



City of Palm Springs
Department of Planning Services

Memorandum

Date: October 12, 2011
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services
Subject: Discussion pertaining to temporary banners, digital signs and "for lease" signs.

Temporary Banner Signs

Based on direction from the Planning Commission at the September 14, 2011 meeting, staff has asked the planners of select California cities about their policies related to temporary banners. We reviewed the ordinances of each city and then several follow-up questions. In summary, it appears that banner signs for promotional sales, seasonal re-openings and the like are not allowed for permanent business in these four places:

Carmel

1. Can you please confirm that in Carmel a business may have a "temporary business sign" at a maximum of 3 square feet, until a permanent sign is in place?

Correct.

2. How long does Carmel typically allow such signs?

We rarely get requests for temporary signage, but when we do we usually allow it for about 30 days unless an applicant can demonstrate some type of hardship. Again, that rarely occurs.

3. Are there any other ways in which a merchant or business may be allowed a temporary sign or banner?

Yes. We allow up to 4 special events per business per year. This would include things like a grand opening, a charitable. One sign is allowed per event that is 3' in size with 3" lettering. The signs can be displayed for no more than 15 days per event.

4. What kind of permit process is used for the temporary business sign?

The applicant submits a request and it is reviewed and approved administratively by staff. If there is some concern or something out of the ordinary, staff can refer the request to the Planning Commission.

5. Does the business community generally adhere to the rules or is there significant illegal activity related to temporary signs, such as banners and the like?

Enforcing the sign rules in general is challenging, but yes, trying to track how long a temporary sign has been up and how many special events have already occurred can be challenging.

6. Is your code enforcement department committing significant resources to enforcing the limitations on temporary signs?

We currently only have a part time code enforcement officer, but yes, much of her time is devoted to sign enforcement.

San Luis Obispo

1. Can you please confirm that in San Luis Obispo a business may have a banner only for:
- A temporary or intermittent use or special event; or
 - A temporary sign pending manufacture and installation of an approved permanent sign.

These are correct. Also, a banner sign may be approved by the Public Works Director over designated rights-of-way.

2. How long does San Luis Obispo typically allow such signs?

We do not have a specific timeframe; however, the building department will not final a sign permit until banner signage is removed.

3. Are there any other ways in which a merchant or business may be allowed a temporary banner?

With approval by the Public Works Director over designated rights-of-way

4. What kind of permit processes are used for the banner sign?

Banner signage is reviewed in conjunction with a use permit for temporary uses, intermittent uses, or special event permits. Banner signage is also reviewed in conjunction with a sign permit for a permanent sign.

5. Does the business community generally adhere to the rules or is there significant illegal activity related to temporary signs, such as banners and the like?

(No response)

6. Is your code enforcement department committing significant resources to enforcing the limitations on banner signs?

We are currently a complaint based system, but are moving towards a more proactive system.

Santa Barbara County (Montecito)

1. Can you please confirm that in Montecito a business may not have any temporary banner signs, except those located entirely within a structure?

The sign regulations do not specifically address banner signs; however, the addition of a banner sign to the exterior of a business typically exceeds that amount of wall area that can be devoted to signage. Signs located entirely within a structure are not regulated.

2. Are there any other provisions that might allow a merchant or business to put up a temporary signs such as a banner?

Only as a for sale, lease or rent sign.

3. Does the business community generally adhere to the rules or is there significant illegal activity?

Throughout the County there is significant illegal activity.

4. Is your code enforcement department committing resources to enforcing the banner sign limitations?

Yes, but only after a complaint is filed with the Department.

Santa Barbara City

I am responding to the questions that you e-mailed Bettie. I have inserted sections of our City's Sign Ordinance to answer some of your questions. Please e-mail me if you need clarification or have additional questions.

1. Can you please confirm that in Santa Barbara a business with a street front store window may have a "temporary window sign" banner sign 15% percent of the window area for 30 consecutive days, max 60 days each year?

No banners

22.70.020 Definitions.

F. BANNER. A bunting or other flexible sign characteristically supported at two or more points and hung on a building or otherwise suspended down or along its face, or across any public street of the City. The banner may or may not include copy or other graphic symbols.

C. PROHIBITED SIGNS. *In addition to any sign not conforming to the provisions of this Chapter, the following signs are prohibited:*

15. Banners, including any banner inside a building that is attached to, leaning against, or otherwise placed within ten (10) feet of a window, door, or other opening in the façade of the building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.

2. Are there other provisions by which a merchant may have a temporary window sign?

22.70.020 Definitions.

RR. TEMPORARY. *A period of time not exceeding thirty (30) consecutive days, unless otherwise specified.*

UU. WINDOW SIGN. *A sign that is attached to, affixed to, leaning against, or otherwise placed within six (6) feet of a window in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls or parking lots available for public use.*

22.70.030 Sign Regulations.

B. EXEMPT SIGNS.

4. Any temporary sign relating to Fiesta, Solstice, or any official City holiday except banners, blinking lights, or signs and any related lighting that require a building, electrical, or other permit. Any such decorations or displays and any related lighting must be removed within ten (10) days following the event for which they were erected.

19. Signs, except banners, announcing the opening of a new business which, in the aggregate, do not exceed ten (10) square feet in area or twenty-five percent (25%) of the window area, whichever is greater. Such signs shall be erected no more than thirty (30) days prior to the scheduled opening of the business and shall be removed no later than thirty (30) days after the opening of the business, but in no case shall such a sign be erected for more than forty-five (45) days within this period. The business owner or manager shall provide proof of opening date upon request.

20. Temporary window signs, except banners, not exceeding four (4) square feet or fifteen percent (15%) of the window area of each facade, whichever is greater. For windows which are more than twenty-five (25) feet from the public right-of-way, such signs shall not exceed twenty-five percent (25%) of such window area. No temporary window signs on a building or parcel shall be displayed for more than thirty (30) consecutive days nor more than a total of sixty (60) days per calendar year. Signs erected pursuant to this exemption shall not be illuminated. Unless specifically exempt pursuant to this subsection B, any illuminated sign erected within ten (10) feet of a window, door, or other opening in the façade of a building in a manner so as

to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

22.70.030 Sign Regulations.

D. GENERAL REQUIREMENTS.

5. A temporary window sign in excess of four (4) square feet, or fifteen percent (15%) of the window area of each facade, whichever is greater, requires a permit, unless the sign is otherwise exempt from the permit requirements of this chapter. For a window which is more than twenty-five (25) feet from the public right-of-way, such a sign shall not exceed twenty-five percent (25%) of the window area. Such signs shall not be displayed for more than thirty (30) consecutive days nor for more than a total of sixty (60) days per calendar year. Unless specifically exempted in subsection B above, all illuminated signs erected within ten (10) feet of a window, door, or other opening in the facade of a building in a manner so as to present a message to or attract the attention of the public on adjoining streets, walkways, malls, or parking lots available for public use shall require a permit.

3. How does Santa Barbara distinguish between a temporary window sign and a banner, which appears to be prohibited?

*Yes, no banners ** See definitions for banner and window signs above.*

4. What kind of permit process is used for temporary window signs?

They are sent to Conforming Review to be reviewed for a 30 day extension.

E. CONFORMING AND CONSENT SIGN REVIEW.

1. Sign Conformance Determination. Applications for signs conforming to the Sign Ordinance and Sign Review Guidelines may be eligible for review and approval by the Chair or Vice-Chair of the Sign Committee or their designated alternate. Conforming signs which meet the following criteria shall be referred by Staff for Conforming Sign Review:

e. Thirty (30) day extension of temporary signage;

5. Does the business community generally adhere to the rules or is there significant illegal activity?

It varies, we always have violations some where

Note. The draft minutes of the September 14, 2011 Planning Commission meeting are included in the Commission's October 12, 2011 agenda packet.

Attachment: Planning Commission Staff Report, September 14, 2011



City of Palm Springs

Department of Planning Services

Memorandum

Date: September 14, 2011

To: Planning Commission

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

Subject: Discussion pertaining to temporary banners, digital signs and "for lease" signs.

Temporary Banner Signs

Since the August 10, 2011 meeting, staff has asked the planners of other cities in the Coachella Valley about their policies related to temporary banners. We reviewed the ordinances of each city and then several follow-up questions:

Palm Desert

1. Can you please confirm that in Palm Desert a business may have a "special events" banner sign up to 30 sf, max 30 days each year?
2. How does Palm Desert define "special event"?
3. What kind of permit process is used?
4. Does the business community generally adhere to the rules or is there significant illegal activity?
5. Is your code enforcement department committing resources to enforcing the banner sign limitations?

We spend a lot of staff time on banner issues, but I believe that the appearance of Palm Desert benefits because of it. We allow one 30 SF banner for up to 30 days, one time per year. A "special event" can be whatever a business wants it to be – grand opening, reopening after summer closure, a big sale, or whatever. We review the proposed graphics to make certain that the banner isn't too cluttered to be effective and is professionally and artistically presented. We also review the proposed location to make sure that it doesn't interfere with other businesses or signage and is appropriately placed on a building. Then the \$26 permit is issued over the counter.

Our code enforcement team is always on the lookout in the field for unpermitted banners, and they require that they be removed immediately and not rehung until/unless they are permitted. Illegal banners account for a large volume of citations for us, but they are also violations that are quickly resolved because of their nature.

When businesses violate our banner regulations, it is generally because they are ignorant about them. Once we educate them about the regulations and the reason for them ('The city's policy makers want to preserve the appearance of the community so that people not only want to shop here, but will pay more to do so since it looks like a high-end retail area rather than a swap meet'), they are generally supportive. There are always some business owners who argue that the City is killing their business by limiting the amount of signage that's allowed, but thankfully they're in the minority.

Desert Hot Springs

1. Can you please confirm that in Desert Hot Springs a business may have one grand opening sign and four banner signs per year, subject to issuance of a Temporary Sign Permit?

This one is a little tricky but basically, the answer is yes. The way the code is written (and I hate it because it creates a monitoring nightmare) it allows no more than 1 per business; not to exceed 50 square feet; limited to a maximum display period of 30 days (one time), or, 30 days four times a year for a total of 120 days (example, one month on...one month off...one month on...etc., or, 120 days straight. I'm on a mission to have our entire sign code amended!

2. Does the business community generally adhere to the rules or is there significant illegal activity?

There is significant illegal activity. We constantly see illegal banners and signs and have to get code enforcement on them.

3. Is your code enforcement department committing resources to enforcing the banner sign limitations?

Yes

La Quinta

1. Can you please confirm that in La Quinta a business may only have a grand opening banner sign, max 32 sf, max 30 days?

That is correct, we only allow grand opening banners for a maximum of 30 days. We also require the business to have a business license before we will issue the permit.

2. Is there any other kind of banner allowed for sales or other special events related to a commercial business operation?

Yes, we do allow banners in association with special sales events, such as Christmas tree sales, Halloween pumpkin sales and produce and flower stands. These types of sales events require a temporary use permit (TUP) and specifically address temporary banner allowances.

3. What kind of permit process is used for banner sign itself?

We have a temporary sign permit application, which addresses temporary grand opening banners. The banner in association with the events addressed under item #2 would be addressed in association with the TUP.

4. Does the business community generally adhere to the rules or is there significant illegal activity?

For the most part. However, we have seen more illegal signs/banners in the past year or so and our code enforcement staff have been a bit lenient as of late due to the current economic climate.

5. Is your code enforcement department committing resources to enforcing the banner sign limitations?

Somewhat. See item #4.

Cathedral City

1. Can you please confirm that in Cathedral City a business may have banner sign as part of an approved temporary sign program?

Yes, businesses may have a banner with permit. We typically don't require they have a temporary sign program.

2. Is there a maximum area / maximum time limit for the banner?

24 sq ft or 50 sq ft if the business/suite is over 15,000 sq ft – 90 cumulative days within any 12-month period.

3. What kind of permit process is used for banner sign itself?

We use our standard sign permit application and request the applicant to provide a picture/drawing of the sign and proposed location. Generally, the permit is issued over the counter. The City charges \$40 for a temporary sign permit.

4. Does the business community generally adhere to the rules or is there significant illegal activity?

No, banners are frequently displayed without permit and typically exceed the maximum sign area.

5. Is your code enforcement department committing resources to enforcing the banner sign limitations?

We go through periods of targeted enforcement (e.g. when an area becomes saturated with illegal signage) but generally Code Enforcement is limited to responding to complaints received about illegal signs.

Rancho Mirage

1. Can you please confirm that in Rancho Mirage a business may have one grand opening banner sign up to 45 days?

Yes this is true.

2. Is there a maximum area for the banner?

30 square feet.

3. Are any other banner signs allowed for commercial businesses?

Yes, we have been allowing 20 square foot banners for 10 days at a time with a Temporary Use Permit (and we waive the fee). Max 4 per year per location.

4. What kind of permit process is used for banners?

TUP

5. Does the business community generally adhere to the rules or is there significant illegal activity?

The business community is pleased that they can apply for a free TUP for a banner for 10 days. Illegal activity is minimal; there are always the usual violators no matter what leniency we give them!

6. Is your code enforcement department committing resources to enforcing the banner sign limitations?

Only upon complaint. Then they usually do a sweep so everyone is treated fairly.

Summary

<u>City</u>	<u>Max Number / Duration</u>	<u>Max Banner Size</u>
Palm Springs	One Banner over the life of the business (for Grand Opening)	20 SF
Palm Desert	One Banner per year, max 30 days	30 SF
Desert Hot Springs	Four Banners per year, max 30 days each, plus One Grand Opening Banner	50 SF
La Quinta	One Banner over the life of the business	32 SF
Cathedral City	One or more banners, max 90 days per year	24 or 50 SF
Rancho Mirage	Four banners per year, max 10 days each, plus one grand opening banner	30 SF

Comparison of six cities based on number and duration of banners per year:

<i>Most Restrictive</i>			<i>Least Restrictive</i>
Palm Springs		Cathedral City	Desert Hot Springs
La Quinta	Palm Desert	Rancho Mirage	

Comparison of six cities based on size of banners:

<i>Most Restrictive</i>			<i>Least Restrictive</i>
PS (20 sf)	PD (30) LQ (32)		DHS (50)
	RM (30) CC (24 or 50)		

From all perspectives – size, number and duration – the City of Palm Springs has the most restrictive banner policy of the cities surveyed. Staff is concerned about the possibility of expanding this policy, as the overall experience of several cities indicates that the more banners allowed, the more difficult it is to enforce the regulations.

Staff continues to believe that additional banners pose a challenge to the City's efforts to maintain a high-quality appearance in its commercial neighborhoods. We do not presently have staff to patrol for illegal banners and no new enforcement staff appears likely. Allowing additional banners means more banners that stay up longer, look worn and detract from the neighborhood.

Alternatively, staff strongly supports the concept of an event banner program which would allow the entire retail business community to show its support for major events, as well as promote their businesses during times of high visitor traffic. As noted in the staff report of August 10, 2011, such a program would allow any retail business to put up a banner during four or five specific major City events per year, welcoming people and identifying the business name. Major events could be:

- o Palm Springs International Film Festival / Palm Springs Pride / Modernism Week
- o Major Conventions (Aircraft Pilot Owners Association, Military Procurement Officers)
- o Special Events (Golf Tournaments, Miss California Pageant)
- o Beginning of Summer / End of Summer (Return of Snowbirds)

Recurring events for which banners would be allowed (such as the Film Festival) could be identified in advance by Council. Two or three non-recurring conventions / events could be chosen each year by staff or the Council. A maximum banner size and time frame should be established. The banners would promote local businesses while at the same time send a city-wide welcome message for residents / visitors.

Staff recommends that no permits be required, but that regulations for the program be publicized through the Chamber of Commerce, Palm Springs Main Street, the Hospitality Association and other groups. This program would provide a predictable, understandable and standardized way to allow special banner promotions.

Digital Menu Boards and For Lease Signs

No detailed survey has been conducted on these two subjects; however, informal discussions with planners in surrounding cities suggest that neither of these issues has received much staff attention. As previously reported to the Commission, staff offers the following information and suggestions.

Digital Menu Boards

Menu Boards are allowed to all restaurants under section 93.20.05.B.2.c:

Menu Boards. One (1) menu board, with a maximum display size of six (6) square feet per face, may be allowed at businesses which are permitted to offer food and/or beverage service; such signs shall be professionally designed and constructed. Such signs may not be placed in the public right-of-way.¹

The City Council has asked the Commission to consider if digital menu boards which can change copy (to show larger menus, different meals, or other promotions) might be allowed. Presently such digital signs are prohibited by Section 93.20.4(1):

Signs which rotate, move flash, reflect, blink or appear to do any of the foregoing shall be prohibited. This includes, but is not limited to flags, banners, pennants, inflatable objects and balloons, unless otherwise authorized in Section 93.20.08 or approved as a permanent architectural feature pursuant to Section 94.04.00 (Architectural review), or Section 93.20.10(C)(7) (Signs—General Provisions)

If digital menu boards are permitted, staff recommends that the maximum 6 square feet be retained, or perhaps reduced. (For example, a 36-inch digital flat screen used as a menu board would have an area of about 4 square feet. A 42-inch screen is about 5.5 square feet.)

Staff notes that allowing such signs may cause other businesses to also seek digital signs. In the past, the City has received requests from real estate agents who wished to place flat screens in street-front office windows to show properties. The Commission should consider if the City is prepared to open the way for more changeable copy signs as technology and, perhaps, public acceptance have changed.

“For Lease” Signs

The City Council’s interest in these signs is to create an incentive to provide more creative sign copy than the standard sign. It might be desirable to encourage phrases such as, “This building would make a great book store”, or “Imagine your business here in Palm Springs” in place of the simple statement, “For Lease”. Since it is difficult to require such copy, staff has considered that an effective incentive might be granting additional sign area for signs with creative copy.

¹ In the downtown area, the same standards for menu boards are expressed slightly differently:

c. *Menu Boards. Menu boards, with a maximum display size of six (6) square feet per face, may be allowed; such signs shall be professionally designed and constructed. Such signs may not be placed in the public right-of-way. (Section 93.20.09.B.4.c)*

Currently, Section 93.20.07 controls signs for any property for sale or lease (except single family dwellings):

1. *Sale, Lease or Exchange Signs, Not Including Single-family Property.*
During the period of time when realty is offered for sale, lease or exchange, one (1) sign so indicating may be located on the property by the owner or his/her authorized agent, subject to the following provisions:
 - a. *Except as otherwise specified in this section, the size of the sign shall not exceed six (6) square feet for properties up to one (1) acre in size, or twelve (12) square feet for properties in excess of one (1) acre. No sign shall be longer than four (4) feet in any direction.*
 - i. *The size of the sign for properties located adjacent to Interstate 10 shall not exceed thirty-two (32) square feet.*
 - b. *The distance from the ground to the bottom edge of the sign shall not exceed four (4) feet and the sign face shall be parallel with the street.*
 - c. *The information displayed on the sign shall include the following:*
 - i. *That the property is for sale, lease or exchange by the owner or his/her agent; and*
 - ii. *The owner's or broker's and/or agent's name; and*
 - iii. *The owner's or broker's and/or agent's address or telephone number.*
 - d. *Multi-tenanted Buildings.*
In addition to the signage allowed under Section 93.20.07(1), one (1) sale, lease or exchange sign shall be permitted for each space or unit in a multi-tenanted building subject to the following provisions:
 - i. *Such sign shall be placed in the windows of the space or if there is no window, adjacent to the door. The sign shall not exceed three (3) square feet.*
 - ii. *The information displayed on the sign shall include the following:*
 - (A) *That the property is for sale, lease, or exchange by the owner or his/her agent; and*
 - (B) *The owner's or broker's and/or agent's name; and*
 - (C) *The owner's or broker's and/or agent's address or telephone number.*
 - iii. *Such signs shall not be visible from the public right-of-way unless located at least fifty (50) feet from such right-of-way.*

If the City is willing to grant concessions in maximum allowed sign area or other provisions as a way to encourage more expressive signs, staff believes the following provisions may be considered:

- The sign should be located only in street-facing windows of the building in the Downtown area. Staff does not believe such creative copy would be appropriate for signage in professional office buildings, industrial parks or along Interstate 10.
- The sign copy should include a creative or imaginative description of the attributes of the available property, the potential uses for the property or advantageous features of the surrounding area that support the use of the property.

- The sign copy should also contain the owner's, broker's, or agent's name, and street address, e-mail address or telephone number.
- The maximum area could be up to 24 square feet (up from 3 square feet per tenant or 6 square feet per building) but no larger than the window it occupies.
- The sign should be professionally produced.
- Limited graphics to provide a sign frame or to supplement the text would be allowed.
- The sign should be subject to staff review and approval prior to installation.

Based on Commission direction on each of these issues, staff will prepare a draft resolution and ordinance for Commission adoption.

Note. The draft minutes of the August 10, 2011 Planning Commission meeting are included in the Commission's September 14, 2011 agenda packet.