Operator:** A person registered with the Orange County Health Officer and approved by the Chief of Police who performs tattooing, body piercing, and/or permanent cosmetics on another person at that persons request.
- (p) **Premises:** An establishment, its contents, and the contiguous land or property and its facilities and contents that are under the control of the proprietor that may impact the establishment personnel, facilities, or operation.

- (q) **Tattoo:** Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing and permanent cosmetics or permanent makeup.
- (r) **Workstation:** Any area that is set up to perform tattooing, body piercing, or permanent cosmetics. A workstation can be a separate room or an area that can be screened to insure privacy when performing nipple, genital, or other discretionary area tattooing or body piercing. All workstations will comply with sanitation rules and guidelines set forth in this code.

**8.72.020 Locational Criteria** No person or practitioner may tattoo or body pierce another person unless such tattooing or body piercing is done at a licensed establishment that meets the requirements of this chapter. Such establishment must be located in an area approved for such purpose per the City of Huntington Beach Zoning and Subdivision Ordinance.

**8.72.030 License Required** All owners of a tattoo and/or body piercing establishment, or those establishments providing tattoo and/or body piercing, must obtain a business license from the City of Huntington Beach. All independent contractors, or any person providing any service relating to tattoo and/or body piercing who is not an employee must obtain a business license from the City of Huntington Beach.

**8.72.040 Record Retention**

- (a) Records shall be kept of all tattoos and body piercing. The records shall be kept on the premises of the establishment where administered. These records shall be available for inspection for a period of three (3) years after the date of the procedure. The records shall include;
- (1) The date and time of the procedure.
  - (2) Record of information from the patron's picture identification showing the name, date of birth, gender, address of patron, and Driver's License or Identification Card number. US Passports must be accompanied with a second valid form of identification.
  - (3) The location of any tattoo, permanent cosmetic, or body piercing.
  - (4) The name and registration number of the practitioner.
  - (5) A copy of the signed client information and consent form to perform the tattoo or body piercing.

**8.72.050 Health and Sanitary Requirements****Practitioner Requirements**

- (a) The practitioner shall be free of communicable disease that may be transmitted by the practitioner of tattooing or body piercing. The practitioner shall submit to City on an annual basis a certificate from a medical doctor, stating that the applicant has, within 30 days immediately preceding the date of exam, been examined and found to be free of any contagious or communicable diseases, such as Hepatitis B, Hepatitis C, Tuberculosis, and Infectious Mononucleosis.
- (b) Practitioners with open sores, rashes, lesions, boils or skin infections shall not engage in the practice of tattooing or body piercing.
- (c) No practitioner shall work while under the influence of alcohol or any other mind-altering drug, prescription or non-prescription.
- (d) No practitioner shall smoke, eat, or drink at the workstation during or between procedures.
- (e) The practitioner shall wash his or her hands and forearms thoroughly with soap and hot water before any skin preparation or procedure. The hands shall be dried with single-service towels. Single-service disposable rubber gloves shall be worn throughout the entire procedure.

**8.72.060 Operator**

- (a) No Operator shall;
  - 1. Allow practitioners with open sores, rashes, lesions, boils or contagious skin infections to engage in the practice of tattooing or body piercing.
  - 2. Allow any practitioner to work while that practitioner is under the influence of alcohol or any mind-altering drug.
  - 3. Allow any practitioner to use tobacco products, eat or drink while performing an actual procedure.
- (b) The Operator shall;
  - 1. Allow access to the officer for the City of Huntington Beach or a designee of the Orange County Health Care Agency to enter the tattooing or body piercing establishment at any time during normal business hours in order to ensure that the provisions of this ordinance are being met. The officer may enter, inspect, issue notices of violations, copy records, impound, seize and secure any samples, photographs, or other evidence from any establishment.

2. Require each practitioner working at the establishment to be registered with the Orange County Health Care Agency.
3. Maintain a list of registered practitioners that work at or have worked at the establishment for a review by the officer during inspections. This includes all employees and independent contractors.

**8.72.070 Establishment** The Operator shall be responsible for and ensure the following;

- (a) The entire premises of the establishment and all facilities used in connection therewith shall be maintained in a clean and sanitary condition and in good repair.
- (b) The establishment shall be equipped with potable hot and cold running water under pressure as well as toilets and hand sinks that are connected to water and sewage disposal systems. Hand sinks shall be supplied with cleansing compound and single-service towels. At least one (1) additional hand sink shall be located within the immediate area of the workstation. In addition to adequate hand sinks, the establishment shall have a separate janitorial sink available for use by the establishment.
- (c) The establishment, including the immediate workstation area where tattooing and body piercing is performed, shall be adequately lighted and ventilated.
- (d) Floors, walls, and ceilings in the immediate workstation area shall have smooth, nonporous, nonabsorbent and washable surfaces, and shall be maintained in a clean condition. Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a nonporous washable surface. Carpeting is prohibited.
- (e) Approved waste containers with nonabsorbent, durable plastic liners, shall be used for all tissues, towels, gauze pads and other similar items used on the patron. Bio-hazardous waste shall be disposed of in an acceptable manner. Needles and razors shall be disposed of in a SHARPS container.
- (f) Smoking or consumption of food shall not be allowed in the immediate workstation area where the procedure is being performed. No alcoholic beverages will be consumed in workstation area of the establishment at any time.
- (g) No animals, except guide dogs for visual or hearing-impaired persons, shall be permitted in the establishment.
- (h) The establishment shall be equipped with a telephone for use in case of need for emergency services.

- (i) No establishment shall be used as a sleeping room or dormitory.

**8.72.080 Equipment and Supplies- General**

- (a) All establishments shall be equipped with an autoclave, or similar device approved for use in sterilizing instruments to be used on humans, and which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit. Sterilization tape, or similar indicator, shall be used with each batch autoclave or dry sterilizer to monitor functioning of the sterilization unit.
- (b) All instruments used on any patron shall be sterilized.
- (c) All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needle or brush able to enter the smallest opening of the instrument. The cleaning of the instruments shall be done with detergent and hot water.
- (d) Equipment or instruments requiring sterilization may be wrapped with an approved paper or plastic or placed in glass or plastic tubes. All such packages of containers shall be marked with temperature recording tape or labels and dated with the date of sterilization.
- (e) All surfaces and equipment, including, but not limited to, chairs, workstations, counters, recliners, dispensers, shall be made of smooth, nonabsorbent, nonporous material that can withstand repeated disinfection.
- (f) Engineering and work practice controls shall be utilized to eliminate or minimize exposure to blood and body fluids. Extraordinary care must be taken to avoid accidental wounds from sharp instruments contaminated with blood or body fluids and to avoid contact with open skin lesions. Needles shall not be broken, bent or recapped, unless the needle is equipped with a factory installed, medically approved, recapping device.
- (g) All establishments shall have clean or single-use disposable, laundered towels, washcloths and disposable paper towels in sufficient quantity.
- (h) A clean or single-use disposable towel and washcloth shall be used for each customer.
- (i) Clean towels and washcloths shall be stored in a closed, dust-proof container.
- (j) Soiled towels and washcloths shall be disposed of or stored in an approved covered container.
- (k) Any material or supply which has made contact with the blood or body fluids of any person, or by an instrument which has had such contact, shall be deemed contaminated and must be disposed of unless it may be sterilized and reused under the specific provisions of this ordinance.

- (l) A disinfectant shall be used after cleaning to disinfect any surface contaminated with blood or body fluids.
- (m) All facilities shall have a waiting area that is separated from the workstation area.
- (n) A public restroom shall be available to patrons during business hours.
- (o) The workstation area and patron chair/table shall be wiped down with a disinfectant using a single-use paper towel before and after serving each patron.
- (p) Wall mounted hand washing cleanser and wall mounted single-use towel dispensers shall be provided and filled at all hand washing sinks.

**8.72.090 Patrons**

- (a) Inquiry shall be made and no tattooing or body piercing shall be performed on an individual who is suspected of having jaundice or hepatitis or who recovered from jaundice or hepatitis within the preceding six (6) months.
- (b) Tattooing or body piercing shall not be performed on an individual in an area with an evident skin infection or other skin disease or condition, including, but not limited to, rashes, pimples, boils, infections, open lesions, or sunburn which shows any evidence of unhealthful conditions without medical clearance.
- (c) Tattooing or body piercing shall not be performed on any patron who appears to be impaired by or under the influence of alcohol or any mind-altering drug.

**8.72.100 Skin Preparation** The following aseptic techniques shall be utilized in the practice of tattooing and body piercing.

- (a) Practitioners shall wash their hands thoroughly with hot water and soap before gloving, prior to each patron. Hands shall be dried with individual paper towels. Practitioners shall wear single-use gloves during the procedure and shall discard the gloves at the end of the procedure.
- (b) If the patron's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. A safety razor shall be used. A new blade shall be used for each customer. The blade shall be discarded in a SHARPS container after each use. If reusable blade holders are used, they shall be autoclaved between uses on different patrons.

- (c) The skin area to be tattooed or pierced shall be prepared by thoroughly washing the area with seventy percent (70%) isopropyl alcohol. The solution shall be applied with cotton or gauze or sprayed on.
- (d) Single-use gauze pads, cloths and towels shall be used in the skin cleaning and preparation process. Such materials shall be discarded after use.
- (e) All patrons that have received a tattoo or body piercing, or portion of a tattoo or body piercing, shall be provided with printed aftercare instructions regarding care during the healing process of any tattoo or body piercing done at such establishment.

**8.72.110 Tattoo**

- (a) It shall be unlawful for any person to tattoo a person under the age of 18 years, regardless of parental consent.
- (b) Before administering a tattoo, the patron must be advised in writing of the consent form in regards to the following:
  - (1) That the tattoo should be considered permanent,
  - (2) That there is potential for adverse healing such as keloid formation, and hypertrophic scarring,
  - (3) That it can only be removed with a surgical procedure, and
  - (4) That any effective removal may leave scarring.
- (c) One copy of the consent form will be retained by the establishment for three (3) years and a copy of the consent form will be given to the patron.
- (d) Any dye or ink in which needles were dipped shall not be used on another person. Ink cups shall be for single patron use.
- (e) Needles shall be used on only one (1) patron and then properly discarded.
- (f) Needles may be reused during the same session on the same person by rinsing them under running tap water, followed by rinsing them in seventy percent (70%) isopropyl alcohol.
- (g) No stencil may be re-used unless it has been disinfected/sanitized.

- (h) Plastic stencils shall be thoroughly cleaned after each use and sanitized by immersion for ten (10) minutes in a chlorine disinfectant solution prepared by mixing one (1) tablespoon of household bleach containing five percent (5%) chlorine with one (1) pint of water. A fresh solution of chlorine must be prepared for each stencil. After sanitizing, the stencils shall be rinsed in running tap water and air-dried or blotted dry with a clean, single-use towel. Prior to use, each pre-cleaned stencil shall be rinsed in a seventy percent (70%) isopropyl alcohol solution.
- (i) Paper stencils shall only be used once. New paper stencils shall be used for every individual.
- (j) All inks, pigments, dyes and instruments used in the practice of tattooing shall be maintained in a condition to prevent contamination.
- (k) All inks, pigments, and dyes shall be obtained from sources recognized as safe. Information indicating the sources of all ink and pigments shall be available to the Officer or County Health Department upon request.
- (l) Only inks, pigments and dyes shall be used and shall be dispensed from bottles and containers.
- (m) Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the dye bottles into disposable cups. Upon the completion of the tattoo, the cups and unused dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.
- (n) Petroleum jelly, or other applying agent, used for applying stencils shall be dispensed from a single-use disposable container or with a tongue blade or applicator stick, which shall be discarded after each use.
- (o) After completing work on any patron, the tattooed area shall be washed with seventy percent (70%) isopropyl alcohol. A dry, gauze or plastic wrap dressing shall be used to cover the tattooed area. Pierced areas shall be treated to ensure the prevention of infection.

#### **8.72.120 Body Pierce**

- (a) It shall be unlawful for any person to body pierce an individual under the age of 18 years unless such body piercing is performed in the presence of, or as directed by a notarized writing by, the minor's parent or legal guardian. The minor shall present valid identification and the parent or legal guardian shall present a valid photo identification to the practitioner prior to any body piercing.

- (b) Nipple and genital piercing is prohibited on minors regardless of parental consent.

**8.72.130 Interpretation** In their interpretation and application, the provisions of this ordinance shall be held to a minimum requirement and shall be liberally construed in favor of the City of Huntington Beach, and shall not be deemed a limitation or repeal of any other power granted by the City of Huntington Beach Municipal Code.

**8.72.140 Severability** If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this ordinance.

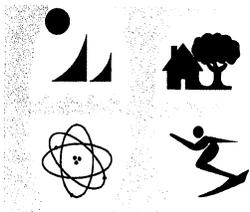
**8.72.150 Enforcement**

- (a) The Officer shall have the authority, under the Huntington Beach Municipal Code, to inspect any establishment under the provisions of this ordinance for the purpose of determining compliance with any of the terms of this ordinance.
- (b) Access. The Officer for the City of Huntington Beach or a designee of the Orange County Health Care Agency shall be permitted to enter the tattooing or body piercing establishment at any time, during normal business hours, in order to ensure that the provisions of this ordinance are being met. The Officer may enter, inspect, issue notices of violations, copy records, impound, seize and secure any samples, photographs, or other evidence from any licensed or unlicensed establishment.

**8.72.160 Violations** Violations of this ordinance are an immediate and present danger to the public health and welfare. Unlicensed or unsanitary operation of a tattoo or body piercing business shall be deemed to cause irreparable harm. Violations of this ordinance may be enjoined, without prejudice to seek forfeiture for the violations involved.

**8.72.170 Penalties** Each of the following acts or omissions of the ordinance shall constitute a misdemeanor.

- (a) Any performance of a tattooing or body piercing operation by an Operator in violation of any requirement of prohibition imposed in this article.
- (b) Any failure by a proprietor to maintain a tattooing or body piercing establishment in conformity with the requirements of this article. For purposes of this subparagraph (b), each day upon which such a failure to conform occurs shall constitute a separate violation.



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

March 29, 2010

James Sawyer  
222 Portland Avenue  
Huntington Beach CA 92648

**SUBJECT:           CONDITIONAL USE PERMIT NO. 10-007 (TATTOO AND BODY PIERCING  
STUDIO)—18822 BEACH BOULEVARD #113  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Sawyer:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or if site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 ([tnguyen@surfcity-hb.org](mailto:tnguyen@surfcity-hb.org)) and/or the respective source department (contact person below).

Sincerely,

TESS NGUYEN  
Associate Planner

Enclosures

cc: Edward Lee, Building & Safety Department – 714-374-1538  
Darin Maresh, Fire Department – 714-536-5531  
Josh McDonald, Public Works – 714-536-5509  
P.A. Poon & Son, Inc. Property Owner

Kevin Kesler, Police Department – 714-536-5594  
Herb Fauland, Planning Manager  
Jason Kelly, Planning Department  
Project File



## CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** MARCH 22, 2010  
**PROJECT NAME:** TATTOO AND BODY PIERCING STUDIO  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 2010-007  
**PROJECT LOCATION:** 18822 BEACH BOULEVARD #113, HUNTINGTON BEACH  
**PLAN REVIEWER:** TESS NGUYEN, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1744/ TNGUYEN@SURFCITY-HB.ORG  
**PROJECT DESCRIPTION:** TO PERMIT A 1,200 SQ. FT. TATTOO AND BODY PIERCING ESTABLISHMENT IN AN EXISTING COMMERCIAL CENTER.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated February 23, 2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should the project be approved. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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1. The site plan and floor plan approved by the Planning Commission shall be the conceptually approved design.
2. CUP No. 2010-007 shall not become effective until the ten calendar day appeal period from the Planning Commission approval of the entitlements has elapsed. **(HBZSO Section 241.14)**
3. CUP No. 2010-007 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
4. The Planning Commission reserves the right to revoke CUP No. 2010-007 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
5. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
6. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action. **(California Code Section 15094)**

7. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission. **(HBZSO Section 232.04)**
  
8. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**



**CITY OF HUNTINGTON BEACH  
BUILDING AND SAFETY DEPARTMENT  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** 03/11/2010  
**PROJECT NAME:** TATTOO/BODY PIERCING SHOP  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 2010-0047: CONDITIONAL USE PERMIT NO. 2010-007  
**DATE OF PLANS:** 02/23/2010  
**PROJECT LOCATION:** 18822 BEACH BLVD., HUNTINGTON BEACH  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**PLAN REVIEWER:** EDWARD S. LEE, PLAN CHECKER II  
**TELEPHONE/E-MAIL:** (714) 374-1538 / ELEE@SURFCITY-HB.ORG  
**PROJECT DESCRIPTION:** TO PERMIT A 1,200 SQ. FT. TATTOO ESTABLISHMENT AND ART GALLERY AT AN EXISTING SHOPPING CENTER

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated 02/23/2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer. Compliance is required prior to building permit issuance and all applicable items must meet the Huntington Beach Municipal Code (HBMC) and the California Code of Regulations (CCR or Title 24).

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**GENERAL:**

1. The codes in effect are the: 2007California Building Code ('07CBC), 2007California Plumbing Code ('07CPC), 2007California Mechanical Code ('07CMC), 2007California Electrical Code ('07CEC) and 2008California Energy Efficiency Standards as adopted by the City.
2. A building permit shall be required for the tenant improvement with submittal of 3-set of architectural plans complying with CBC '07 particularly with Chapter 11B for the disabled access requirements.- Mechanical, electrical & plumbing work shall be under separate permits.



## HUNTINGTON BEACH FIRE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** MARCH 8, 2010

**PROJECT NAME:** TATTOO/BODY PIERCING SHOP

**ENTITLEMENTS:** PLANNING APPLICATION NO. 10-0047

**PROJECT LOCATION:** 18822 BEACH BOULEVARD #113, HUNTINGTON BEACH, CA

**PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER

**TELEPHONE/E-MAIL:** (714) 374-1744/ tnguyen@surfcity-hb.org

**PLAN REVIEWER-FIRE:** DARIN MARESH, FIRE DEVELOPMENT SPECIALIST

**TELEPHONE/E-MAIL:** (714) 536-5531/ dmaresh@surfcity-hb.org

**PROJECT DESCRIPTION:** TO PERMIT A 1,200 SQ. FT. TATTOO ESTABLISHMENT AND ART GALLERY AT AN EXISTING SHOPPING CENTER.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated January 12, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

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#### **PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:**

***Fire Extinguishers*** shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)

***Exit Signs And Exit Path Markings*** will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. (FD)

#### **THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:**

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. (FD)

- b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**

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Fire Department City Specifications may be obtained at:  
Huntington Beach Fire Department Administrative Office  
City Hall 2000 Main Street, 5<sup>th</sup> floor  
Huntington Beach, CA 92648  
or through the City's website at [www.surfcity-hb.org](http://www.surfcity-hb.org)

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



## HUNTINGTON BEACH POLICE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** MARCH 23, 2010  
**PROJECT NAME:** TATTOO/BODY PIERCING  
**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 10-0047  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 10-007  
**DATE OF PLANS:** FEBRUARY 23, 2010  
**PROJECT LOCATION:** 18822 BEACH BLVD #113, HUNTINGTON BEACH  
**PLAN REVIEWER:** DETECTIVE ALAN CAOQUETTE #1021  
**TELEPHONE/E-MAIL:** (714) 536-5960 / ALCAOQUETTE@HBPD.ORG  
**PROJECT DESCRIPTION:** TO PERMIT THE ESTABLISHMENT OF A PROPOSED 1,200 SQ. FT. TATTOO AND ART GALLERY AT AN EXISTING SHOPPING CENTER

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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The Police Department has reviewed the proposal for a tattoo and body piercing shop, to occupy the commercial business site at 18822 Beach Boulevard #113. The business is located in a strip mall on the southeast corner of Beach Boulevard and Constantine Drive. Adjacent to the proposed business is a bar. There is an outdoor breezeway between the proposed business and the bar. Directly behind and east of the business is a residential tract containing apartments and single family residences.

Although the outdoor breezeway between the proposed business and the bar is not zoned for use by either business, it is an attractive nuisance which could tend to increase unwanted noise, thereby disturbing the adjacent residential community.

The Police Department primary concern is a noise disturbance to the nearby residences. In order to alleviate these concerns the police department recommends the following conditions:

Recommended Conditions:

1. The rear and side door (s) shall be kept closed at all times during the operation of the premises except in case of emergency. Said door(s) not to consist solely of a screen or ventilated security door.
2. The business shall comply with all standards and regulations of any State, County and local laws, in particular, Huntington Beach Code Chapter 8.72, Tattooing, Body Piercing and Permanent Cosmetics Regulations, and any applicable standards of the County of Orange Health Care Agency, Environmental Health.



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### **PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** 3/18/2010  
**PROJECT NAME:** TATTOO / BODY PIERCING SHOP  
**ENTITLEMENTS:** CUP 10-07  
**PLNG APPLICATION NO:** 2010-0047  
**DATE OF PLANS:** 2/23/10  
**PROJECT LOCATION:** 18822 BEACH BLVD., #113  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** 714-374-1744 / [TNGUYEN@SURFCITY-HB.ORG](mailto:TNGUYEN@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT  
**TELEPHONE/E-MAIL:** 714-536-5509 / [JOSHUA.MCDONALD@SURFCITY-HB.ORG](mailto:JOSHUA.MCDONALD@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO PERMIT A 1,200 SF TATTOO SHOP & ART GALLERY AT EXISTING SHOPPING CENTER.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

#### **THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

1. Separate backflow protection device{s} shall be installed per Water Division Standards for domestic water service. (Resolution 5921 and Title 17)

All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public\\_works/fee\\_schedule.pdf](http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf). (ZSO 240.06/ZSO 250.16)

ATTACHMENT NO. 5.9