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**Planning
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STAFF REPORT

Item # 5

To: Lemoore Planning Department
From: Holly Smyth, Planning Director and Gloria Hobbs, Assistant Planner
Review Date: June 25, 2012
Subject: Zone Amendment #2012-02 - Public Hearing on Entitlement Processes for Tattoo Parlors and Permanent Cosmetic Uses

Discussion:

On May 14, 2012 the Planning Commission discussed City Council's stipulation in the adoption motion of the new zoning and development codes, that staff would bring back a potential change to the entitlement process for tattoo parlors and permanent cosmetic uses to allow them both as permitted uses instead of one being a conditional use permit and the other a permitted use. This is based on a council members earlier discussion with Ms. Linda Bumpus owner of Creative Designs tattoos.

Ms. Bumpus along with Mr. Troy Hommerding of the Kings County Health Department discussed this issue further at the Commission meeting. Their concerns were that whether you have a tattoo parlor or you have permanent cosmetics as an ancillary business, both processes are tattooing and involve the piercing of skin and have the potential of blood born pathogen risks and both are considered tattooing by the Health Department. Mr. Troy Hommerding stated that as of July 1, 2012 AB300, will require the applications of new health provisions that all tattooing, regardless of it being an ancillary use or a tattoo parlor, provide floor to ceiling separation into a type of clean room environment plus additional health safety rules. Unless the Health Department knows of a tattoo establishment, they may not be made aware that the business exists and health issues may arise. The Health Department is supportive of any process that would allow them to be notified of the use. Ms. Bumpus stated that she believes the conditional use permit (CUP) process for all tattooing should be applied to require these clean room standards be part of the conditions of approval to protect health even though she is generally not supportive of additional regulation due to the associated health risks. Planning Commission directed that a CUP process be applied to permanent cosmetics as well as tattoo parlors and ask that branding not be included in the tattoo parlors and start the public hearing process for Zoning Amendment.

PLANNING COMMISSIONERS

Chairperson – Ron Meade, *Vice-Chair* – Jeff Garcia
Dave Brown, Bob Clement, Jim Marvin, Calvin Monreal, Bill Wynne

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A duly noticed public hearing has been noticed for the June 25, 2012 Planning Commission meeting regarding the entitlement processes for tattoo parlors and permanent cosmetic use. The attached draft Ordinance proposes to amend the description of Personal Services and Tattoo Parlor under Section 9-4A-5 Description of Land Uses in the new zoning code as directed by Planning Commission.

Section 9-2B-22 process requires that Zoning Amendments be granted only when the City Council finds that the amendment is consistent with the General Plan goals, policies, and implementation programs. Because the General Plan is silent on tattooing and permanent cosmetics the modification would not be in conflict with the general plan and is therefore consistent.

In reviewing other potential options, an administrative use permit could be another process used, in lieu of a CUP, that would allow the City to separately know and then notify the Health Department about the use and approve administratively. However, neighbors within 300' of the use would not be notified of the proposed use and no "conditions of approval" could be added to avoid potential problems when the site characteristics dictate such. Only standards that are listed in the code could be applied. Should Planning Commission wish to further investigate this potential route, adequate direction would need to be provided at the meeting for staff to bring back a revised Resolution and draft City Council Ordinance.

Budget Impact:

None

Recommendation:

Staff would recommend that the Planning Commission review the information, listen to the staff report, open a public hearing to take testimony on the topic, and recommend the City council to adopt the draft Ordinance with the modification to "Tattoo Parlor" and "Personal Services" found in Section 9-4A-5 of the new zoning regulations via adoption of attached Resolution 2012-09.