



Planning Commission Staff Report

Date: April 27, 2011

Case No.: 8.254 SI VAR

Type: Sign Variance

Location: 200 South Palm Canyon Drive

APN: 513-154-039

Applicant: Jerry Keller

General Plan: CBD (Central Business District)

Zone: CBD (Central Business District)

From: Craig A. Ewing, Director of Planning Services

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The proposed project is a request by Jerry Keller for a sign variance to Section 93.20.09(A)(2)(b)(ii) of the Zoning Code for a main sign that exceeds the maximum permitted letter height and sign area for the property located at 200 South Palm Canyon Drive. The proposal includes two main signs that are each approximately 95 square feet in size with a maximum letter height of 20.5 inches.

RECOMMENDATION:

That the Planning Commission approve the proposed sign designs and the sign variance request, Case 8.254 SI VAR, to allow two main signs that are approximately 95 square feet in size with letters that are 20.5 inches high for the property located at 200 South Palm Canyon Drive.

PRIOR ACTIONS:

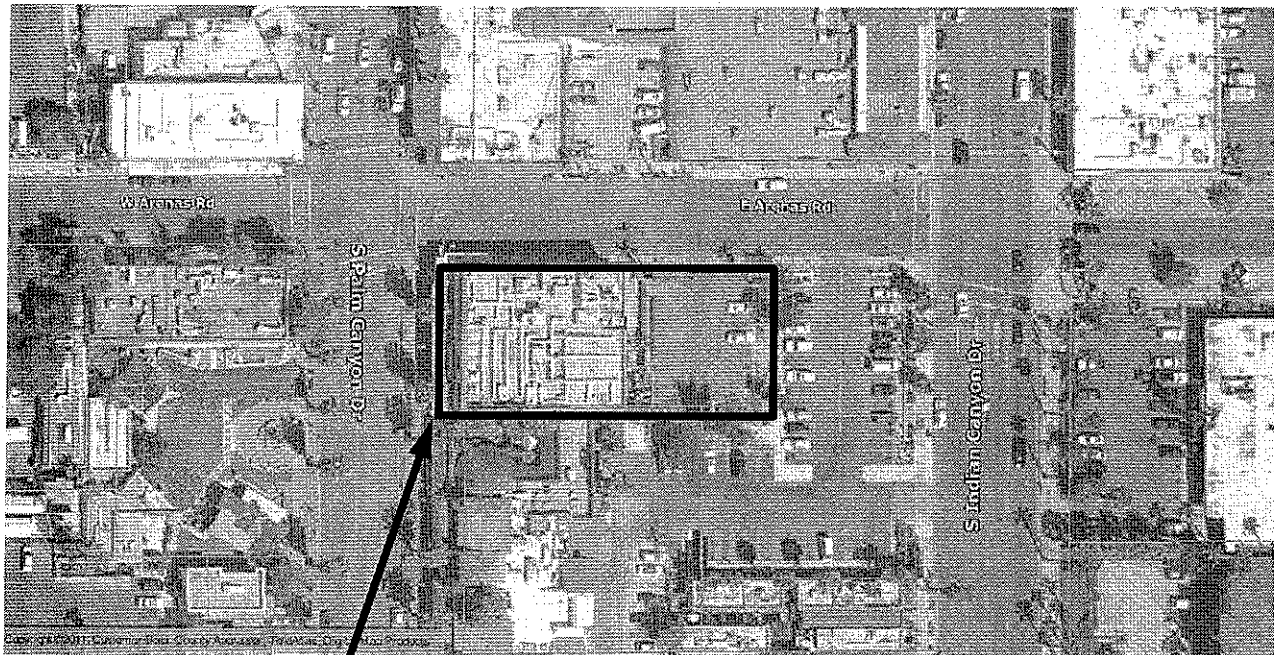
On April 11, 2011, the Architectural Advisory Committee (AAC) reviewed the proposed sign variance and by a vote of 5-2 (Fauber and Harlan opposed) recommended approval as submitted.

BACKGROUND AND SETTING:

The subject property is approximately 0.42-acres in size and contains a building that is approximately 11,446 square feet in size. The building is occupied by a single tenant; the property has previously been nightclub and restaurant uses. The surrounding land uses, zones and general plan designations are shown in the table below.

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

| | Land Use | General Plan | Zoning |
|-------|--------------------------------|---------------------------------|---------------------------------|
| North | Restaurant and Commercial Uses | CBD (Central Business District) | CBD (Central Business District) |
| East | Parking Lot | CBD (Central Business District) | CBD (Central Business District) |
| South | Restaurant Use | CBD (Central Business District) | CBD (Central Business District) |
| West | Restaurant and Commercial Uses | CBD (Central Business District) | CBD (Central Business District) |



SITE

ANALYSIS:

The applicant has submitted a proposal to install two main signs and two accessory signs. One main sign will face Palm Canyon Drive and the other will face Arenas Road. The main signs will be reverse channel letters with halo lighting. The halo lighting will match the color of each letter. The accessory signs will be flat cut out aluminum letters that are 1/4" thick. A summary analysis on the project's conformance to the Zoning Code is provided in the table below.

| Frontage Road | Signage Type | Sign Area Permitted | Sign Area Proposed | Conforms to Code |
|-------------------|--------------|---------------------|--------------------|---|
| Palm Canyon Drive | Main | 50 sq. ft. | 95 sq. ft. | No, sign areas and letter heights exceed max. permitted |
| | Accessory | Various | 6 sq. ft. | Yes |
| Arenas Road | Main | 50 sq. ft. | 95 sq. ft. | No, sign areas and letter heights exceed max. permitted |
| | Accessory | Various | None | Yes. |

Main Signage

The applicant is proposing one main sign on each street frontage. The "Downtown / Uptown" portion of the sign ordinance allows the following when *individual letters* are used for main signs:

- (A) *Individual letters shall not exceed fourteen (14) inches in height, with the first letter capitals allowed at a maximum height of sixteen (16) inches.*
- (B) *Signs using individual letters shall not exceed in length two-thirds (2/3) the overall length of the storefront.*
- (C) *Signs shall not exceed a maximum area of one (1) square foot per linear foot of building frontage with a maximum area of fifty (50) square feet.*

The applicant is seeking a variance to allow an increased letter size and a larger sign area than is permitted by the Zoning Code.

Staff believes that the sign variance request is appropriate for the circumstances that exist. The subject property contains a large single tenant building. The building is approximately 11,446 square feet in area. The business has 100 feet of frontage on both Arenas Road and South Palm Canyon Drive. The majority of properties in the area contain smaller businesses with less street frontage where letter restriction and maximum sign area is appropriate. Staff believes that a larger business should be

permitted larger letter heights and sign area. Findings in support of the proposal are provided below.

REQUIRED FINDINGS:

State law requires four (4) findings be made for the granting of a variance. Staff has analyzed the findings in order below:

- 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 large parcel located in the downtown area. The CBD Zone requires a minimum of 9,600 square feet and the subject parcel is almost twice this size at approximately 18,300 square feet. The subject property contains a large building with a single tenant that has a street frontage of 100 feet on Palm Canyon Drive and Arenas Road. Should this building be multi-tenanted similar to the majority of other buildings and properties in the area, additional sign area beyond fifty feet could be permitted on this property. Therefore, the strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

- 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 variance granted will be for additional main sign area and increased letter height. The total sign area will be ninety-six square feet and the maximum letter height will be 20.5 inches. If this building is multi-tenanted, a total area of 100 square feet for all main signs would be possible on each street frontage. An increased letter height is necessary for a main sign that contains only four letters. Thus, the variance request does not grant special privileges to the applicant.

- 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 signs have been reviewed by the Architectural Advisory Committee for good design. 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.*

Staff has reviewed the policies of the general plan and has found no inconsistencies between the plan and the proposed signage.

Additional Findings

In addition to the findings required by state law, the sign ordinance stipulates three additional findings required for sign variances. Those findings are analyzed by staff below:

- 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 contains a large single tenant building. The building is approximately 11,446 square feet in area. The business has 100 feet of frontage on both Arenas Road and South Palm Canyon Drive. Given the size of this tenant on this property, strict application of the regulations of the sign ordinance will not give adequate visibility to the signage in the downtown area.

- 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 one main sign per street frontage for a large commercial establishment in the downtown area. The proposed signs include a clean and simple design utilizing high quality reverse channel lettering. The signs are proposed in strategic locations to provide adequate and effective identification while representing the least departure from the standards of the sign ordinance. Furthermore, the Architectural Advisory Committee voted favorably to recommend approval of the design.

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

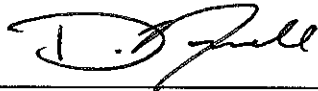
The contemporary materials and design of the signs are compatible with the building and adjacent properties. The Architectural Advisory Committee voted favorably to recommend approval of the design. The proposal does not conflict with the purpose of the sign ordinance as described in Section 93.20.02(B) of the Zoning Code.

ENVIRONMENTAL ANALYSIS:

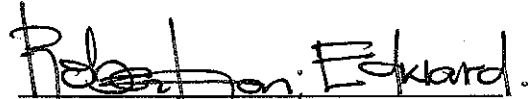
This request is categorically exempt as a Class 11 exemption from environmental review pursuant to Section 15311(a) (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines.

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



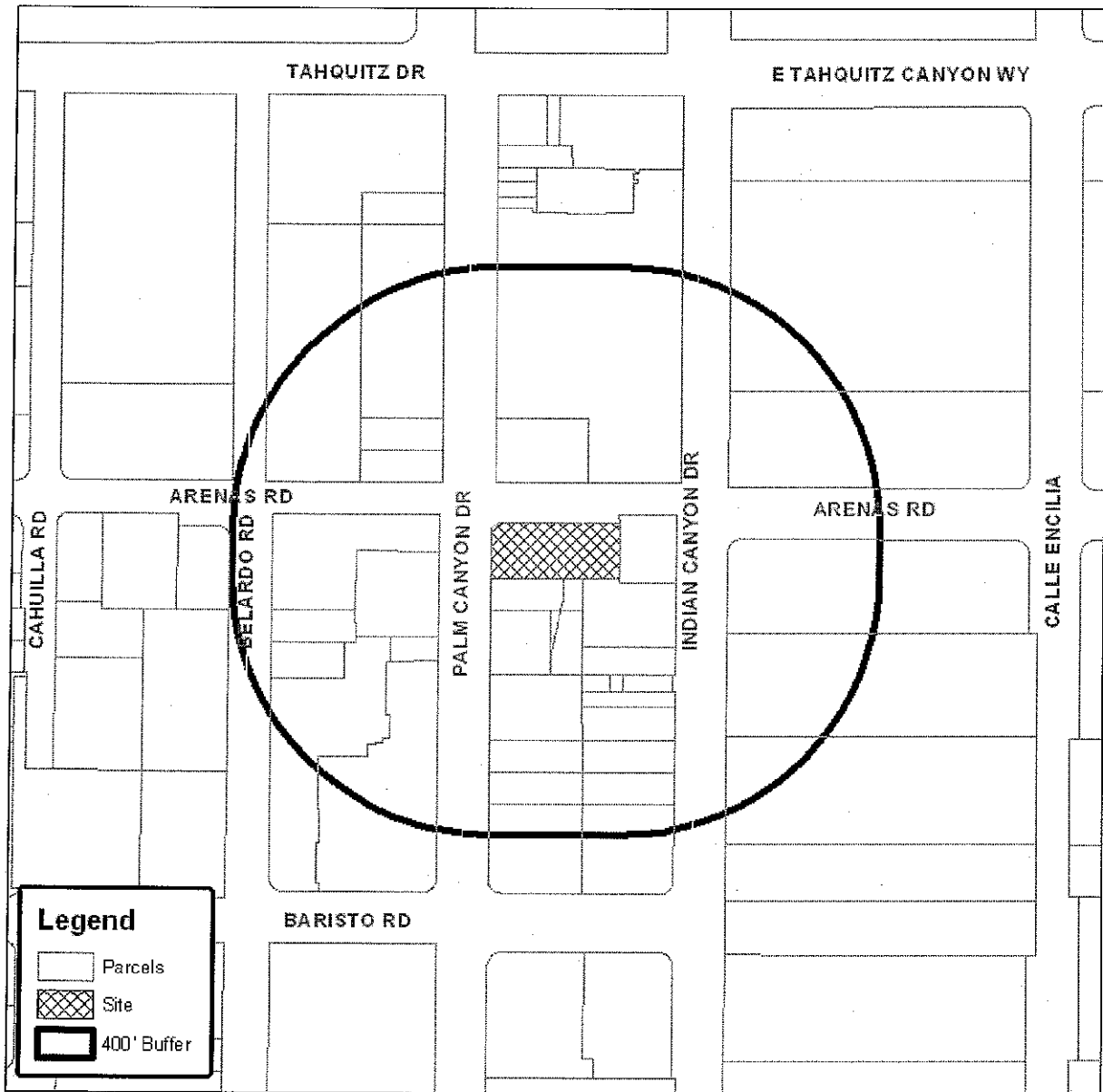
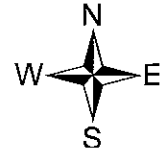
Edward O. Robertson
Principal Planner

Attachments:

1. 400' Radius Map
2. Draft Resolution with Conditions of Approval
3. Sign Diagrams



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 8.254 SI VAR

APPLICANT: Jerry Keller

DESCRIPTION: A request for a sign variance for LULU California Bistro located at 200 South Palm Canyon Drive, Zone CBD, Section 15.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING SIGN VARIANCE, CASE NO. 8.254 SI VAR, TO ALLOW A MAIN SIGN ON EACH STREET FRONTAGE THAT EXCEEDS THE MAXIMUM SIGN AREA AND LETTER HEIGHT PERMITTED BY THE ZONING CODE FOR THE PROPERTY LOCATED AT 200 SOUTH PALM CANYON DRIVE.

WHEREAS, Jerry Keller ("Applicant") has filed an application with the City pursuant to Section 94.06.00 and Section 93.20.10(A)(4) of the Zoning Ordinance two main signs that are ninety-five square feet in size with 20.5 inch high letters for the property located at 200 South Palm Canyon Drive, APN: 513-154-039, Zone CBD, Section 15; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 8.254 SI VAR was given in accordance with applicable law; and

WHEREAS, on April 27, 2011, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is a Class III Categorical Exemption per Section 15303(e) (New construction of accessory structures).

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: Pursuant to the requirements of Section 94.06.00(B), the Planning Commission finds:

- 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 large parcel located in the downtown area. The CBD Zone requires a minimum of 9,600 square feet and the subject parcel is almost twice this size at approximately 18,300 square feet. The subject property contains a large building with a single tenant that has a street frontage of 100 feet on Palm Canyon Drive and Arenas Road.

Should this building be multi-tenanted similar to the majority of other buildings and properties in the area, additional sign area beyond fifty feet could be permitted on this property. Therefore, the strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

- 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 variance granted will be for additional main sign area and increased letter height. The total sign area will be ninety-six square feet and the maximum letter height will be 20.5 inches. If this building is multi-tenanted, a main sign area of 100 square feet would be possible on each street frontage. An increased letter height is necessary for a main sign that contains only four letters. Thus, the variance request does not grant special privileges to the applicant.

- 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 signs have been reviewed by the Architectural Advisory Committee for good design. 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.*

No inconsistencies between the General Plan and the proposed signage have been found.

Section 2: In addition to the findings required by state law, the sign ordinance stipulates three additional findings required for sign variances. Pursuant to the requirements of Section 93.20.10(A)(4), the Planning Commission finds:

- 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 contains a large single tenant building. The building is approximately 11,446 square feet in area. The business has 100 feet

of frontage on both Arenas Road and South Palm Canyon Drive. Given the size of this tenant on this property, strict application of the regulations of the sign ordinance will not give adequate visibility to the signage in the downtown area.

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 one main sign per street frontage for a large commercial establishment in the downtown area. The proposed signs include a clean and simple design utilizing high quality reverse channel lettering. The signs are proposed in strategic locations to provide adequate and effective identification while representing the least departure from the standards of the sign ordinance. Furthermore, the Architectural Advisory Committee voted favorably to recommend approval of the design.

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

The contemporary materials and design of the signs are compatible with the building and adjacent properties. The Architectural Advisory Committee voted favorably to recommend approval of the design. The proposal does not conflict with the purpose of the sign ordinance as described in Section 93.20.02(B) of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 8.254 – SI VAR, allowing two main signs that are ninety-five square feet in size with 20.5 inch high letters at 200 South Palm Canyon Drive, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 27th day of April, 2011.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case No. 8.254 SI VAR
LULU California Bistro

200 South Palm Canyon Drive

April 27, 2011

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

PROJECT SPECIFIC CONDITIONS

- PSP 1. Signage Alterations. Alterations to the approved signage limited to repaints and regular maintenance shall require the approval of a new sign permit. All other alterations require the amendment to this variance.
- PSP 2. Signage Amortization. Permits approved shall be valid based on the sign amortization schedule in section 93.20.11 of the Palm Springs Zoning Ordinance.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 8.254 SI VAR, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans on file in the Planning Division, except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.

- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case SI 8.254 SI VAR. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 6. Time Limit on Approval. Approval of the Sign Variance (SI VAR) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 7. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

BUILDING DEPARTMENT CONDITIONS

- BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

Client:
LULU CALIFORNIA BISTRO

Project:
**EXTERIOR LED ILLUMINATED
 REVERSE CHANNEL LETTERS**

Project Address:
**200 SO. PALM CANYON DR.
 PALM SPRINGS, CA 92264**

Account Representative:
JESSE CROSS

Designer:
JAYAR FLORES

Designers Signature

Date:
FEBRUARY 02, 2011

Scale:
AS SHOWN

File name:
**Graphics/L/LULU/
 LuLu Concepts 020111.cdrX5**

Revisions:
 February 04, 2011
 March 10, 2011
 March 10, 2011
 Client Approval:



1550 S. Gene Autry Trail
 Palm Springs, CA 92264
 TEL: (760) 320-3042
 FAX: 760-320-2090

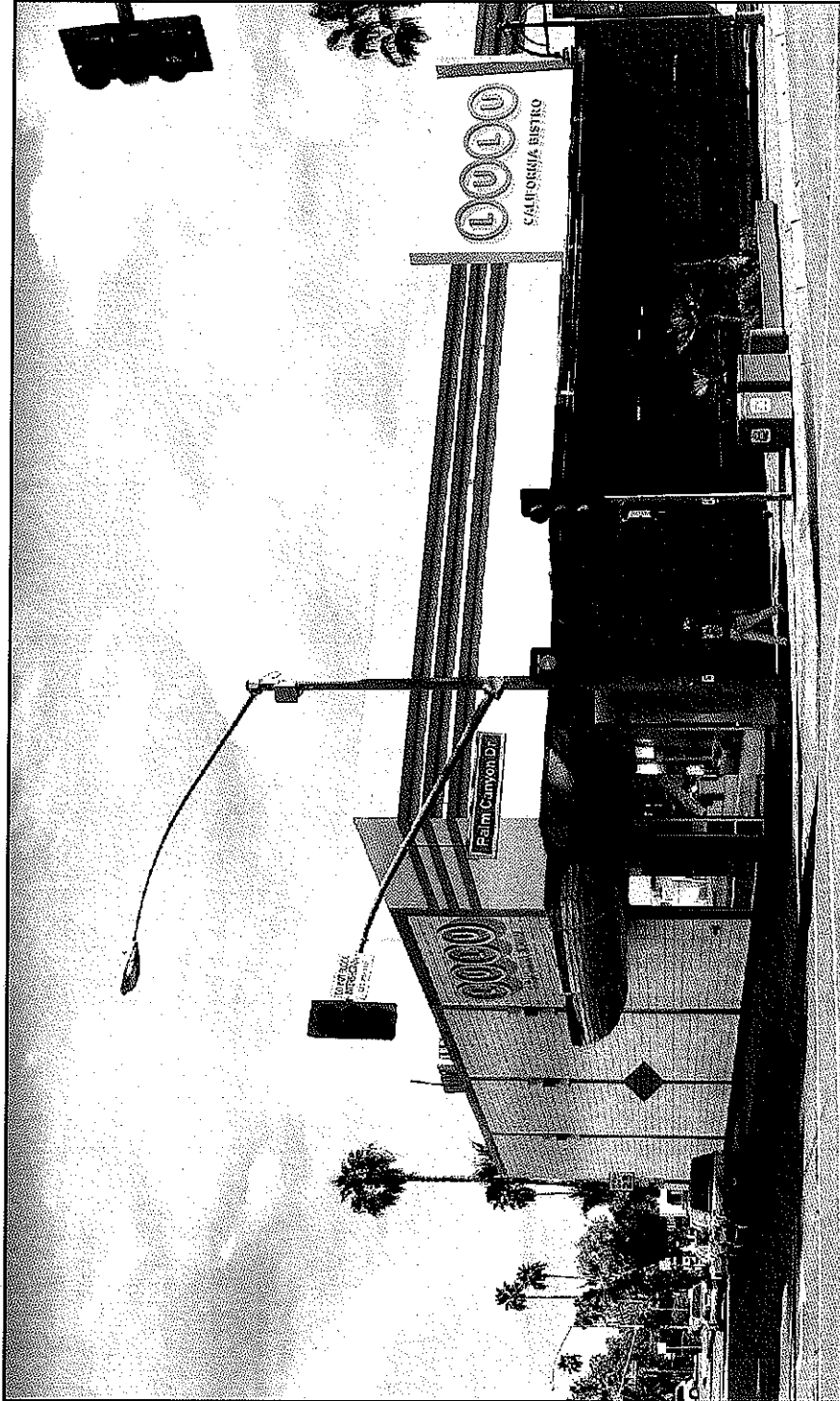


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NORTH AND WEST ELEVATION

Client:
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Project:
EXTERIOR LED ILLUMINATED
REVERSE CHANNEL LETTERS

Project Address:
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PALM SPRINGS, CA 92264

Account Representative:
JESSE CROSS

Designer:
JAYAR FLORES

Designers Signature

Date:
FEBRUARY 02, 2011

Scale:
AS SHOWN

File name:

070211CS: LULU
LULU CALIFORNIA BISTRO

Revisions:

1/10/11 J.F. / J.C.
APPROVAL BY J.C.

Client Approval:

BEST SIGNS
INCORPORATED

1550 S. Gene Autry Trail
Palm Springs, CA 92264

TEL: (760) 320-3042
FAX: 760-320-2090



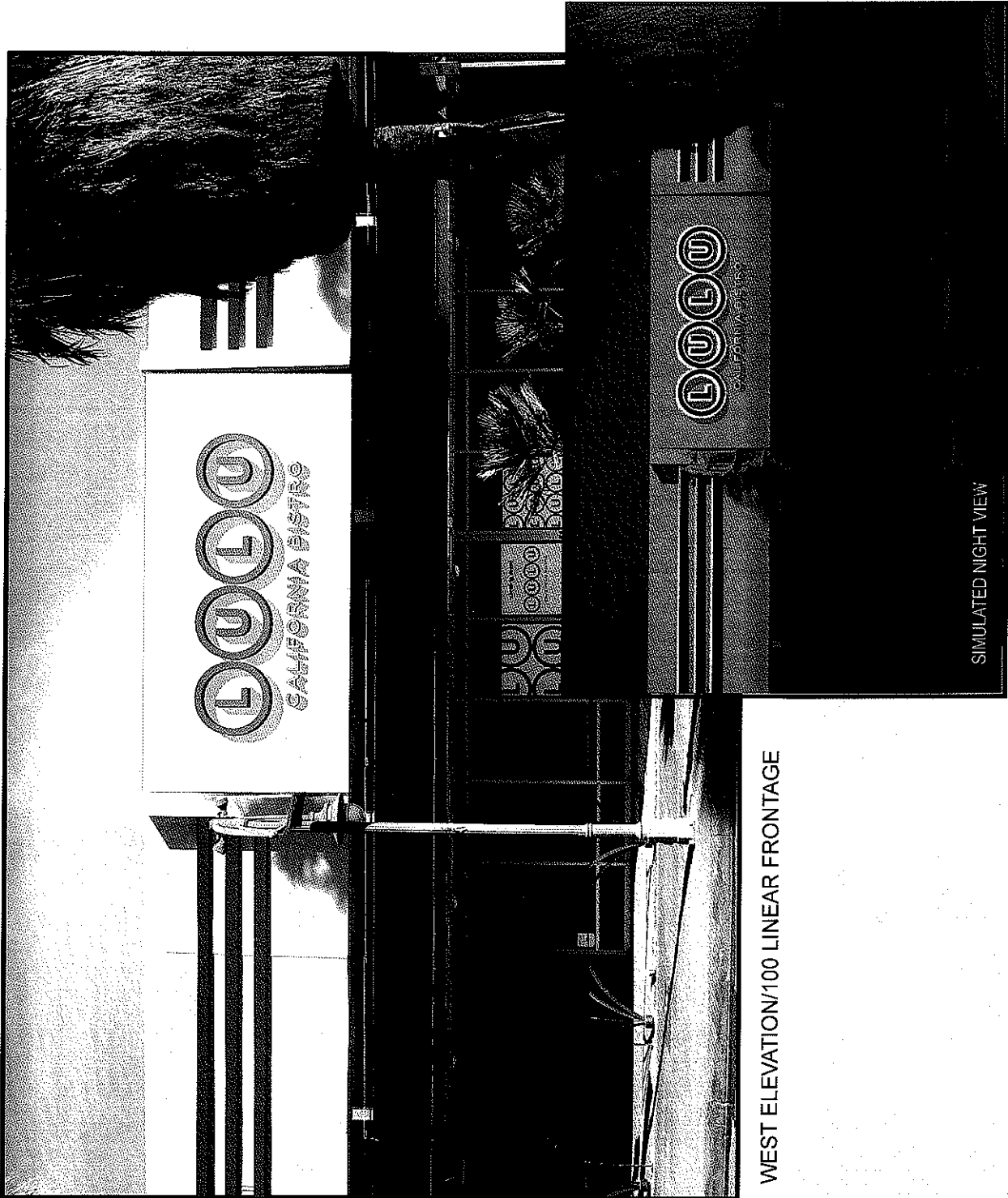
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PG. 2



WEST ELEVATION/100 LINEAR FRONTAGE

Scale: 0"=1'-0"

Fabricate and Install Illuminated Reverse Channel Letters

All aluminum construction, illuminated with Sloan LED lighting modules. channel letter face and return painted to match clients logo specs. All surfaces primed and painted with automotive grade coating. Typical reverse channel letter installation.

Due to color monitor settings, colors may vary slightly.

Client:
LULU CALIFORNIA BISTRO

Project:
EXTERIOR LED ILLUMINATED
REVERSE CHANNEL LETTERS

Project Address:
200 SO. PALM CANYON DR.
PALM SPRINGS, CA 92264

Account Representative:
JESSE CROSS

Designer:
JAYAR FLORES

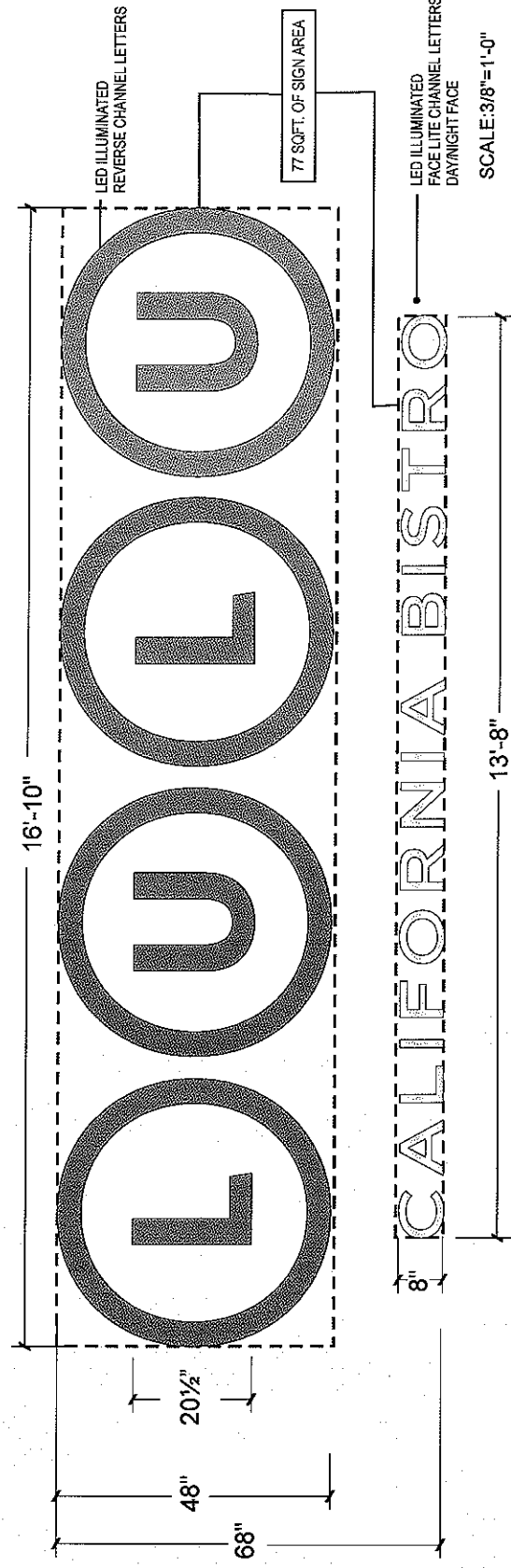
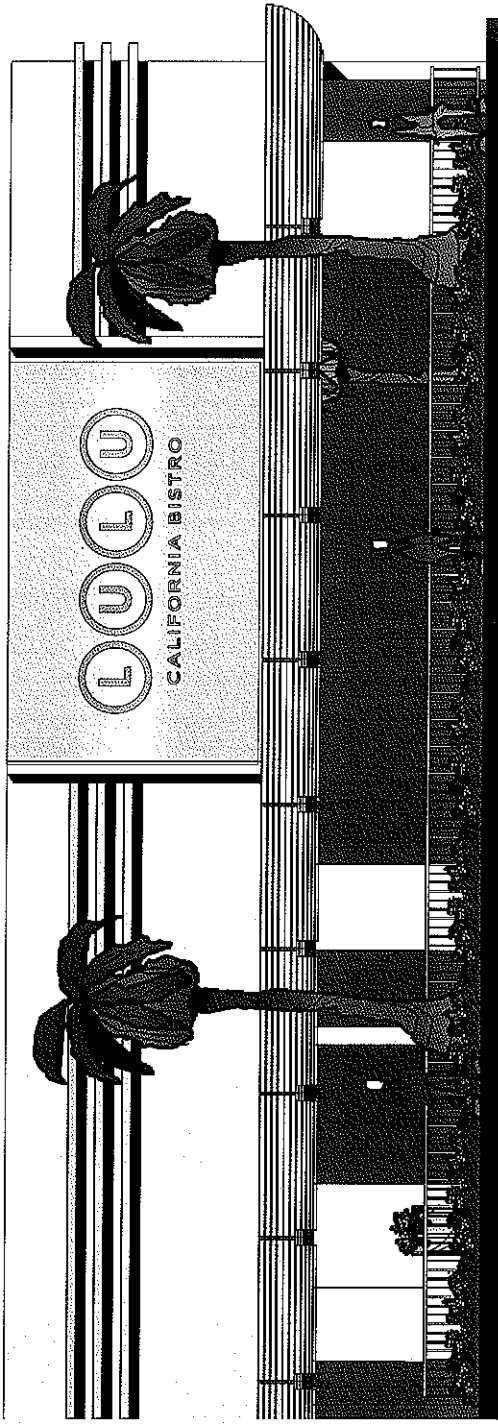
Designers Signature

Date:
FEBRUARY 02, 2011

Scale:
AS SHOWN

SCALE: 3/32"=1'-0"

WEST ELEVATION



Scale: 0"=1'-0"

Fabricate and Install Illuminated Reverse Channel Letters
All aluminum construction, illuminated with Sloan LED lighting modules. channel letter face and return painted to match clients logo specs. All surfaces primed and painted with automotive grade coating.
Typical reverse channel letter installation.
Due to color monitor settings, colors may vary slightly.

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INCORPORATED

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Palm Springs, CA 92264
TEL: (760) 320-3042
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NORTH ELEVATION

SIMULATED NIGHT VIEW

Fabricate and Install Illuminated Reverse Channel Letters

Scale: 0"=1'-0"

All aluminum construction, illuminated with Sloan LED lighting modules. channel letter face and return painted to match clients logo specs. All surfaces primed and painted with automotive grade coating.
 Typical reverse channel letter installation.

Due to color monitor settings, colors may vary slightly.

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 Project Address: **200 SO. PALM CANYON DR. PALM SPRINGS, CA 92264**

Account Representative: **JESSE CROSS**
 Designer: **JAYAR FLORES**
 Designers Signature

Date: **FEBRUARY 02, 2011**

Scale: **AS SHOWN**

File name: **SG01010101.dwg**
 User: **CONTR**
 Date: **02/02/2011 10:00:00 AM**

Revisions:
 1. 02/02/2011
 2. 02/02/2011
 3. 02/02/2011
 Client Approval:



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Client: LULU CALIFORNIA BISTRO
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Account Representative: JESSE CROSS

Designer: JAYAR FLORES

Designers Signature

Date: FEBRUARY 02, 2011

Scale: AS SHOWN

File name: Graphics/L/LULU/LuLu Concepts 020111.cdrX5

Revisions: February 04, 2011
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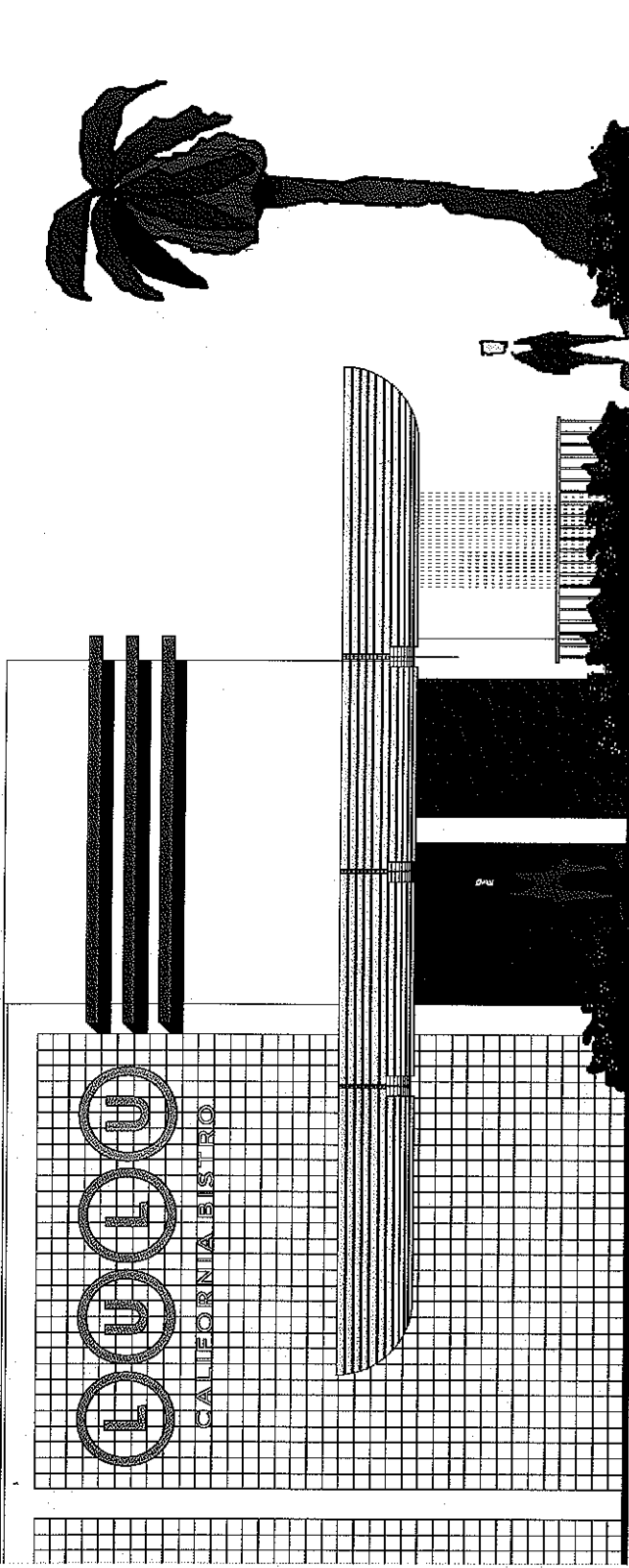


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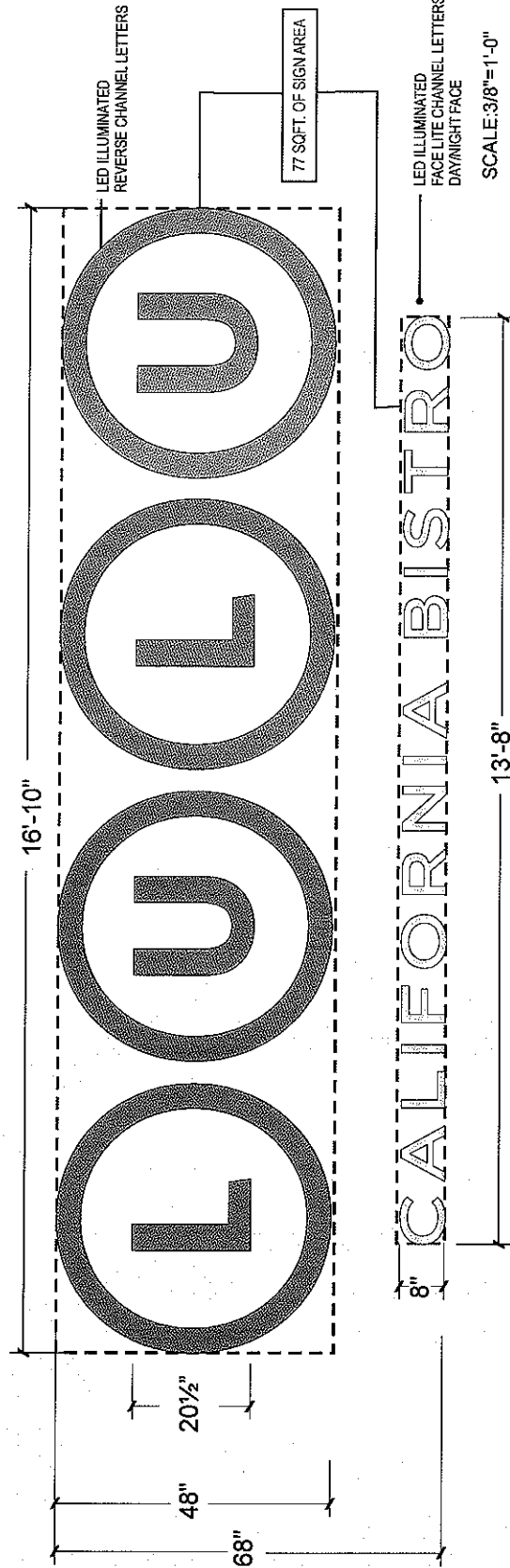
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NORTH ELEVATION /98 LINEAR FT OF WALL

SCALE: 1/8"=1'-0"



Scale: 0"=1'-0"

Fabricate and Install Illuminated Reverse Channel Letters

All aluminum construction, illuminated with Sloan LED lighting modules. channel letter face and return painted to match clients logo specs. All surfaces primed and painted with automotive grade coating. Typical reverse channel letter installation.

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 FOR A MATCH AS CLOSE AS POSSIBLE.

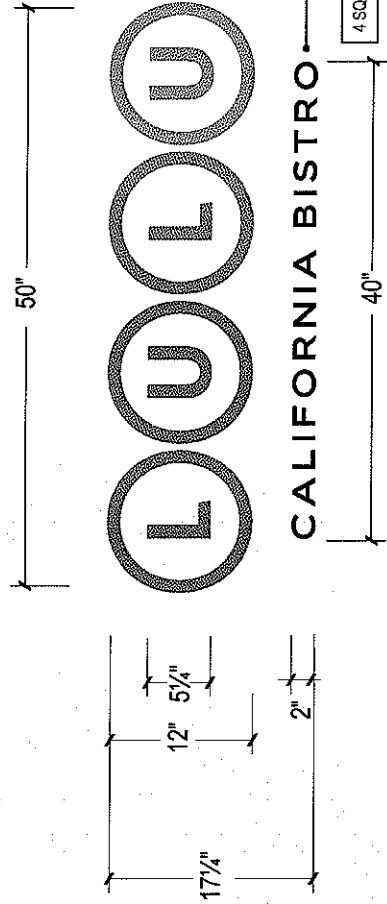
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WEST ELEVATION ENTRANCE

SCALE: 3/8"=1'-0"



SCALE: 3/4"=1'-0"

Scale: 0"=1'-0"

Fabricate and Install Flat Cut Out Letters
 LULU logo routed from 3/4" thick cast acrylic letters. Painted to match clients logo specs. Secondary letters are
 routed from 3/8" cast acrylic. All surfaces primed and painted with automotive grade coating.
 Typical stud mounted letter installation, 10-24 studs and RTV silicone bonding adhesive.
 Due to color monitor settings, colors may vary slightly.

Client:
LULU CALIFORNIA BISTRO

Project:
**EXTERIOR LED ILLUMINATED
 REVERSE CHANNEL LETTERS**

Project Address:
**200 SO. PALM CANYON DR.
 PALM SPRINGS, CA 92264**

Account Representative:
JESSE CROSS

Designer:
JAYAR FLORES

Designer Signature

Date:
FEBRUARY 02, 2011

Scale:
AS SHOWN

File name:
**Graphics/LULU/
 Lulu Concepts 020111.cdrX5**

Revisions:
 February 04, 2011
 March 10, 2011
 March 10, 2011
 Client Approval:



1550 S. Gene Autry Trail
 Palm Springs, CA 92264
 TEL: (760) 320-3042
 FAX: 760-320-2090

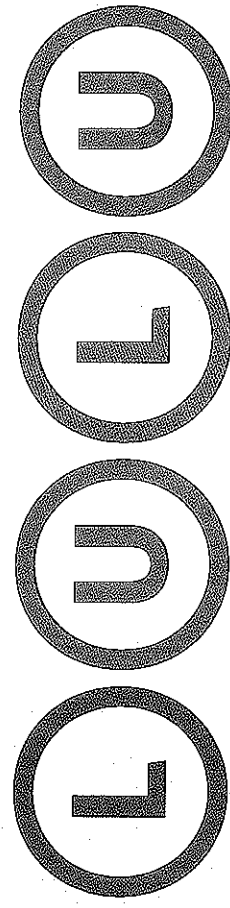
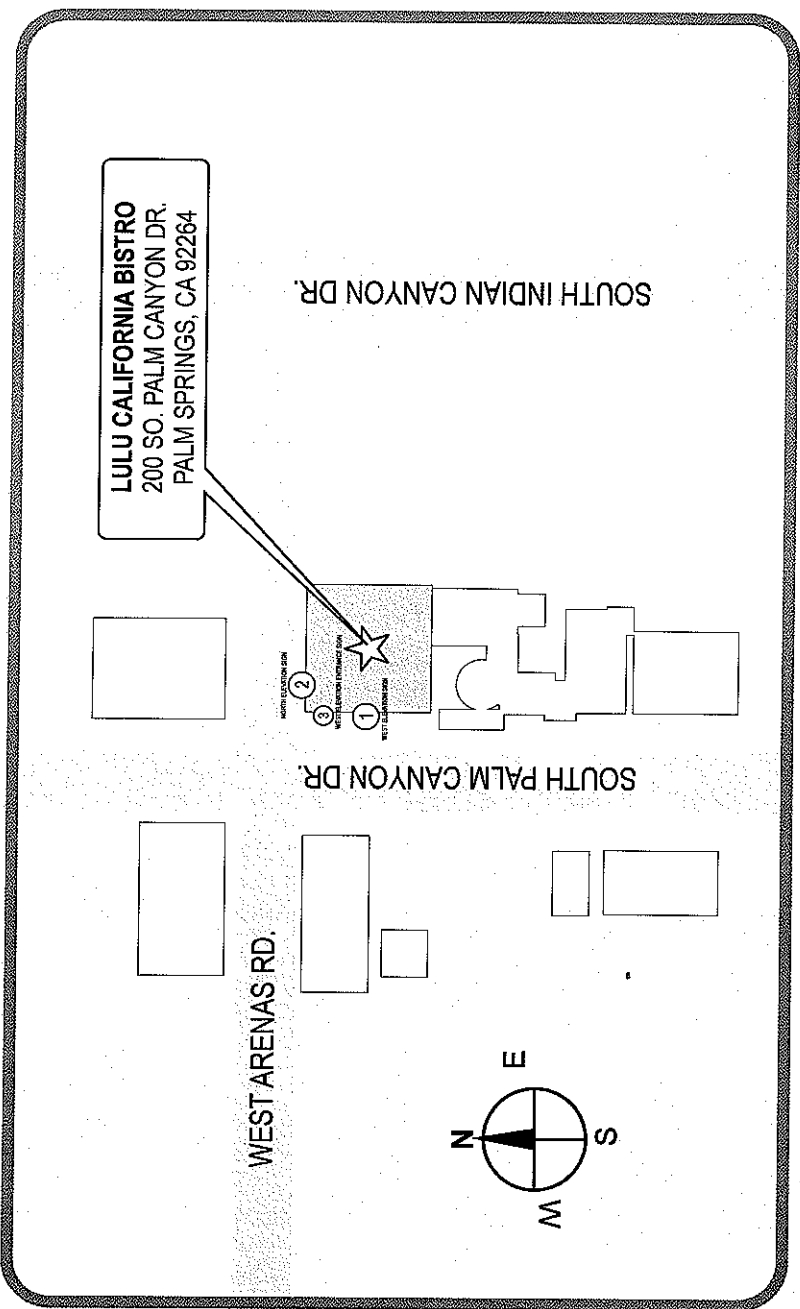


CONTRACTORS LIC. NO. 524483

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 EXACTLY WHAT YOU SEE IN REALITY. COLOUR CALIBRATION ARE
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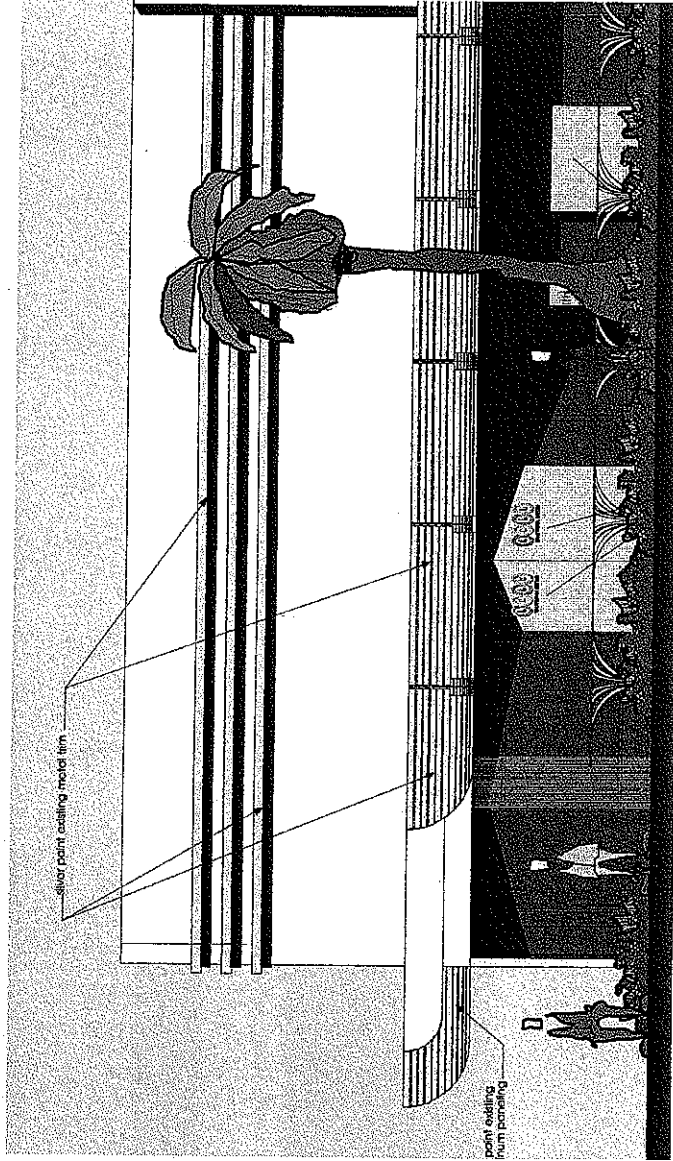
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PMS 5635 PMS 4525 PMS 5215 PMS 549

LOGO COLORS



west elevation to palm canyon drive

scale: 1/4" = 1'-0"

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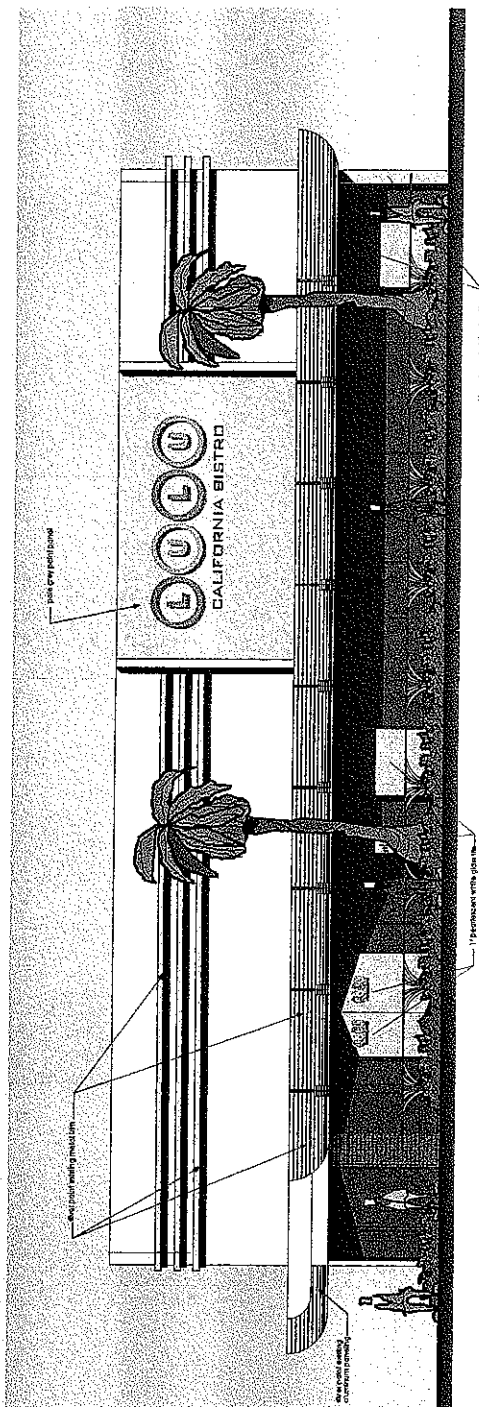
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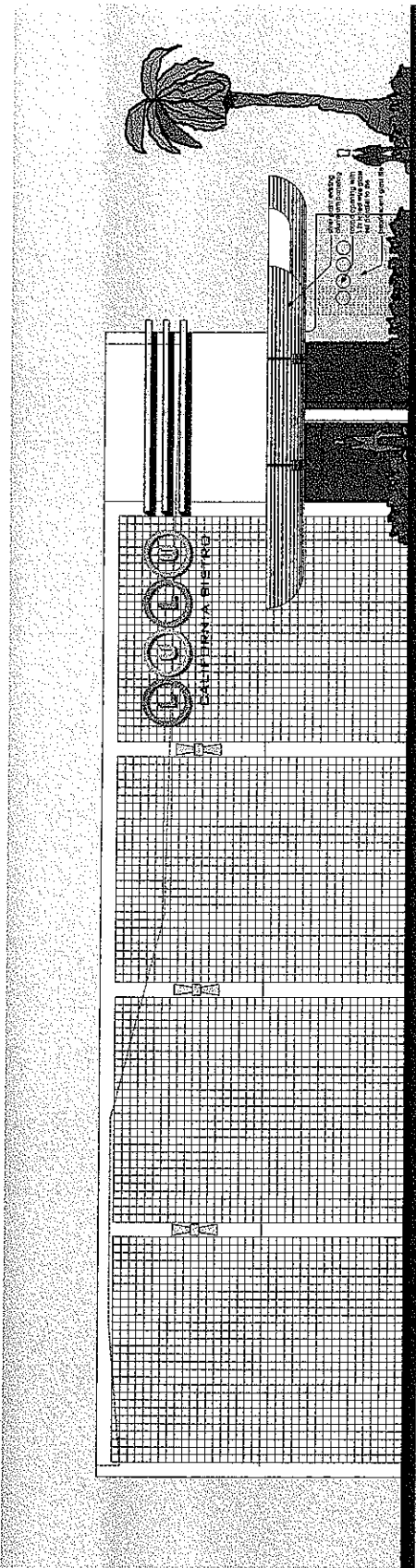
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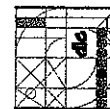
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west elevation to palm canyon drive
scale: 1/4" = 1'-0



north elevation to arenas
scale: 1/4" = 1'-0



david division
architecture
11111
San Diego, CA 92106
760.444.4444



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