



Planning Commission Staff Report

Date: June 22, 2011

Case No.: SP 11-001

Type: Sign Program

Applicant: YESCO

Location: 1790 North Sunrise Way

APN: 501-312-027

General Plan: NCC (Neighborhood / Community Commercial)

Zone: C-1 (Central Retail Business Zone)

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

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The proposed project is a sign program for the multi-tenant commercial building located at 1790 North Sunrise Way. The proposed sign program will establish guidelines for all future signage for the complex and individual tenants.

RECOMMENDATION:

That the Planning Commission approve as submitted Case No. SP 11-001 to allow the implementation of a sign program for the multi-tenant commercial building located at 1790 North Sunrise Way, subject to the attached conditions of approval.

PRIOR ACTIONS:

On March 7, 2011, the Architectural Advisory Committee (AAC) reviewed the proposed sign program and by a vote of 7-0 restudied the project with the following comments:

1. Remove monument sign from program,
2. Revise channel letters on building to fit within existing fascia area or sign should be below fascia,
3. Wall cabinets are acceptable.
4. All conduit shall not to be exposed or visible.

The applicant submitted a revised project which included a revised design of a monument sign and channel letters that would hang below the existing overhang.

On March 21, 2011, the AAC reviewed the revised sign program and by a vote of 5-1 (Kleindienst opposed) restudied the proposal with the following comments:

1. Remove existing signage from building,
2. Reduce size of monument sign by at least 30%,
3. Choose either monument sign or existing wall sign for main signage.
4. Eliminate eave signs from proposal

The applicant removed the eave signs from the proposal and redesigned and reduced the overall size of the monument sign. The applicant requested that wall signs be allowed to remain.

On May 9, 2011, the AAC reviewed the revised sign program and by a vote of 6-1 (Kleindienst opposed) recommended approval to the Planning Commission, subject to the following conditions:

1. Reduce copy to say "Bargain City" only (instead of "99Cent Bargain City");
2. Conduit to match existing on building;
3. Exclude white vinyl signage on glazing;
4. Wall signage shall be LED backlit acrylic face with opaque letters and aluminum framing;
5. Submit landscape plan within fifteen feet of proposed monument signage.

See discussion on AAC recommendation below.

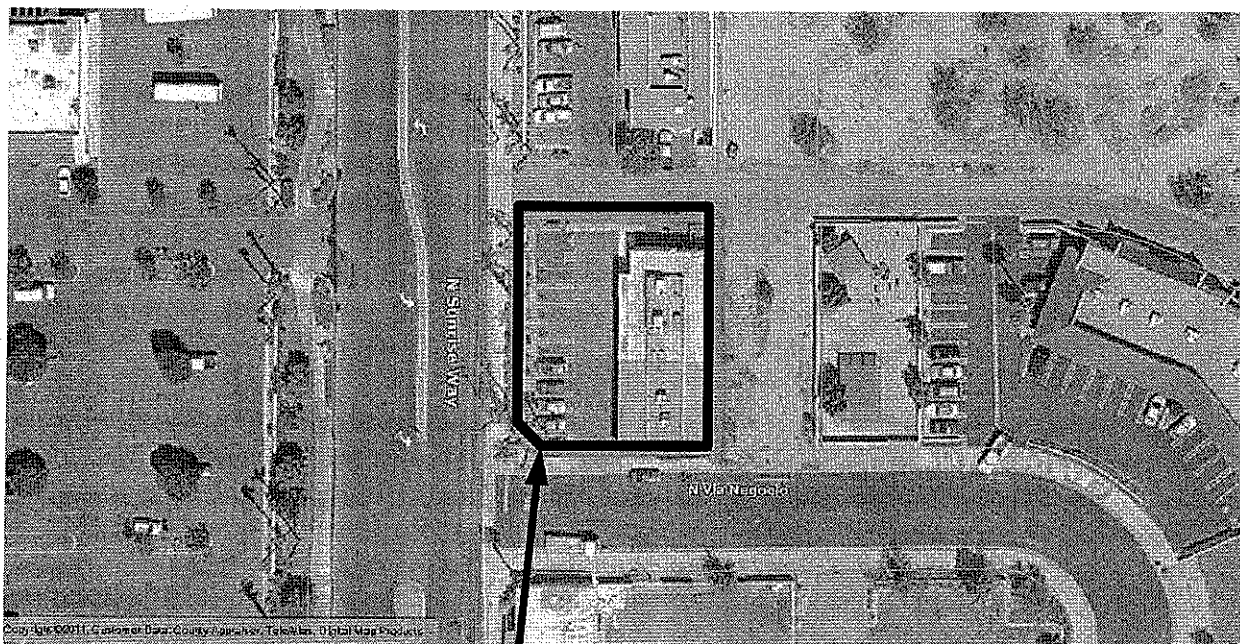
BACKGROUND AND SETTING:

The subject property is approximately 0.26 acres in size and abuts North Sunrise Way to the west, Via Negocio to the south and an alley to the north. The building was built in 1973 and at that time no formal sign program was established for this multi-tenant building. The building consists of two tenant spaces, one currently occupied by 7-

Eleven and the other a 99Cent Bargain City store. The applicant states that the 99Cent store may be vacating the tenant space in the near future.

Surrounding land uses, Zoning, and General Plan designations are detailed below:

	Land Use	General Plan	Zoning
North	Commercial Building	LDR (Low Density Residential)	C-1 (Central Retail Business)
South	Pharmacy	NCC (Neighborhood / Community Commercial)	C-1 (Central Retail Business)
East	Vacant Lot	NCC (Neighborhood / Community Commercial)	P (Professional)
West	Large Neighborhood Shopping Center	MU / MU (Mixed Use / Multi Use)	C-D-N (Designed Neighborhood Shopping Center)



SITE

ANALYSIS:

Sign programs are required for all buildings with more than one (1) tenant. According to Section 93.20.10(C)(6) of the Palm Springs Zoning Code (PSZC), "Sign programs shall integrate with the architecture of the building complex, including such elements as size, color, location and construction material." A sign program may be approved which varies from the specific limitations of the sign ordinance.

At this time, there has not been a sign program approved for this site. The 0.26-acre site contains one building with two tenants. The proposed sign program includes the following:

1. One monument sign – A double-faced internally illuminated monument sign is proposed perpendicular to Sunrise Way. Each side of the proposed sign will display each tenant's name and be approximately 14.6 square feet in size.
2. Wall signs:
 - a. Northerly tenant
 - i. Retrofit two existing signs with LED lighting. One is a main sign at approximately 16 square feet in size ("7-Eleven" logo) and the other is a service sign that is approximately eight square feet in size ("Citibank" sign).
 - b. Southerly tenant
 - i. Remove all existing signage, including main sign and window vinyl
 - ii. Install a wall cabinet with LED lighting.

No other signage is proposed as part of the sign program and some of the proposed signage is inconsistent with the sign ordinance. Staff has analyzed the proposed signage below.

Conformance to Zoning Code

Main Signs: A commercial business may have one main sign per street frontage. While this property fronts two streets, the northerly tenant (7-Eleven) has only one street frontage and would only be allowed one main sign. The 99Cent Bargain City tenant would be allowed a second main sign due to its corner location. The proposed sign program allows both tenants two main signs on one street frontage (Sunrise Way). The applicant is requesting that this deviation be approved as part of the sign program.

Staff has determined that the first main sign is the wall sign that is proposed by the sign program. This sign is sixteen square feet in size and consistent with the Zoning Code square footage limitations for each tenant. The proposed second main sign for each tenant is on a monument sign that is perpendicular to Sunrise Way. The proposed monument sign does not conform to Zoning Code Section 93.20.05(C):

4. Freestanding Signs.

Except as otherwise provided herein, freestanding signs shall be prohibited on a single parcel of property containing more than one (1) business. Where authorized for a single business, a freestanding sign shall not be located within the public right-of-way and shall not exceed eight (8) feet in height unless otherwise permitted. Freestanding signs shall be subject to all other provisions of this section.

Due to the small size of the property, neither a center identification sign nor individual tenant names on a monument sign are allowed. The applicant is proposing that both tenants be allowed a main sign that is approximately 6.9 square feet in size and double-faced on the monument sign. The applicant is requesting that these deviations be approved as part of the sign program.

Accessory Signs: The existing “CitiBank ATM” wall sign was installed without a permit from the City and is approximately eight square feet in size. This type of sign is not permitted as it identifies a sub-tenant or service of the convenience store. Convenience signs are limited to two square feet in size and must be mounted on the entry door, on the building adjacent to the entry door, or inside the glass window nearest to the entry. The applicant is requesting that this deviation be approved as apart of the sign program.

Architectural Advisory Committee Recommendation

The AAC reviewed the proposed sign program twice before recommending approval at a third review. The recommendation included the following conditions:

1. Reduce copy to say “Bargain City” only (instead of “99Cent Bargain City”);
2. Conduit to match existing on building;
3. Exclude white vinyl signage on glazing;
4. Wall signage shall be LED backlit acrylic face with opaque letters and aluminum framing;
5. Submit landscape plan within fifteen feet of proposed monument signage.

With regard to Condition No. 1 above, the City may not control or modify the name of a tenant. Staff has included Conditions No. 2 and 5 above in the draft resolution attached to this report. The applicant has revised the program to be consistent with Conditions No. 3 and 4 above, which are reflected in the attached program.

REQUIRED FINDINGS:

A sign program may be approved which varies from the specific limitations of the sign ordinance. Based on the above analysis, four deviations would be approved as part of this sign program:

1. Allow a second main sign for both tenants on one street frontage
2. Allow a monument sign (normally prohibited on parcels of this size)
3. Allow identification of tenants on monument signs
4. Allow an illuminated accessory sign of eight square feet below the entry door

Section 93.20.05 of the PSZC stipulates three findings that are required for a sign program to be approved that deviates from the strict provisions of the Sign Ordinance. Staff has analyzed the required findings in order below:

- 1) *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 commercial building is oriented towards Sunrise Way but the building is setback from North Sunrise Way approximately fifty feet and located behind a parking lot. Therefore, the strict application of the zoning code

would not give adequate visibility to the signage without the proposed deviations.

- 2) *The approved program 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 program.*

The sign program proposes signage facing or adjacent to the Major Thoroughfare (Sunrise Way). This allows easy identification of tenants to vehicular traffic, as well as way-finding when in the parking area. The proposed deviations from the Sign Ordinance will allow for adequate visibility in a simple design and provide an effective sign program for the multi-tenanted building.

- 3) *The approved program is compatible with the surrounding property and not contrary to the purpose of the sign ordinance.*

The stated purpose of the sign ordinance as provided by Section 93.20.02(B) *"is to provide standards to safeguard life, health, property and the public welfare and to provide the means for adequate identification of business and other sign users by regulating and controlling the design, location and maintenance of all signs in the city".*

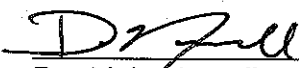
The subject property has frontage on two streets – Sunrise Way and Via Negocio. Sunrise Way is a Major Thoroughfare and Via Negocio is a Local Street, as designated by the General Plan. One monument sign is proposed on the Major Thoroughfare and no signage is proposed on the Local Street. The focus of signage is towards the major street and towards the users within the parking lot. Therefore, the approved program is compatible with the surrounding property and not contrary to the purpose of the sign ordinance.

CONCLUSION:

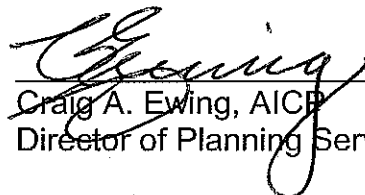
The program has received a recommendation of approval from the Architectural Advisory Committee, and staff has provided a recommendation for the required findings. Therefore, staff is recommending approval of the proposed sign program, Case SP 11-001, as conditioned in the draft resolution.

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA), the project is Categorically Exempt under Section 15311(a) (Accessory Structures).



David A. Newell
Associate Planner



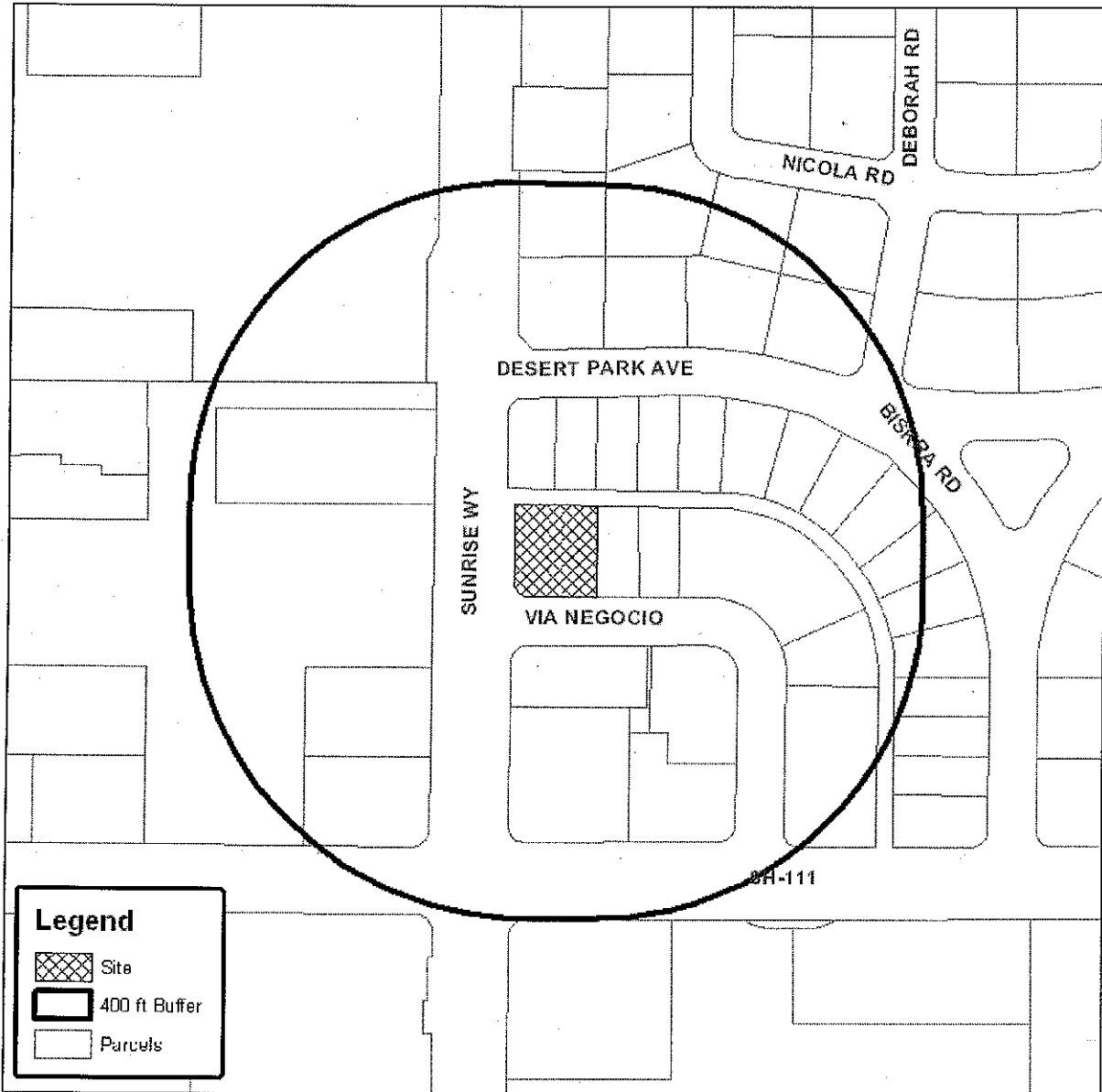
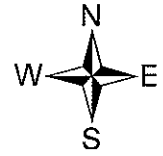
Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS:




- 1) 400' Radius Map
- 2) Draft Resolution with Conditions of Approval
- 3) Proposed Sign Program



Department of Planning Services Vicinity Map



Legend

-  Site
-  400 ft Buffer
-  Parcels

CITY OF PALM SPRINGS

CASE NO: SP 11-001

APPLICANT: YESCO

DESCRIPTION: Request to implement a sign program for the existing multi-tenanted commercial property located at 1790 North Sunrise Way, Zone C-1, Section 01.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE SP 11-001, ALLOWING THE IMPLEMENTATION OF A SIGN PROGRAM FOR THE PROPERTY LOCATED AT 1790 NORTH SUNRISE WAY.

WHEREAS, YESCO (the "Applicant") has filed an application with the City pursuant to Section 93.20.05 of the Sign Ordinance for a sign program located at 1790 N. Sunrise Way, APN: 501-312-027, Zone C-1, Section 1; and

WHEREAS, notice of public meeting of the Planning Commission of the City of Palm Springs to consider Case No. SP 11-001 was given in accordance with applicable law; and

WHEREAS, on May 9, 2011, a public meeting on the application for an architectural recommendation was held by the Architectural Advisory Committee in accordance with applicable law; and

WHEREAS, on June 22, 2011, a public meeting on the application for architectural approval was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorical Exempt as a Class 11 exemption (accessory structures) pursuant to Section 15311(a) 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: Pursuant to the California Environmental Quality Act (CEQA), the project is Categorical Exempt under Section 15311(a)(Accessory Structures).

Section 2: Section 93.20.09 stipulates three findings that are required for a sign program to be approved that deviates from the strict provisions of the Sign Ordinance. The Planning Commission finds that:

- 1) *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 commercial building is oriented towards Sunrise Way but the building is setback from North Sunrise Way approximately fifty feet and located behind a parking lot. Therefore, the strict application of the zoning code would not give adequate visibility to the signage without the proposed deviations.

- 2) *The approved program 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 program.*

The sign program proposes signage facing or adjacent to the Major Thoroughfare (Sunrise Way). This allows easy identification of tenants to vehicular traffic, as well as way-finding when in the parking area. The proposed deviations from the Sign Ordinance will allow for adequate visibility in a simple design and provide an effective sign program for the multi-tenanted building.

- 3) *The approved program is compatible with the surrounding property and not contrary to the purpose of the sign ordinance.*

The stated purpose of the sign ordinance as provided by Section 93.20.02(B) *"is to provide standards to safeguard life, health, property and the public welfare and to provide the means for adequate identification of business and other sign users by regulating and controlling the design, location and maintenance of all signs in the city"*.

The subject property has frontage on two streets – Sunrise Way and Via Negocio. Sunrise Way is a Major Thoroughfare and Via Negocio is a Local Street, as designated by the General Plan. One monument sign is proposed on the Major Thoroughfare and no signage is proposed on the Local Street. The focus of signage is towards the major street and towards the users within the parking lot. Therefore, the approved program is compatible with the surrounding property and not contrary to the purpose of the sign ordinance.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. SP 11-001, subject to those conditions set forth in Exhibit A.

ADOPTED this 22nd day of June 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. SP 11-001

Sign Program

1790 North Sunrise Way

APN: 501-312-027

June 22, 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 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. Prior to issuance of any sign permits, the applicant shall submit a landscape plan for the area that is within fifteen feet of proposed monument sign to the Planning Department for review and approval.
- PSP 2. Exposed conduit shall match adjacent surface.
- PSP 3. Real estate signage shall be consistent with Section 93.20.07 of the Zoning Code.
- PSP 4. Temporary signage shall be consistent with Section 93.20.08 of the Zoning Code.

ADMINISTRATIVE CONDITIONS

- ADM 1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
- ADM 2. 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 SP 11-001. 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 3. The decision of the Planning Commission may be appealed to the City Council pursuant to Chapter 2.05 of the Palm Springs Municipal Code.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. It shall be the sole responsibility of the owner of the property and/or tenant or agent to restore all mounting surfaces (i.e. walls, facades, windows, railings, etc.) to a condition closest to the original condition upon removal of any sign from the premises.
- PLN 2. Approval shall be valid based on the sign amortization schedule in section 93.20.11 of the Palm Springs Zoning Ordinance.
- PLN 3. All signs shall comply with the Uniform Building Code regulations.
- PLN 4. All non-approved signage must be removed as part of this approval.
- PLN 5. The Planning Services Department may require the reduction of light intensity and glare from any signage, or the removal of such signage, that poses a nuisance or harm.
- PLN 6. The applicant shall provide all tenants with a copy of the sign program and all Conditions of Approval for this project.

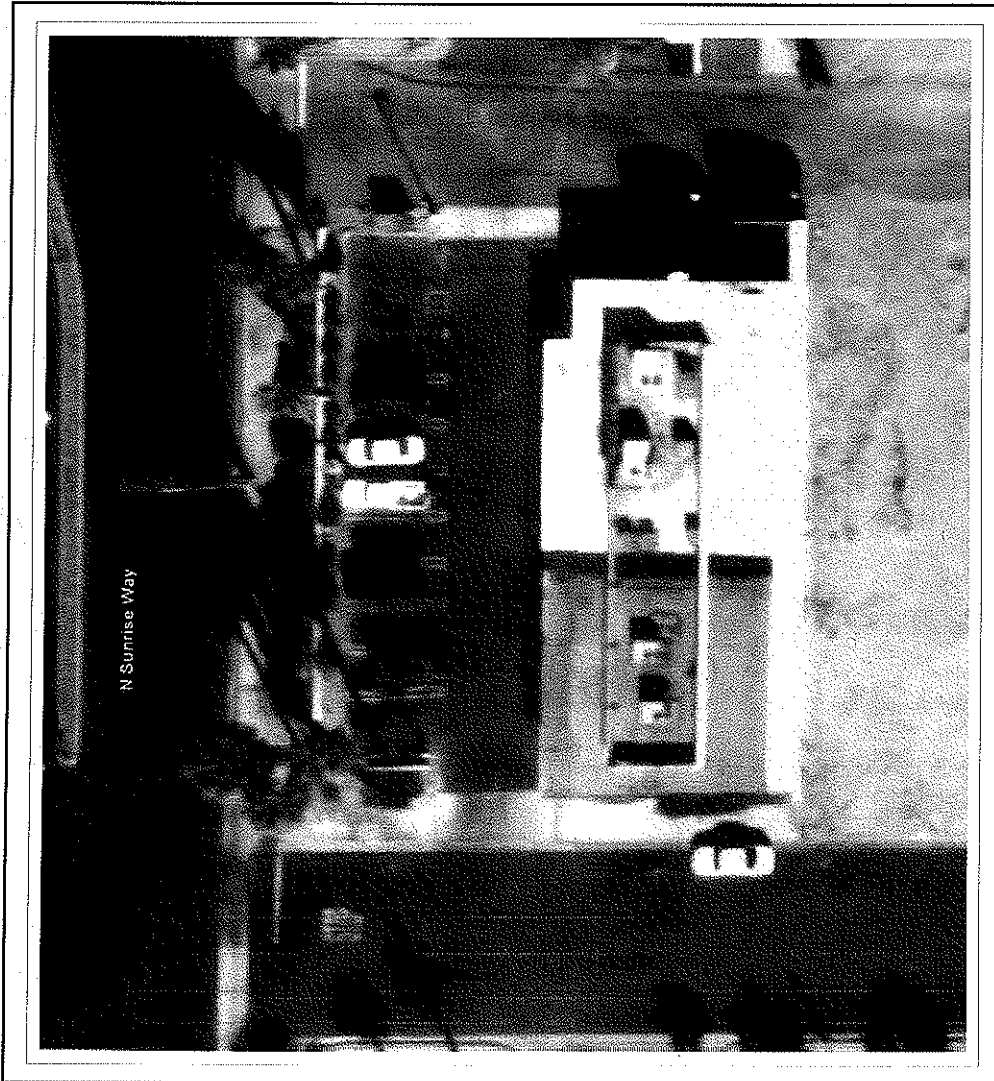
BUILDING DEPARTMENT CONDITIONS

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

END OF CONDITIONS

Sign Program

N. Sunrise Way
Palm Springs, CA



February 28, 2011
R1 - March 16, 2011
R2 - March 29, 2011
R3 - April 5, 2011
R4 - April 11, 2011
R5 - May 20, 2011

APPROVED BY LANDLORD X _____



SIGN CRITERIA

SUBMITTAL / APPROVAL REQUIREMENTS / TENANT'S RESPONSIBILITIES

SUBMITTAL TO LANDLORD:

1. Tenant shall submit two (2) sets of detailed shop drawings to the Landlord for written approval prior to city submittal or fabrication. Sign drawings to be prepared by a California licensed sign contractor. All signs must conform to the Palm Springs Planning Division requirements unless otherwise noted in this sign program.
2. The shop drawings shall indicate size, materials, colors, location, construction details, attachment details, and lighting techniques of the proposed signage, all conforming with the sign criteria herein outlined.

SUBMITTAL TO CITY & TENANT'S RESPONSIBILITIES:

1. The Tenant or Tenant's sign company shall obtain and pay for all necessary permits. If Tenant has received written approval from Landlord, Tenant may submit the proposed sign to the Palm Springs Planning Division for review. Tenant must submit one (1) full set of Landlord approved colored drawings.
2. The Tenant shall pay for all signs, related materials and installation fees (including final inspection costs).
3. It is the responsibility of the Tenant's sign company to verify all conduit and transformer locations and service access prior to fabrication.
4. Should a sign be removed, it is the Tenant's responsibility to patch all holes and paint surface to match the existing color.
5. The Tenant shall be responsible for fulfillment of all requirements of this sign criteria.

GENERAL CONSTRUCTION REQUIREMENTS

1. Sign company to be fully licensed with the county and state and shall have full workman's compensation and general liability insurance.
2. All signs and their installation shall comply with all local building and electrical codes.
3. All electrical signs will be fabricated by a U.L. Approved sign company, according to U.L. specifications and bear U.L. Labels. U.L. labels shall be placed in an inconspicuous location.
4. In no case shall any manufacturer's label be visible from the street from normal viewing angles.
5. All penetrations of building exterior surfaces are to be sealed waterproof in color and finish to match existing exterior.
6. All sign fabrication work shall be of excellent quality. All logo images and type-styles shall be accurately reproduced. Lettering that approximates type-styles shall not be acceptable. The owner reserves the right to reject any fabrication work deemed to be below standard.
8. Signs must be made of durable rust-inhibited materials that are appropriate and complimentary to the building.
9. Joining of materials (e.g., seams) shall be finished in a way as to be unnoticeable. Visible welds shall be continuous and ground smooth. Rivets, screws, and other fasteners that extend to visible surfaces shall be flush, filled, and finished so as to be unnoticeable.
10. Finished surfaces of metal shall be free from canning and warping. All sign finishes shall be free from dust, orange peel, drips, and runs and shall have a uniform surface conforming to the highest standards of the industry.
11. Exposed junction boxes, conduit, lamps, tubing, or neon crossovers of any type are not permitted. A raceway mounted under the fascia shall be allowed for each set of channel letters.



SIGN CRITERIA (cont.)

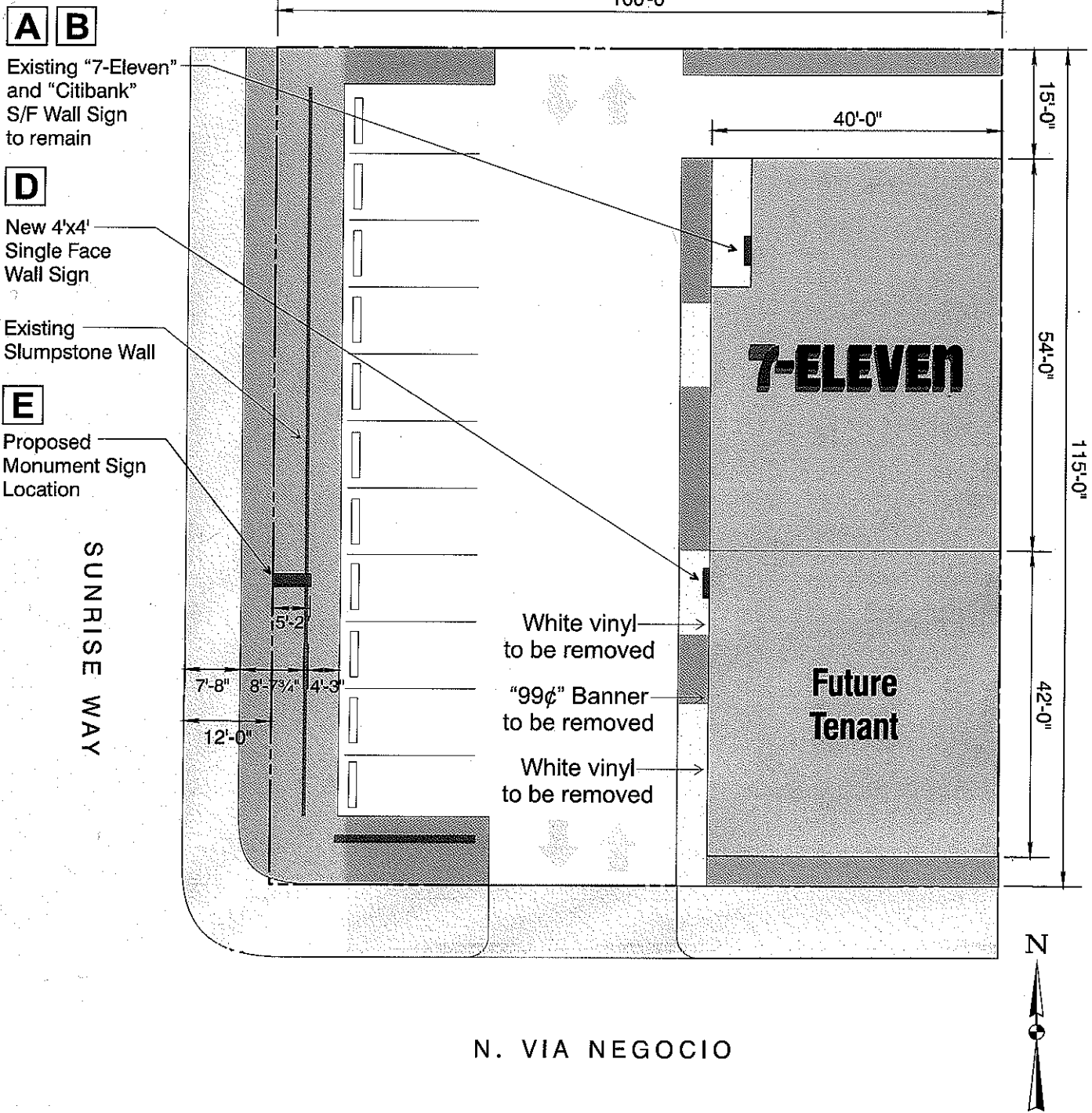
PROHIBITED SIGNS

- **Emitting signs.** As used herein, signs that emit smoke, steam, laser or hologram lights, or other similar features.
- **Hazardous signs.** As used herein, signs that constitute a public nuisance or a potential threat to the health, safety or well-being of the general public due to their height, illumination intensity, location, movement, placement, size or other design features or characteristics.
- Signs constituting a traffic hazard. No person shall install or maintain, or cause to be installed or maintained, any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal in such a manner as to interfere with, mislead or confuse traffic
- Primary and secondary signs painted directly on the building
- Flashing, moving, animated or audible signs
- Banners, Pennants and Balloons Used for Advertising Purposes
- Immoral or unlawful advertising which is obscene, indecent, or immoral in nature



SITE PLAN

Scale: 1" = 20'-0"



TENANTS Existing Signs

EXISTING TO REMAIN

A

7-Eleven Wall Sign
(Retrofit sign with LEDs)

4'-0" x 4'-0"

B

Citibank ATM Wall Sign
(Retrofit sign with LEDs)

2'-0" x 4'-0"

PROPOSED

D

"Future Tenant" Wall Sign

4'-0" x 4'-0"

EXISTING TO BE REMOVED

Existing White vinyl to be Removed

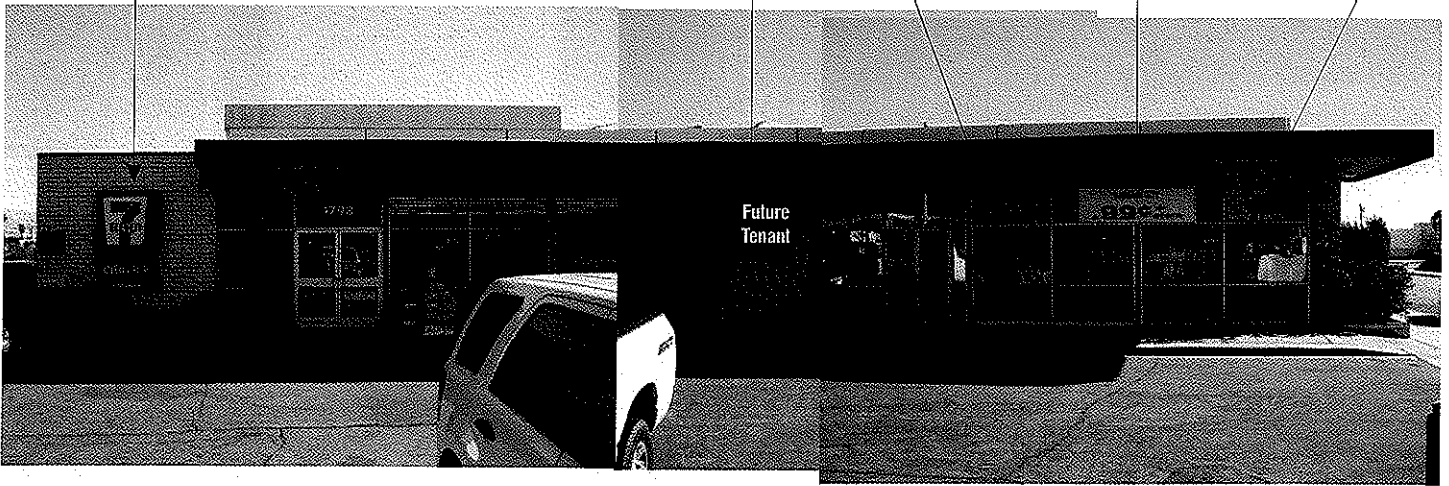
2'-0" x 4'-6"

Existing "99¢" Banner to be Removed

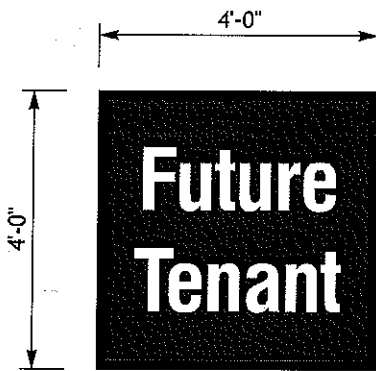
2'-0" x 8'-0"

Existing White vinyl to be Removed

2'-0" x 4'-6"



Storefront (WEST) Elevation
Not To Scale

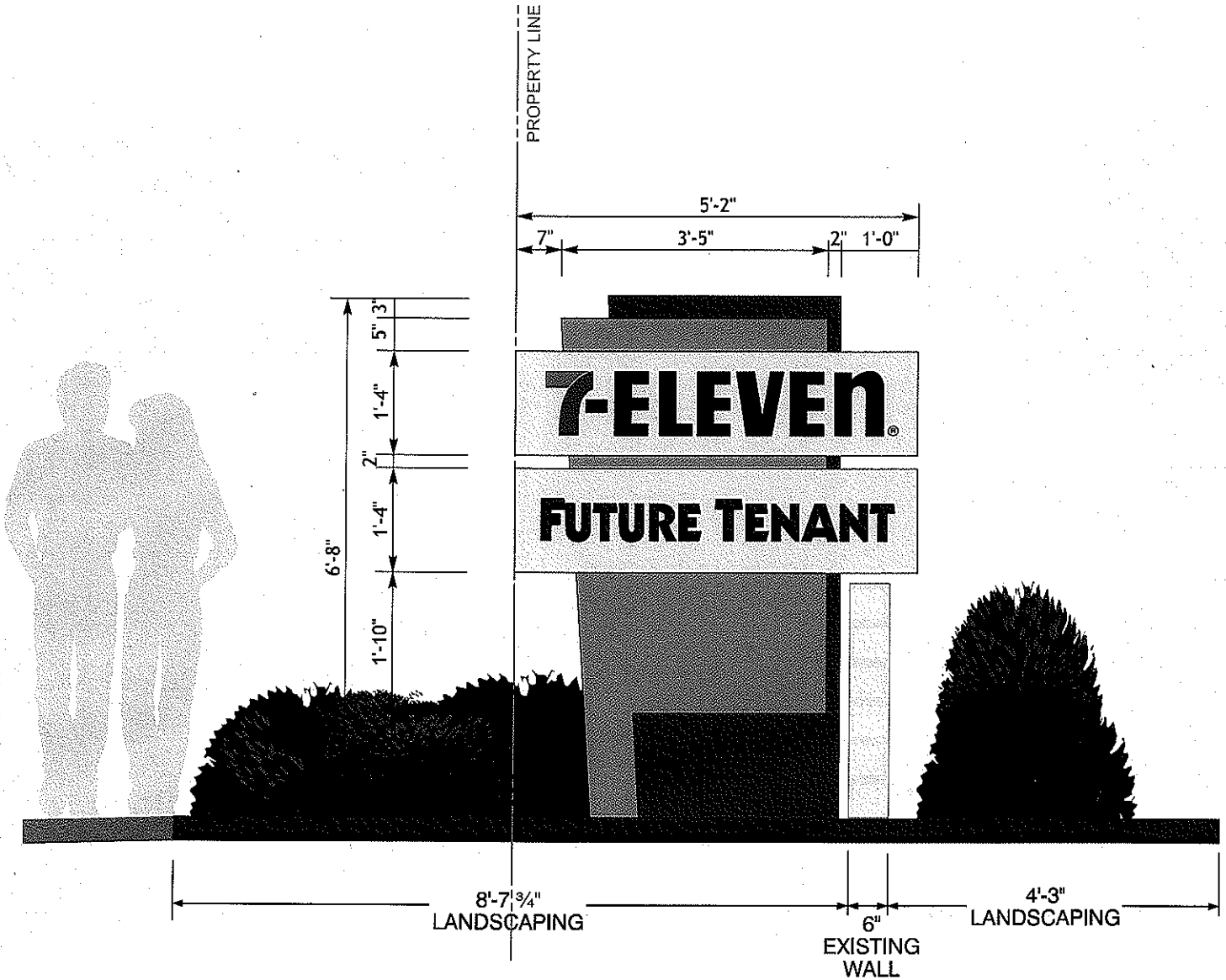


D Single Face Illuminated Wall Sign

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

Single face illuminated cabinet with 2" retainers. Face to be aluminum with routed out copy/graphics, backed with acrylic/vinyl and internally illuminated with LEDs. (Exact copy and colors to be determined).

TENANT MONUMENT SIGN



E Double Face Illuminated Tenant Monument Sign

Scale: 1/2" = 1'-0"

Manufacture and install one (1) double face illuminated monument sign. Tenant panels to be aluminum with copy routed out and backed with acrylic, internally illuminated with LEDs.