



## *PLANNING COMMISSION STAFF REPORT*

Date: September 28, 2011

Case No.: 5.1272

Type: Zone Text Amendment

Location: City-wide

Applicant: City of Palm Springs

To: Planning Commission

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

Subject: Zoning Ordinance Amendment to Allow Off-site Advertising Displays (Billboards)

---

### PROJECT DESCRIPTION

The project is an amendment to the Palm Springs Zoning Code in order to allow off-site advertising displays (billboards). A public hearing is required.

### RECOMMENDATION

That the Planning Commission conduct a public hearing and forward to the City Council its recommendation to allow off-site advertising displays (billboards). A draft resolution recommending approval is attached.

### PRIOR ACTIONS

On July 20, 2011, the City Council initiated a Zone Text Amendment to direct the Planning Commission to consider and adopt a recommendation regarding allowing off-site advertising displays (billboards).

## BACKGROUND

The Palm Springs Zoning Code Section 93.20.04(3) specifically prohibits off-site advertising displays (billboards):

3. *Signs Advertising the Use, Name of the Owner, Products or Service Not Available on the Premises.*

*Any sign which advertises a use not being made on the premises, the name of the owner or user, or which identifies a product, an interest, service or entertainment not available on the premises shall be prohibited for any business without street frontage unless otherwise authorized in conjunction with a public transportation facility;*

The lone exception is found in Section 93.20.05(C)(12) which allows the relocation of existing billboards, but makes no provision for new (additional) installations:

12. *Relocation of Off-Site Advertising Displays.*

*Pursuant to the provisions of Business and Professions Code Section 5412, and notwithstanding any provision of the city's zoning code to the contrary, an existing off-site advertising display may be relocated to any property zoned for industrial or commercial uses, subject to such development standards as the city council and the owner of the off-site advertising display proposed to be relocated may agree in a relocation agreement. A relocated off-site advertising display shall be subject to the review process provided in the relocation agreement. Each off-site advertising display proposed for relocation shall be constructed in compliance with applicable city building codes and regulations.*

The City Council has been approached by a billboard company which proposes to place a new digital (changeable copy) billboard on property within the City limits.

## ANALYSIS

The question of whether or not to allow any kind of billboard is entirely at the discretion of the City. Over the last several years, the City has worked to relocate billboards from Highway 111 (N. Palm Canyon Drive) to the Interstate 10 frontage. About ten have been relocated and another four remain to be transferred. However, the City may amend its zoning rules to allow billboards anywhere in the City.

In the event that the Commission concludes that billboards (including digital billboards) should be allowed, a revision to Section 93.20.04(3) to the Zoning Code is recommended:

*Any sign which advertises a use not being made on the premises, the name of the owner or user, or which identifies a product, an interest, service or entertainment not available on the premises shall be prohibited for any business without street frontage unless otherwise authorized in conjunction with a public transportation facility or as specifically authorized by the City Council;*

This provision would allow the Council, without action by the Planning Commission (or Architectural Advisory Committee) to approve the placement of billboards in any location it deems appropriate.

#### ENVIRONMENTAL DETERMINATION

Staff has evaluated the potential environmental impacts of the proposed Zoning Ordinance text amendment and determined that it is Categorical Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act. The proposed amendment does not result in any changes in land use or density.

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

cc: Draft Resolution, including draft zone text amendment  
City Council meeting minutes, July 20, 2011

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND SECTION 93.20.04(3) OF THE PALM SPRINGS ZONING CODE RELATING TO OFF-SITE ADVERTISING DISPLAYS (BILLBOARDS)

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

WHEREAS, on July 20, 2011, the City Council voted to initiate a Zone Text Amendment to direct the Planning Commission to consider and adopt a recommendation regarding allowing off-site advertising displays (billboards); and

WHEREAS, on September 28, 2011, the Planning Commission conducted duly noticed public hearings on the proposed amendment, at which hearings the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide a means by which The City may create new opportunities for off-site advertising displays, including digital displays.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it provides:

- a. A more effective means by which passing motorists can identify available goods and services in the community and surrounding area and thereby improve the commercial success of these businesses.

Section 3: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council amendment of the Palm Springs Zoning Code to revise Section 93.20.00 as contained on the draft Ordinance attached hereto as Exhibit A.

ADOPTED this 27<sup>th</sup> day of July 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

Craig A. Ewing, AICP  
Director of Planning Services

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,  
CALIFORNIA, AMENDING SECTION 93.20.00 OF THE  
PALM SPRINGS ZONING CODE RELATING TO OFF-SITE  
ADVERTISING DISPLAYS (BILLBOARDS)**

City Attorney's Summary

*This Ordinance adopts a provision for allowing off-site advertising displays, including digital billboards, within the Palm Springs Zoning Code Section 93.20.*

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,  
ORDAINS:**

Section 1. Section 93.20.04(3) of the Palm Springs Zoning Code shall be amended to read:

*Any sign which advertises a use not being made on the premises, the name of the owner or user, or which identifies a product, an interest, service or entertainment not available on the premises shall be prohibited for any business without street frontage unless otherwise authorized in conjunction with a public transportation facility or as specifically authorized by the City Council;*

Section 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
DOUGLAS HOLLAND, CITY ATTORNEY

**5.C. DISCUSS POTENTIAL CITY COUNCIL INITIATION OF A ZONE TEXT AMENDMENT WITH REGARD TO CHANGEABLE COPY AND OTHER SIGNS PURSUANT TO PALM SPRINGS ZONING CODE SECTION 94.07.01(A)(1)(b):**

Craig Ewing, Director of Planning Services, provided background information on the City Council initiated of a Zone Text Amendment.

Councilmember Hutcheson requested the amendment address creative ideas for signage of vacant spaces, for lease signs, and look at the banner ordinance.

Councilmember Mills requested the amendment review menu boards with electronic copy, and quality of signs for major complexes for lease.

Councilmember Foat requested staff address the status of barber pole revisions to the sign ordinance, requested staff address any substitute process for electronic billboards, and requested the amendment address digital signs generally.

**ACTION:** Initiate a Zone Text Amendment for changeable copy and other signs pursuant to Palm Springs Zoning Code Section 94.07.01(A)(1)(b) and refer to the Planning Commission. **By consensus of the City Council.**