



# **PLANNING COMMISSION AGENDA REPORT**

VII.6

MEETING DATE: OCTOBER 11, 2010

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-10-20  
TATTOO SHOP  
1765 NEWPORT BOULEVARD, UNIT A

DATE: SEPTEMBER 30, 2010

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136  
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## **PROJECT DESCRIPTION**

Conditional use permit (CUP) for a tattoo shop in an existing commercial building.

## **APPLICANT**

The applicant is Kareem Masarani, representing the property owner, Madras LLC.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner

  
KHANH NGUYEN  
Acting Asst. Development Services Director

**BACKGROUND*****Project Site***

The property is located within a strip of retail buildings containing a variety of commercial uses. The property is zoned C2 (General Business District) and has a General Plan designation of General Commercial. It is bounded by commercial uses to the north (Golden Truffle restaurant) and south (dry cleaners), a public parking lot along Newport Boulevard to the east, and residences across the alley to the west. The property is also located within the Downtown Redevelopment Project Area.

***Project Description***

The applicant proposes to occupy an 800 square-foot suite for a tattoo shop. The shop will contain a reception area, three tattoo stations, a cleaning/sterilization area, and a restroom. The proposed business hours are 11 a.m. to 8 p.m. daily, consistent with the hours of operation limitation for the tattoo shop (Gold Rush Tattoo) located two lots to the north. Per Costa Mesa Municipal Code Section 13-30 (144), tattoo shops require approval of a conditional use permit (CUP).

***Tattooing Establishment and Operation Regulations***

In 1997, City Council adopted Ordinance No. 97-16 (Title 8, Chapter VI of the Municipal Code) that established regulations for tattoo establishments (Attachment 1). These regulations relate to areas such as shop maintenance, cleanliness of tattooing procedures, health conditions of the operator, sterility of equipment, and penalties for violations.

***Existing Tattoo Shops***

The Planning Commission has approved the following CUPs for tattoo shops and all are currently in operation:

<b>Site Address</b>	<b>CUP</b>	<b>Current Business</b>
2075 Newport Boulevard	PA-97-19	English Ink
788 West 19 <sup>th</sup> Street	PA-97-47	Costa Mesa Tattoo
2981 Bristol Street, B4	PA-00-27	Outer Limits Tattoo and Piercing
2428 Newport Boulevard	PA-05-12	Lowrider Tattoo
2156 Newport Boulevard	PA-05-33	Blue Collar Tattoo
1779 Newport Boulevard, B	PA-06-46	Gold Rush Tattoo
3011 Harbor Boulevard, B	PA-09-16	Life after Death

Gold Rush Tattoo is located two lots north of the subject site and has been in operation since 2006. The Police Department has not experienced any problems with Gold Rush Tattoo or any other tattoo shops in the City. As mentioned earlier, Gold Rush Tattoo closes at 8 p.m. daily, and this was pursuant to a condition of approval contained in Planning Application PA-06-46 approved in August 2006. Approved in December 2009, Life after Death on Harbor Boulevard represents the most recent Planning Commission approval of a tattoo shop.

**ANALYSIS*****Justification for Approval of the CUP***

Staff supports approval of the CUP for a tattoo shop for the following reasons:

- *The proposed use would be subject to all City and County operation regulations.* The City's Municipal Code regulates the health and sanitation of tattooing establishments. A County health officer will ensure proper maintenance of the premises, including, but not limited to, the sanitary condition of equipments used, source and maintenance of pigments and dyes, and cleanliness of the operator.

**Condition of approval no. 5** prohibits the tattooing and/or piercing of "specified anatomical areas" as described in Title 13, Chapter IX, Article 1 (Sexually-Oriented Businesses) from being visible to the public. Tattoo work in these areas will be in private rooms that are not visible to general customers of the establishment. This condition of approval has been applied to existing tattoo establishments.

- *The proposed use would not negatively impact surrounding properties and uses.* The building faces a public parking lot and a major arterial street (Newport Boulevard). The proposed use should not create noise or traffic levels that are unusual in the commercial areas and should generate similar parking demand as other commercial retail or service businesses that are permitted in the C2 zone. Additionally, the applicant agrees to a condition requiring the business to be closed by 8 p.m. daily, which would minimize potential impacts on residential properties across the alley to the rear.

If the Commission approves the CUP, **Conditions of approval nos. 1 through 5** are included to regulate the operational characteristics and hours of operation to ensure minimal impact on surrounding uses.

- *The Police Department does not have any objections to the use.* The Police Department has reviewed the proposed use and has no objections to the approval of the application. Police and Code Enforcement records indicate that this property has not been associated with significant criminal or zoning enforcement.

**Condition of approval no. 3** prohibits any outdoor area (including the parking lot area and storefront area) to be used for customer service, tattoo consultations, customer queuing, and employee breaks. All business-related activity shall occur inside the establishment.

- *Adequate parking is provided in compliance with Code.* Code does not require additional parking for tattoo shops which would be above the parking requirements for a retail use. The tattoo shop would replace a former clothing retail shop. On-site parking is provided behind the building and a public parking lot in front of the building along Newport Boulevard; the public parking is used by all the commercial buildings on this block.

- Pursuant to the Redevelopment Plan, the overall appearance of the store shall be consistent with other retail establishments. The Redevelopment Plan was adopted in December 1973 with the last amendment occurring in October 1994. The central intent of the City's redevelopment strategy was to make maximum use of private enterprise by eliminating properties with negative appearances. This plan does not feature a land use matrix separate from the Zoning Code for allowable land uses. The Downtown Redevelopment Project Area's Comprehensive Design Plan was adopted in February 1985. The plan objectives included establishing a harmonious architectural, color, and design scheme for buildings/storefronts to enhance the imagery of the Downtown area.

Tattoo parlors may sometimes feature conspicuous graphics, urban graffiti type of murals, and bold lighting that may be inconsistent with the Redevelopment Project Area Design Plan.

**Condition of approval no. 6** requires that the project comply with the Downtown Redevelopment Project Area's Comprehensive Design Plan. For example, exterior murals or spray painted artwork shall be reviewed/approved by the Executive Director of the Redevelopment Agency prior to installation.

**Condition of approval no. 7** requires that no exposed neon lighting or flashing/blinking lighting effects be used for the building wall signage, product advertising, or lifestyle graphics. This excludes "open" and "closed" signs.

## GENERAL PLAN AND REDEVELOPMENT PLAN CONFORMITY

The General Plan permits a wide range of commercial uses within the General Commercial land use designation. Therefore, approval of the conditional use permit to allow establishment of a tattoo shop would be consistent with the General Plan.

Uses allowed in the Downtown Redevelopment Project area are the same uses permitted or conditionally permitted in the corresponding zoning district (the only uses not encouraged are heavy commercial uses such as auto repair and service uses). Because the proposed use is subject to a conditional use permit in the C2 zone, it is consistent with the same requirement in the redevelopment project area.

## ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the CUP application. This would allow the establishment of a tattoo shop as proposed, subject to conditions and Code requirements.
2. Deny the CUP application. If Commission denies the application, a tattoo shop may not be established on the property and a similar request may not be submitted for six months. Another use permitted in the C2 zone may be established.

**ENVIRONMENTAL DETERMINATION**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

**CONCLUSION**

Staff supports the proposed use given that the business will be subject to strict City and County regulations, as well as conditions of approval, to minimize impacts to surrounding properties and uses. The Police Department has also reviewed the proposal and has no objections to the approval of the application.

- Attachments: 1. Tattooing Establishment and Operation Regulations Ordinance  
 2. Draft Planning Commission Resolutions  
 3. Applicant's Project Description and Justification  
 4. Location/Aerial Map  
 5. Plans

Distribution: Development Services Director  
 Deputy City Attorney  
 City Engineer  
 Transportation Services Manager  
 Fire Protection Analyst  
 Staff (4)  
 File (2)

Kareem Masarani  
 298 E. 15<sup>th</sup> St., Unit B  
 Costa Mesa, CA 92627

Madras Llc.  
 4360 Prentiss Dr.  
 Yorba Linda, CA 92886

File: 101110PA1020

Date: 092310

Time: 10:00 a.m.

# ATTACHMENT 1

## Costa Mesa, California, Code of Ordinances >> TITLE 8 - HEALTH AND SANITATION >> CHAPTER VI. - TATTOOING ESTABLISHMENT AND OPERATION REGULATIONS >>

### CHAPTER VI. - TATTOOING ESTABLISHMENT AND OPERATION REGULATIONS

- Sec. 8-136. - Definitions.
- Sec. 8-137. - Maintenance of premises.
- Sec. 8-138. - Source of dyes and inks.
- Sec. 8-139. - Maintenance of pigments, dyes and equipment.
- Sec. 8-140. - Maintenance of stencils.
- Sec. 8-141. - Tattooing operations—Skin condition of customer.
- Sec. 8-142. - Same—Potential health risks.
- Sec. 8-143. - Same—Health conditions of operator.
- Sec. 8-144. - Same—Smoking.
- Sec. 8-145. - Same—Apparel of operator.
- Sec. 8-146. - Same—Cleanliness of operator.
- Sec. 8-147. - Same—Shaving.
- Sec. 8-148. - Same—Skin preparation.
- Sec. 8-149. - Same—Use of stencils.
- Sec. 8-150. - Same—Use of approved dyes.
- Sec. 8-151. - Same—Use of sterile dyes.
- Sec. 8-152. - Same—Use of sterile equipment.
- Sec. 8-153. - Same—Discarding of certain equipment.
- Sec. 8-154. - Inspections, health services fee schedule.
- Sec. 8-155. - Penalties.

#### **Sec. 8-136. - Definitions.**

As used in this chapter, unless the context otherwise requires, the following terms shall have the meaning ascribed to them respectively:

- (a) *Health officer* shall mean that person or office designated by order of the city council of the City of Costa Mesa or by contract approved by said council as the person or office having responsibility for the enforcement of the provisions of this article.
- (b) *Operator* shall mean any person, whether the proprietor or another person, administering a tattoo to any customer of a tattoo of a tattooing establishment.
- (c) *Proprietor* shall mean the person having general control and management over the conduct of business at a tattooing establishment, whether or not such person is the legal owner of the premises or the business.
- (d) *Tattoo* shall mean an indelible mark or figure fixed upon a body by insertion of pigment under the skin or by production of scars.
- (e) *Tattooing establishment* shall mean the premises used for the business of marking or coloring the skin with tattoos, and all furnishings, equipment, instruments, dyes and inks, and other facilities maintained therein incidental to such use.

(Ord. No. 97-16, § 1, 6-2-97)

#### **Sec. 8-137. - Maintenance of premises.**

- (a) All tattooing establishments shall be equipped with running hot and cold water, with adequate toilet facilities and all such appliances, furnishings and materials as may be necessary to enable persons employed in and about such establishments to comply with the requirements of this chapter.
- (b) The floors, furnishings and equipment of tattooing establishments shall be kept clean at all times during business hours. For purposes of this paragraph a floor shall not be considered clean if it has not been swept and mopped within the preceding twenty-four (24) hour period.
- (c) All operating tables in tattooing establishments shall be constructed of metal with white enamel or porcelain finish, or stainless steel.
- (d) Each tattooing establishment shall have adequate lighting and ventilation. For purposes of this paragraph lighting or ventilation shall be considered as inadequate if it fails to comply with a standard prescribed by the health officer.
- (e) No tattooing establishment shall be used as a sleeping room or dormitory.

(Ord. No. 97-16, § 1, 6-2-97)

6

#### **Sec. 8-138. - Source of dyes and inks.**

- (a) Proprietors of tattooing establishments shall, on request of the health officer, submit in writing to the health officer the source of all dyes or inks retained for use in tattooing operations, and thereafter shall notify the health officer in writing of any dyes or inks obtained for use in tattooing operations from any source other than those previously submitted.
- (b) No dyes or inks from any sources which have been disapproved by the health officer shall be retained available for use in tattooing operations.

(Ord. No. 97-16, § 1, 6-2-97)

### **Sec. 8-139. - Maintenance of pigments, dyes and equipment.**

- (a) No pigments, dyes, or equipment shall be retained available for use in tattooing operations unless cleaned and sterilized as provided in this section. For purposes of this section, equipment shall include needles, needle tubes, towels, blade holders, wiping cloths, paper towels and napkins, charcoal, gauze bandages (unless purchased in individual sterile packages), and all similar items.
- (b) All equipment shall be thoroughly cleaned before being sterilized. Instruments shall be cleaned with soap or detergent by use of a brush. The interior of needle barrels shall be brushed. After cleaning, equipment shall be thoroughly rinsed under running fresh tap water.
- (c) All equipment shall be sterilized by autoclaving. Each piece of equipment shall be individually wrapped with paper in an approved method for autoclaving. Metal foil may not be used. Tattooing needles shall be threaded through the metal tube that attaches to the tattooing vibrator and shall be placed in a glass (or autoclavable plastic tube) with a cotton plug for autoclaving. Wiping tissues shall be sterilized in a single pack to be used for one (1) tattoo and then be discarded. All packs shall be marked with temperature recording tape or labels.
- (d) Dyes or inks shall be used from containers with a cap that completely covers the opening and is attached to the neck of the dye container, sterilized in an autoclave after first being filled with the dye. Dye shall be handled utilizing aseptic techniques and the dye containers filled with dye shall be autoclaved at least once a week or more often if necessary to keep the dye in a sterile condition. The dyes may be placed in teflon squeeze bottles that will withstand autoclaving.
- (e) Steam sterilization of the above listed equipment shall be accomplished in an autoclave with at least fifteen (15) pounds pressure per square inch (251° F) for at least thirty (30) minutes. Other means of sterilization may be approved by the health officer.
- (f) All sterilized dyes, pigments and equipment shall be stored in a manner which will ensure sterility at the time of use.
- (g) Proprietors shall maintain sufficient sterilized equipment available at the beginning of each workday to allow completion of such workday without requiring re-sterilization of such equipment.

(Ord. No. 97-16, § 1, 6-2-97)

### **Sec. 8-140. - Maintenance of stencils.**

No stencil, whether new or used, shall be retained in a manner available for use in any tattooing operation unless it has been pre-cleaned and disinfected in the following manner:

- (a) Each stencil must be pre-cleaned by being scrubbed with soap and brush to the extent necessary to remove all accumulations of carbon and Vaseline in the etched grooves of the stencil.
- (b) Each stencil, after being pre-cleaned and dried, must be disinfected by being soaked, design-cut side down, in a closed container of seventy (70) per cent alcohol for not less than thirty (30) minutes at room temperature.
- (c) Each stencil, after being disinfected, shall be air dried for not less than thirty (30) minutes by being suspended in a manner exposing both sides to the air and, thereafter, shall be stored for next use in a clean envelope.

(Ord. No. 97-16, § 1, 6-2-97)

### **Sec. 8-141. - Tattooing operations—Skin condition of customer.**

No tattooing operation shall be performed on skin surface areas containing any rash, pimples, boils, or infection or otherwise manifesting any evidence of unhealthy conditions.

(Ord. No. 97-16, § 1, 6-2-97)

### **Sec. 8-142. - Same—Potential health risks.**

The establishment owner shall provide written information as required by the health officer about blood-borne diseases and their transmission to all tattoo operators and maintain records to verify operator receipt of this information. The tattoo operator shall inform the customer of any potential health risks involved whenever the skin is violated as required by the health officer.

(Ord. No. 97-16, § 1, 6-2-97)

**| Sec. 8-143. - Same—Health conditions of operator.**

No tattooing operation shall be performed unless the operator is free of communicable diseases and pustular skin lesions.

*(Ord. No. 97-16, § 1, 6-2-97)*

**| Sec. 8-144. - Same—Smoking.**

No operator shall smoke while performing a tattooing operation.

*(Ord. No. 97-16, § 1, 6-2-97)*

**| Sec. 8-145. - Same—Apparel of operator.**

The operator must wear a clean, light-colored, short sleeved smock while performing the tattooing operation.

*(Ord. No. 97-16, § 1, 6-2-97)*

**| Sec. 8-146. - Same—Cleanliness of operator.**

- (a) No operator shall perform a tattooing operation with unclean hands. For purpose of this paragraph, hands shall not be considered clean unless they have been thoroughly washed with soap from a single service dispenser and warm water vigorously rubbing all surfaces of lathered hands for at least ten (10) seconds, followed by thorough rinsing under a stream of water. Hands shall be dried using single service towels from a dispenser or hot air blower. If a liquid soap is used, the dispenser shall be cleaned and filled with fresh soap when empty.
- (b) Tattoo operators shall wear protective gloves while handling needles or blades, or doing any procedure that may cause bleeding. Gloves shall be discarded between each customer.

*(Ord. No. 97-16, § 1, 6-2-97)*

**| Sec. 8-147. - Same—Shaving.**

No tattooing operation involving shaving shall be performed unless the skin is washed with soap prior to the shaving and unless the blade used in shaving is previously unused and unless the blade holder has been autoclaved since its previous use.

*(Ord. No. 97-16, § 1, 6-2-97)*

**| Sec. 8-148. - Same—Skin preparation.**

No tattooing operation shall be performed unless the skin is adequately prepared prior to the operation. For purposes of this paragraph, skin shall be considered properly prepared if it is thoroughly washed with soap following shaving and, thereafter, scrubbed gently three (3) times with seventy (70) per cent isopropyl alcohol, using a separate sterile gauze pad each such time, and no alternate method of skin preparation shall be considered adequate unless approved in writing by the health officer.

*(Ord. No. 97-16, § 1, 6-2-97)*

**| Sec. 8-149. - Same—Use of stencils.**

No tattooing operation involving the use of stencils shall be performed unless all of the following requirements have been complied with:

- (a) Each stencil must be pre-cleaned pursuant to section 8-140.
- (b) Each stencil having been pre-cleaned must be wiped with sterile gauze soaked in seventy (70) per cent alcohol and air dried immediately prior to its use in the tattooing operation.
- (c) Petroleum jelly used for stencils must be obtained from a collapsible tube which has not previously been used in any tattooing operation and must be applied to the skin with a sterile gauze which has not previously been used.

*(Ord. No. 97-16, § 1, 6-2-97)*

**Sec. 8-150. - Same—Use of approved dyes.**

No tattooing operation shall be performed using dyes or inks of a type that has been disapproved for use by the health officer pursuant to section 8-138.

*(Ord. No. 97-16, § 1, 6-2-97)*

**Sec. 8-151. - Same—Use of sterile dyes.**

No tattooing operation shall be performed unless the following requirements have been complied with:

- (a) The dye or ink used for the tattoo must be obtained from pre-sterilized dye or ink bottles and, prior to the tattooing operation, aseptically transferred from such bottles into sterile paper cups which have not previously been used in any tattooing operation. No refilling of the dye cup is permitted.
- (b) No dye or ink shall be used in which needles used on another person have been dipped.

*(Ord. No. 97-16, § 1, 6-2-97)*

**Sec. 8-152. - Same—Use of sterile equipment.**

No tattooing operating shall be performed using equipment that has not been cleaned and sterilized in the manner set forth in sections 8-139 and 8-140.

*(Ord. No. 97-16, § 1, 6-2-97)*

**Sec. 8-153. - Same—Discarding of certain equipment.**

Operators shall discard the following items immediately after use in any tattooing operation:

- (a) Blades used in shaving.
- (b) Tubes and gauze used in application of petroleum jelly used for stencils.
- (c) Paper cups used for dye or ink.

*(Ord. No. 97-16, § 1, 6-2-97)*

**Sec. 8-154. - Inspections, health services fee schedule.**

The county health officer shall periodically make inspections of tattooing establishments located in the City of Costa Mesa to determine if the proprietor or operator of such establishments are complying with the provisions of this chapter. The county shall, by annual board resolution, adopt health service fees to be paid by the proprietor or operator of the tattoo establishment. Such fees to be paid directly to the county health officer and retained by the county as reimbursement for said services related to this article.

*(Ord. No. 97-16, § 1, 6-2-97)*

**Sec. 8-155. - Penalties.**

Each of the following acts or omissions shall constitute a misdemeanor and upon conviction shall constitute a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00):

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

*(Ord. No. 97-16, § 1, 6-2-97)*

# ATTACHMENT 2

## RESOLUTION NO. PC-10-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-10-20

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Kareem Masarani, authorized agent for property owner Madras LLC., with respect to the real property located at 1765 Newport Boulevard, Unit A, for a conditional use permit to establish a tattoo shop within an existing commercial building in the C2 zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 11, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-10-20 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-10-20 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable Federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 11<sup>th</sup> day of October 2010.**

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James Righeimer, Chair  
Costa Mesa Planning Commission



## EXHIBIT "A"

**FINDINGS (for approval)**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
  2. The project is consistent with the General Plan and the Redevelopment Plan with the approval of a conditional use permit.
  3. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the business will be required to obtain Orange County Environmental Health Care Agency permits/approvals and comply with the City's health and sanitation regulations. The proposed use, as conditioned, will not generate noise or traffic levels that are unusual for the commercial property.

As conditioned, the project is consistent with the Costa Mesa Redevelopment Plan adopted in December 1973 and the Comprehensive Design Plan adopted in February 1985. The plan objectives included establishing a harmonious architectural, color, and design scheme for buildings/storefronts to enhance the imagery of the Downtown area. Compliance with the conditions of approval ensures that the central intent of these plans is met.

Lastly, the Police Department has reviewed the proposal has no objections to the proposed use. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
  2. Hours of operation for customer service shall be limited to 11 a.m. to 8 p.m., all days of the week.
  3. Outdoor loitering or service of employees, visitors, or patrons of the establishment shall be prohibited. Specifically, the outdoor area (including the parking lot area and storefront area) shall not be used for customer service, tattoo consultations, customer queuing, and employee breaks. All business-related activity shall occur inside the establishment.
  4. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
  5. This business shall be conducted in such a manner so that it does not permit the observation by customers or the public of the tattooing or piercing of "specific anatomical areas" as described in Title 13, Chapter IX, Article 1 (sexually oriented businesses).
  6. The applicant/business shall comply with the Downtown Redevelopment Project Area's Comprehensive Design Plan. For example, exterior murals or spray painted artwork shall be reviewed/approved by the Executive Director of the Redevelopment Agency prior to installation.
  7. There shall be no exposed neon lighting or flashing/blinking lighting effects for the building wall signage, product advertising, or lifestyle graphics visible from the public right-of-way. This excludes "open" and "closed" signs.
  8. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

**RESOLUTION NO. PC-10-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-10-20**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Kareem Masarani, authorized agent for property owner Madras LLC., with respect to the real property located at 1765 Newport Boulevard, Unit A, requesting approval of a conditional use permit to establish a tattoo shop within an existing commercial building in the C2 zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 11, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-10-20 with respect to the property described above.

**PASSED AND ADOPTED this 11<sup>th</sup> day of October 2010.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (for denial)**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed use is not compatible and harmonious with uses both on site and those on surrounding properties.
  - b. The project is not consistent with the General Plan or the Redevelopment Plan.
  
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property. The proposed use is inconsistent with the Costa Mesa Redevelopment Plan adopted in December 1973 and the Comprehensive Design Plan adopted in February 1985.
  
- C. The Costa Mesa Planning Commission has denied PA-10-20. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

D

ATTACHMENT 3

**Project Description**

This Tattoo shop will emphasize a clean, sterile environment. Only experienced Artists will be working in this facility to ensure the highest quality product.

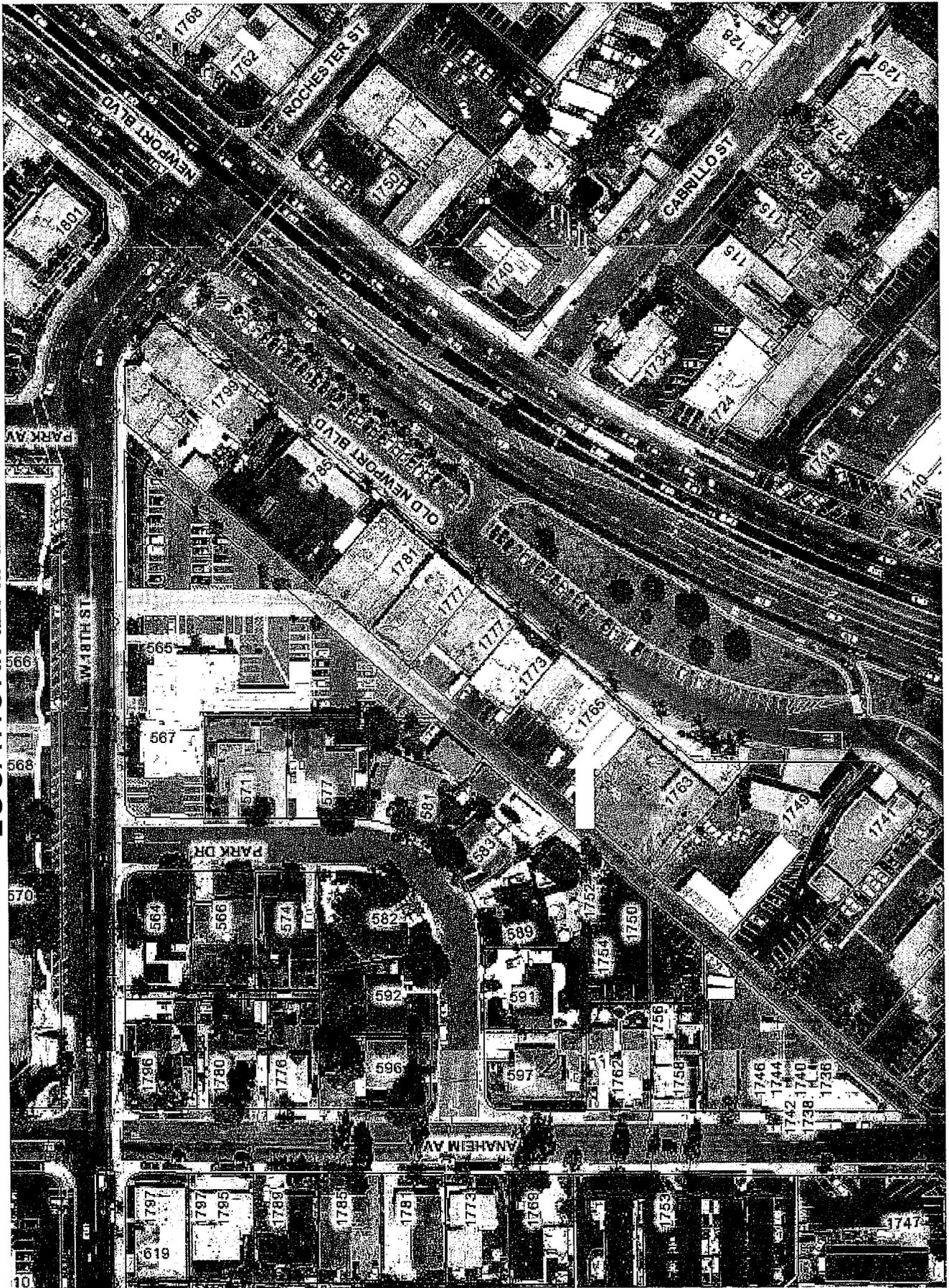
Hours of operation:

~~12:00 a.m. - 10:00 p.m.~~ 7 days a week  
11 a.m. - 8 p.m (modified 9/10/10)

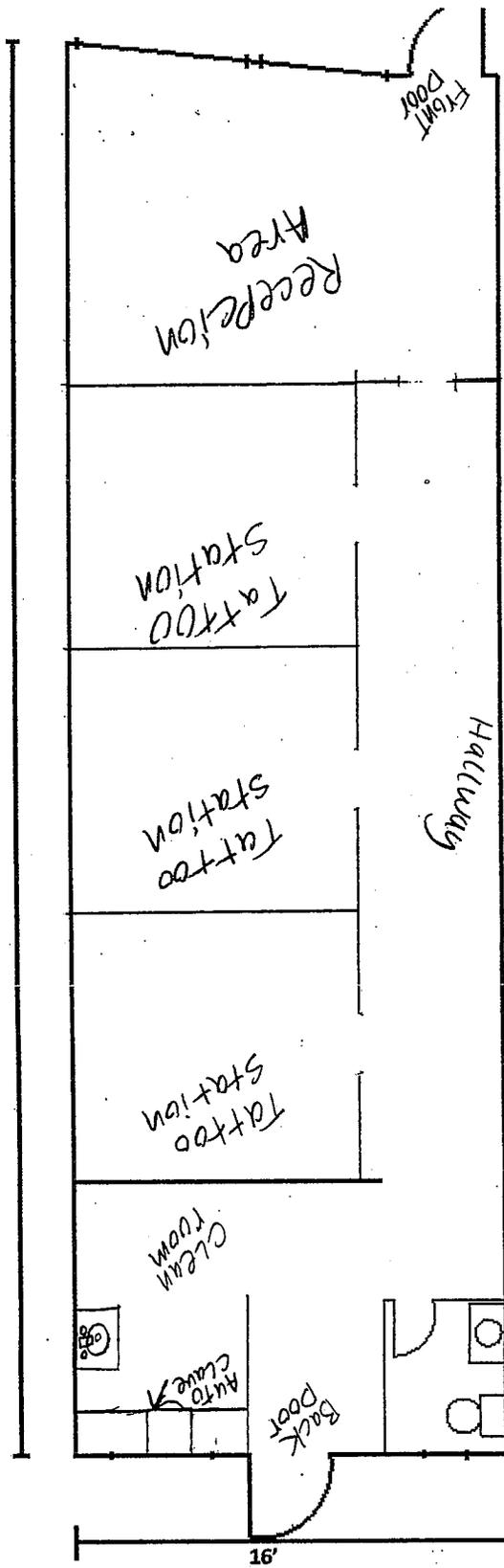
Number of Artists: Five.

ATTACHMENT 4

LOCATION/AERIAL MAP



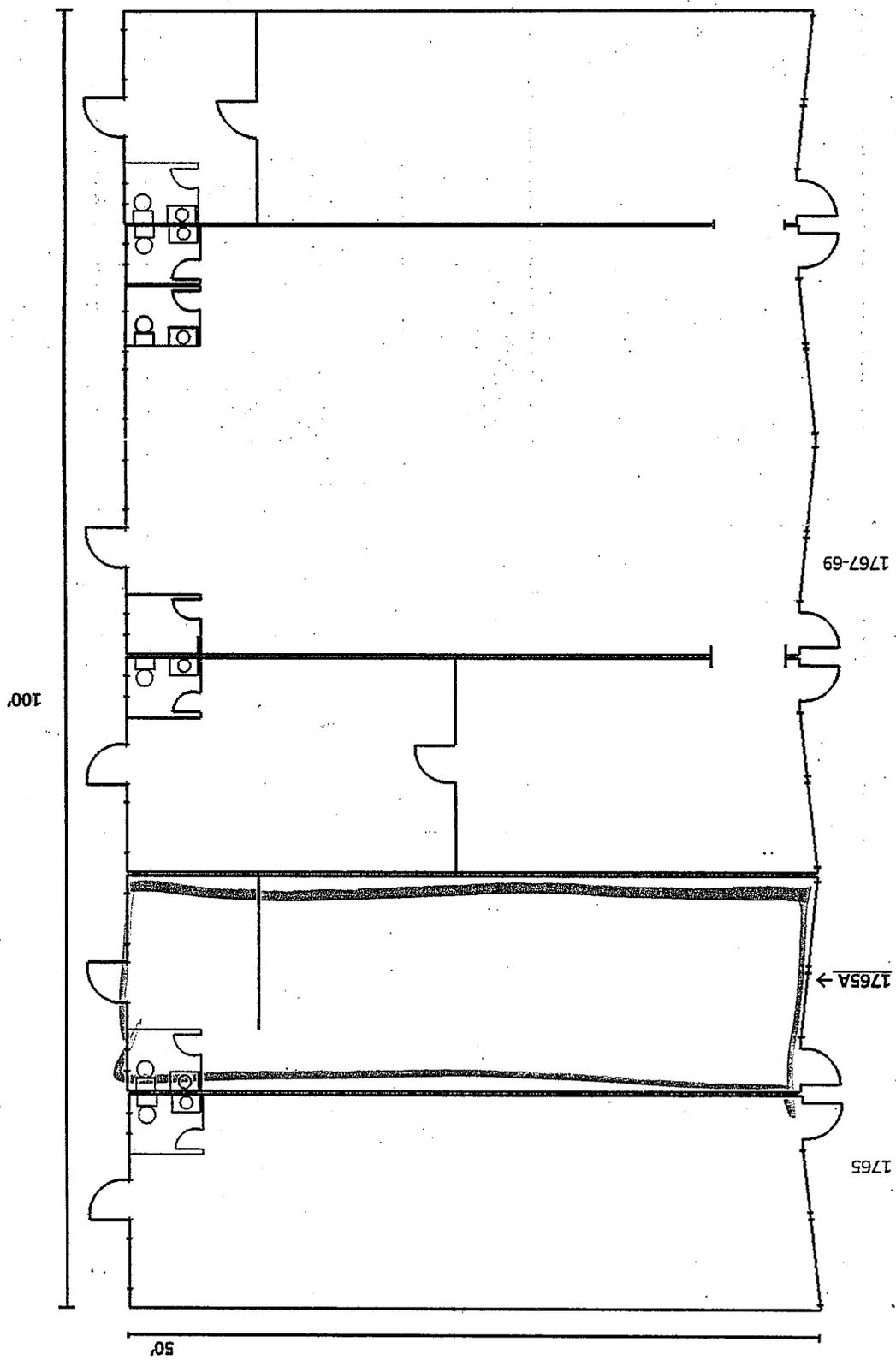
Floorplan  
1765A Newport Blvd.  
Costa Mesa, CA 92627



ATTACHMENT 5

91

61



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