



PLANNING COMMISSION STAFF REPORT

Date: June 23, 2010

Case No.: 5.1202-A

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 Extending Term for Portable "Open" Signs in Commercial Zones

PROJECT DESCRIPTION

The project is an amendment to the Palm Springs Zoning Code to extend the term for allowing portable "open" signs in front of commercial businesses. A public hearing is required.

RECOMMENDATION

That the Planning Commission conduct a public hearing and forward to the City Council its recommendation for extending the term for allowing portable "open" signs. A draft resolution recommending a two-year extension is attached for the Commission's consideration.

PRIOR ACTIONS

On July 30, 2008, the City Council enacted Ordinance No. 1744, a Zone Text Amendment to allow portable "open" signs in certain commercial areas of the City. The ordinance included an expiration date of October 3, 2010, unless extended.

On September 12, 2008, the City issued administrative rules and guidelines for the permitting of portable “open” signs.

BACKGROUND AND ANALYSIS

In enacting the original ordinance, the City Council determined that the purpose of allowing portable “open” signs would be to assist businesses through the economic down-turn that began in 2008. The signs were limited to retail businesses in the C-B-D zone and on North Palm Canyon Drive between Alejo Road and Vista Chino. A two-year time period was established beginning October 3, 2008. Without an extension, portable “open” signs would not be permitted after October 3, 2010.

The City has issued permits for forty-nine (49) portable open signs. This is well under 10% of the number of businesses which might qualify for such signs. Most permits have been issued to businesses on Palm Canyon and the side-streets in the downtown area; a few others have been granted for the uptown area and on the west side of Indian Canyon. The types of businesses to which permits have been granted vary widely, but the majority are beauty and hair salons, restaurants and gift stores.

Staff notes that the Code Enforcement department provided outreach to the business community in the fall of 2008, including information about what was allowed and what remained prohibited under the new ordinance. Most permits were issued within the first few months; only twelve have been issued in the second year the ordinance has been in effect (October 2009 to the present). Compliance has fairly uniform, though some signs have been placed without permits and others are non-conforming for various reasons (added balloons, lights, etc.) Code Enforcement conducts regular patrols and outreach in the downtown area.

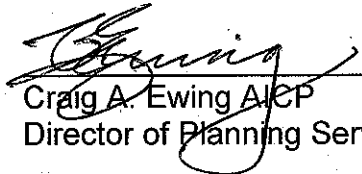
During the initial months of the ordinance, staff fielded several calls from business owners outside the authorized area for these signs. Merchants along East Palm Canyon, Sunrise Way and the east side of Indian Canyon (which is not zoned C-B-D) have asked about having portable “open” signs in their areas, which is presently not allowed.

The decision to extend the term for portable “open” signs is entirely at the discretion of the City Council. Staff’s experience to date suggests that most signs are in compliance and not every merchant seems to want such a sign. Further, staff believes that the look of the downtown and uptown areas has not be adversely affected by these signs. The Commission may consider any recommendation, including:

1. No extension. If adopted, the signs would be subject to removal on October 4, 2010.
2. Removal of any term. If adopted, the signs would be allowed indefinitely, subject to the standards and administrative rules and guidelines.
3. Extension of the term. If adopted, signs would continue to be allowed for an additional term, which could be revisited and further extended in the future. The Commission may recommend any term; however, staff believes that any term much less than two years would not be justified considering notice and hearing requirements for future extensions.

ENVIRONMENTAL DETERMINATION

Staff has evaluated the potential environmental impacts of the proposed Zoning Ordinance 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
Palm Springs Zoning Code Section 93.20.09.B.5 (Portable Open Signs)
Administrative Rules and Regulations for Portable Open Signs

RESOLUTION NO. ____

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL EXTEND FOR TWO YEARS THE TERM FOR SECTION 93.20.09.B.5 OF THE PALM SPRINGS ZONING CODE (PORTABLE OPEN SIGNS).

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

WHEREAS, on April 18, 2008, the City Council voted unanimously to direct staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1202) to establish standards and regulations for portable "open" signs; and

WHEREAS, on May 28, 2008, the Planning Commission conducted a duly noticed public hearing on the proposed amendment, at which hearing 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 for the continued use of pedestrian-oriented signage in the Downtown and Uptown areas of the City;
- b. Assure that standards and regulations continue to avoid undue clutter or potential hazards to pedestrians in the City's traditional commercial areas, and
- c. Assure the continued economic viability of existing and future retailers in the City's Downtown and Uptown areas.

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 continues to provide for flexibility in the face of changed economic

conditions, and will assure the continued success of the City's Downtown and Uptown areas.

Section 3: Based upon the foregoing, the Planning Commission hereby recommends that the City Council extend for two years (through October 3, 2012) the provisions of Section 93.20.09.B.5 related to portable "open" signs.

ADOPTED this 23rd day of June 2010.

AYES: Caffery, Cohen, Conrad, Hochanadel, Marantz, Ringlein, Scott
NOES: None.
ABSENT: None.
ABSTAIN: None.

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

5. Portable Open Signs. *

Except where another permitted outdoor display has been authorized (postcard rack, art displays, etc.) and provides an indication that the retailer is open for business, one portable open sign may be allowed for any retail business in the C-B-D zone and on North Palm Canyon Drive between Alejo Road and Vista Chino, subject to the following requirements:

- a. One (1) portable open sign is allowed per retail tenant space. Office uses may not have portable open signs. Multiple businesses within a single tenant space shall be limited to one (1) sign overall.
- b. A portable open sign may only be placed between a public entry into the retail space and the nearest fronting street or parking drive aisle. The sign may be placed in the sidewalk public right-of-way, no less than three (3) feet from any street or parking curb; however, in no case may any sign impede pedestrian traffic. A forty-eight (48) inch clear paved pathway for ADA access must be maintained at all times.
- c. A portable open sign shall not exceed forty-two (42) inches in height and thirty-two (32) inches in width. The sign may be two (2) sided.
- d. The sign frame may be a single- or two-pole metal frame, or it may be an A-frame. The sign may be either chrome, black or white.
- e. The sign frame shall include a heavy base to prevent unintended movement caused by wind or other minimal force. Signs which require additional weighting (sandbag, concrete block, etc.) are not allowed.
- f. The sign copy shall be produced professionally. Signs created by hand or home computer software are not allowed.
- g. No lighting, balloons or other attachments are allowed.
- h. The sign may contain the name of the business, a business logo, the word "open," and any major product or service available at the retail store. No other information or graphic is allowed, including hours of operation, telephone number, arrows, and any other device or message.
- i. The Director of Planning Services shall prepare and implement administrative rules, regulations, and guidelines consistent with, and in furtherance of, the provisions of this subsection.

* Pursuant to Section 3 of Ordinance No. 1744, PSZC Section 93.20.09(B)(5) regarding portable open signs, expires October 3, 2010, unless otherwise reauthorized by action of the city council.

City of Palm Springs
Procedures for Approval of Portable Open Signs

1. Portable Open Signs shall be permitted in accordance with Section 93.20.09.B.5 of the Palm Springs Zoning Code.
2. A sign application for a Portable Open Sign is submitted to the Planning Department, including a description of the sign, its design and its proposed location.
3. The application fee for a Portable Open Sign shall be for a Temporary Sign (\$34 per FY 2008-09 fee schedule)
4. Staff enters the application and assigns a case number.
5. Staff generates and prints an aerial photo of the site at 20-foot scale using CityGIS. Staff marks the boundaries of the tenant space and the general location of the portable open sign. This photo will be maintained in the sign file, with a copy provided to Code Enforcement.
6. Staff reviews the sign application and plans for conformance with Section 93.20.09.B.5. Applications which conform or can be conditioned to conform will be stamped for approval, including any necessary conditions. Signs which do not meet the dimensional requirements (42" high by 32" wide) shall be denied.
7. Staff provides a copy of the approval to the applicant and schedules a site inspection within 3 business days.
8. Staff forwards a copy of the approval to Code Enforcement, including a copy of the aerial photo, as noted above, and the date of the inspection.
9. Prior to site inspection, staff prepares a permanent sticker marked with the permit number. Staff conducts a site inspection to determine that the site conforms to the approval. If the sign conforms, staff places the sticker on the upper portion of the sign face or frame in a way that is permanent and is easily visible. Staff photographs the permitted sign for the file.
10. The sign application and approval shall be maintained on file with the Planning Department.