



## PLANNING COMMISSION STAFF REPORT

**DATE:** July 8, 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-2, HC, C-M, M-1-P, M-1, AND M-2 ZONING DISTRICTS (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 following zoning districts: C-2 (General Commercial), HC (Highway Commercial), C-M (Commercial Manufacturing), M-1-P (Planned Research and Development Park), M-1 (Service/Manufacturing), and M-2 (Manufacturing) zoning districts.

### ISSUES

- The use is only permitted currently in the P (Professional) district.

### RECOMMENDATION

1. To open the public hearing and recommend approval to the City Council.

### BACKGROUND INFORMATION

<b><i>Related Relevant Actions by Planning, Building, Fire, etc.</i></b>	
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.
05/27/15	The Planning Commission considered a Zone Text Amendment to allow Tattoo Parlors and Body Piercing Studios in the C-B-D (Center Business District Zone); the Planning Commission voted to continue the discussion to the meeting of June 10, 2015, and established a subcommittee to review the use in zones other than C-B-D.

<b>Related Relevant Actions by Planning, Building, Fire, etc.</b>	
06/10/15	The Planning Commission reviewed the recommendations of the subcommittee, and directed staff to prepare an ordinance to allow the use in the C-2, HC, and all industrial zoning districts.

**ANALYSIS**

The Tattoo Parlor use is currently permissible only in the P (Professional) zoning district, where the use is 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.

At the Planning Commission meeting of May 27, 2015, the Planning Commission appointed a subcommittee to study the use and evaluate the possibility of expanding the use to additional zoning districts. The subcommittee recommended that the use be expanded to the C-2 and HC zoning districts, as well as all industrial zoning districts, upon approval of a Conditional Use Permit. The following table outlines where the use may be permitted:

<b>Zoning District</b>	<b>Existing</b>	<b>Proposed</b>
P (Professional)	P	P
C-2 (General Commercial)		<u>CUP</u>
HC (Highway Commercial)		<u>CUP</u>
C-M (Commercial Manufacturing)		<u>CUP</u>
M-1-P (Planned Research and Development Park)		<u>CUP</u>
M-1 (Service/Manufacturing)		<u>CUP</u>
M-2 (Manufacturing)		<u>CUP</u>

Continuing to allow the use by right in the P (Professional) district without the requirement for a discretionary review will serve as an incentive for that district. Conditional Use Permit approval will be required for all other districts, which will allow for the opportunity to assess any potential impacts to adjacent properties or neighborhoods.

**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 while there is adequate capacity in the district to support the expansion of the use, allowing the use in additional districts will offer greater opportunities for new businesses. A Conditional Use Permit will be required for the use in the expanded districts, allowing for adequate review of any impacts to surrounding properties and neighborhoods.



Flinn Fagg, AICP  
Director of Planning Services

### Attachments:

1. Draft Resolution
2. Map of proposed zoning districts
3. Planning Commission Minutes – May 27, 2015
4. Planning Commission Minutes – June 10, 2015

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE PALM SPRINGS ZONING CODE TO ALLOW THE TATTOO PARLOR AND BODY PIERCING USE IN THE C-2, HC, C-M, M-1-P, M-1 AND M-2 ZONING DISTRICTS UPON APPROVAL OF A CONDITIONAL USE PERMIT (5.1373 ZTA).

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. On May 27, 2015, the Planning Commission rejected a Zone Text Amendment to allow the Tattoo Parlor and Body Piercing use in the C-B-D (Central Business District) zone, and established a subcommittee to evaluate other zoning districts where the use might be appropriate.

B. On June 10, 2015, the Planning Commission reviewed the recommendations of the subcommittee and directed staff to prepare an ordinance to allow the use in the C-2, HC, C-M, M-1-P, M-1, and M-2 zoning districts upon approval of a Conditional Use Permit.

C. On July 8, 2015, the Planning Commission conducted a noticed public hearing on an amendment of the Palm Springs Zoning Code, and considered expanding the use to the C-2, HC, C-M, M-1-P, M-1, and M-2 zoning districts.

D. The Planning Commission carefully reviewed and considered all of the evidence presented at its meeting of July 8, 2015, including but not limited to the staff report and all written and oral testimony presented.

E. The Planning Commission hereby finds that adoption of the proposed Zone Text Amendment would:

1. Provide expanded opportunities for Tattoo Parlor and Body Piercing uses to locate within the boundaries of the City of Palm Springs.
2. Allow for adequate discretionary review in evaluating any potential impacts of the businesses to adjacent properties and neighborhoods.
3. Support economic development and enhance existing commercial districts.

E. The adoption of the proposed Zoning Ordinance Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan as it encourages business growth and reinvestment in commercial areas.

F. The proposed Zoning Ordinance Text Amendment is Categorically Exempt under Section 15305, "Minor Alterations in Land Use Limitations," of the Guidelines for the Implement of the California Environmental Quality Act as the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS RESOLVES:

SECTION 1. Amend Section 92.14.01(D) of the Palm Springs Zoning Code to read as follows and renumber any following uses accordingly:

9. Tattoo Parlors and Body Piercing.

SECTION 2. Amend Section 92.14.1.01(D) of the Palm Springs Zoning Code to read as follows and renumber any following uses accordingly:

5. Tattoo Parlors and Body Piercing.

SECTION 3. Amend Section 92.15.01(D) of the Palm Springs Zoning Code to read as follows and renumber any following uses accordingly:

10. Tattoo Parlors and Body Piercing.

SECTION 4. Amend Section 92.16.01(D) of the Palm Springs Zoning Code to read as follows and renumber any following uses accordingly:

12. Tattoo Parlors and Body Piercing.

SECTION 5. Amend Section 92.17.01(D) of the Palm Springs Zoning Code to read as follows and renumber any following uses accordingly:

21. Tattoo Parlors and Body Piercing.

SECTION 6. Amend Section 92.17.1.01(D) of the Palm Springs Zoning Code to read as follows and renumber any following uses accordingly:

21. Tattoo Parlors and Body Piercing.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1373 ZTA.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

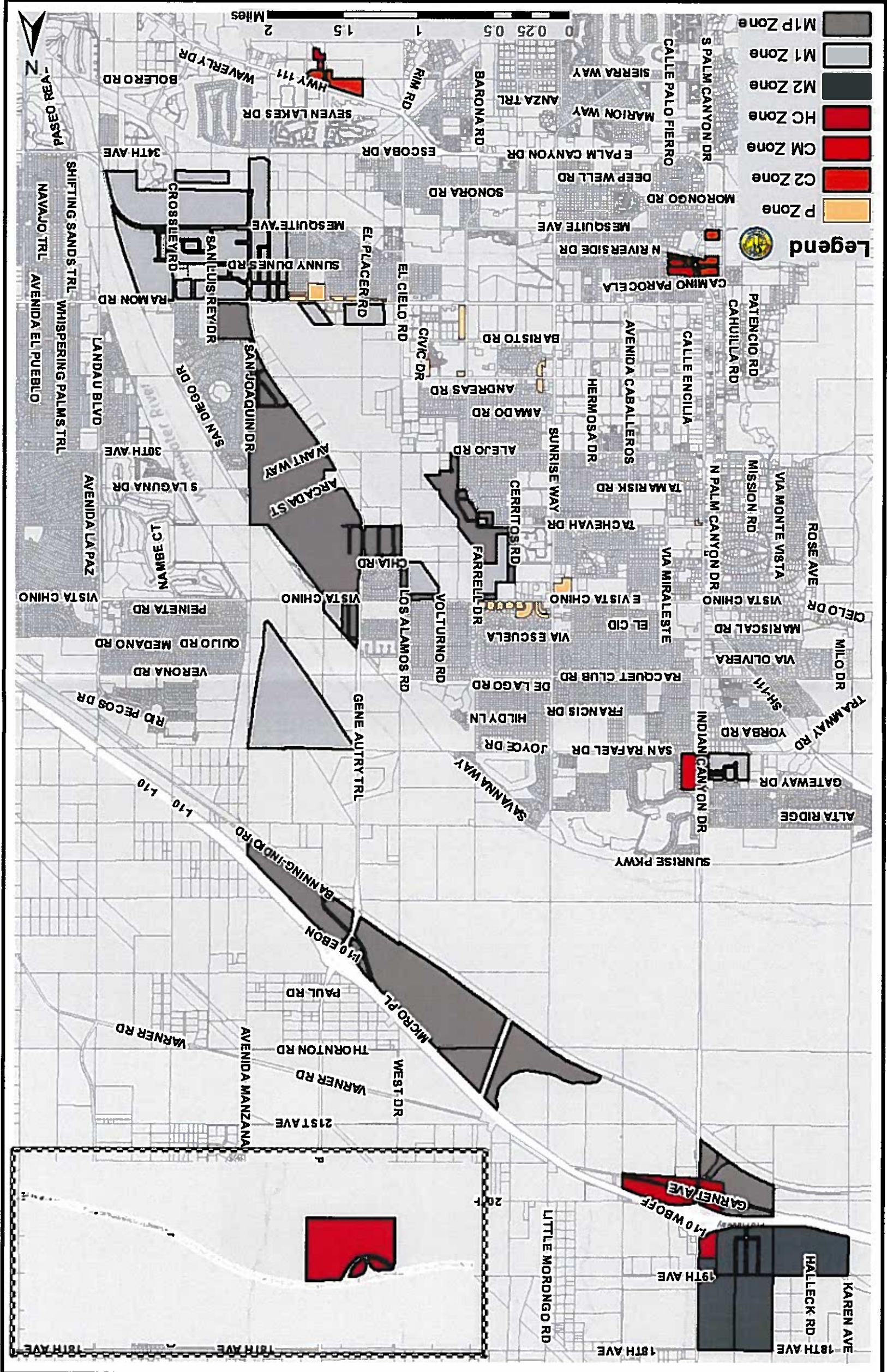
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

Flinn Fagg, AICP  
Director of Planning Services



- Legend**
- P Zone
  - CM Zone
  - HC Zone
  - M2 Zone
  - M1 Zone
  - M1P Zone

0 0.25 0.5 1 1.5 2 Miles



Map labels include: PASO REAL, NAVAJO TRIL, AVENIDA EL PUEBLO, WHISPERING PALMS TRIL, SHIFTING SANDS TRIL, 34TH AVE, CROSSLEY DR, SAN LUIS REY DR, RAMON RD, LANDAU BLVD, 30TH AVE, AVENIDA LA PAZ, VISTA CHINO, PEINETA RD, QUIJORD MEDANO RD, VERONA RD, RD PECOS DR, BANNING-INDRO RD, L10 L10, MICRO PL, WEST DR, 21ST AVE, AVENIDA MANZANA, WARNER RD, THORNTON RD, PAUL RD, 18TH AVE, 19TH AVE, HALLECK RD, KAREN AVE, LITTLE MORONGO RD, SAVANNA WAY, INDIAN CANYON DR, GATEWAY DR, YORBA RD, SH-111, MILO DR, ALTA RIDGE, CELO DR, VIA MONTE VISTA, MISSION RD, N PALM CANYON DR, VIA MIRALESTE, VIA ESCUELA, EL CID, VIA LA GOR RD, DE LAGO RD, FRANCIS DR, HILDY LN, JOYCE DR, SAN RAFAEL DR, SUNRISE PKWY, SUNRISE WAY, TACHEVAH DR, E VISTA CHINO, VIA ESCUELA, FARRELL DR, VOLTURNO RD, LOS ALAMOS RD, CHIA RD, VISTA CHINO, ARGADA ST, AVANT WAY, SAN JOAQUIN DR, SAN DIEGO DR, SAN LUIS REY DR, EL PLACER RD, CIVIC DR, EL CIELO RD, AMADO RD, ALEJO RD, CERRITOS RD, HERMOSA DR, AVENIDA CABALLEROS, BARISTO RD, ANDREAS RD, AMANDA RD, CIVIC DR, ESCOBA DR, SONORA RD, MESQUITE AVE, MORONGO RD, DEEP WELL RD, E PALM CANYON DR, SIERRA WAY, ANZA TRIL, MARION WAY, SIERRA WAY, CALLE PALO FIERRO, S PALM CANYON DR, CAMINO PAROCIELA, N RIVERSIDE DR, MESQUITE AVE, PATENCIO RD, CAHULLA RD, CALLE ENCILIA, HERMOSA DR, AVENIDA CABALLEROS, TAMA RISK RD, TACHEVAH DR, SUNRISE WAY, ALEJO RD, CERRITOS RD, FARRELL DR, VOLTURNO RD, LOS ALAMOS RD, CHIA RD, VISTA CHINO, PEINETA RD, QUIJORD MEDANO RD, VERONA RD, RD PECOS DR, BANNING-INDRO RD, L10 L10, MICRO PL, WEST DR, 21ST AVE, AVENIDA MANZANA, WARNER RD, THORNTON RD, PAUL RD, 18TH AVE, 19TH AVE, HALLECK RD, KAREN AVE, LITTLE MORONGO RD.

Planning Director Fagg provided background information on the zone text amendment regarding real estate signs and other temporary signs.

Chair Hudson verified that real estate signs are not currently allowed in public right-of-ways and if there is any restriction on the distance from the property line.

Commissioner Weremiuk commented that campaign signs have a 30 day limitation prior to elections and absentee ballots come out at the same time. Ms. Weremiuk noted 70% of the residents vote absentee and suggested allowing more time to adjust for the trend in how people are voting.

Commissioner Middleton questioned if it is appropriate to limit the placement of signs on public right-of-ways for specific time of day.

Chair Hudson opened the public hearing and with no speakers coming forward the public hearing was closed.

Director Fagg suggested moving forward with the size recommendations and the issue of signs in the right-of-way and political signs could be reviewed at a later time.

The Commission discussed and concurred that people are landscaping in the public right-of-way.

**ACTION:** To recommend approval to the City Council and direct staff and the City Attorney to:

- Provide research on permitting real estate signs in the public right-of-ways and extending the time period for political signs in reference to absentee ballots.

**Motion:** Commissioner Weremiuk, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

**AYES:** Commissioner Calderine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko, Chair Hudson

**2D. CITY OF PALM SPRINGS FOR A REQUEST TO AMEND THE 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 UPON APPROVAL OF A CONDITIONAL USE PERMIT (CASE 5.1373 ZTA). (FF)**



Planning Director Fagg provided background information on the ordinance adopted in 1998 prohibiting the tattoo use in the C-B-D zone and permitted in the P (Professional) zoning district.

The Commission commented and/or discussed the following issues:

- How many licensed tattoo parlors are in the city?
- Categorization for hair and nail salons;
- Is tarot reader allowed in the CBD district?
- Are body piercing studios allowed?
- Consider expanding zoning areas;
- Are tattoos allowed during special events?

Chair Hudson opened the public hearing and with no speakers coming forward the public hearing was closed.

Commissioner Roberts commented that this is a service people want and preferred setting high standards for permitted uses in the C-B-D zone and reviewing on a case-by-case basis.

Commissioner Weremiuk said it is worth considering allowing this use in other districts and suggested a subcommittee review setting standards.

Commissioner Lowe concurred that tattoos are mainstream today and does not see it differently than other personal services.

Commissioner Middleton thinks it's a good idea to look into expanding to other Commercial districts.

**ACTION:** Continue to a date certain of June 10, 2015 and direct staff to:

- Review expanding the permitted zoning for this type of use other than in the C-B-D district;
- Research the status of the existing body piercing salon on Arenas.
- Establish a subcommittee consisting of: Calerdine, Lowe and Middleton

**Motion:** Commissioner Calerdine, seconded by Commissioner Weremiuk and unanimously carried on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko, Chair Hudson

### **3. NEW BUSINESS:**

Motion: Commissioner Weremiuk, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

**2E. CONT'D - CITY OF PALM SPRINGS FOR A REQUEST TO AMEND THE 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 UPON APPROVAL OF A CONDITIONAL USE PERMIT (CASE 5.1373 ZTA). (FF)**

Planning Director Fagg provided a summary of the Planning Commission subcommittee recommendations.

Vice-Chair Klatchko opened the public hearing:

SEAN WOOD, suggested permitting the use in the "Uptown Art District" or within a retail frontage with tattooing in the rear.

JOY BROWN-MEREDITH, MainStreet Palm Springs, president, commented that downtown is in a fragile state with all the construction going on.

CHRIS BERKSHIRE, said he owns a tattoo business in Los Angeles and gets lots of business from Palm Springs and requested allowing tattoo parlors in downtown.

There being no further speakers the public hearing was closed.

Commissioner Middleton, as a part of the subcommittee, said they were very sensitive to the need to expand the number of permitted tattoo parlors; however, they wanted to do so in a measured manner before allowing it in the C-B-D area.

Commissioner Weremiuk thanked the subcommittee for their work and supports it. She pointed out that the Backstreet Art District is a significant expansion that would allow the use at the busiest shopping center in the city (Ramon Road and Gene Autry Trail). She would like to see how this works out and revisit it in a couple of years.

Commissioners Roberts and Calerdine expressed sensitivity towards the major construction in downtown and suggested different locations that could be very successful such as: the Sunny Dunes corridor and Section 14 area.

**ACTION:** Approval of the recommendations of the Planning Commission subcommittee.  
Motion

Commissioner Weremiuk, seconded by Commissioner Middleton and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

**2F. CITY OF PALM SPRINGS FOR AN AMENDMENT TO THE PALM SPRINGS ZONING CODE (PSZC) CHAPTER 93.20 AND SECTION 92.15.01 TO ALLOW PORTABLE OPEN SIGNS AND OUTDOOR DISPLAYS IN THE SUNNY DUNES COMMERCIAL DISTRICT C-M (COMMERCIAL MANUFACTURING) ZONE (CASE 5.1372 ZTA). (FF)**

Planning Director Fagg provided an overview of the proposed zone text amendment as outlined in the staff report.

Vice-Chair Klatchko opened the public hearing:

JOY BROWN-MEREDITH, said many of these businesses on Sunny Dunes lack visibility of signage and spoke in favor.

There being no further speakers the public hearing was closed.

**ACTION:** To recommend approval to the City Council.

Motion: Commissioner Middleton, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

**3. UNFINISHED BUSINESS:**

**3A. A PROPOSED RESOLUTION OF INTENTION TO CHANGE THE NAME OF CROSSLEY ROAD TO LAWRENCE CROSSLEY ROAD AND TO ESTABLISH THE DATE OF THE PUBLIC HEARING FOR THE PLANNING COMMISSION MEETING OF JULY 8, 2015 (CASE 5.1376 SNC). (FF)**

Planning Director Fagg presented the proposed street name change to consider renaming Crossley Road and Golf Club Drive to Lawrence Crossley Road.

**ACTION:** Adopt a Resolution of Intention to change the name of Crossley Road to Lawrence Crossley Road and establish a Public Hearing date.