



**CITY OF HAYWARD
AGENDA REPORT**

Meeting Date 04/14/05
Agenda Item 1

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: Use Permit No. PL-2005-0057 – Juan Murillo and Steven Monasterial (Applicants) / Dr. Dharam Salwan (Owner) – Request to Operate a Tattoo, Permanent Cosmetics and Piercing Parlor

The Property is Located at 22529 Second Street, Unit A, between “A” and “B” Streets in the Central City-Commercial (CC-C) Subdistrict

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines Section 15332, In-Fill Development Projects; and
2. Approve the application subject to the attached findings and conditions of approval.

DISCUSSION:

The applicants propose a tattoo, permanent cosmetics and piercing establishment, to be called Pin Point Tattoos. It would occupy an approximate 650-square-foot, first-floor tenant space in a two-story, commercial/residential mixed-use building. The tattoo artist occupies the second floor residence. The adjacent property to the west contains a 7-unit apartment building; the property to the north contains a service commercial building housing Minuteman Press; and the property to the south contains the Second Street Plaza, housing a variety of retail, office and service commercial uses. All properties are located in the *Central City-Commercial (CC-C) Subdistrict*.

A tattoo parlor is a conditional use in the *Central City-Commercial Subdistrict*. Conditional approval is required to assure that this use is permitted where there is a community need, and to assure that the use is in harmony with the area and with City policies.

The General Policies Plan Map designates this property as *Retail and Office Commercial*. This designation is used to indicate areas where office and retail commercial uses are encouraged and reflects a variety of land uses.

Project Description

The applicants, Juan Murillo and Steven Monasterial, are the business owners and Rick Colao is the tattoo artist and business manager. Mr. Colao will offer artistic tattooing, permanent cosmetics and body piercing. He has fifteen years of experience as an artist and eight years piercing. He managed five Tattoo-U studios in Hayward, Fremont, Oakland, Alameda and Dublin and owned his own tattoo and piercing studio in Modesto for five years. Mr. Colao would be available by appointment on Monday and Tuesdays and the establishment would have regular business hours of 10 am to 9 pm, Wednesday through Sunday. This establishment would include two work stations, a waiting area and a retail display area (see Attachment B for the floor plan). The retail space would display tattoo related memorabilia, clothing, candles and incense, and a jewelry display case. Staff recommends that each cubicle be equipped with a locker that could be used by customers to store their personal property. In addition, a condition of approval requires that the business manager actively monitor the front of the business to prevent loitering.

As a condition of approval, the applicant is required to verify that all customers are 18 years of age by way of valid identification. In addition, signs are required to be posted stating that no persons under the age of 18 years are permitted on the premises. Pin Point Tattoos' standard release form to be signed by each customer is Attachment D.

The tattoo parlor is expected to generate very few vehicle trips. The applicant anticipates approximately three to six tattoo and piercing customers a day. Customer parking would be available on Second Street in front of the establishment in the posted two hour zone, and would be available in Municipal Parking Lot No. 6 which is located on the northerly side of "A" Street, between Foothill Boulevard and Second Street, within 500 feet of the establishment. During a typical weekday, approximately two-thirds of the 100 parking spaces in Lot No. 6 are available. Due to the manner which the business is operated and the type of business, it is anticipated that the capacity of the lot will not be impacted.

In order to operate a tattoo parlor in Alameda County, all applicants are required to submit applications to Alameda County Department of Environmental Health. Mr. Colao has complied with this requirement. As part of the application process, a designated medical waste hauler to dispose of the needles used for the procedures is required to be disclosed to Department of Environmental Health. In addition, applicants must provide proof of vaccination or evidence of immunity of Hepatitis B or provide a certificate of proof of vaccination. All applicants must demonstrate to the Department of Environmental Health, by examination, knowledge of basic tattooing techniques, health and safety precautions, and sanitation and sterilization techniques designed to prevent cross contamination. Furthermore, proof of completion of a Local Enforcement Agency approved health and safety class is required to be provided.

The City of Hayward participates in the Hayward New Start Tattoo Removal Program. This program serves youth from the ages 13 to 25 and provides removal of visible gang and drug related tattoos. The goals of the program are to connect with youth, raise self-esteem, increase job opportunities, and increase personal safety of participants. Mr. Colao intends to participate in this program as he did when he managed Tattoo-U.

The applicants intend to install a wall sign that will incorporate the font and design that is used on the business cards (Attachment E). The sign would be backlit metal and would be installed to the right of the recessed entryway.

Environmental Review

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) guidelines Section 15332, In-Fill Development Projects.

Public Notice

On February 17, 2005, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Chamber of Commerce, Downtown Improvement Advisory Board, and Hayward Area Planning Association. Staff received one fax in opposition to the tattoo parlor from the property owner of the Second Street Plaza to the south. She is of the opinion that the type of business is inconsistent with existing businesses (Attachment F). The Police Department is not opposed to the use with the recommended conditions of approval. On April 4, 2005, a Notice of Public Hearing for the Planning Commission meeting was mailed. No additional public comments have been received.

CONCLUSION:

The use is compatible with the General Plan and the Central City-Commercial Subdistrict. It will generate few vehicle trips and will not create noise. It is the opinion of staff that it will have little or no impact on the adjacent commercial establishments or the single-family residence located on the second floor.

Prepared by:



Arlynn J. Camire, AICP
Associate Planner

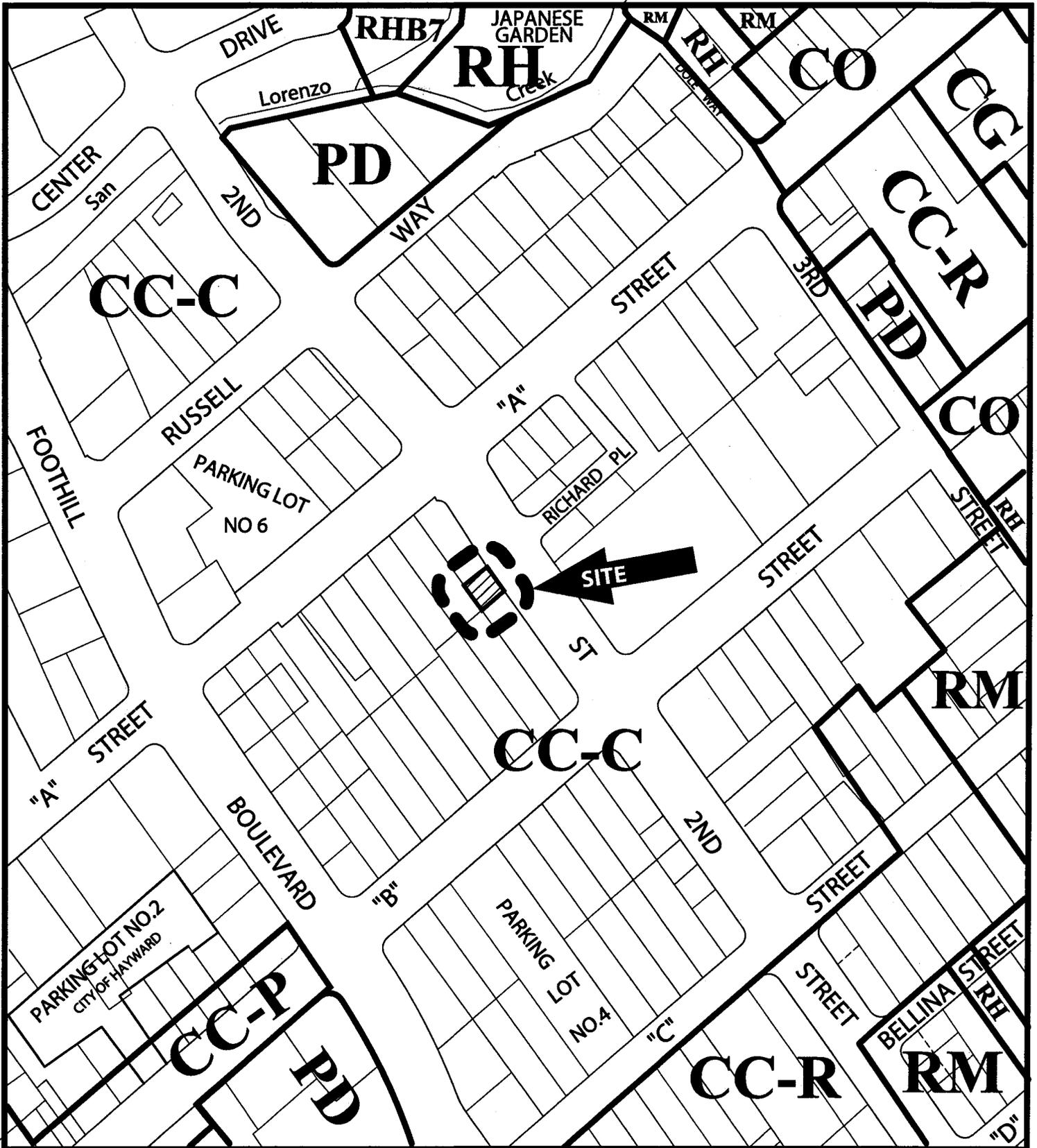
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A Area and Zoning Map
- B Site Plan, Business Floor Plan, and Ground Floor Plan
- C Applicants' Description of Operations
- D Standard Release Form
- E Sign Design
- F Fax in Opposition
- G News Article Review of Modesto Establishment
- H Findings for Approval
- I Conditions of Approval



Area & Zoning Map

PL-2005-0057 UP

Address: 22529-A 2nd Street

Applicant: Juan Murillo & Steven Monasterial

Owner: Dharam Salwan

CC-C-Central City-Commercial

CC-P-Central City-Plaza

CC-R-Central City-Residential

CG-General Commercial

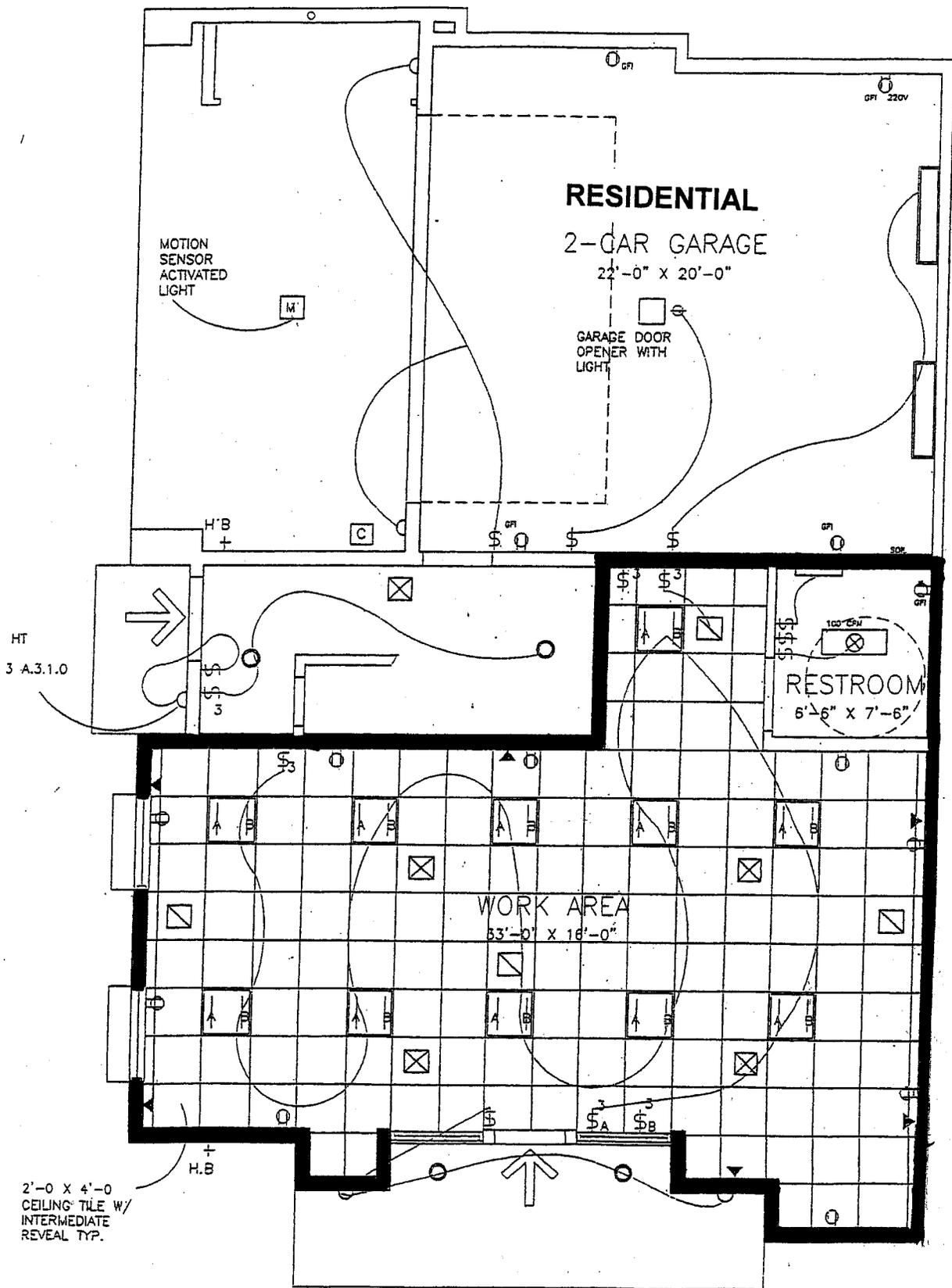
CO-Commercial Office

PD-Planned Development

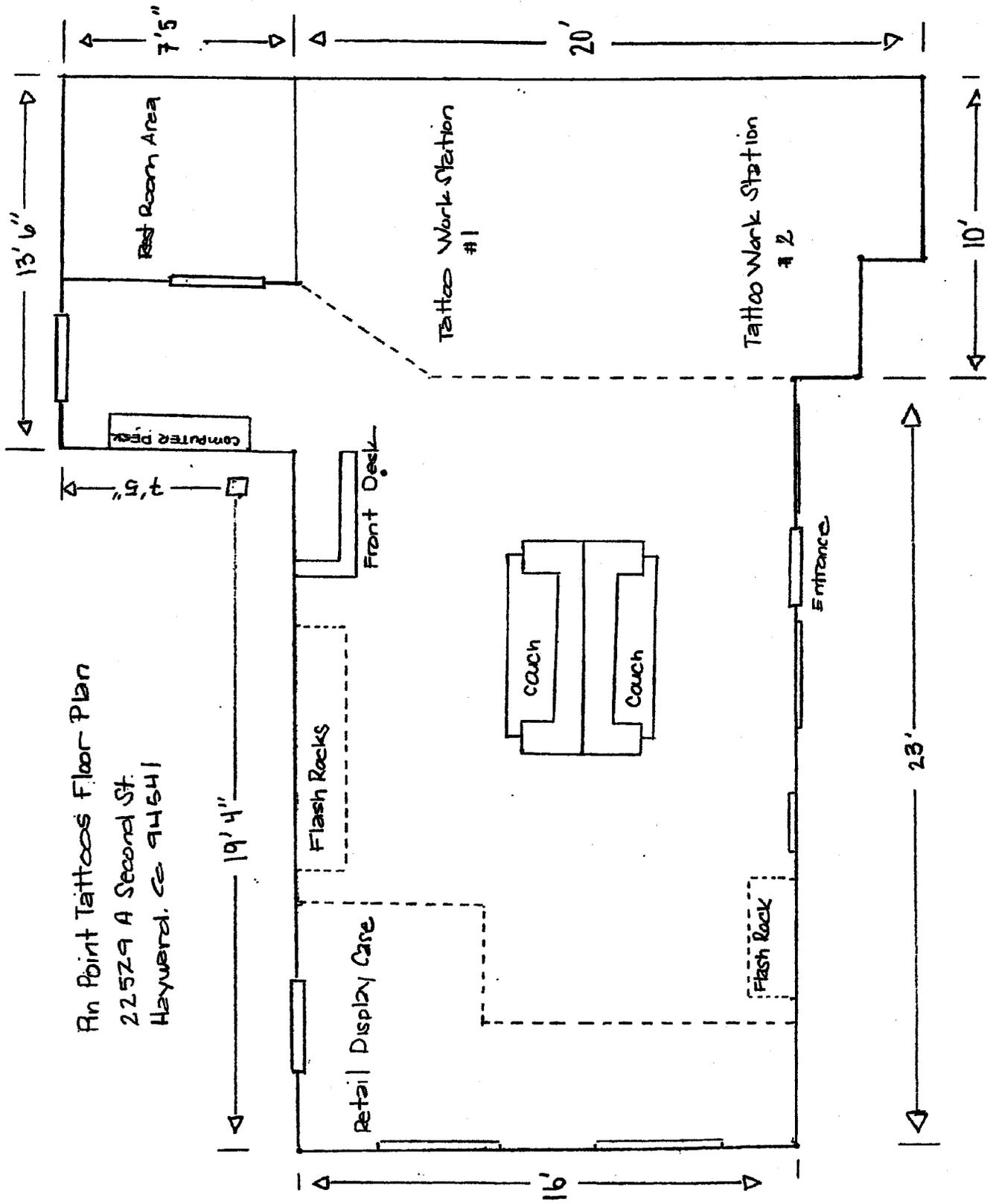
RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4





Rin Point Tattoos Floor Plan
22529 A Second St.
Hayward, CA 94541



Pin Point Tattoos

The purpose of Pin Point Tattoos is to offer a service to the public, which consists of personalized art permeated to the human body as per consent of qualified clientele. Such body art will consist of tattoos of stellar design, permanent facial cosmetics and body piercing. Artist/manager Rick Colao, will perform these services and guarantee a safe and sanitary environment however all visitors and potential clients will only be serviced in the establishment under the following conditions:

- Must be at the minimum age of 18 years or older**
- Must present a valid state issued identification**
- Anyone under the influence of alcohol or drugs will be refused service**

Artist/manager Rick Colao will provide a relaxing atmosphere for all guests offering comfortable seating areas, decorative wall hangings, music to complement the scenery, entertaining reading material, and sample brochures of available services. Pin Point Tattoos will also offer a variety of merchandise for sale to our guests. (t-shirts, hats, memorabilia, novelties, etc.) Clean restrooms are provided for all clients and visitors and are especially designed to accommodate disabled persons.

As mentioned, Pin Point Tattoos provides a safe and sanitary environment. Autoclaves are spore tested monthly, all tools required for said services are sterilized and factory sealed for each individual client. All services will be performed in a sanitary area with floor screens for privacy on an uncarpeted floor to further increase sanitation.

Rick Colao has performed this service to the community for more than 15 years and is highly reputable for his contributions to human art. As manger of five Tattoo-U studios in the bay area (Hayward, Fremont, Oakland, Alameda, and Dublin) Rick has created good relations within the city of Hayward. He looks forward to working with police and youth programs in an effort to help people cover up any gang related tattoos they may have, as he did at Tattoo-U. After five years of running his own studio in Modesto, Rick is excited about contributing to and beautifying the community again, (without the commute).

Pin Point

Tattoos & Xotic Piercing

STANDARD RELEASE AGREEMENT

TATTOO

I certify under penalty of perjury that I am **AT LEAST 18 YEARS** of age, hereinafter referred to as the client or Releaser. This form will be held in confidence and will not be released prior to written consent of the undersigned. I may request a copy of this form, if I choose, at any time and agree that any photocopies will be regarded as an original document. I release any and all photographic media taken of myself to **Pin Point** and give them permission to print or publish any media for whatever purpose they may choose.

Name: _____ Phone Number: _____
Address: _____ How did you hear about us? _____
City: _____ State: _____ Zip Code: _____

Whereas, release shall perform application of dyes and pigments to the skin of the client.
Whereas, releaser has been fully informed of the methods and procedures concerning the results of such treatments.

I, (releaser) hereby acquit, and discharge **Pin Point** and any and all other persons, successors, heirs, executors, firms, partnerships, and corporations which are or might be claimed to be liable to me, from **any and all claims, demands, rights, actions and causes of action, damages, cost, loss of services, expenses, and compensation, including attorney, litigation, or medical fees of whatsoever kind and nature** arising from, and reason of any and all **known and unknown, foreseen and unforeseen** bodily and personal injuries, property damage or loss and the consequences thereof, which hereinafter may be, sustained by any other person or persons having a legal interest therein consequence of any event following the execution of the release of the treatment procedure rendered. **This release expresses a full and completed settlement of any liability claimed and denied, and regardless of the compensation, it is intended to avoid litigation.**

Please answer the following HEALTH HISTORY QUESTIONNAIRE:

Do you have, or have you had, any of the following conditions or concerns? (Please circle all that apply)

Allergies Anemia Blood Disease Diabetes Epilepsy Heart Condition Hemophilia

Hepatitis HIV Scars (in the area to be treated)

Other: _____

Are you presently taking any medications? Y N Describe: _____

It is essential to take appropriate care of your permanent make-up, Tattoo, or cosmetic derma-pigmentation as outlined in the care instruction you have been given. Neglecting this responsibility could result in complications including, but not limited to: infection, loss of color, scarring, and delayed healing. If carelessness results in necessary touch-ups or adjustments, it will be done at the clients expense. Dark skin will not reflect colors as brightly as fair skin and simple color schemes should be considered if color (excluding black) is desired.

I am not under the influence of drugs or alcohol. This is for my own safety as some of the consequences experienced while under the influence of drugs or alcohol may be: dizziness, fainting, increased response to pain, excessive bleeding, seizures, vomiting, lightheadedness, and abnormal scarring.

Releaser: _____
Office Use

Date: _____

Tattoo Description

Paid: Y N

Identification

I.D. # _____ Exp: _____

D.O.B. _____

Approved By: _____

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

DATE: 02-22-2005

~~PL 2005-057~~

Cell # (408) 898-4085

I wish to express my concern regarding the proposed operation of a tattoo, permanent cosmetics and body piercings studio at 22529-A 2nd Street.

I own property adjacent to the proposed studio at ~~22529-A~~ 22551 2nd St. I believe that this type of business is inconsistent with the other types of businesses in the surrounding area.

Jupe Campan



“A Look At Business”

A Production of Community Press Service Inc., which is s

**Pin Point
TATTOOS
& exotic piercing**

Award Winning Artists

PIN POINT TATTOOS & XOTIC PIERCING at 1807 "G" St. in Modesto, phone 522-4PIN (4746) is one of those reliable firms whom we are able to speak of in the highest terms. They specialize in tattoo art and exotic piercing.

As one of the leading firms in their field, no amount of effort is spared to give you the most careful service and their clients are delighted with the service which they receive. Using the most advanced techniques, and the most sterile methods in the industry, PIN POINT TATTOOS & XOTIC PIERCING, can bring some brilliant color into your life. Whether you're searching for an elaborate design, or just looking to express your individuality with something simple and elegant, the artist at PIN POINT TATTOOS & XOTIC PIERCING can bring out the best on you! If you wish to update your present art, or cover it entirely, the professionals at this fine firm can help. Remember there are no children allowed and you must be at least 18 (no exceptions, not even with parental supervision) with a valid ID to get a tattoo or body piercing.

Rick Colao, the owner of the company, has had years of experience at this business and is thoroughly competent in every respect. His advice in matters pertaining to this art is sought after and respected. The writers of this 2001 Look At Business suggest this quality firm to all of our readers.



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FINDINGS FOR APPROVAL
Use Permit Application No. PL-2005-0057
Juan Murillo and Steven Monasterial (Applicants)
Dr. Dharam Salwan (Owner)
22529 Second Street, Unit A

1. The proposed project is Categoricaly Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332, *In-Fill Development Projects*.
2. The tattoo, permanent cosmetics and piercing parlor is desirable for the public convenience or welfare in that residents and customers with body adornment needs will be accommodated.
3. Tattoos, permanent cosmetics and piercings are socially acceptable forms of body adornment. Therefore, the tattoo, permanent cosmetics and piercing parlor will not impair the character and integrity of the adjacent commercial businesses and zoning district. In addition, the use will generate few vehicle trips per day.
4. The tattoo, permanent cosmetics and piercing parlor will not be detrimental to the public health, safety, or general welfare in that qualified tattoo artists and piercers will observe sanitary and safe practices. In addition, all needles will be disposed in an appropriate manner by a qualified medical wastes hauler as required by the Alameda County Department of Environmental Health.
5. The tattoo, permanent cosmetics and piercing parlor will be in harmony with applicable City policies of the Zoning Ordinance and General Plan in that the services provided serve a community need that is compatible with surrounding commercial businesses.

CONDITIONS OF APPROVAL
Use Permit Application No. PL-2005-0057
Juan Murillo and Steven Monasterial (Applicants)
Dr. Dharam Salwan (Owner)
22529 Second Street, Unit A

1. Use Permit Application No. PL-2005-0057 is approved subject to the conditions listed below. This approval is void one year after the effective date of approval unless the business has been established in accordance with these conditions of approval or unless an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. All conditions shall be met prior occupancy of the building and prior to the issuance of a business license. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior April 14, 2006.
2. The tattoo, permanent cosmetics and piercing parlor shall observe appropriate sanitary practices include proper disposal of materials used during the tattoo process. In addition, the tattoo artist is required to meet all of the requirements of the County of Alameda Environmental Health Department, including registration as a tattoo artist and present evidence thereof to the City Of Hayward prior to onset of business.
3. A sign permit shall be approved prior to installation of the proposed wall sign. The final design and size of the sign shall be to the satisfaction and be approved by the Planning Director.
4. The property owner and applicants shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, driveway and parking area. The premises shall be kept clean and free of weeds, and prior to occupancy any weeds located along the base of the building on the south side shall be removed. Any graffiti painted on the property shall be painted out or removed within three days of occurrence.
5. The business hours shall be 10:00 am to 9:00 pm. If the applicant wishes to extend business hours, the Planning Director shall review and act on any changes.
6. The business manager shall actively monitor the front of the business to prevent loitering.
7. The applicants shall post a sign at the entrance that states, "No Persons Under Age of 18 Years Permitted."
8. The applicants shall post California Penal Code 653 which reads "Every person who tattoos or offers to tattoo a person under the age of 18 years is guilty of a misdemeanor. As used in this section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This section is not intended to apply to any act

of a licensed practitioner of the healing arts performed in the course of his practice in unobstructed view to customers.”

9. The applicants shall post the business license and California Department of Health Certificate in clear unobstructed view to the public.
10. Lockable storage cupboard or locker shall be provided in each cubicle for customers to secure their personal belongings while using the services of the business.
11. All landscaping and irrigation, including the potted plants, shall be kept weed-free and in good condition at all times. Any damaged or dying plants shall be replaced to the satisfaction of the City of Hayward Landscape Architect.
12. Portable fire extinguishers shall be installed within the tenant space. Minimum size and type of fire extinguisher shall be 5 lb., dry-chemical, with a rating of 2A:10BC. Fire extinguishers shall be installed in accessible locations as approved by the Fire Department.
13. The applicants are responsible for contacting the City of Hayward Hazardous Materials Office for further regulations on medical waste disposal laws, as they pertain to City, County and State regulations. Contact Hugh Murphy at (510) 583-4924.
14. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.