



PLANNING COMMISSION STAFF REPORT

DATE: May 27, 2015

SUBJECT: APPLICATION BY THE CITY OF PALM SPRINGS FOR A ZONING TEXT AMENDMENT TO AMEND PALM SPRINGS ZONING CODE (PSZC) 92.09.01 AND 92.09.02 TO ALLOW TATTOO PARLORS AND BODY PIERCING STUDIOS IN THE C-B-D (CENTRAL BUSINESS DISTRICT) ZONE (5.1373 ZTA). (FF)

FROM: Department of Planning Services

PROJECT DESCRIPTION

This is a request to amend the Palm Springs Zoning Code (PSZC) to allow Tattoo Parlors and Body Piercing Studios as a Conditional Use in the C-B-D (Central Business District) zone.

ISSUES

- The use is currently prohibited in the C-B-D zoning district per PSZC Section 92.09.02(T).

RECOMMENDATION

1. Take action on the consideration of an approval or denial of Case 5.1373 ZTA.
2. Direct staff to prepare a resolution based on the action taken.

BACKGROUND INFORMATION

<i>Related Relevant Actions by Planning, Building, Fire, etc.</i>	
03/04/98	The City Council adopted Ordinance #1533, which allowed Tattoo Parlors and Body Piercing as a permitted use in the P (Professional) zoning district and prohibited the use in the C-B-D (Central Business District) zone.

ANALYSIS

The Tattoo Parlor and Body Piercing Studio use is currently listed as a prohibited use in the C-B-D zoning district pursuant to PSZC Section 92.09.02. The use was officially

prohibited in the district by the City Council upon the passage of Ordinance #1533, adopted in 1998, which made numerous revisions to permitted and prohibited uses in various zoning districts.

The C-B-D district includes the area generally between Indian Canyon Drive and Belardo Road, from Ramon Road on the south to Granvia Valmonte on the north. The purpose of the district is described as follows in PZSC Section 92.09.00(A):

The C-B-D zone is intended for the central business district, primarily retail business in character, with related hotels, multiple-family dwellings, and service, office, cultural and institutional uses. The central business district is intended to be a compact, lively, active, intensively used area catering to the pedestrian. Planted walkways, covered walks and open plazas that provide for sitting, dining, conversing, gathering and window shopping are permitted and encouraged.

Based on this purpose statement, there are a number of uses in addition to Tattoo Parlors that have been found to be incompatible with the C-B-D zone including adult entertainment, auto service stations, drive-in/drive-through facilities, motorcycle rentals and sales, pawn shops, single-family residences, and supermarkets.

The only zoning district where the use is currently permissible is in the P (Professional) zoning district, where Tattoo Parlors are permitted by right without the requirement for discretionary review. The P (Professional) district is found in dispersed areas along the East Vista Chino corridor, on East Tahquitz Canyon Way, on East Ramon Road, and along Farrell Drive.

The request to expand the use to an additional zoning district may be assessed on the following factors:

- The adequacy of existing sites or buildings within the current allowable zone for the expansion of existing businesses or establishment of new businesses; and
- The compatibility of the proposed use in conjunction with the uses already existing in the proposed zone.

Business licensing records indicate that there is currently one Tattoo Parlor use in operation in the city. In a survey of the areas that are currently zoned P (Professional), there is an adequate supply of developed buildings and vacant lots which could accommodate future business development. Based on the immediate demand for the Tattoo Parlor use, expansion of the use to additional districts is currently unnecessary.

In terms of categorization, Tattoo Parlors are generally considered to be a personal service use. While service uses are included in the purpose statement for the C-B-D zoning district, emphasis is given to retail businesses and encouraging supportive uses which enhance the pedestrian environment. Service uses are generally found to be compatible with retail uses, provided that any impacts are mitigated. However, too many service-related uses in pedestrian districts can detract from the delicate balance

needed to maintain an active retail and dining environment. Service uses are best placed on the periphery of pedestrian districts or in neighborhood or community shopping centers, where they are better served by vehicular access.

ENVIRONMENTAL ANALYSIS

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15305 "Minor Alterations in Land Use Limitations," Class 4 projects consist of minor alterations of land use limitations which do not result in any changes in land use or density. Therefore, in accordance with Section 15305, staff has determined that the Zone Text Amendment (5.1373 ZTA) is considered categorically exempt from CEQA and a Notice of Exemption will be prepared for filing with the Riverside County Clerk upon approval of the amendment.

NOTIFICATION

A public hearing notice was published in accordance with the requirements of State law and local ordinance. As of the writing of this report, staff has not received any comment on the proposed amendment to the zoning code.

CONCLUSION

Tattoo Parlors are currently a permitted use in the P (Professional) zoning district, and there is adequate capacity in the district to support the expansion of the use. While personal service uses such as Tattoo Parlors are generally compatible with retail uses, they can detract from pedestrian districts. Based on those factors, staff is recommending denial of the request to expand the Tattoo Parlor use to the C-B-D (Central Business District) zone.



Flinn Fagg, AICP
Director of Planning Services

Attachments:

1. Map of C-B-D and P zoning districts

5.1373 ZTA

