



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: March 9, 2011
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services *CE*
Project Planner: David A. Newell, Associate Planner *DN*
Subject: Case No. 8.253 SI VAR – Zelda's Nightclub

On February 9, 2011, the Planning Commission held a public hearing for Case No. 8.253 SI VAR, a sign variance request by Zelda's Nightclub to allow a second main sign on the east elevation of the building located at 611 South Palm Canyon Drive. At that meeting, the Commission took testimony and deliberated the proposal but decided to continue the project to the meeting of March 9, 2011. The Commission then directed the applicant to redesign the proposal with regard to lighting, color, size and relocation of sign.

The applicant has lowered the sign to conform to the twenty-eight foot height maximum requirement and modified the proposed lighting to be reverse channel letters with halo lighting. The size and color of the sign remain the same.

Based on the revised project, the sign variance request includes three deviations from Sections 93.20.05(A)(2) and 93.20.05(C)(6) of the Palm Springs Zoning Code (PSZC) for the following:

1. A requirement to implement a sign program,
2. An additional main sign,
3. A main sign that exceeds the overall permitted sign area,

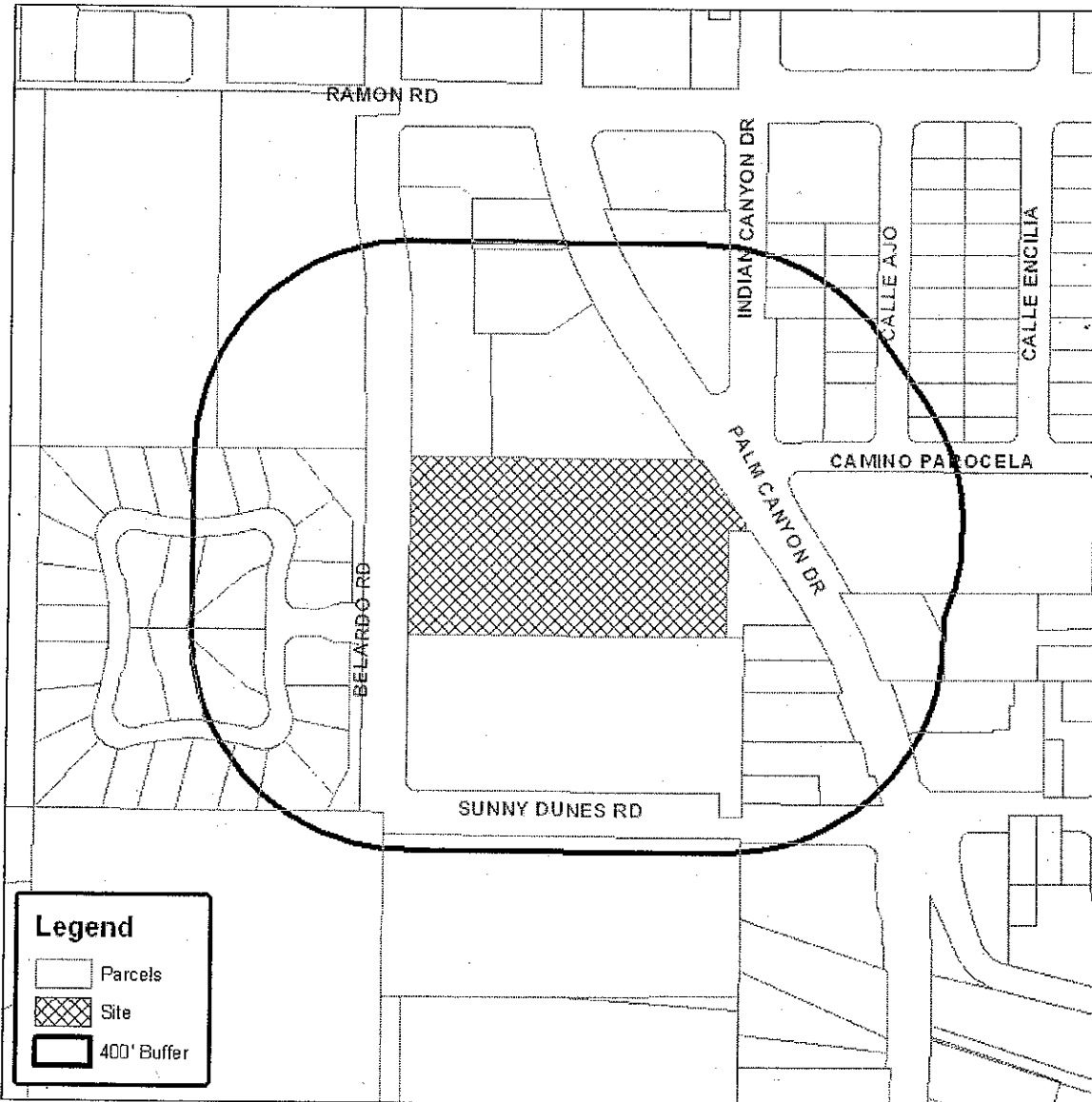
Staff has reviewed the revised project against the required findings and is unable to recommend approval for all deviations. Therefore, staff recommends that the Commission deny the sign variance request. A draft resolution of denial is attached to this report.

Attachments:




1. Vicinity Map
2. Draft Resolution
3. Revised Plan
4. February 7, 2011 Planning Commission Staff Report



Department of Planning Services Vicinity Map



Legend

-  Parcels
-  Site
-  400' Buffer

CITY OF PALM SPRINGS

CASE NO: 8.253 SI VAR

APPLICANT: Fury Investments Inc

DESCRIPTION: Zelda's Nightclub for a second main sign on the east elevation of the existing building at the Sun Center located at 611 South Palm Canyon Drive, Zone PD-77, Section 22.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA DENYING SIGN VARIANCE APPLICATION, CASE 8.253 SI VAR, A REQUEST TO ALLOW A SECOND MAIN SIGN ON THE EAST ELEVATION AT AN EXISTING COMMERCIAL SHOPPING CENTER LOCATED AT 611 SOUTH PALM CANYON DRIVE.

WHEREAS, Fury Investments, Inc. ("Applicant") has filed an application with the City pursuant to Sections 94.06.00 (variance) and 93.20.10(A)(4) (sign variances) of the Palm Springs Zoning Code (PSZC) for a variance to install a second main sign on the east elevation of the building for the Zelda's Nightclub located at 611 South Palm Canyon Drive, Zone PD-77A, Section 22; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Sign Variance Case 8.253 was given in accordance with applicable law; and

WHEREAS, on February 9, 2011, and March 9, 2011, a public hearing on Sign Variance Case 8.523 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed variance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) (Accessory Structures) of the CEQA Guidelines; and

WHEREAS, 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.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: The Planning Commission finds that this Variance request is Categorically Exempt from environmental review pursuant to Section 15311(a) (Accessory Structures) of the CEQA Guidelines.

Section 2: Pursuant to the procedure set forth in Section 94.06.00 (*Variance*) and Section 93.20.10(A)(4) (*Sign Variance*) of the Zoning Code, the Planning Commission may grant sign variances only upon making affirmative findings for all seven (7) sign variance findings outlined in the Zoning Code. The Planning Commission finds as follows:

1. *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of*

privileges enjoyed by other properties in the vicinity and under identical zone classification.

The subject property is a 4.4-acre site developed as a large commercial complex fronting a major thoroughfare. Each tenant on the first floor is allowed one main sign above their elevation facing the parking lot, and other multi-tenanted properties in the area allow only one main sign that meets all requirements of the Zoning Code, including area. The Planning Commission cannot identify any special circumstances applicable to the subject property relating to size, shape, topography, location or surroundings that would deprive the subject property of sign or other land use privileges enjoyed by other properties in the vicinity and under identical zone classification. Therefore, the Planning Commission cannot affirmatively recommend this finding.

2. *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The proposed variance request includes three deviations. Main signs have been granted on multi-tenanted buildings in the area that do not have sign programs; however, main signs that exceed the sign area permitted have not received approval in the past. Therefore, grants of special privilege would occur that are inconsistent with the limitations upon other properties in the vicinity and zone. Therefore, the Planning Commission cannot affirmatively recommend this finding.

3. *The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The proposed signs will be required to meet all necessary building and safety codes. The applicant revised the design of the sign based on concerns of the Architectural Advisory Committee. Therefore, the granting of the variance will not affect the public health, safety, convenience or welfare and will not be injurious to property improvements in the same vicinity and zone.

4. *The granting of such variance will not adversely affect the general plan of the city.*

The proposed variance would not adversely affect the General Plan of the City.

5. *Due to the physical characteristics of the property and the orientation and design of the structures on the property, strict application of the regulations of the sign ordinance will not give adequate visibility to the signage.*

The subject property is a 4.4-acre site developed as a large commercial complex fronting a major thoroughfare. The tenant's building is located within an L-shaped building with visibility from the large parking area and South Palm Canyon Drive. Therefore, strict application of the sign ordinance regulations will give adequate visibility to the signage. Therefore, the Planning Commission cannot affirmatively recommend this finding.

6. *The approved signage will be compatible with the design of the property and will represent the least departure from the standards of the sign ordinance necessary for the effectiveness of the signage.*

The proposal includes three deviations from the sign ordinance for one tenant's sign and may set a precedent for future requests made by other tenants on the property. Without a sign program that sets specific regulations for this property, future signage in this location may add visual blight on this elevation of the building. Therefore, the signage will not be compatible with the design of the property and will represent a significant departure from the sign ordinance for the effectiveness of the signage. Therefore, the Planning Commission cannot affirmatively recommend this finding.

7. *That the approved signage is compatible with the surrounding property and not contrary to the purpose of the sign ordinance.*

The Zoning Code states that the intent of the sign ordinance includes the following:

"Recognizing that Palm Springs is one of the country's foremost desert resorts, the city council finds that proper sign control is necessary to maintain the high aesthetic values which both residents and visitors to the city have come to expect. Signs shall complement the architecture of the building on which they are placed and/or the immediate surroundings, including such elements as size, color, location, graphic presentation, landscaping, lighting and construction material. A sign ordinance provides equitable standards for all businesses to identify the location of goods and services. Main identification sign(s) shall be allowed in conjunction with accessory/convenience signs as necessary."

"The purpose of the sign ordinance (Sections 93.20.00 through 93.20.11) is to provide standards to safeguard life, health, property and the public welfare and to provide the means for adequate identification of businesses and other sign users by regulating and controlling the design, location and maintenance of all signs in the city."

The contemporary materials and design of the sign is compatible with the signage that has been approved previously at this property. However, the additional sign may set a precedent for future requests on the building and provide additional visual blight on this portion of the upper floor elevation. Furthermore, an approval of an additional main sign for one tenant at this location would not provide an "equitable" standard for all

businesses to identify location of goods and services, as stated in the intent of the sign ordinance. Therefore, the Planning Commission cannot affirmatively recommend this finding.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby denies Sign Variance Case 8.523 SI VAR.

ADOPTED this 9th day of February, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

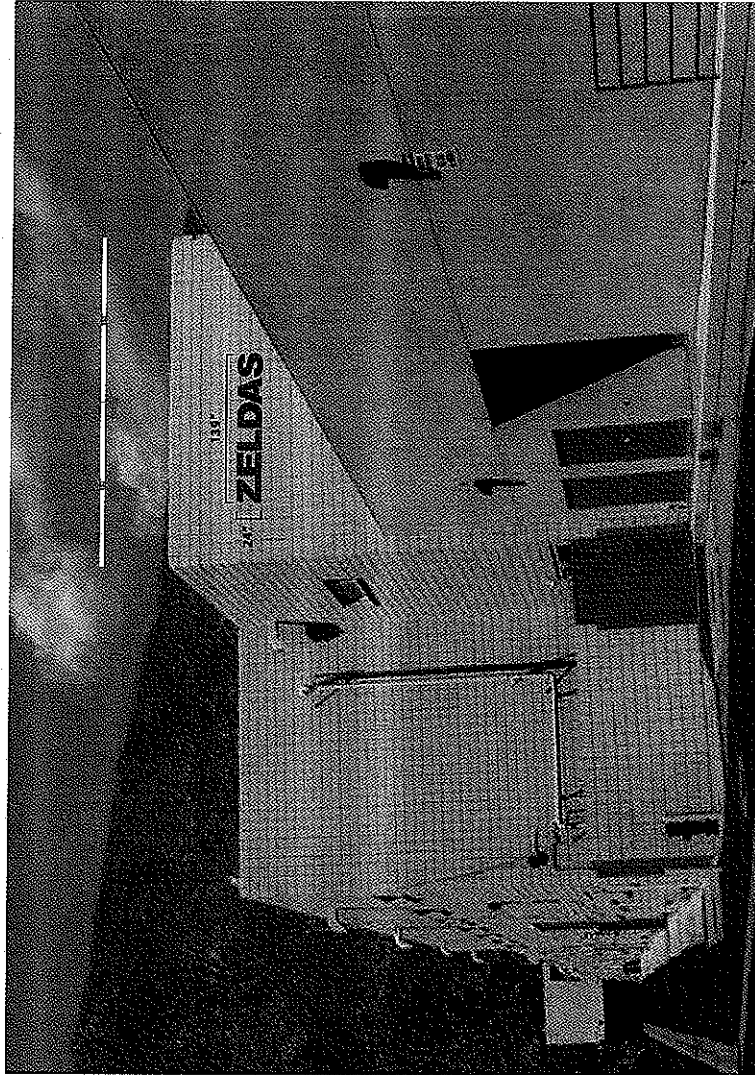
ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

139"

24" [ZELDAS]



Material: Aluminum / Neon

Letter Depth: 5"

Face Color: Pink
Return Color: Pink

Neon Color: White

Mounting: Raceway behind parapet

Sign Description:

Zelda's reverse channel letters.
TOTAL SIGNAGE IS 23.16 SQ. FT.

SIGN * A * RAMA

41945 BOARDWALK, STE. L
PALM DESERT, CA 92211
P H 760.776.9907
F X 760.776.9844

Contractor's Lic #
884104, C45 // 880131, C61/D42

Workers Comp. #
1640374

City Lic. #
XXXXX

Customer: ZELDA'S DANCE CLUB & BEACH CLUB Telephone: 760-325-2375

Address: 611 S. PALM CANYON DRIVE

PALM SPRINGS, CA 92264 EAST ELEVATION

Dwg. No.: Q19656 Rev.: 4th

Date: 02-22-11

Designer: PC

Jobsite:
611 S. PALM CANYON DRIVE
PALM SPRINGS, CA 92264

Customer Approval:

Landlord Approval:

YOUR SIGNATURE ACKNOWLEDGES FULL APPROVAL OF DESIGN CONTENT AND LAYOUT, RELEASING SIGN*A*RAMA FROM RESPONSIBILITY IN REGARD TO INCORRECT DESIGN AND INFORMATION. THE COLORS SHOWN ARE ONLY REPRESENTATIVE OF ACTUAL PMS COLOR CALL OUTS. FINAL COLOR WILL BE MATCHED AS CLOSE AS POSSIBLE, COMMENSURATE WITH MATERIALS USED. THIS DESIGN IS PROPRIETARY PROPERTY AND MAY NOT BE USED WITHOUT THE EXPRESSED WRITTEN CONSENT OF SIGN*A*RAMA.



Planning Commission Staff Report

Date: February 9, 2011

Case No.: 8.253 SI VAR

Type: Sign Variance

Location: 611 South Palm Canyon Drive

APN: 513-290-014

Applicant: Fury Investments, Inc. DBA Zelda's Nightclub

General Plan: MU / MU (Mixed Use / Multi-Use)

Zone: PD-77 (Planned Development 77)

From: Craig A. Ewing, Director of Planning Services

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant is requesting a sign variance for the Zelda's Nightclub to allow a second main sign on the east elevation of the building at 611 South Palm Canyon Drive. The sign variance includes deviations from Sections 93.20.05(A)(2) and 93.20.05(C)(6) of the Palm Springs Zoning Code (PSZC) for the following:

1. A requirement to implement a sign program,
2. An additional main sign,
3. A main sign that exceeds the overall permitted sign area, and
4. A wall sign that exceeds the maximum overall height of twenty-eight feet above the ground.

The proposed main sign is approximately 23.2 square feet in size and will be located on the second floor elevation approximately 33.4 feet above the ground.

RECOMMENDATION:

That the Planning Commission deny the sign variance requests, Case 8.253 SI VAR, for the property located at 611 South Palm Canyon Drive.

PRIOR ACTIONS:

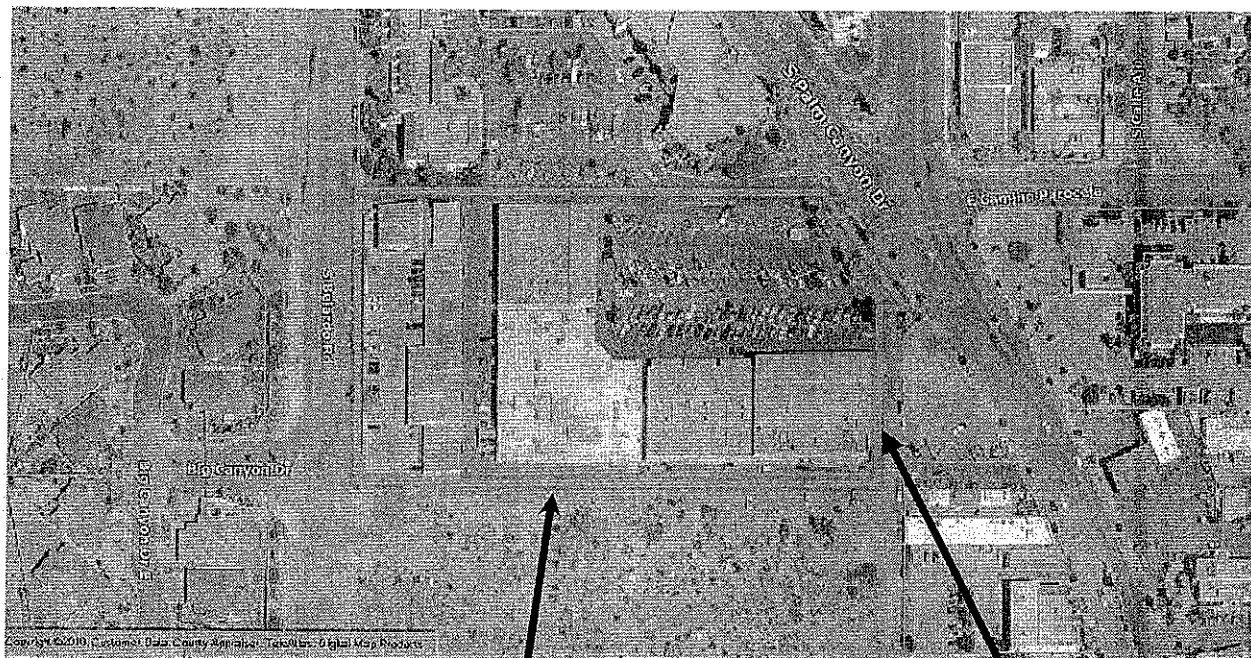
On January 24, 2011, the Architectural Advisory Committee (AAC) reviewed the proposed sign variance and recommended denial by a 6-0 vote.

BACKGROUND AND SETTING:

The subject property is approximately 4.4 acres in size and adjacent to commercial uses to the north and east; residential uses to the west; and vacant land to the south. The property is a fully developed shopping center constructed in 1961.

Table 1: Adjacent General Plan Designations, Zones and Land Uses

	General Plan	Zoning	Existing Land Uses
North	CBD (Central Business District)	PD-82 (Planned Development District 82)	Multi-tenanted Commercial
South	MU / MU (Mixed Use / Multi-Use)	R-3 (Multiple-family Residential and Hotel) & C-2 (General Commercial)	Vacant
East	TRC (Tourist Resort Commercial)	PD-187 (Planned Development District 187)	Resort Hotel (Motel 6)
West	LDR (Low Density Residential)	R-2 (Limited Multiple-family Residential)	Single-family Residences



SITE

PROPOSED SIGN LOCATION

As indicated in the aerial photograph above, the layout of the property consists of two buildings separated by a private alley / loading area. The larger building is L-shaped and fronts South Palm Canyon Drive; the smaller building fronts Belardo Road. Zelda's Nightclub is located on the first floor of the larger building with a northern-facing business frontage towards the parking lot. Approximately 6,000 square feet on the first floor is used by the nightclub and an additional 1,000 square feet of mezzanine space is used for the disc jockey and business' office.

Currently, there is an existing monument sign which identifies the commercial complex as The Sun Center. Individual tenants on the first floor of the larger building have a main sign above their tenant space facing the parking lot.

ANALYSIS:

The applicant proposes to install an additional main sign on the second story façade of the large multi-tenanted building at 611 South Palm Canyon Drive. The proposed sign is approximately 23.2 square feet in size and will be located on the second floor elevation approximately 33.4 feet above the ground. The proposed sign deviates from four requirements of the Zoning Code, including the following:

1. A requirement to implement a sign program (Section 93.20.05(C)(6)),
2. An additional main sign (Section 93.20.05(A)(2)),
3. A main sign that exceeds the overall permitted sign area (Section 93.20.05(A)(2)(a)), and
4. A wall sign that exceeds the maximum overall height of twenty-eight feet above the ground (Section 93.20.05(A)(3)).

Staff has analyzed the four deviations below.

Deviation 1: Sign Program

The subject property contains a multi-tenanted building and a sign program is required pursuant to Section 93.20.05(C)(6) of the PSZC: "*Sign programs shall be required for all buildings with more than one (1) tenant...*" No sign program has been approved by the City for this property. The applicant has chosen to forego this requirement as part of the variance request.

Deviation 2: Second Main Sign

Commercial and industrial uses are permitted one main sign per street frontage pursuant to Section 93.20.05(A)(2) of the PSZC: "*...each separate business shall be limited to one (1) main sign.*" The proposed sign would be a second main sign for the business and the applicant is requesting that this be approved as part of the variance request.

Deviation 3: Sign Area Requirement

The total area allowed for main signs is determined by a formula provided in Section 93.20.05(A)(2)(a) and 93.20.05(A)(2)(c) of the PSZC. The formula determines sign area by the amount of lineal frontage a business has facing a public right-of-way plaza, promenade, arcade or parking lot (in the case of shopping centers). For the first fifty feet of lineal frontage, a business is allowed fifty square feet of sign area. The PSZC states, "A single business having a lineal frontage in excess of fifty feet is allowed an additional one square foot of sign area for each four feet of frontage in excess of fifty (50) feet up to one hundred (100) feet, and an additional one (1) square foot of sign area for each eight (8) feet of frontage in excess of one hundred (100) feet." The subject property has a building frontage of approximately 67 lineal feet which would allow a main sign of 54 square feet. The total main sign area of the proposed sign (23.2 square feet) and the existing main sign (42 square feet) is 65.2 square feet, which exceeds the maximum sign area permitted. The applicant is requesting that the additional sign area be approved as part of the variance request.

Deviation 4: Overall Sign Height

A main wall sign is limited to a maximum height under Section 93.20.05(A)(3) of the PSZC: "Except as otherwise regulated, the top of any sign shall not be higher than the building on which it is located and in no event higher than twenty-eight (28) feet." The top of the proposed wall sign is approximately 33.4 feet above the ground; therefore the applicant is requesting that the sign exceed the maximum height limit as part of the variance application.

AAC Review

The AAC reviewed the project on January 24, 2011, and recommended denial based on the following comments:

1. Concern that there was no comprehensive sign program for center;
2. Concern that this will set a precedent for future signage;
3. Not in favor of directional arrow adjacent to "ZELDAS" sign; and
4. Not in favor of the "NIGHTCLUB" sign adjacent to proposed "ZELDAS" sign.

Based on the above comments, the applicant revised the proposal to remove the directional arrow and "NIGHTCLUB" sign adjacent to proposed "ZELDAS" sign. The revised exhibit is attached to this report.

REQUIRED FINDINGS:

State law requires that four (4) findings be made for granting a variance and the Zoning Code requires three (3) additional findings be made when approving a sign variance. Due to the nature of the overall request, staff asked the applicant to prepare a response to the findings for the Planning Commission to consider. Staff has prepared a discussion following each finding and its recommendation of conformity:

- 1) *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

Applicant's Response: *Because our setback is so far, coming from the east, heading into the split for one way, we have no signage letting people know where we are. They concentrate one way change and miss us.*

Staff's Response: The subject property is a 4.4-acre site developed as a large commercial complex fronting a major thoroughfare. Each tenant on the first floor is allowed one main sign above their elevation facing the parking lot, and other multi-tenanted properties in the area allow their tenants only one main sign that meets all requirements of the Zoning Code, including area and overall height. Staff cannot identify any special circumstances applicable to the subject property relating to size, shape, topography, location or surroundings that would deprive the subject property of sign or other land use privileges enjoyed by other properties in the vicinity and under identical zone classification. Staff does not recommend this finding.

- 2) *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

Applicant's Response: *Because we are open at night only, other businesses are closed. There are no other signs or directions to Zelda's Nightclub.*

Staff's Response: The proposed variance request includes four deviations. Main signs have been granted on multi-tenanted buildings in the area that do not have sign programs; however, main signs that exceed the sign area permitted and overall allowed sign height have not received approval in the past. Therefore, grants of special privilege would occur that are inconsistent with the limitations upon other properties in the vicinity and zone. Staff does not recommend this finding.

- 3) *The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

Applicant's Response: *The sign is by itself, will not effect any other business, and will not be detrimental to public health, safety to other business. It will most likely help light a dark corner.*

Staff's Response: The proposed signs will be required to meet all necessary building and safety codes. The applicant revised the design of the sign based on concerns of the Architectural Advisory Committee. Therefore, the granting of the variance will not affect the public health, safety, convenience or welfare and will not be injurious to

property improvements in the same vicinity and zone. Staff can recommend this finding.

- 4) *The granting of such variance will not adversely affect the general plan of the city.*

Applicant's Response: *It will help our business, and sign will be a professional and attractive sign designed by Sign-A-Rama.*

Staff's Response: Staff has reviewed the policies of the general plan and has found no inconsistencies between the plan and the proposed signage. Staff can recommend this finding.

- 5) *Due to the physical characteristics of the property and the orientation and design of the structures on the property, strict application of the regulations of the sign ordinance will not give adequate visibility to the signage.*

Applicant's Response: *With the shape and angle of the Sun Center you can not see Zelda's coming from the East. We have asked for a variance so that business will not drive by us. The sign will be located on the older part of the center reserving the new building for the new tenant some day. It will be tastefully made and we have dropped the nightclub and arrow part of the sign. (See attached drawing) Sign-A-Rama will professionally make and install.*

Staff's Response: The subject property is a 4.4-acre site developed as a large commercial complex fronting a major thoroughfare. The tenant's building is located within an L-shaped building with visibility from the large parking area and South Palm Canyon Drive. Therefore, strict application of the sign ordinance regulations will give adequate visibility to the signage. Staff does not recommend this finding.

- 6) *The approved signage will be compatible with the design of the property and will represent the least departure from the standards of the sign ordinance necessary for the effectiveness of the signage.*

Applicant's Response: *The approved sign will keep within the city designs and sign ordinance's. It will flow with the rest of the signage in the center. We are open at night only and need this sign for business. During the day you won't even notice the sign.*

Staff's Response: The proposal includes four deviations from the sign ordinance for one tenant's sign and may be viewed as a precedent for other tenants on the property. Without a sign program that sets specific regulations for this property, future signage in this location may add visual blight on this elevation of the building. Therefore, the signage will not be compatible with the design of the property and will represent a significant departure from the sign ordinance for the effectiveness of the signage. Staff does not recommend this finding.

- 7) *That the approved signage is compatible with the surrounding property and not contrary to the purpose of the sign ordinance.*

Applicant's Response: *We will make the sign as friendly and compatible with the surrounding properties. Again, we are open only at night and the sign will help generate revenues which creates tax dollars.*

We feel we will lose one million dollars in revenue in during our 10 year lease. We also have 2- 5 year options. We chose Palm Springs to move Zelda's to and we want to stay in business another 33 years!

Staff's Response: The Zoning Code states that the intent of the sign ordinance includes the following:

"Recognizing that Palm Springs is one of the country's foremost desert resorts, the city council finds that proper sign control is necessary to maintain the high aesthetic values which both residents and visitors to the city have come to expect. Signs shall complement the architecture of the building on which they are placed and/or the immediate surroundings, including such elements as size, color, location, graphic presentation, landscaping, lighting and construction material. A sign ordinance provides equitable standards for all businesses to identify the location of goods and services. Main identification sign(s) shall be allowed in conjunction with accessory/convenience signs as necessary."

"The purpose of the sign ordinance (Sections 93.20.00 through 93.20.11) is to provide standards to safeguard life, health, property and the public welfare and to provide the means for adequate identification of businesses and other sign users by regulating and controlling the design, location and maintenance of all signs in the city."

The contemporary materials and design of the sign is compatible with the signage that has been approved previously at this property. However, the additional sign may set a precedent for future requests on the building and provide additional visual blight on this portion of the upper floor elevation. Furthermore, an approval of an additional main sign for one tenant at this location would not provide an "equitable" standard for all businesses to identify location of goods and services, as stated in the intent of the sign ordinance. Staff does not recommend this finding.

CONCLUSION:

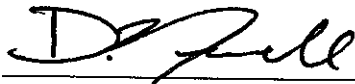
As previously mentioned, a total of seven findings must be made in order for the Planning Commission to approve a sign variance request. The proposed sign requires four deviations to the Zoning Code for approval. Staff was unable to recommend approval of five of the seven findings and therefore recommends that the Planning Commission deny Case No 8.253 SI VAR. A draft resolution of denial is attached to this report.

ENVIRONMENTAL ANALYSIS:

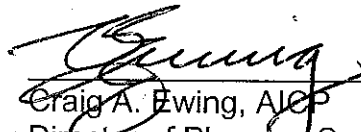
This request is categorically exempt as a Class 11 exemption from environmental review pursuant to Section 15311(a) (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines.

NOTIFICATION:

A notice was mailed to all property owners within a four hundred foot radius of the subject property in accordance with state law.



David A. Newell
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

Attachments:

1. 400' Radius Map
2. Draft Resolution
3. Sign Diagram