



City of Huntington Beach Planning and Building Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Jill Arabe, Associate Planner *JA*  
**DATE:** August 25, 2015

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 15-022 (Q Tattoo Establishment)**

**APPLICANT:** Love Nguyen, 14461 Elmhurst Circle, Huntington Beach, CA 92647

**PROPERTY**

**OWNER:** Jake Newman, 16553 Harbour Lane, Huntington Beach, CA 92649

**LOCATION:** 8450 Edinger Ave., 92647 (southwest corner of Edinger Ave. and Newland St.)

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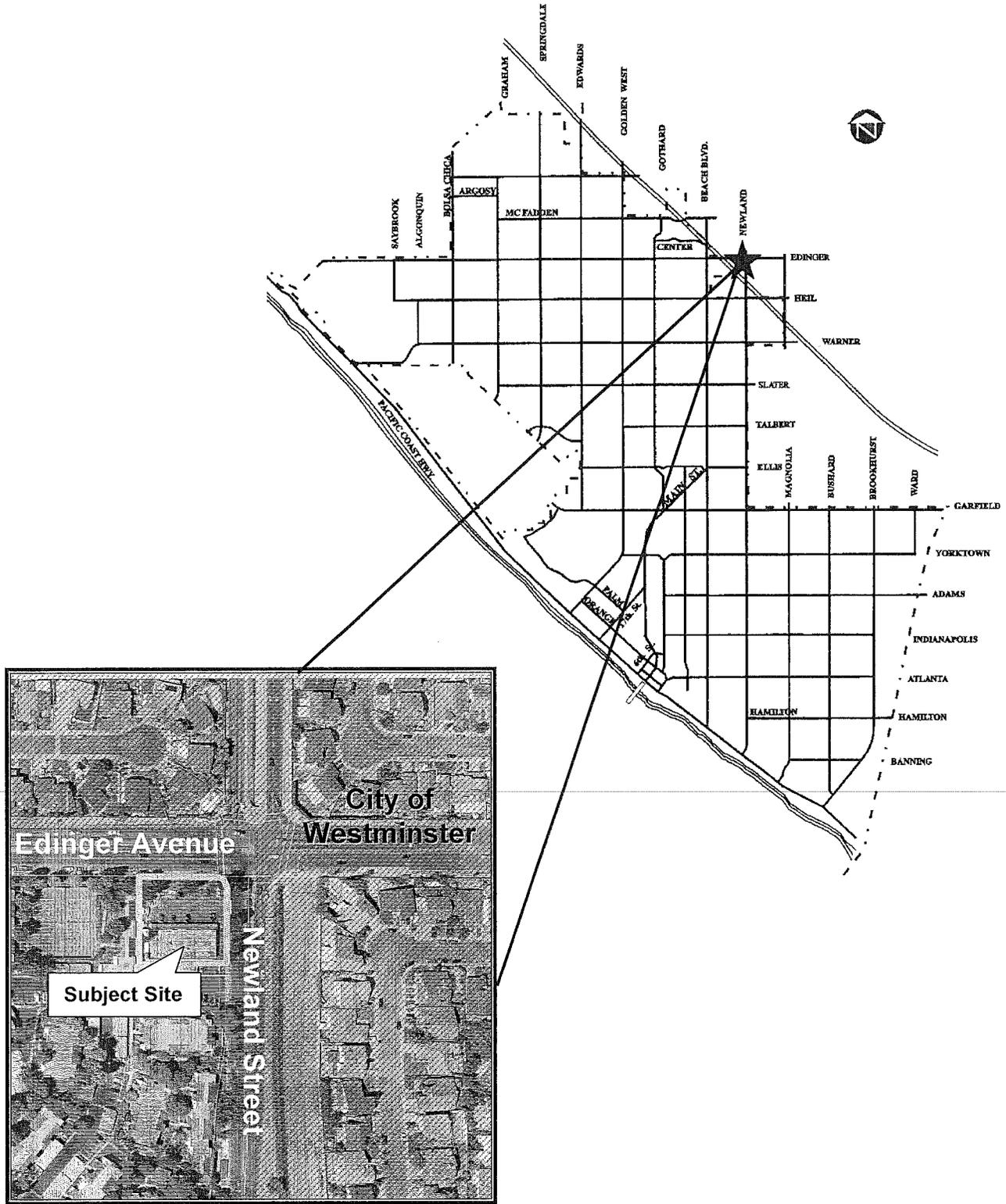
**STATEMENT OF ISSUE:**

- ◆ Conditional Use Permit No. 15-022 request:
  - To permit the establishment of an approximately 1,150 sq. ft. tattoo business within an existing commercial building.
- ◆ Staff's Recommendation:
  - Approve Conditional Use Permit No. 15-022 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.
    - With recommended conditions of approval, the proposed use will comply 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. 15-022 with suggested findings and conditions of approval (Attachment No.1);”



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 15-022**  
**(Q TATTOO ESTABLISHMENT – 8450 EDINGER AVE.)**

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 15-022 with findings for denial.”
- B. “Continue Conditional Use Permit No. 15-022 and direct staff accordingly.”

**PROJECT PROPOSAL:**

Conditional Use Permit No. 15-022 represents a request to permit the establishment of an approximately 1,150 sq. ft. tattoo business in an existing 1,150 sq. ft. retail space pursuant to HBZSO Section 211.04, CO, CG, and CV Districts: Land Use Controls – Tattoo Establishments.

The project site is located on the southwest corner of Edinger Avenue and Newland Street on an approximately 23,000 sq. ft. site. The site is currently developed with a 5,760 sq. ft. commercial building constructed in 1979. There are three other businesses operating within the center including a liquor store, pizza establishment, and barber salon. The tattoo establishment will occupy a vacant tenant space at the west end of the building. The business is proposed to operate between the hours of 12:00 PM and 9:00 PM daily. The owners anticipate hiring 2-4 additional artists to operate stations within the business.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CN-F1 (Commercial Neighborhood – 0.35 Max. Floor Area)	CG (Commercial General)	Commercial
North of Subject Property (across Edinger Avenue):	City of Westminster	City of Westminster	Single family residential
East of Subject Property (across Newland Street):	City of Westminster	City of Westminster	Single family residential
South and West of Subject Property:	RMH-25 (Residential Medium High Density – 25 dwelling units/acre)	RMH (Residential Medium High Density)	Multifamily residential

**General Plan Conformance:**

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

A. Land Use Element

Goal LU 10: Achieve the development of a range of commercial uses.

Objective LU 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.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

The proposed project offers a new use to an existing multi-tenant commercial center that provides a mixture of commercial uses and caters to the needs of local residents and visitors in the surrounding region. The project meets all applicable 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 ED 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 arterial streets and near City boundaries. The existing center has other commercial uses and the proposed use would add to the center's range of services for the surrounding community.

Zoning Compliance:

This project is located in the CG (Commercial General) and is permitted with a conditional use permit subject to review and approval by the Planning Commission. It complies with applicable zoning regulations and adequate parking is provided onsite.

Urban Design Guidelines Conformance: Not applicable

Environmental Status:

The proposed project is categorically exempt pursuant to Class 1 - *Existing Facilities*, Section 15301 of the California Environmental which states that operation and minor alteration to existing structures are exempt from further review under CEQA.

Coastal Status: Not applicable.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Public Works, Planning & Building, and Police have reviewed the application and identified comments and applicable code requirements. The Fire Department had no comments. The code requirements letter 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), employed by the County of Orange, 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 Wave on Thursday, August 13, 2015, 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 and Building Department's Notification Matrix), tenants at the commercial center, applicant, and interested parties. As of August 18, 2015, no communication supporting or opposing the request has been received.

**Application Processing Dates:**

DATE OF COMPLETE APPLICATION:  
July 10, 2015

MANDATORY PROCESSING DATE(S):  
September 10, 2015

Conditional Use Permit No. 15-022 was filed on June 10, 2015, and deemed complete on July 10, 2015.

**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 will be located within a small commercial strip center containing complementary uses such as retail and an eating and drinking establishment. The business hours are proposed between the hours of 12:00 PM and 9:00 PM and operations will occur within the interior of the building. It is compatible with the surrounding area because the proposed use is neighborhood oriented and is not anticipated to generate significant levels of noise, safety, or traffic above existing conditions.

## ***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.

Conditions of approval include limiting hours of operations to between 12:00 PM and 9:00 PM, prohibiting seating area in front of the tenant space, maintaining adequate lighting around the business without affecting adjacent residences, and the rear door to remain closed. Based upon recommended findings and conditions of approval, staff recommends approval of CUP No. 15-022.

### **ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – CUP No. 15-022
2. Site Plan, Floor Plans and Elevations dated June 10, 2015
3. Narrative received and dated June 10, 2015
4. HBMC Chapter 8.72 – Tattooing, Body Piercing and Permanent Cosmetics Regulations
5. Code Requirements List dated August 13, 2015 (for informational purposes only)

SH:JJ:JA

## ATTACHMENT NO. 1

### SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

#### CONDITIONAL USE PERMIT NO. 15-022

#### 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 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.

#### SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-022:

1. Conditional Use Permit No. 15-022 for the establishment, maintenance and operation of an approximately 1,150 sq. ft. tattoo business in an existing commercial center 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 subject property is comprised of similar and complementary commercial uses to the proposed tattoo establishment. 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 establishment will be conducted wholly within the interior of the existing suite within an established district containing similar commercial uses. The tattoo business is not anticipated to create undue noise and adequate onsite 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 goals and policies of the General Plan:

A. Land Use Element

Goal LU 10: Achieve the development of a range of commercial uses.

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The proposed project offers a new use to an existing multi-tenant commercial center that provides a mixture of commercial uses and caters to the needs of local residents and visitors in the surrounding region. The project meets all applicable 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 ED 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 arterial streets and near City boundaries. The existing center has other commercial uses and the proposed use would add to the center's range of services for the surrounding community.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-022:**

1. The site plan, floor plans, and elevations received and dated June 10, 2015 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of operation: 12:00 PM – 9:00 PM daily
  - b. No outdoor seating shall be provided in front of the business to avoid loitering. **(PD)**
  - c. Maintain lighting in front of and around the side of the building. Lighting shall not produce glare on adjacent residential property.
  - d. 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

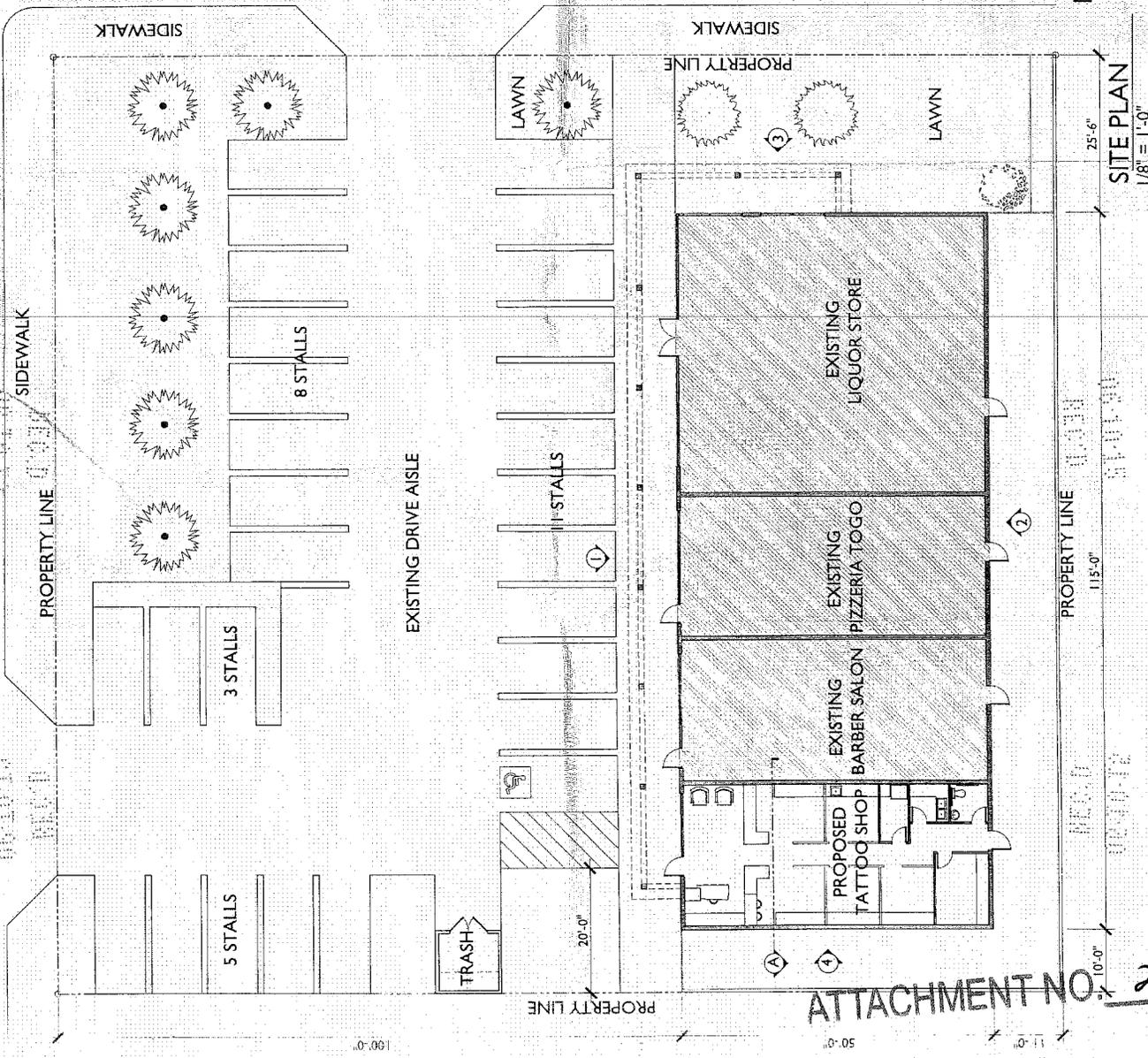
Cosmetics Regulations, and any applicable standards of County of Orange Health Care Agency, Environmental Health. (PD)

4. The development services departments (Planning & Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building 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.

**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.

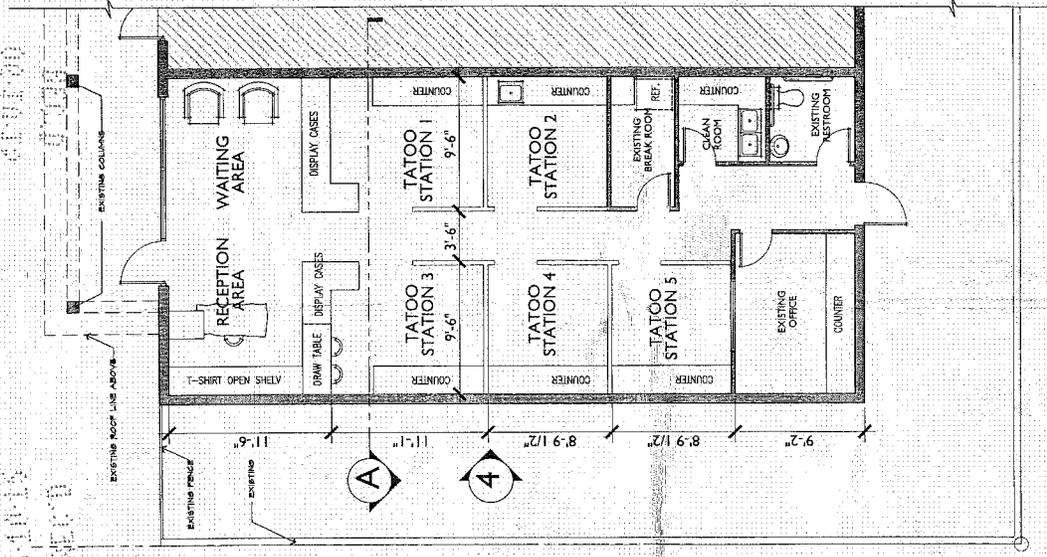
EDINGER



ATTACHMENT NO. 2.1

# TATTOO ESTABLISHMENT

8450 EDINGER AVE  
Huntington Beach, California



FLOOR PLAN  
1/4" = 1'-0"

**LEGEND**

- EXISTING WALL
- LOW WALL AT 42"
- DEAD WALL

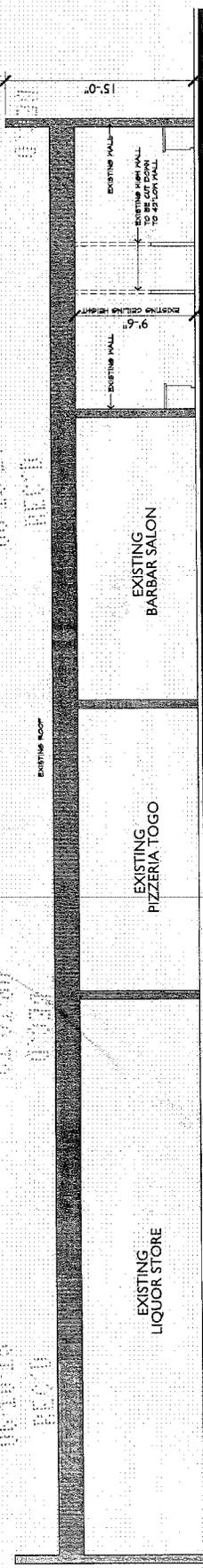
PROPERTY OWNER  
JAKE NEWMAK  
6553 HARBOUR LN  
HUNTINGTON BEACH, CA 92648  
TEL: (714) 702-7123

PROPERTY DESCRIPTION:  
TATTOO ESTABLISHMENT

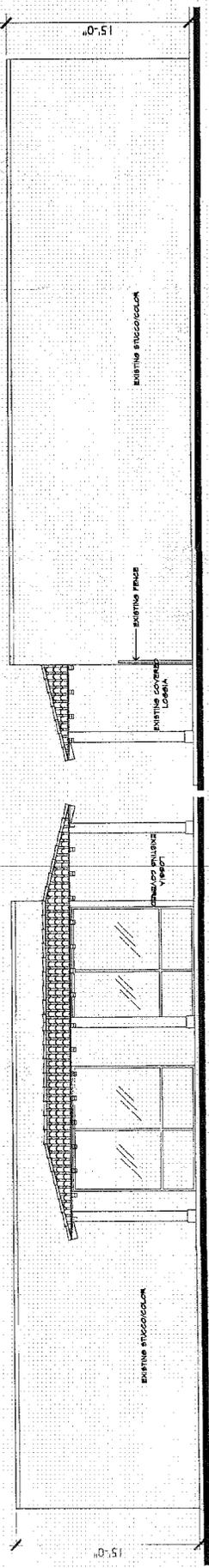
SITE PLAN  
1/8" = 1'-0"

06/10/15  
2:02:20  
07/17

06/10/15  
2:02:20  
07/17



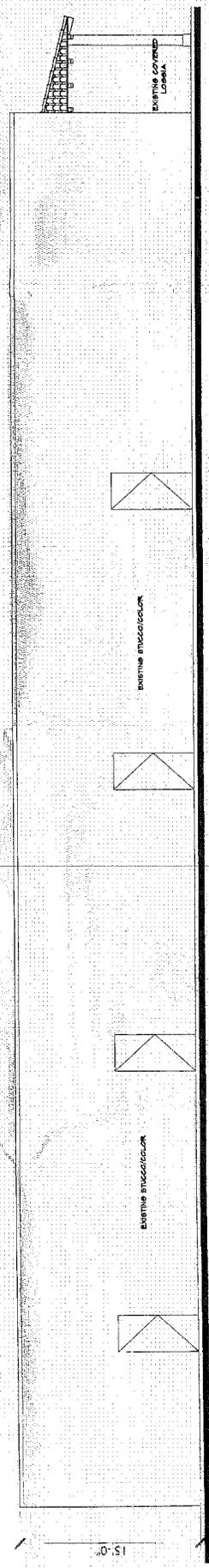
EXISTING BUILDING SECTION - A



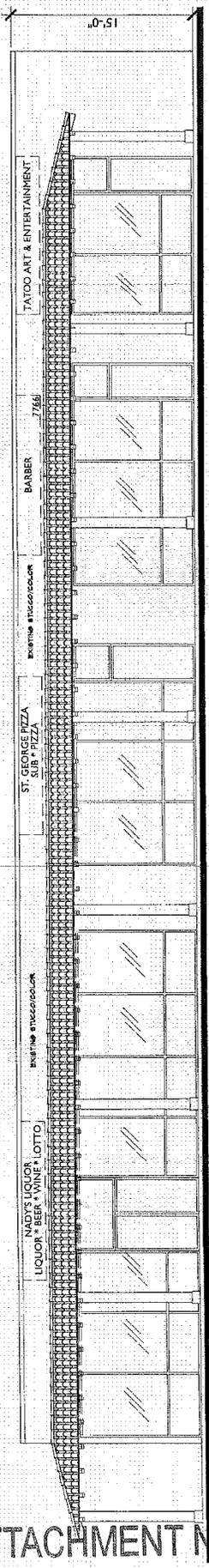
EXISTING LEFT ELEVATION - 3

1/4" = 1'-0"

EXISTING RIGHT ELEVATION - 4



EXISTING REAR ELEVATION - 2



EXISTING FRONT ELEVATION - 1

EXISTING STOREFRONT  
EXISTING LIQUOR

EXISTING STOREFRONT  
EXISTING PIZZERIA

EXISTING STOREFRONT  
EXISTING BARBER

EXISTING STOREFRONT  
PROPOSED TATTOO ART & ENTERTAINMENT

06/10/15  
2:02:20  
07/17

06/10/15  
2:02:20  
07/17

06/10/15  
2:02:20  
07/17

# TATTOO ESTABLISHMENT

8450 EDINGER AVE.  
Huntington Beach, California

06.09.15

Love Nguyen  
14461 Elmhurst Cir  
Huntington Beach, CA 92647  
(714) 603-2135

RECEIVED  
JUN 10 2015  
Dept. of Planning  
& Building

June 8, 2015

I, Love Nguyen, would like to apply for a permit to open a tattoo parlor business at the property address, 8450 Edinger Ave, Huntington Beach, CA 92647 . "Q Tattoo" will create safe, impressive tattoo art for customers in the Huntington Beach area. The business seeks to create a full-time livelihood for my family as owners, with myself as the administrator and my husband, the lead tattoo artist.

We plan to hire 2-4 additional artists and operate between the hours of 12:00 PM - 9:00 PM, 7 days a week. The business will provide small, introductory tattoos from existing designs, basic tattoos that can be executed in one hour, and full half-day sessions with the artists. The artists can offer extended consultations and custom design work with the customers as needed.

Over the last few decades, the practice of tattooing has gained much popularity by crossing social boundaries and reshaping the power dynamics regarding gender. Therefore, we would like to create a friendly and entertaining environment in our 1150 sq foot shop that will appeal to tattoo customers, collectors, and artists of all social classes and genders. We believe that our tattoo business will not only liven up the stagnant plaza affected by the surrounding road construction, but it will bring more revenue and much desirable attraction to this area of Huntington Beach.

Thank you for considering our proposal.

Sincerely,



Love Nguyen

Huntington Beach Charter and Codes							
Up	Previous	Next	Main	Collapse	Search	Print	No Frames

MUNICIPAL CODE

Title 8 HEALTH AND SAFETY

## **Chapter 8.72 TATTOOING, BODY PIERCING AND PERMANENT COSMETICS REGULATIONS**

### **8.72.010 Definitions**

**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.

**Antiseptic.** A chemical that kills or inhibits the growth of organisms on skin or living tissue.

**Autoclave.** An apparatus that is registered and listed with the Federal Food and Drug Administration for sterilizing articles by using superheated steam under pressure.

**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.

**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.

**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.

**Contaminated Waste.** Any contaminated material used in tattooing, body piercing, or permanent cosmetics that is to be disposed of.

**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.

**Disinfectant.** A chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.

**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.

**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.

**Minor.** Any person under the age of 18 years.

**Operator.** Any person, whether the proprietor or another person, administering a tattoo, body piercing, or permanent cosmetic to any customer of the establishment.

**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.

**Practitioner/Operator.** A person registered with the Orange County Health Officer and approved by the Police Chief who performs tattooing, body piercing, and/or permanent cosmetics on another person at that person's request.

**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.

**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.

**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 ensure 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. (3625-1/04)

### **8.72.020 Locational Criteria**

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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. (3625-1/04)

### **8.72.030 License Required**

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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. (3625-1/04)

### **8.72.040 Record Retention**

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- 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 years after the date of the procedure.
- B. 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. U.S. 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. (3625-1/04)

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

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- 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 the 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. (3625-1/04)

#### **8.72.060 Operator**

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- 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 chapter 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. (3625-1/04)

#### **8.72.070 Establishment**

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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 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. (3625-1/04)

#### **8.72.080 Equipment and Supplies**

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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 chapter.
- 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. (3625-1/04)

#### **8.72.090 Patrons**

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- 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 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. (3625-1/04)

#### **8.72.100 Skin Preparation**

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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 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. (3625-1/04)

### **8.72.110 Tattoo**

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- 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 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 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 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 10 minutes in a chlorine disinfectant solution prepared by mixing one tablespoon of household bleach containing five percent chlorine with one 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 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 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. (3625-1/04)

### **8.72.120 Body Piercing**

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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. (3625-1/04)

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### **8.72.130 Interpretation**

In their interpretation and application, the provisions of this chapter 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. (3625-1/04)

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### **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 chapter. (3625-1/04)

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### **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 chapter for the purpose of determining compliance with any of the terms of this chapter.

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 chapter 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. (3625-1/04)

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### **8.72.160 Violations**

Violations of this chapter 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 chapter may be enjoined, without prejudice to seek forfeiture for the violations involved. (3625-1/04)

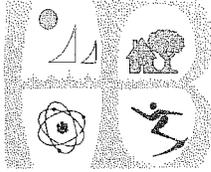
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### **8.72.170 Penalties**

Each of the following acts or omissions 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 subsection, each day upon which such a failure to conform occurs shall constitute a separate violation. (3625-1/04)



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING AND BUILDING

[www.huntingtonbeachca.gov](http://www.huntingtonbeachca.gov)

Planning Division

714.536.5271

Building Division

714.536.5241

August 13, 2015

Love Nguyen  
14461 Elmhurst Circle  
Huntington Beach, CA 92647

**SUBJECT: CONDITIONAL USE PERMIT NO. 15-022 (Q TATTOO ESTABLISHMENT) –  
8450 EDINGER AVENUE  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Applicant,

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 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 [jarabe@surfcity-hb.org](mailto:jarabe@surfcity-hb.org) or 714-374-5357 and/or the respective source department (contact person below).

Sincerely,

Jill Arabe  
Associate Planner

Enclosure

cc: Khoa Duong, Building Division – 714-872-6123  
Josh McDonald, Public Works Department – 714-536-5509  
Jane James, Planning Manager  
Jake Newman, 16553 Harbour Lane, Huntington Beach, CA 92649  
Project File

ATTACHMENT NO. 5.1



## HUNTINGTON BEACH PLANNING AND BUILDING DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** August 13, 2015  
**PROJECT NAME:** Q Tattoo Establishment  
**PLANNING APPLICATION NO.** 2015-108  
**ENTITLEMENTS:** Conditional Use Permit No. 15-022  
**DATE OF PLANS:** June 10, 2015  
**PROJECT LOCATION:** 8450 Edinger Avenue, 92647 (southwest corner of Edinger Ave. and Newland St.)  
**PLAN REVIEWER:** Jill Arabe, Associate Planner  
**TELEPHONE/E-MAIL:** 714-374-5357/ jarabe@surfcity-hb.org  
**PROJECT DESCRIPTION:** To permit the establishment of an approximately 1,150 sq. ft. tattoo business within an existing commercial center.

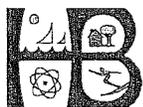
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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project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

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1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. The Development Services Departments (Planning and Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building 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. **(HBZSO Section 241.18)**
3. CUP 15-022 shall become null and void unless exercised within one year of the date of final approval, or as modified by condition of approval. An extension of time may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**

4. CUP 15-022 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **((HBZSO Section 241.14))**
5. The Planning Commission reserves the right to revoke CUP 15-022 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)**
6. The project shall comply with all applicable requirements of the Municipal Code, Planning and Building Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
7. 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 and Building Department within two (2) days of the Planning Commission's approval of entitlements. **(California Code Section 15094)**
8. 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 Building, and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission. **(HBZSO Section 232.04)**



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** 7/15/15  
**PROJECT NAME:** Q TATTOO ESTABLISHMENT  
**ENTITLEMENTS:** CUP 15-22  
**PLNG APPLICATION NO:** 2015-0108  
**DATE OF PLANS:** 6/10/15  
**PROJECT LOCATION:** 8450 EDINGER AVENUE  
**PROJECT PLANNER:** JILL ARABE, ASSOCIATE PLANNER  
**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 THE ESTABLISHMENT OF AN APPROXIMATELY 1,150 SQ. FT. TATTOO BUSINESS WITHIN AN EXISTING COMMERCIAL BUILDING.

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 FINAL INSPECTION OR OCCUPANCY:**

1. The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water service(s), meter(s), and backflow protection device(s) shall be upgraded to conform to the current Water Division Standards per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC)
2. 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)



## HUNTINGTON BEACH BUILDING DIVISION

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** July 14, 2015  
**PROJECT NAME:** Q Tattoo Establishment  
**ENTITLEMENTS:** Conditional Use Permit No. 15-022  
**PROJECT LOCATION:** 8450 Edinger Avenue, 92647 (southwest corner of Edinger Avenue and Newland Street)  
**PROJECT PLANNER:** Jill Arabe, Associate Planner  
**PLAN REVIEWER:** Khoa Duong, P.E.  
**TELEPHONE/E-MAIL:** (714) 872-6123 / khoa@csgengr.com  
**PROJECT DESCRIPTION:** To permit the establishment of an approximately 1,150 sq. ft. tattoo business within an existing commercial building.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 10, 2015. 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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**I. REQUIREMENT:**

None

**II. CODE REQUIREMENTS BASED ON PLANS & DRAWINGS SUBMITTED:**

1. Project shall comply with the current state building codes adopted by the city at the time of permit application submittal. Currently they are 2013 California Building Code (CBC), 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Electrical Code, 2013 California Energy Code, 2013 California Green Building Standards Code, and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. Provide Building Data to show:
  - Type of building construction
  - Occupancy group(s)
  - Building with fire sprinkler or not
3. Provide compliance to disabled accessibility requirements of Chapter 11B of the 2013 CBC.
  - a. Show accessible paths of travel from public sidewalk/accessible parking stall to the building entrance(s) along with maximum slope of 5%; and cross slope of 2%.

- b. Show location of van accessible parking stall on Site plan.
  - c. Show location of all curb ramps and truncated domes within the accessible paths of travel.
  - d. Existing restroom, clean room and breakroom must be accessible to disabled persons.
  - e. Provide restroom layout plan with full dimensioned.
  - f. Provide landing on both sides of the doors. Please show the required clear spaces on Floor plan.
  - g. Please specify on Floor plan the size of all case openings.
  - h. Front counter and counter in Clean room must be accessible to disabled persons.
4. Review and provide compliance with Title 17 of the City of Huntington Beach Municipal Code, Building and Construction. This document can be found online on the city's website.
  5. In addition to all of the code requirements of the 2013 California Green Building Standards Code, specifically address Construction Waste Management per Sections 4.408.2, 4.408.3, 4.408.4, 5.408.1.1, 5.408.1.2, and 5.408.1.3 and Building Maintenance and Operation, Section 5.410. Prior to the issuance of a building permit the permittee will be required to describe how they will comply with the sections described above. Prior to Building Final Approval, the city will require a Waste Diversion Report per Sections 4.408.5 and 5.408.1.4.

**III. COMMENTS:**

1. Planning and Building Department encourage the use of pre-submittal building plan check meetings.
2. Separate Building, Mechanical, Electrical and Plumbing Permits will be required for all exterior accessory elements of the project, including but not limited to: fireplaces, fountains, sculptures, light poles, walls and fences over 42" high, retaining walls over 2' high, detached trellises/patio covers, gas piping, water service, backflow anti-siphon, electrical, meter pedestals/electrical panels, swimming pools, storage racks for industrial/commercial projects. It will be the design professional in charge, responsibility to coordinate and submit the documents for the work described above.
3. Provide on all plan submittals for building, mechanical, electrical and plumbing permits, the Conditions of Approval and Code Requirements that are associated with the project through the entitlement process. If there is a WQMP, it is required to be attached to the plumbing plans for plan check.

# ***Crime Prevention Through Environmental Design***



## **CITY OF HUNTINGTON BEACH POLICE DEPARTMENT**

### **CPTED DEVELOPMENT REVIEW**

**DATE:** July 15, 15  
**PROJECT NAME:** Q Tattoo  
**ASSIGNED PLANNER:** Jill Arabe  
**REQUEST:** To permit the establishment of an approximately 1,150 sq. ft. tattoo business within an existing commercial building.  
**LOCATION:** 8450 Edinger Ave., 92647 (southwest corner of Edinger Ave. and Newland Street)  
**ZONE:** CG (Commercial General)  
**PLAN REVIEWER:** Jan Thomas  
**TELEPHONE/E-MAIL:** (949) 290-1604/jckthomas@cox.net  
**EXISTING USE:** commercial

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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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#### Concern:

The plans show a sign on the building that states: "Tattoo Art and Entertainment." Will there be any type of entertainment here, or just tattoos? If there is "entertainment," what type?

#### Concern:

Loitering should be avoided outside the business by not providing seating outside, keep surrounding landscaping low and to a minimum, and maintain lighting in front of and around the side of the building.

There is currently a grass area on the side of the building. This area must be maintained with grass, the gate to remain locked, and this area to be well-lighted through all hours of darkness.

ATTACHMENT NO. 5.7