



Planning Commission Staff Report

Date: May 11, 2011

Case No.: 11-025 LUP

Type: Planning Commission Determination

Zone: CBD

Location: 123 North Palm Canyon Drive, Suite 525

APN: 513-560-008

Applicant: Luciano Ramirez – Latino Books Y Mas

From: Craig A. Ewing, AICP, Director of Planning Services

Project Planner: Glenn Mlaker, AICP, Assistant Planner

PROJECT DESCRIPTION:

The project is a request of the Planning Commission to determine that outdoor display of one postcard rack and two rolling cases are permitted uses allowed with a land use permit within the Central Business District (CBD) Zone. The proposed request is to allow outdoor display in front of a retail store on private property within the CBD Zone at 123 North Palm Canyon Drive, Suite 525.

RECOMMENDATION:

That the Planning Commission determine that the outdoor display of one postcard rack and two rolling cases are permitted with a land use permit within the Central Business District (CBD) Zone.

ANALYSIS:

Luciano Ramirez, owner of Latino Books Y Mas, has submitted a land use permit request for the retail property located at 123 North Palm Canyon Drive, Suite 525. The request is to allow for one postcard rack and two rolling cases in front of a retail store on private property within the CBD Zone.

Pursuant to Section 92.09.01(C)(2)(o)(v.) of the Palm Springs Zoning Code (PSZC), "Other uses as determined by the Planning Commission" allows for the Planning Commission, by resolution of record, to permit any other use which it may determine to be similar to those listed within the Central Business District Zone when certain findings are made.

Staff has reviewed the uses permitted with a land use permit within the CBD Zone and determined that the following uses are similar to outdoor display:

Section	Use	Permitted
92.09.01(C)(2)(a)	Art Displays	Land Use Permit
92.09.01(C)(2)(c)	Car Shows	Land Use Permit
92.09.01(C)(2)(d)	Christmas Tree Sales	Land Use Permit
92.09.01(C)(2)(l)	Plant and Floral Sales and Display	Land Use Permit

As noted in the table above, various outdoor displays are permitted within the CBD Zone on private property with a land use permit. Staff believes that attractive tasteful outdoor display can be an energizing element of the downtown experience. The City of Palm Springs Downtown Urban Design Plan which was adopted July 20, 2005 states that streets and streetscapes are to be interesting and the plan encourages downtown stores to use appropriate techniques to convey a sense of vitality and excitement. The proposed display of one postcard rack and two rolling cases placed on the sidewalk in front of the store would be consistent with the goals of the design guidelines. Therefore, staff would recommend that the use be permitted with a land use permit, subject to the following requirements:

The outdoor display of one postcard rack and two rolling cases shall conform to the following standards:

- a. The display device shall be 'purpose-built' for the displaying of authorized goods.
- b. The post card rack and rolling case shall be of first-class design and construction, and shall present a finished appearance.
- c. Colors shall match those muted colors of the exterior of the building to be served by the display. No bright accent colors shall be permitted.
- d. The display device shall be maintained in good repair and appearance at all times, and shall be immediately removed from public view in the event it suffers damage or is otherwise in need of repair.
- e. Full access in accordance with the Americans with Disabilities Act shall be maintained at all times.

REQUIRED FINDINGS:

Pursuant to the requirements of Section 94.01.02(B) of the PSZC, in permitting or classifying an unlisted use, the Commission shall first make a finding that all of the following conditions exist:

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

Pursuant to Section 92.12.00 of the PSZC, *"The C-B-D 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. Planted walkways, covered walks and open plazas that provide for sitting, dining, conversing, gathering and window shopping are permitted and encouraged."*

The outdoor display of one postcard rack and two rolling cases associated with an existing book store is considered a retail business in character with the intent of the zone.

- 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.*

The proposed use of outdoor display is similar to other uses currently permitted on private and public sidewalks within the CBD Zone.

- 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.*

Pursuant to 92.09.01(C)(2)(c) of the PSZC, the Central Business District allows for art displays with a land use permit. The proposed outdoor display is similar to an art display oriented to pedestrian foot traffic.

- 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.*


There are no known evidences or proofs to conclude that the proposed use is likely to cause substantial injury to values of property in the CBD Zone.

CONCLUSION:

The CBD zone allows various outdoor display uses such as; Art Displays, Car Shows, Christmas Tree Lots, Plant and Floral Sales and Displays; therefore, staff is recommending that the Planning Commission determine that outdoor display of one postcard rack and two rolling cases is a use similar to other uses permitted with a land use permit.



Glenn Mlaker, AICP
Assistant Planner



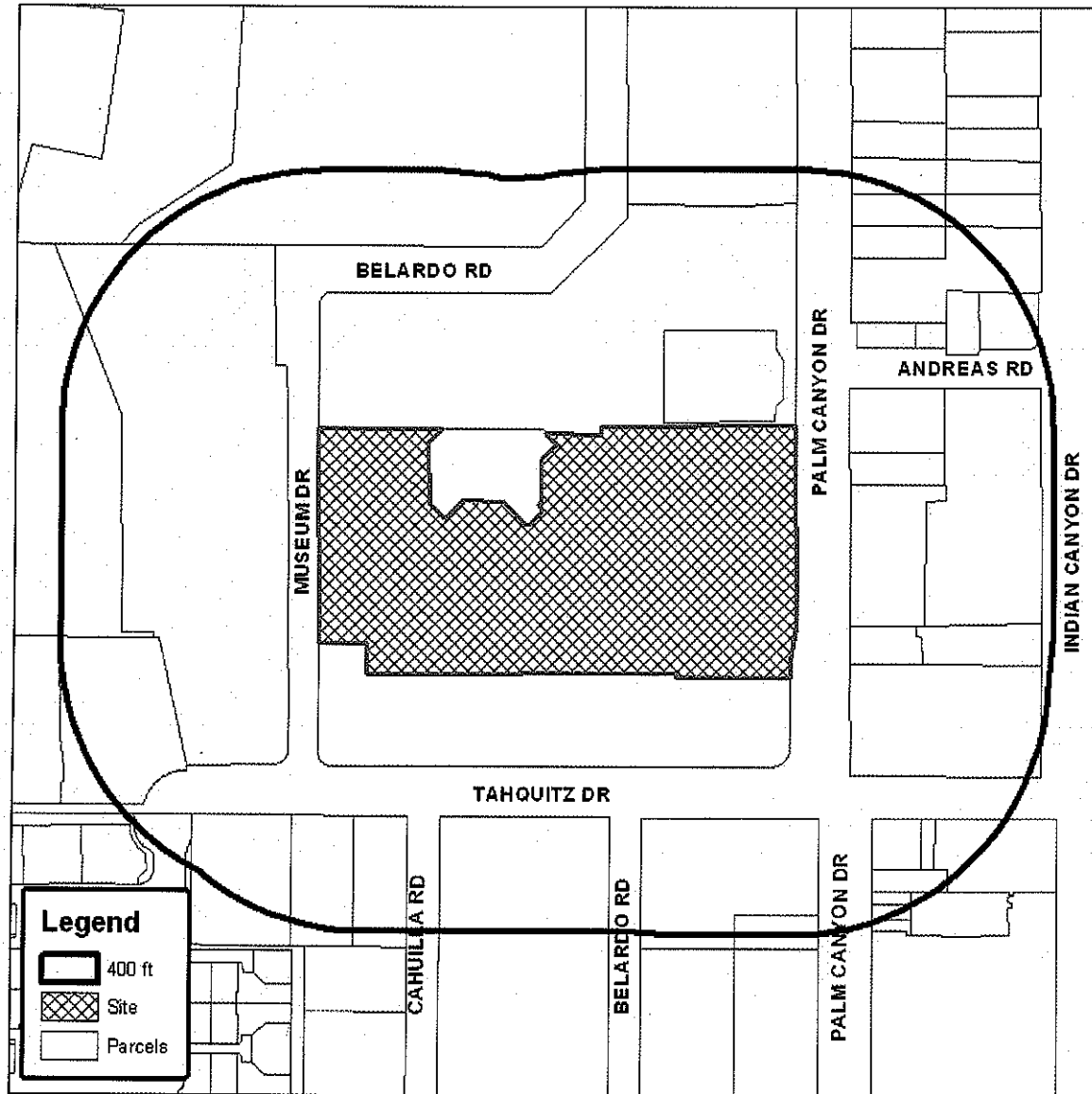
Craig A. Ewing, AICP
Director of Planning Services

Attachments

1. Vicinity Map
2. Draft Resolution
3. Site Photos



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 11-025 LUP

APPLICANT: Latino Books Y Mas

DESCRIPTION: Land Use Permit Determination for outdoor display of one postcard rack and two rolling carts for book displays located at 123 North Palm Canyon Drive, Suite 525, Section 15.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT OUTDOOR DISPLAY FOR ONE POSTCARD RACK AND TWO ROLLING CASES WITH A LAND USE PERMIT IS SIMILAR TO OTHER PERMITTED USES IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONE.

WHEREAS, Luciano Ramirez ("Applicant") has filed an application with the City pursuant to Section 94.01.00 of the Palm Springs Zoning Code (PSZC) for a determination that outdoor display of one postcard rack and two rolling cases be granted with a land use permit is similar to other permitted uses in the Central Business District (CBD) Zone located at 123 North Palm Canyon Drive, Suite 525, Zone CBD, Section 15; and

WHEREAS, on May 11, 2011, a public meeting on the application was held by the Planning Commission in accordance with applicable law; 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: Pursuant to the requirements of Section 94.01.02(B) of the PSZC, the Planning Commission determines that all of the following conditions exist:

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

Pursuant to Section 92.12.00 of the PSZC, "The C-B-D 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. Planted walkways, covered walks and open plazas that provide for sitting, dining, conversing, gathering and window shopping are permitted and encouraged.

The outdoor display of one postcard rack and two rolling cases associated with an existing book store is considered a retail business in character with the intent of the zone.

- 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.*

The proposed use of outdoor display is similar to other uses currently permitted on private and public sidewalks within the CBD Zone.

- 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.*

Pursuant to 92.09.01(C)(2)(c) of the PSZC, the Central Business District allows for art displays with a land use permit. The proposed outdoor display is similar to an art display oriented to pedestrian foot traffic.

- 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.*

There are no known evidences or proofs to conclude that the proposed use is likely to cause substantial injury to values of property in the CBD Zone.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby determines that outdoor display of one postcard rack and two rolling cases with a land use permit is permitted within the CDB Zone, subject to the following conditions:

1. The display device shall be 'purpose-built' for the displaying of authorized goods.
2. The postcard rack and rolling cases shall be of first-class design and construction, and shall not present a finished appearance.
3. Colors shall match those muted colors of the exterior of the building to be served by the display. No bright accent colors shall be permitted.
4. The display device shall be maintained in good repair and appearance at all times, and shall be immediately removed from public view in the event it suffers damage or is otherwise in need of repair.

ADOPTED this 11th day of May, 2011.

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services



