



Planning Commission Staff Report

DATE: July 13, 2016 Consent Calendar

SUBJECT: REQUEST BY CHAMPION INSTITUTE OF COSMETOLOGY, INC., FOR A PLANNING COMMISSION DETERMINATION THAT AN INSTITUTE OF COSMETOLOGY IS SIMILAR TO OTHER LISTED PERMITTED USES IN THE C-B-D ZONE (CASE 10.479-DET)(ER).

FROM: Department of Planning Services

Summary

The Planning Commission to consider a request for a determination by the Champion Institute of Cosmetology, Inc. that an institute of cosmetology is similar to other listed permitted uses in the CBD (Central Business District) zone located at 490 South Palm Canyon Drive.

RECOMMENDATION

Determine that a school of cosmetology is a similar permitted use in the CBD zone.

ISSUES

- Cosmetology School use is not listed in the CBD zone.
- Barber Shops and Art School are listed permitted uses in the CBD zone.

BACKGROUND INFORMATION:

<i>Related Relevant Prior City Actions</i>	
10.25.06	The City Council certified a Final Environmental Impact Report and approved Planned Development District 311 for the development of a mixed-use project consisting of residential and commercial use.
02.17.16	The City Council upheld a decision by the Planning Commission to deny an extension of time for Planned Development District 311.
<i>Most Recent Change of Ownership</i>	
2006	South Palm Canyon, LLC
<i>Related Building Permits/Business Licenses</i>	
N/A	None
<i>Neighborhood Meeting</i>	
N/A	None

Field Check			
06.30.16	Staff visited site to observe and note existing conditions at the site.		
Details of Application Request			
Site Area			
Net Acres	2.67 acres		
Surrounding Property	Existing Land Use	Existing General Plan Designation	Existing Zoning Designation
Subject Property	Shopping Center	CBD	CBD
North	Bank	CBD	CBD
South	Office Building	CBD	CBD
East	Undeveloped	CBD	CBD
West	Bank	CBD	CBD

BACKGROUND AND SETTING:

The Champion Institute of Cosmetology is currently located at 611 South Palm Canyon Drive, Suite 205. Due to expansion opportunities, the school plans to relocate its operations to a vacant portion of a fully developed property within the downtown district of the City. The subject property is located at 490 South Palm Canyon Drive and is bounded by South Palm Canyon Drive to the west, Indian Canyon Drive to the east and Ramon Road to the south. There are existing commercial and retail uses at the site and within its immediate vicinity. To the west of the property, there is a two-story bank building along with other small retail stores; to the south along Palm Canyon Drive, there is an existing three-story commercial establishment with a subterranean parking structure. The commercial buildings to the east were recently demolished; the site now remains undeveloped. In 2006, the Planning Commission and City Council approved a Planned Development District application at the site for a mixed-use project consisting of residential and commercial spaces. The entitlement has since expired.

ANALYSIS

Champion Institute of Cosmetology, Inc., (CIC), has submitted a determination request to allow a school offering licensing programs for Cosmetologists, Estheticians, Manicurists and Barbers in an unoccupied building at 490 South Palm Canyon Drive. The Champion Institute of Cosmetology, Inc. has been in existence since 1988 and is currently located in the Sun Center complex at 611 South Palm Canyon Drive. The school intends to expand its curriculum by adding barber program and therefore would require a larger location. The proposed school use will occupy 13,000 square feet of the 21,000 square feet vacant building. The proposed use is beauty related and is most closely aligned with Barber shops and Beauty shops; these uses are listed as permitted uses in the CBD zone. The institution admits between forty (40) to fifty (50) students with a staff of six (6). The hours of operation are from 9:00 a.m. to 6:00 p.m. Tuesdays through Saturdays.

The General Plan designation of the proposed site is C-B-D, (Central Business District). The CBD designation allows for a mix of commercial, residential, office uses, theatres, museums and retail uses. The property is zoned CBD, which is intended as a business

district that is primarily retail in character, with related hotel, service, office, cultural and institutional uses. The proposed school is an institution that provides personal services such as barber shop, beauty shop, and nail salon to the public. Staff believes that these uses are comparable to the permitted listed uses in Section 92.09.01(A) of the Zoning Code.

Pursuant to Section 92.09.01(D) of the Palm Springs Zoning Code, the Planning Commission may, by resolution of record, permit any other use which it determines to be similar to those listed in the subject zoning district, subject to certain findings. There is an acknowledgement in the code that not all uses of land can be listed, nor can all future uses be anticipated; consequently, there is a need for determinations where proposed uses are not specifically addressed by the code.

Pursuant to Section 92.09.01(A) of the PSZC, the CBD zone allows the following uses by right-of-zone:

1. *Antique shops;*
2. *Apparel stores;*
3. *Art galleries;*
4. *Artist studios;*
5. *Automobile parking lots and structures as a main use;*
6. *Bakeries (retail only, with no on-site consumption of food);*
7. *Barber shops;*
8. *Beauty shops and supplies;*
9. *Bicycle sales including accessory repair;*
10. *Book and stationery stores;*
11. *Confectionery stores;*
12. *Convention centers (Deleted by Ord. 1841);*
13. *Dance studios;*
14. *Delicatessens (Deleted by Ord. 1553);*
15. *Department stores;*
16. *Drafting and art supply stores;*
17. *Dressmaking shops;*
18. *Drug stores;*
19. *Film and camera sales;*
20. *Florist shops;*
21. *Furniture sales;*
22. *Gift stores;*
23. *Hardware and appliance stores;*
24. *Hobby shops;*
25. *Hotels (provided that, no more than ten (10) percent of the guest rooms contain kitchen facilities) and multiple-family dwellings, subject to the R-4 zone standards (Section 92.05.00), including the following:*
 - a. *Private clubs and condominiums;*
 - b. *Resort hotels, including incidental or accessory commercial uses operated primarily for the convenience of the hotel guests;*
26. *Interior furnishing/decorator shops;*

27. *Jewelry stores;*
28. *Leather goods, luggage stores;*
29. *Libraries (Deleted by Ord. 1841);*
30. *Medical/sick room supplies (retail);*
31. *Modeling school, in conjunction with an approved modeling agency;*
32. *Movie theaters (Deleted by Ord. 1841);*
33. *Museums (Deleted by Ord. 1841);*
34. *Music stores;*

Staff believes that Numbers 7, 8, 13, and 31 above provide services that are similar permitted uses closely related to the proposed use.

FINDINGS – COMMISSION DETERMINATION

Section 94.01.02(B) of the Palm Springs Zoning Code (PSZC) requires that the following conditions be met in order to approve the requested use determination:

1. *That the use is in keeping with the stated intent and purpose of the zone.*

Pursuant to PSZC Section 92.09.00(A), the CBD 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. The proposed use also provides services as an institution which is in keeping with the purpose of the CBD zoning district.

2. *That field investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the zone wherein it is proposed to be located.*

Although, the proposed use is primarily a place that provides lessons on cosmetology; students at the school learn by providing beauty related services to clients. Because of this, the proposed use will be generally compatible with barber shops, hair and nail salons that are permitted by right in the CBD zoning district. There is currently a performing Arts School across the street from the location, a Yoga Center, Hair Design Salon and a restaurant in the shopping center. The proposed use will be compatible with these uses; therefore, it will not adversely impact other businesses within the shopping center or general vicinity.

3. *That the subject use is similar to one (1) or more uses permitted in the zone within which it is proposed to be located.*

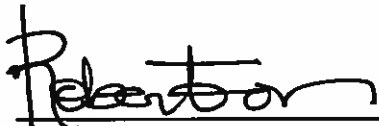
The proposed use is beauty related and is most closely aligned with Barber shops and Beauty shops; these uses are permitted by right of zone in the CBD zone.

4. *That the subject use will not cause substantial injury to the values of property in the zone within which it is proposed to be located.*


The proposed use will be located within an existing department store building which has been vacant for a while. The proposed use will elevate activities in the complex that has struggled to attract and retain businesses in the past. The hours of operation will not affect existing surrounding uses. The proposed school building will be renovated and this will add to the value of property within that section of the downtown area.

CONCLUSION:

The proposed institution of cosmetology is similar in nature to barber shops and beauty salons; these uses are permitted by right in the CBD zone. Moreover, the school will provide additional services to members of the community by offering beauty related services done by students at the school. The school is open Tuesdays through Saturdays from 9:00 to 5:00 p.m. the impacts associated with the proposed use will be minimal to adjacent businesses and properties. Accordingly, it is recommended that the use be found similar to beauty related use.



Edward Robertson
Principal Planner



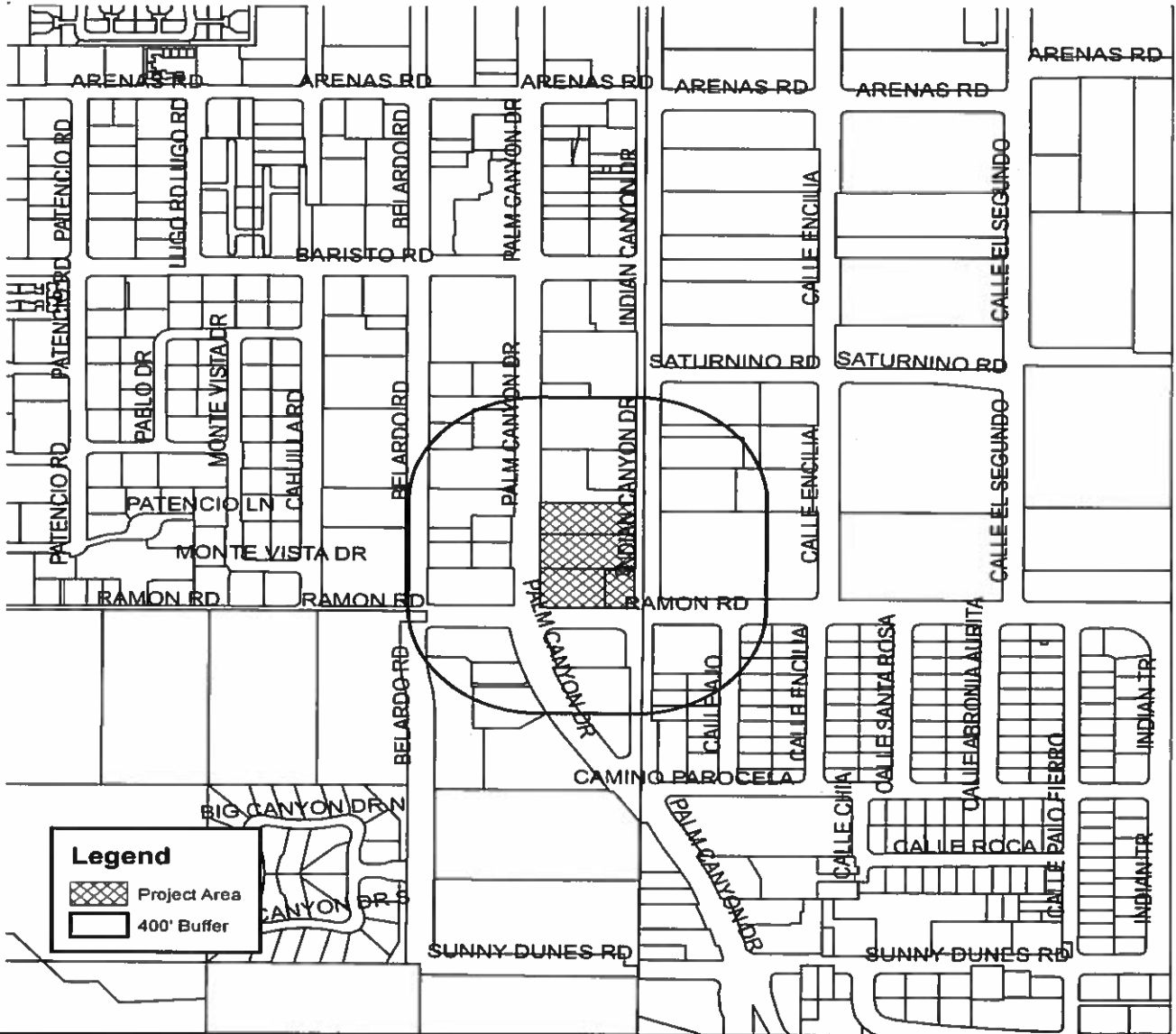
Flinn Fagg, AICP
Director of Planning Services

Attachments:

1. Vicinity Map
2. Draft Resolution
3. Letter of Request – Champion School of Cosmetology
4. Areal photo of location.



Department of Planning Services Vicinity Map



Legend

- Project Area
- 400' Buffer

CITY OF PALM SPRINGS

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT A SCHOOL OF COSMETOLOGY IS SIMILAR TO OTHER PERMITTED USES IN THE CBD ZONE (CENTRAL BUSINESS DISTRICT) ZONE (CASE 10.479 DET).

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. Tony Grandberry, of Champion Institute of Cosmetology, Inc. ("Applicant"), has filed an application with the City pursuant to Section 94.01.01, of the Palm Springs Zoning Code (PSZC) for a determination that a school of cosmetology, to be located at 490 S. Palm Canyon Drive, is similar to other permitted uses in the CBD (Central Business District) zone (Case No. 10.479 DET).

B. On July 13, 2016, a public meeting on the application was held by the Planning Commission in accordance with applicable law.

C. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

D. Pursuant to the requirements of Section 94.01.02(B), the Planning Commission finds:

1. *That the use is in keeping with the stated intent and purpose of the zone.*

Pursuant to PSZC Section 92.09.00(A), the CBD 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. The proposed use also provides services as an institution which is in keeping with the purpose of the CBD zoning district.

2. *That field investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the zone wherein it is proposed to be located.*

Although, the proposed use is primarily a place that provides lessons on cosmetology; students at the school learn by providing beauty related services to clients. Because of this, the proposed use will be generally compatible with barber shops, hair and nail salons that are permitted by right in the CBD zoning district. There is currently a performing Arts School across the street from the location, a Yoga Center, Hair Design Salon and a restaurant in the shopping center. The proposed use will be compatible with these uses; therefore, it will not adversely impact other businesses within the shopping center or general vicinity.

3. *That the subject use is similar to one (1) or more uses permitted in the zone within which it is proposed to be located.*

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4. *That the subject use will not cause substantial injury to the values of property in the zone within which it is proposed to be located.*

The proposed use will be located within an existing department store building which has been vacant for a while. The proposed use will elevate activities in the complex that has struggled to attract and retain businesses in the past. The hours of operation will not affect existing surrounding uses. The proposed school building will be renovated and this will add to the value of property within that section of the downtown area.

THE PLANNING COMMISSION RESOLVES:

Based upon the foregoing, the Planning Commission hereby approves Case No. 10.479 DET.

ADOPTED this ____ day of _____, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

RECEIVED

JUN 15 2016

PLANNING SERVICES
DEPARTMENT

CHAMPION

COSMETOLOGY

June 13, 2016

Mr. Flinn Fagg, AICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: The Beauty Academy of Palm Springs
*currently known as Champion Institute of Cosmetology, Inc. (CIC)
490 S. Palm Canyon Drive, Palm Springs, CA 92264

Dear Mr. Fagg:

This letter serves as a formal request to the Planning Commission to grant our request to be added to the Central Business District (CBD) Zone of the City. This action would allow for the relocation of Champion Institute of Cosmetology, Inc. from our current location at 611 S. Palm Canyon Drive – Suit 205 to 490 S. Palm Canyon Drive at the corner of Ramon Road and Palm Canyon Drive. Incidentally, the new location is approximately one city block north of our current location.

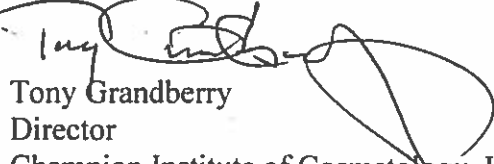
CIC has been in existence since 1988. For the past twenty-two (22) years, it has been owned and operated by Mrs. Gisele Bessis. CIC offers licensing programs for Cosmetologists, Estheticians and Manicurists. In September we will be adding a Barber Program to our expanding curriculum. CIC is a member, in good standing, of NACCAS (The National Accrediting Commission of Arts and Sciences), as well as the Bureau of Private Post Secondary Education. The NACCAS membership is significant because CBD currently lists an Art School and a Dance Studio, among others, as eligible businesses. In addition, we offer the Free Application for Federal Student Aid (FAFSA) through the U.S. Department of Education for those students in need.

Over the past twenty-two years, through hard work and dedication, Mrs. Bessis has provided opportunities for dozens of CIC graduates to start their own beauty related businesses and subsequently hire additional CIC graduates! Equally as important, CIC has been an “economic life-line” for countless first generation English speaking students, as well as students who needed a second chance at rebuilding their lives and self esteem.

Just like our name change to The Beauty Academy of Palm Springs, we plan to bring a renewed spirit and vitality to the southern end of the downtown district. Our plan to update the exterior with an attractive, contemporary "Palm Springs" color scheme will, not only, attract new students and clientele but also benefit our business neighbors. Our closest neighbors, Rabo Bank and Chase Bank, both see how the increased activity could potentially help their bottom line.

In closing, after twenty-two years of service to the community at large, Mrs. Bessis would like the opportunity to help even more people achieve their dreams and aspirations!

Respectfully submitted,



Tony Grandberry
Director
Champion Institute of Cosmetology, Inc.

***Champion Institute of Cosmetology, Inc.
611 S. Palm Canyon Drive
Palm Springs, CA 92264***



Proposed Site