



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner *Ee*
DATE: June 8, 2010
SUBJECT: **CONDITIONAL USE PERMIT NO. 10-010 (INK YARD TATTOO)**

**APPLICANT/
BUSINESS**

OWNER: Larry Hernandez, 3210 Amber Hill Drive, Highland, CA 92346

PROPERTY

OWNER: Jon Gruber, Purple Penumbra, LLC, 1 Mauchly, Irvine, CA 92618

LOCATION: 17845 Beach Boulevard (west side of Beach Boulevard between Ronald Drive and Talbert Avenue)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 10-010 request:
 - Permit the establishment of a tattoo studio (approximately 843 sq. ft. retail suite) in an existing 15,000 sq. ft. commercial center.
- ◆ Staff's Recommendation:

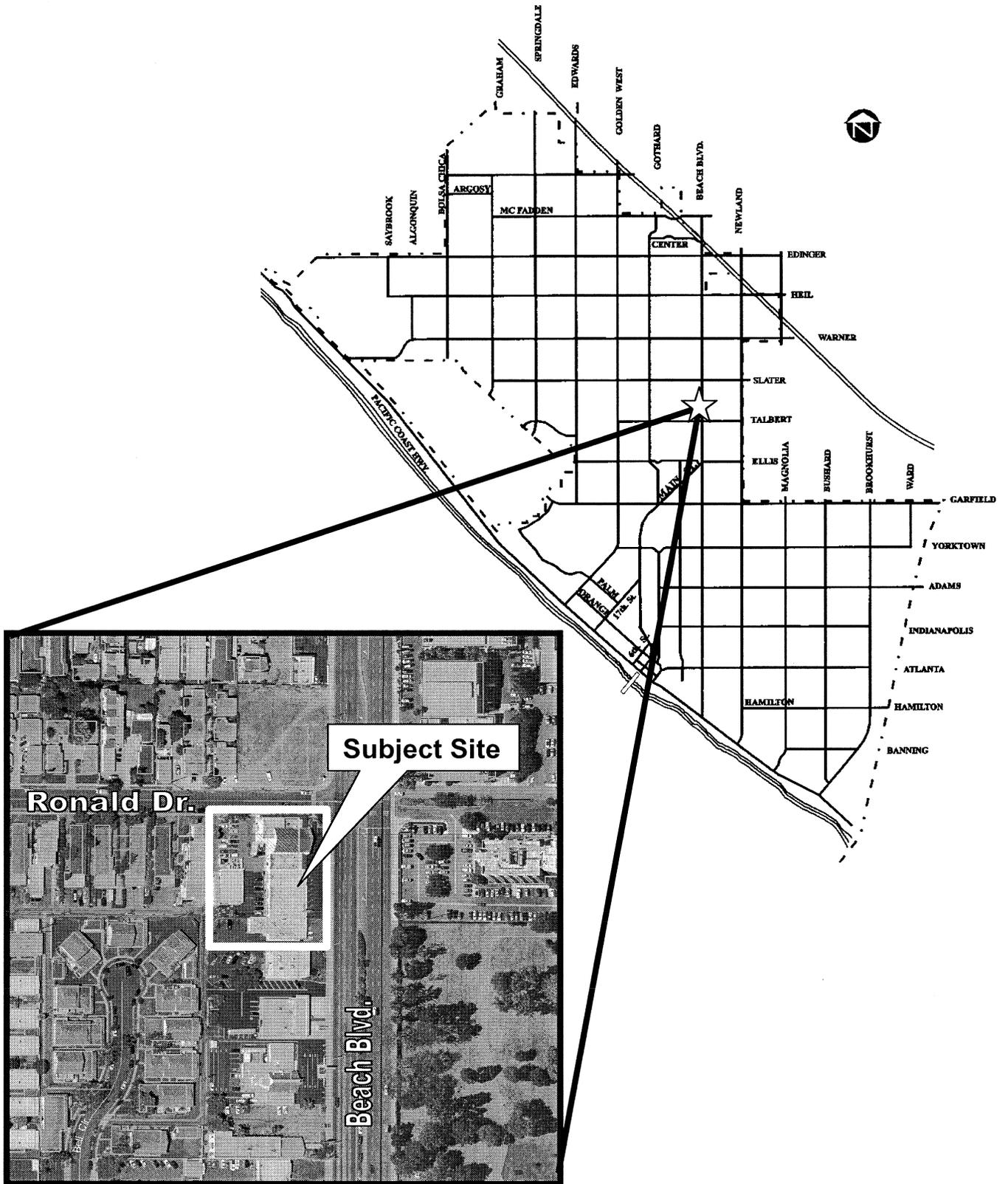
Approve Conditional Use Permit No. 10-010 based upon the following:

 - The proposed use is consistent with zoning code and General Plan Land Use and Economic Development Elements which encourage business expansion in commercial districts.
 - The proposed use is in compliance with Municipal Code regulations which require safe and sterile tattoo operations for the health and safety of both customers and operators.
 - The business site is not expected to create undue noise or any other impacts to the surrounding area.

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 10-010 with suggested findings and conditions of approval (Attachment No. 1).”



**VICINITY MAP
 CONDITIONAL USE PERMIT NO. 2010-010
 (INK YARD TATTOO – 17845 BEACH BOULEVARD)**

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 10-010 with findings for denial.”
- B. “Continue Conditional Use Permit No. 10-010 and direct staff accordingly.”

PROJECT PROPOSAL:

Conditional Use Permit No. 10-010 represents a request to permit the establishment of an approximately 843 sq. ft. tattoo 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, showcasing local artists’ paintings and illustrations. The open tattoo area will occupy a majority of the floor area with the remaining floor area devoted to an office, private tattoo room, sanitizing room, and restroom. The establishment will operate from 11:00 AM to 10:00 PM every day of the week. Four employees will operate the tattoo studio.

The project site is located near the southwest corner of Beach Boulevard and Ronald Drive on an approximately 45,800 sq. ft. site. The site is currently developed with an approximately 15,000 sq. ft. commercial building constructed in 1962. There are four businesses operating within the building including a florist, beauty salon, smoke shop, and pawn shop. The tattoo studio is proposed to occupy a vacant tenant space.

Study Session:

The Planning Commission did not raise any issues at their study session on Tuesday, May 25, 2010.

ISSUES:

Subject Property And Surrounding Land Use, 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 Ronald Drive) and South of the Subject Property	CG-F1 (Commercial General—0.35 Max FAR)	CG (Commercial General)	Commercial
East (across Beach Boulevard) of the Subject Property	CO-F2A (Commercial Office – 0.75 Max FAR)	CO (Commercial Office)	Office
West of Subject Property	RM-15 (Residential Medium Density—Max. 15 du/ac)	RMH (Residential Medium High Density)	Multi-Family Residential

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is CG-F1 (General Commercial—Maximum 0.35 Floor Area Ratio). The proposed project is consistent with this designation and the objectives and policies of the City’s General Plan as follows:

A. Land Use Element

Objective 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 10.1.11: Promote the introduction of a diversity of uses in Commercial General centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

The proposed project will offer a new use to an existing multi-tenant commercial shopping center that will provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide a unique commercial use that will encourage tourism to the site and the surrounding area. In addition, the proposed project meets all applicable zoning codes and development standards and improves the long-term viability of the property by expanding the current tenant base in the center.

B. Economic Development Element

Policy 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The project is located along a highly utilized corridor of the City which contains existing restaurants, retail, and personal service uses. The proposed use serves to expand a diversity of uses along Beach Boulevard and introduces a unique service to residents in the surrounding area and visitors to Huntington Beach.

Zoning Compliance:

The project is located in the CG (Commercial General) zoning district and is permitted with a conditional use permit subject to review and approval by the Planning Commission.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

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 operation and minor alteration to existing structures, are exempt from further review under CEQA.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning and Building, Fire, Police, and Public Works have reviewed the application and identified comments and applicable code requirements. The Code Requirements letter was transmitted on May 18, 2010 and is attached for information purposes only (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 Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on May 27, 2010, and notices were sent to property owners of record (*and tenants*) within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), tenants at the commercial center, applicant, and interested parties. As of June 1, 2010, no communication supporting or opposing the request has been received.

Application Processing Dates:

<u>DATE OF COMPLETE APPLICATION:</u>	<u>MANDATORY PROCESSING DATE(S):</u>
April 12, 2010	June 11, 2010

Conditional Use Permit No. 10-010 was filed on March 12, 2010, and deemed complete on April 12, 2010.

ANALYSIS:

The two primary issues for the Planning Commission to consider when analyzing this request are compatibility with surrounding land uses and the applicant's ability to comply with unique municipal and health care codes regarding business operations at a tattoo establishment.

Land Use Compatibility

The tattoo business is proposed within an existing retail shopping center. The business is compatible with the surrounding area because the use is proposed within an established commercial district containing complementary commercial uses such as retail and personal service uses. The tattoo business is not expected to create an undue amount of noise or traffic and is anticipated to be compatible with the surrounding commercial and office area.

Municipal Code

Tattoo businesses are subject to unique municipal code requirements regarding maintenance of the premises and equipment, sterilization practices, cleanliness, health conditions of both customers and operators, and penalties (by misdemeanor) for failing to conform to the regulations established (Attachment No. 4). The business will be regulated and inspected for compliance with the Municipal

Code by the staff of the County of Orange Health Care Agency, Environmental Health. A Registered Environmental Health Specialist (REHS) in the Housing and Institution Section coordinates registration of each tattoo artist with the County, performs yearly random inspections to verify compliance with regulations, and assists the City in responding to complaints regarding tattoo operations. During the yearly inspection, the REHS tests the equipment and inspects for general cleanliness and sanitary conditions.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 10-010
2. Project Narrative received March 12, 2010
3. Site plan and floor plan received March 12, 2010
4. HBMC Chapter 8.72 – Tattooing, Body Piercing and Permanent Cosmetics Regulations
5. Code Requirements Letter dated May 18, 2010 (for informational purposes only)

SH:HF:EE:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2010-010

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, which states operation and minor alteration to existing structures are exempt from further review under CEQA.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-007:

1. Conditional Use Permit No. 2010-010 for the establishment, maintenance and operation of an approximately 843 sq. ft. tattoo studio in an existing vacant tenant suite will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will be within a vacant suite of an existing multi-tenant commercial shopping center in an area comprised of similar and complimentary commercial uses to the proposed tattoo studio. In addition, based upon the conditions imposed, the tattoo establishment will comply with Huntington Beach Municipal Code Chapter 8.72, which establishes criteria, standards, and regulations to ensure safe and sterile tattoo operations for the health of both clients and operators of the tattoo business.
2. The conditional use permit will be compatible with surrounding uses because the tattoo use will be conducted wholly within the interior of an existing unit within an established district containing similar commercial uses. The tattoo business is not anticipated to create undue noise and adequate on-site parking is provided.
3. The proposed tattoo establishment will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the business will comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, *Tattoo, Body Piercing and Permanent Cosmetics Regulations*, and any applicable standards of County of Orange Health Care Agency, Environmental Health.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 10.1.11: Promote the introduction of a diversity of uses in Commercial General centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

The proposed project will offer a new use to an existing multi-tenant commercial shopping center that will provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide a unique commercial use that will encourage tourism to the site and the surrounding area. In addition, the proposed project meets all applicable zoning codes and development standards and improves the long-term viability of the property by expanding the current tenant base in the center.

B. Economic Development Element

Policy 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The project is located along a highly focal corridor of the City which contains existing restaurants, retail, and personal service uses. The proposed use serves to expand a diversity of uses along Beach Boulevard and introduces a unique service to residents in the surrounding area and visitors to Huntington Beach.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-010:

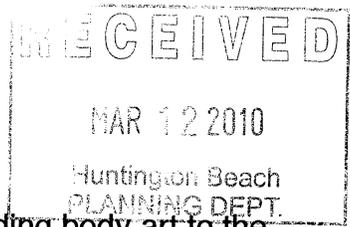
1. The site plan and floor plans received and dated March 12, 2010, shall be the conceptually approved design.
2. The rear door shall be kept closed at all times during the operation of the business except for emergency purposes. The rear door shall not consist solely of a screen or ventilated security door. **(PD)**
3. The business shall comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, Tattooing, Body Piercing and Permanent Cosmetics Regulations, and any applicable standards of County of Orange Health Care Agency, Environmental Health. **(PD)**
4. The development services departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits

shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating/>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.



Business Description

The Ink Yard Tattoo Studio has a state of the art approach to providing body art to the public. We strive to be a pioneer in 100% disposable, single service tattoo procedures in order to completely eliminate any risk of cross contamination and to provide a hospital grade environment. The Ink Yard Tattoo Studio will also be a community based art gallery, showcasing local artists, paintings, illustrations as well as being a family- friendly body art facility.

The Studio will have a comfortable waiting area complete with leather couches and chairs, but a majority of the studio will be dedicated to providing body art with precision and professionalism. The entry way and waiting area will be laminate wood flooring, the work stations, restrooms and janitors closet will be ceramic tile with sealed grout as well as 4 ft. high plastic non-porous back splash in every station where work will be performed. All walls will be painted with washable acrylic paint. All countertops will be hospital grade stainless steel, all sinks will be stainless steel with hands free operation, as well as soap, paper towel and hand sanitizer dispensers. The studio is a total of 843 SQFT, with 75% dedicated to work stations and 25% waiting area and art gallery. All artist and client chairs, massage tables, and any other tattoo furniture will be upholstered in black vinyl to be disinfected after every procedure.

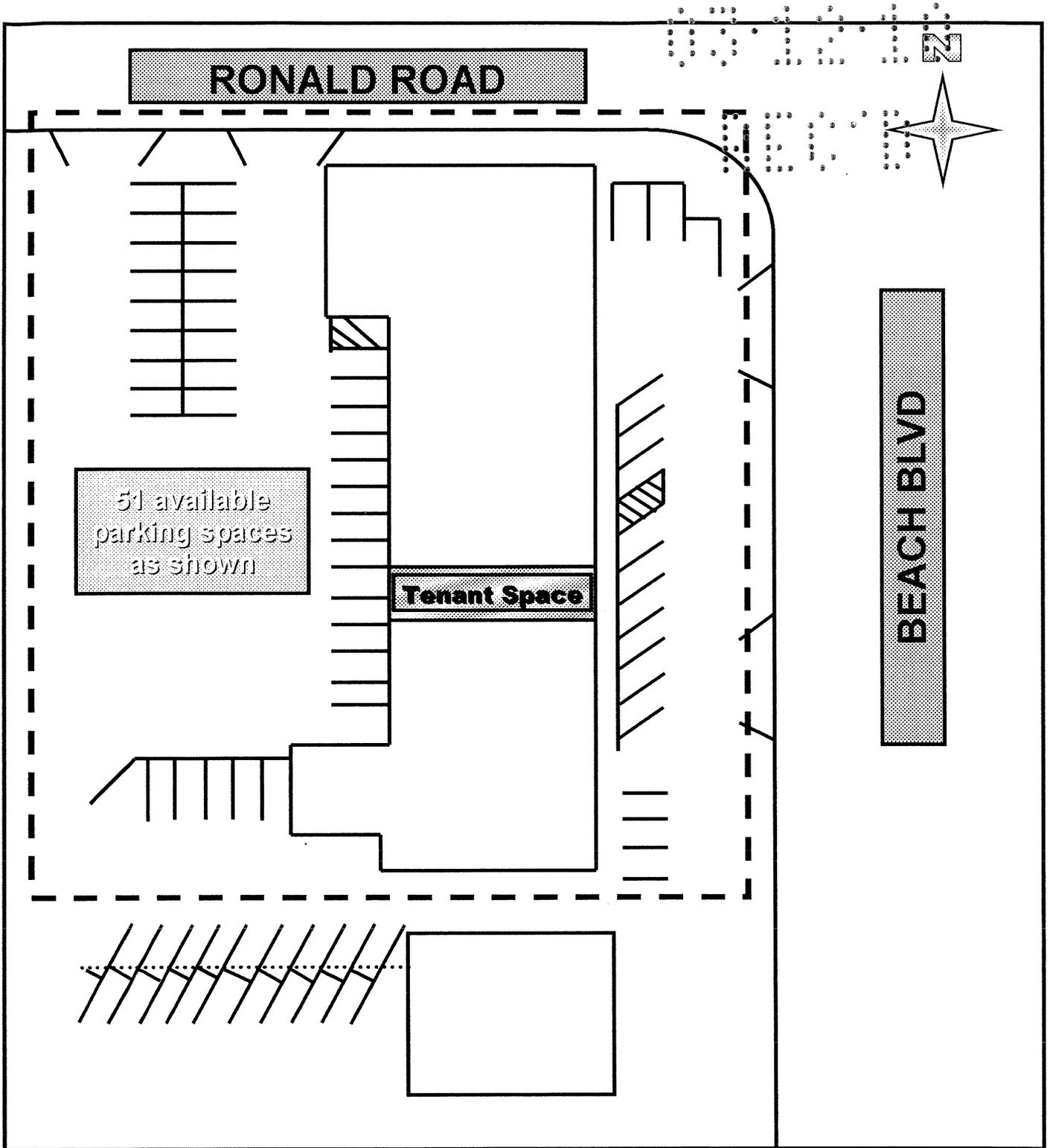
The Studio will accommodate up to four artists working side by side and one private tattoo room. The hours of operation will be from 11:00AM to 10:00PM. No appointments will be taken after 9:00PM to insure that the Studio closes promptly at 10:00PM, 7 days a week. All legal holidays will be observed. All customers will be seen by appointment only and no more than one waiting customer per artist will be allowed in the lobby.

All artists will be licensed by Orange County health department and the facility will surpass all city and health codes. We will be an up-scale luxury art studio catering to a wide variety of customers of all ages, young and old. No one under the age of 18 years old will be allowed to enter, browse, or loiter at any time and a government issued identification will be required for any procedure, no exceptions. Special military and law-enforcement discounts will be provided.

The surrounding businesses directly next to the proposed location include a Florist, Nail Salon, Smoke Shop and a Pawn Shop. The Ink Yard Tattoo Studio would definitely attract more customers to local merchants and the area in general. The genre of the shopping center would support our business as well. We will provide a safe environment for all to enjoy a quality piece of art by an expert artist.

The Ink Yard Tattoo Studio has an experienced staff with a wide range of diverse artistic styles. With a unique approach to business management and more structure than a traditional tattoo parlor, we would like to exhibit the highest level of professionalism and safety.

**The Ink Yard
17845 Beach Blvd.**



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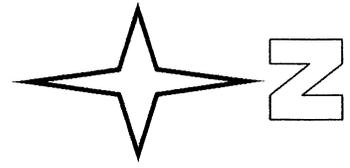
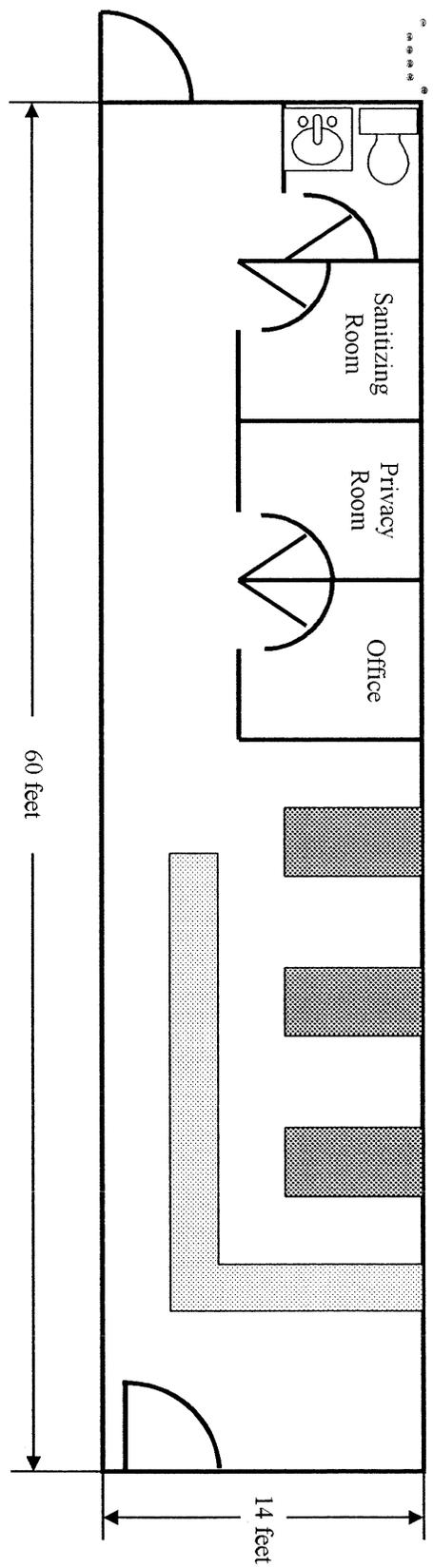
RONALD ROAD

Tenant Space

51 available parking spaces as shown

BEACH BLVD

PLAN



Beach Blvd.

Scale 1/8" = 1'

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.

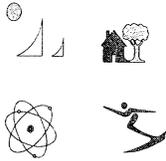
8.72.150 Enforcement

- (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 AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

May 18, 2010

Larry Hernandez
3210 Amber Hill Drive
Highland, CA 92346

**SUBJECT: CONDITIONAL USE PERMIT NO. 10-010 (INK YARD TATTOO) - 17845
 BEACH BOULEVARD – PROJECT IMPLEMENTATION CODE
 REQUIREMENTS**

Dear Mr. Hernandez:

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 714-536-5561 (ethan.edwards@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards, AICP
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
 Property Owner – Purple Penumbra, 1 Mauchly, Irvine, CA 92618

Alan Caouette, Police Department – 714-536-5960
Herb Fauland, Planning Manager
Jason Kelly, Planning Department
Project File

ATTACHMENT NO. 5.1



CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: April 5, 2010
PROJECT NAME: INK YARD TATTOO
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-060
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2010-010
DATE OF PLANS: MARCH 12, 2010
PROJECT LOCATION: 17845 BEACH BOULEVARD (WEST SIDE OF BEACH BLVD,
BETWEEN RONALD DR. AND TALBERT AVENUE
PLAN REVIEWER: ETHAN EDWARDS
TELEPHONE/E-MAIL: (714) 536-5564
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF AN 843 SQ. FT. TATTOO
STUDIO.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated March 24, 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.

1. The site plan and floor plan approved by the Planning Commission shall be the conceptually approved design.
2. CUP No. 2010-010 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. 2010-010 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. 2010-010 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)**



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MAY 19, 2010
PROJECT NAME: TATTOO
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 10-0060
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 10-0010
DATE OF PLANS: MARCH 12, 2010
PROJECT LOCATION: 17845 BEACH BLVD, 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 843 SQ. FT. TATTOO SHOP AT AN EXISTING SHOPPING CENTER.

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.

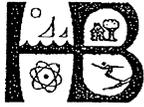
The Police Department has reviewed the proposal for a tattoo shop, to occupy the commercial business site at 17845 Beach Boulevard. The business is located in a strip mall on the southwest corner of Beach Boulevard and Ronald. Directly behind and west of the business is a residential tract containing apartments and single family residences.

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 door(s) shall be kept closed at all times during the operation of the premises except in case 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: 4/5/10

PROJECT NAME: THE INK YARD

ENTITLEMENTS: CUP 10-10

PLNG APPLICATION NO: 2010-0060

DATE OF PLANS: 3/12/10

PROJECT LOCATION: 17845 BEACH BLVD.

PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG

PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT 

TELEPHONE/E-MAIL: 714-536-5509 / JOSHUA.MCDONALD@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF AN 843 SQ. FT. TATTOO STUDIO.

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. A Separate backflow protection device shall be installed per Water Division Standards for existing domestic water service. (Resolution 5921 and Title 17)



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

DATE: 04/05/2010
PROJECT NAME: TATTOO STUDIO
ENTITLEMENTS: PLANNING APPLICATION NO. 2010-0060: CONDITIONAL USE PERMIT NO. 2010-010
DATE OF PLANS: 03/12/2010
PROJECT LOCATION: 17845 BEACH BLVD., HUNTINGTON BEACH
PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
PLAN REVIEWER: EDWARD S. LEE, PLAN CHECKER II
TELEPHONE/E-MAIL: (714) 374-1538 / ELEE@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF AN 843 SQ. FT. TATTOO STUDIO

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated 03/12/2010. 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).

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 tenant improvement involving interior partitions taller than 5'-9" to be complied with CBC 2007 including Title 24 Disabled Access Regulations per Chapter 11B, CBC'07 & Title 24 Energy Conservation Regulations if applicable. (Submittal of 3-sets of architectural plans is required for review & approval.) – Mechanical, electrical & plumbing shall be under separate permits with separate submittals.



HUNTINGTON BEACH FIRE DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MARCH 29, 2010
PROJECT NAME: INK YARD TATTOO
ENTITLEMENTS: PLANNING APPLICATION NO. 2010-060
PROJECT LOCATION: 17845 BEACH BOULEVARD, HUNTINGTON BEACH, CA
PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 536-5561/ Ethan.Edwards@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 THE ESTABLISHMENT OF AN 843 SQ FT TATTOO STUDIO.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated March 12, 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 upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

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

Fire Suppression Systems

Fire Alarms

Modification, additions, or deletions to an existing fire alarm system shall require that separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Any extended interruption of the fire alarm system operation will require a "fire watch", approved by the Fire Department. Reference compliance with XXXX in the plan notes. **(FD)**

Fire Sprinklers

Modification, additions, or deletions to an existing automatic fire sprinkler system or fire sprinkler system shall require that separate plans (three sets) shall be submitted to the Fire

Department for permits and approval. Any extended interruption of the fire sprinkler system operation will require a "fire watch", approved by the Fire Department. Reference compliance with City Specification # 420 - Automatic Fire Sprinkler Systems and NFPA 13 in the plan notes. **(FD)**

Building Construction

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)**

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor
Huntington Beach, CA 92648
or through the City's website at **www.surfcity-hb.org**

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