



PLANNING COMMISSION STAFF REPORT

Date: July 27, 2011

Case No.: 5.1270

Type: Zone Text Amendment

Location: City-wide

Applicant: City of Palm Springs

To: Planning Commission

From: Craig A. Ewing, AICP, Director of Planning Services

Subject: Zoning Ordinance Amendment Related to Rotating, Moving Signs, specifically Barber Poles

PROJECT DESCRIPTION

The project is an amendment to the Palm Springs Zoning Code in order to allow rotating barber poles. A public hearing is required.

RECOMMENDATION

That the Planning Commission conduct a public hearing and forward to the City Council its recommendation to allow barber poles. A draft resolution is attached.

PRIOR ACTIONS

On June 15, 2011, the City Council initiated a Zone Text Amendment to direct the Planning Commission to consider and adopt a recommendation regarding allowing barber poles.

BACKGROUND

The Palm Springs Zoning Code Section 93.20.04(1) specifically prohibits signs which, "rotate, move flash, reflect, blink or appear to do any of the foregoing..." Barber poles

which rotate fall into this category. Staff notes, however, barber poles have a long history and may be considered a unique sign deserving special treatment. The history of the barber pole is excerpted below from BBC's Hitchhikers Guide to the Galaxy (an open-editable, web-based encyclopedia similar to Wikipedia):

"The history of the barber pole is intertwined with the history of barbers and their bloodletting practices. Patients would grasp a rod or staff tightly so that their veins would show, and the barbers would cut open their arms and bleed them until they fainted (nasty but true). Later, when leech therapy became popular (they allowed for more controlled bleeding), leeches were applied directly to the vein areas. After the procedure, the washed bandages were hung outside on a pole to dry, and to advertise the ghastly therapeutic specialties offered in the barbershop. Flapping in the wind, the long strips of bandages would twist around the pole in the spiral pattern we now associate with barbers.

"This early barber pole was simply a wooden post topped by a brass leech basin. (One source speculates that the poles were painted red to mask the bloodstains) Later the basin was replaced by a ball and painted poles of red and white spirals took the place of the less tasteful pole with the bloodstained bandages, and these poles became permanent outdoor fixtures. (In fact, after the formation of the United Barber Surgeon's Company in England, barbers were required to display blue and white poles, and surgeons, red ones). In America, however, the barber poles were painted red, white and blue because the American flag also had all these colors."

There is no indication as to when the barber poles were first built to revolve, but it is likely that 20th century manufacturing methods created the rotating pole to bring further attention to the sign.

Today, barber poles are recognized by the State of California as reserved for licensed barbers only, per Section 7349.1 of the Business and Professions Code:

It is an unfair business practice for any person, firm, or corporation who engages in a practice regulated under this chapter to use the traditional symbol known as the barber pole, which comprises a striped vertical cylinder with a ball on top, with the intent to mislead the public in any manner that would make the public believe that barbering was being practiced in, or that a licensed barber is employed in, an establishment that does not employ licensed barbers.

State law does not prohibit the regulation of barber poles by local ordinance.

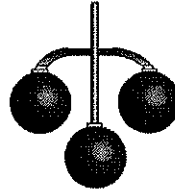
ANALYSIS

Barber poles have been used as a symbol of the profession for many centuries, and there are few other trades which have a similar sign or symbol of such long standing use. The medical profession uses the "Rod of Asclepius" which traces back to ancient Greek mythology, while pawn shops use three gold balls suspended from a rod, which are taken from the coat of arms of the Medici family of Renaissance Italy. Other trades might use a recognizable symbol, such as eyeglasses, a shoe or a pig to represent

optometrist, cobbler and butcher respectively, while the barber pole remains easily associated with the cutting of (men's) hair even though the sign has no direct message related to hair cutting.



Rod of Asclepius (Medicine)



Three Gold Balls (Pawn Shop)



Barber Pole

With its long history and unique status as a business sign, the barber pole may be appropriate for unique consideration in the City sign ordinance. As written, the ordinance allows a wide variety of sign types and logos, with limits primarily focused on sign location and maximum sign area. Design and color are not a concern, so the shape, configuration and colors associated with a barber pole are not opposed by the ordinance.

The primary concern is the rotating motion of the striped pole; this is prohibited by Section 93.20.4(1):

Signs which rotate, move flash, reflect, blink or appear to do any of the foregoing shall be prohibited. This includes, but is not limited to flags, banners, pennants, inflatable objects and balloons, unless otherwise authorized in Section 93.20.08 or approved as a permanent architectural feature pursuant to Section 94.04.00 (Architectural review), or Section 93.20.10(C)(7) (Signs—General Provisions)

Staff notes that Section 93.20.08 applies only to temporary signs and 93.20.10(C)(7) only applies to the La Plaza Theater. Staff does not support the designation of a barber pole as a “permanent architectural feature”, as it can be easily relocated from one building to another.

The question of whether or not to allow rotating or moving signs is entirely at the discretion of the City. The City may make provisions for rotating barber signs, but it is not required to do so. Staff researched the number of barbers in the City and notes that there are fourteen business licenses registered to barbers, and 122 business licenses registered which use the word “hair”. Should rotating barber poles be allowed, it is reasonable to assume that over time the City may see between 10 and 25 or more barber poles installed in commercial areas. It may also see other amendments proposed granting exceptions from the prohibition of rotating or other moving signs.

In the event that the Commission concludes that rotating barber poles should be allowed, two changes to the Zoning Code are recommended: 1) Create a definition for “barber pole”, and 2) Create an exclusion from the prohibition against rotating signs.

Add to Section 91.00.10.B (Definitions), as follows:

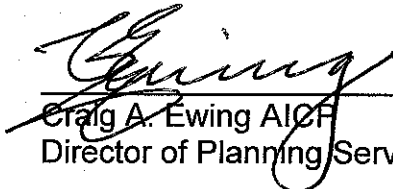
“Barber pole” means a traditional sign reserved for licensed barbers and made up of a striped vertical cylinder which may or may not rotate, and may have a ball on top.”

Revise Section 93.20.04(1), as follows:

Signs which rotate, move flash, reflect, blink or appear to do any of the foregoing shall be prohibited. This includes, but is not limited to flags, banners, pennants, inflatable objects and balloons, unless otherwise authorized in Section 93.20.08 or approved as a permanent architectural feature pursuant to Section 94.04.00 (Architectural review), or Section 93.20.10(C)(7) (Signs—General Provisions) Notwithstanding the above prohibition, in non-residential zones one barber pole may be allowed for any licensed barber business.

ENVIRONMENTAL DETERMINATION

Staff has evaluated the potential environmental impacts of the proposed Zoning Ordinance text amendment and determined that it is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act. The proposed amendment does not result in any changes in land use or density.



Craig A. Ewing AICP
Director of Planning Services

cc: Draft Resolution, including draft zone text amendment

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND SECTIONS 93.20.03 AND 93.20.04(C) OF THE PALM SPRINGS ZONING CODE RELATING TO BARBER POLES

WHEREAS, Sections 93.20.00 of the Palm Springs Zoning Ordinance establishes regulations for the design, placement and use of signs; and

WHEREAS, on June 15, 2011, the City Council voted to direct staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1270) to allow rotating barber poles; and

WHEREAS, on July 27, 2011, the Planning Commission conducted duly noticed public hearings on the proposed amendment, at which hearings the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide a means by which licensed barbers may be able to more effectively advertise their services.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it provides:

- a. A more effective means by which passing vehicles and pedestrians can identify barber shops and thereby improve the commercial success of these businesses.

Section 3: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council amendment of the Palm Springs Zoning Code to revise Section 93.20.00 as contained on the draft Ordinance attached hereto as Exhibit A.

ADOPTED this ___th day of July 2011.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, AMENDING SECTION 93.20.00 OF THE
PALM SPRINGS ZONING CODE RELATING TO BARBER
POLES”.**

City Attorney's Summary

*This Ordinance adopts a definition and standards for rotating
'barber poles' within the Palm Springs Zoning Code Section
93.20.*

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,
ORDAINS:**

Section 1. Section 93.20.03 shall be amended to include the following definition:
“Barber pole” means a traditional sign reserved for licensed barbers and
made up of a striped vertical cylinder which may or may not rotate, and
may have a ball on top.”

Section 2. Section 93.20.04(1) shall be amended to read as follows:
Signs which rotate, move flash, reflect, blink or appear to do any of the
foregoing shall be prohibited. This includes, but is not limited to flags,
banners, pennants, inflatable objects and balloons, unless otherwise
authorized in Section 93.20.08 or approved as a permanent architectural
feature pursuant to Section 94.04.00 (Architectural review), or Section
93.20.10(C)(7) (Signs—General Provisions). Notwithstanding the above
prohibition, in non-residential zones one barber pole may be allowed for
any licensed barber business.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and
adoption of this Ordinance and shall cause the same, or the summary thereof, to be
published and posted pursuant to the provisions of law and this Ordinance shall take
effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2011.

MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

DRAFT

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY