



Planning Commission Staff Report

Date: October 12, 2011

Case No.: SP 11-006

Type: Sign Program

Applicant: Ian Danielski

Location: 440 – 450 South Palm Canyon Drive

APN: 513-214-004

General Plan: CBD (Central Business District)

Zone: CBD (Central Business District)

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 440 – 450 South Palm Canyon Drive. The proposed sign program will establish guidelines for all future signage for the two restaurant tenants.

RECOMMENDATION:

That the Planning Commission approve as submitted Case No. SP 11-006 to allow the implementation of a sign program for the multi-tenant restaurant building located at 440 – 450 South Palm Canyon Drive, subject to the attached conditions of approval.

PRIOR ACTIONS:

On August 8, 2011, the Architectural Advisory Committee (AAC) reviewed the proposed sign program and by a vote of 7-0 recommended approval to the Planning Commission, subject to the following conditions:

1. A-frame sign for southerly tenant shall not be permitted;
2. The proposed temporary banner allowance shall be removed from the sign program and each tenant shall be allowed the same temporary signage as currently permitted in the sign ordinance.

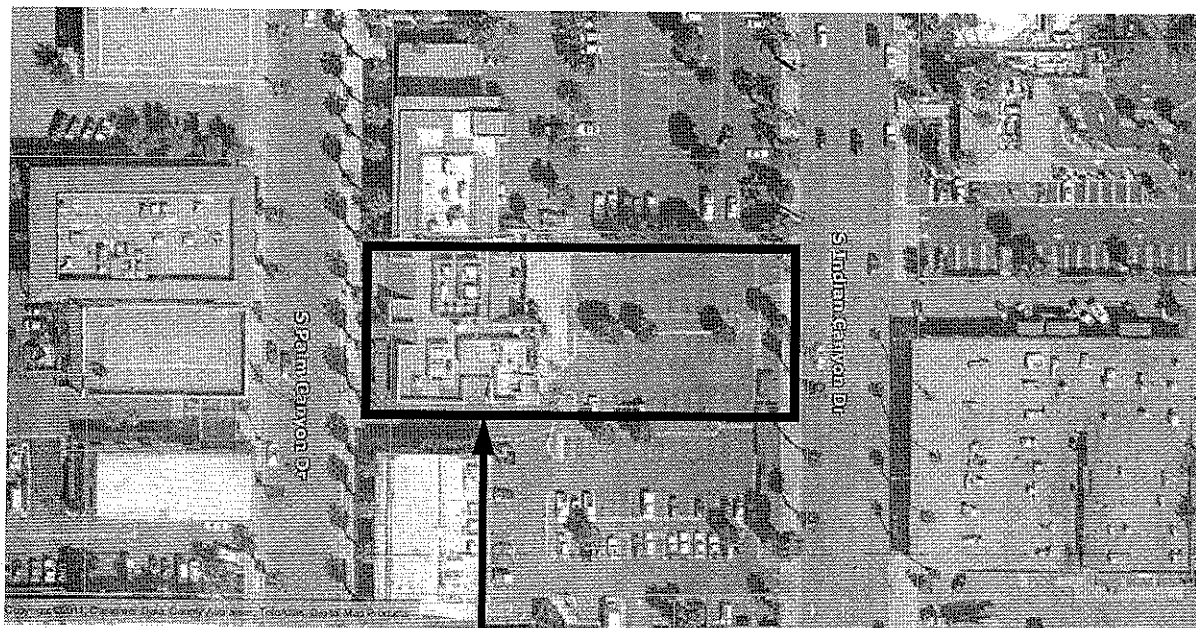
The applicant has accepted these changes, and staff has included these recommendations as conditions of approval in the draft resolution.

BACKGROUND AND SETTING:

The subject parcel is an approximately 0.8-acre “through” lot with frontage on South Palm Canyon Drive and South Indian Canyon Drive. The existing building is located on the westerly portion of the site and contains two restaurant tenants. Parking is located on the easterly portion of the site. No sign program has been approved by the City for this property.

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

	Land Use	General Plan	Zoning
North	Commercial and Bank Building	CBD (Central Business District)	CBC (Central Business District)
South	Multi-tenant Commercial Building	CBD (Central Business District)	CBD (Central Business District)
East	Multi-tenant Commercial Building	CBD (Central Business District)	CBD (Central Business District)
West	Multi-tenant Commercial Building	CBD (Central Business District)	CBD (Central Business District)



SITE

ANALYSIS:

Sign programs are required for all buildings with more than one (1) tenant. According to Section 93.20.09 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 0.8-acre site contains one building with two restaurant tenants and the proposed sign program is tailored to this use. If approved as presented, the sign program may require an amendment should the use change for either tenant space. Staff has included a condition of approval to address this in the draft resolution.

The proposed sign program allows each tenant one main sign on each street frontage and accessory signage on the westerly (Palm Canyon Drive) frontage. An analysis on each tenant's allowed signage is provided below.

Southerly Tenant: 450 South Palm Canyon Drive

Main Signs: The sign program proposes two main signs for this tenant (one sign per street frontage). The main sign proposed towards South Palm Canyon Drive will be freestanding and approximately nine square feet in size. The main sign proposed towards South Indian Canyon Drive will be wall-mounted and approximately 6.25 square feet in size. The sizes of the main signs are consistent with the Zoning Code; however, a freestanding sign is not a permitted main sign type allowed by the Code. The applicant is seeking approval to allow this as a permitted type for this tenant.

Accessory Signs: One six square foot menu board at the front entry to the restaurant is proposed as part of the sign program. This is consistent with the Zoning Code.

Northerly Tenant: 440 South Palm Canyon Drive

Main Signs: The sign program proposes two main signs for this tenant (one sign per street frontage). Both main signs are proposed to be a combination of individual channel letters and a sign cabinet. Any new proposal will have to be consistent with this design in the location shown on the exhibits and meet the size requirements of Section 93.20.09(A)(2)(b)(ii) of the Zoning Code.

Accessory Signs: Two accessory signs are proposed near the Palm Canyon Drive entry as a part of the sign program. A portable open sign and a six square foot menu board would be allowed and both meet the requirements of the sign ordinance.

Conformance to Zoning Code

Based on the above analysis, the applicant is seeking one deviation from the sign ordinance in order to allow a main sign that will be freestanding in the downtown district. A sign program which deviates from the sign ordinance may be approved by the Commission if certain findings are made. Staff has provided an analysis of those findings below.

REQUIRED FINDINGS:

Section 93.20.09 of the PSZC stipulates three findings that are required for a sign program to be approved which 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 South Palm Canyon Drive and where the street is lined with large, healthy palm trees. These palms have palm frond skirts which may partially obstruct views of signage on the upper building walls. Therefore, the strict application of the zoning code would not give adequate visibility to the signage without the proposed deviation.

- 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 one main sign per street frontage and only minor accessory signage. The proposed sign locations respect the architectural details of the building and will not crowd corners or awnings. Therefore, the proposed deviation from the Sign Ordinance will allow adequate visibility 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".*

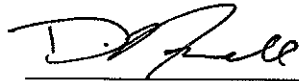
The subject property is located on South Palm Canyon Drive between Baristo Road and Ramon Road. This segment of South Palm Canyon Drive includes a number of properties that have monument signs that are larger than the sign program's proposed monument sign. Therefore, the proposed program will be compatible with the surrounding property and not contrary to the purpose of the sign ordinance.

CONCLUSION:

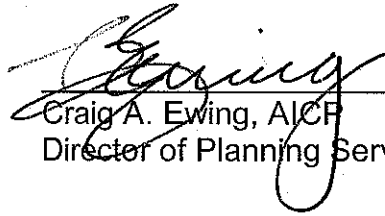
The program has received a recommendation of approval from the Architectural Advisory Committee, and staff has provided a favorable recommendation for the required findings. Therefore, staff is recommending approval of the proposed sign program, Case SP 11-006, as conditioned in the draft resolution.

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



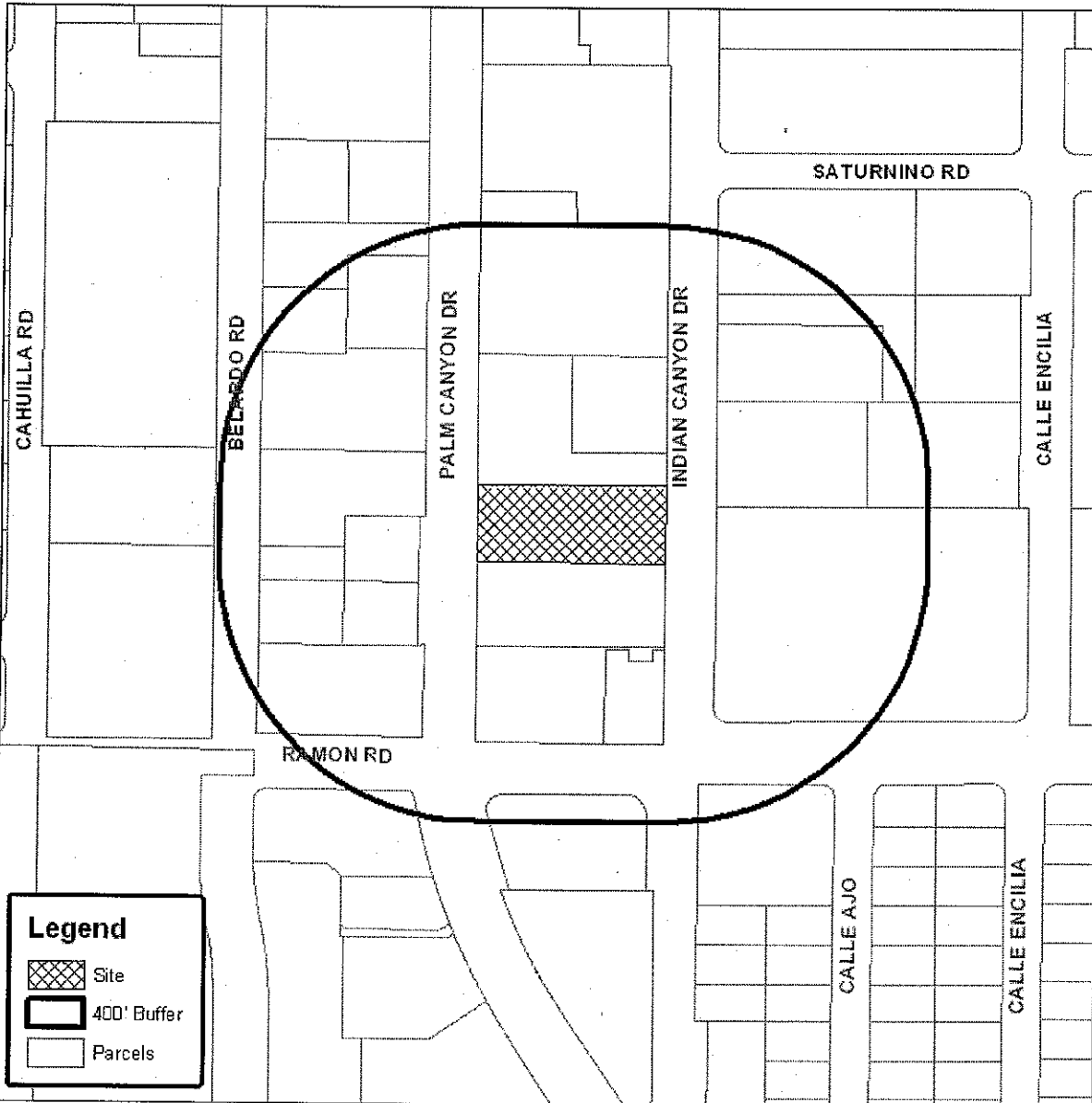
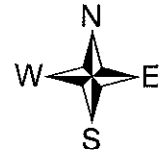
Craig A. Ewing, AICP
Director of Planning Services

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' Buffer
-  Parcels

CITY OF PALM SPRINGS

CASE NO: SP 11-006 Sign Program

APPLICANT: Ian Danielski

DESCRIPTION: Request to implement a sign program for the multi-tenanted building located at 440-450 South Palm Canyon Drive, Zone CBD, Section 15.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE SP 11-006, ALLOWING THE IMPLEMENTATION OF A SIGN PROGRAM FOR MULTI-TENANTED BUILDING LOCATED AT 440 THROUGH 450 SOUTH PALM CANYON DRIVE.

WHEREAS, Ian Danielski (the "Applicant") has filed an application with the City pursuant to Section 93.20.09 of the Sign Ordinance for a sign program located at 440 through 450 South Palm Canyon Drive, APN: 513-214-004, Zone CBD, Section 15; and

WHEREAS, notice of public meeting of the Planning Commission of the City of Palm Springs to consider Case No. SP 11-006 was given in accordance with applicable law; and

WHEREAS, on August 8, 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 October 12, 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 Categorically 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 Categorically 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 South Palm Canyon Drive and where the street is lined with large, healthy palm trees. These palms have palm frond skirts which may partially obstruct views of signage on the upper building walls. Therefore, the strict application of the zoning code would not give adequate visibility to the signage without the proposed deviation.

- 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 one main sign per street frontage and only minor accessory signage. The proposed sign locations respect the architectural details of the building and will not crowd corners or awnings. Therefore, the proposed deviation from the Sign Ordinance will allow adequate visibility 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 is located on South Palm Canyon Drive between Baristo Road and Ramon Road. This segment of South Palm Canyon Drive includes a number of properties that have monument signs that are larger than the sign program's proposed monument sign. Therefore, the proposed program will be 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 11-006, a sign program for the two tenants located at 440 and 450 South Palm Canyon Drive, subject to those conditions set forth in Exhibit A.

ADOPTED this 12th day of October 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 11-006

Sign Program

440 and 450 South Palm Canyon Drive
APN: 513-214-004

October 12, 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. A portable open sign shall be prohibited for the southerly tenant (450 South Palm Canyon Drive).
- PSP 2. Temporary signage (including banners) shall be consistent with Section 93.20.08 of the Zoning Code.
- PSP 3. Real estate signage shall be consistent with Section 93.20.07 of the Zoning Code.
- PSP 4. In the instance where either tenant space changes from a restaurant use to another type of use, the Director of Planning may require an amendment to the sign program prior to any issuance of sign permits for the property.

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 11-006. 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.

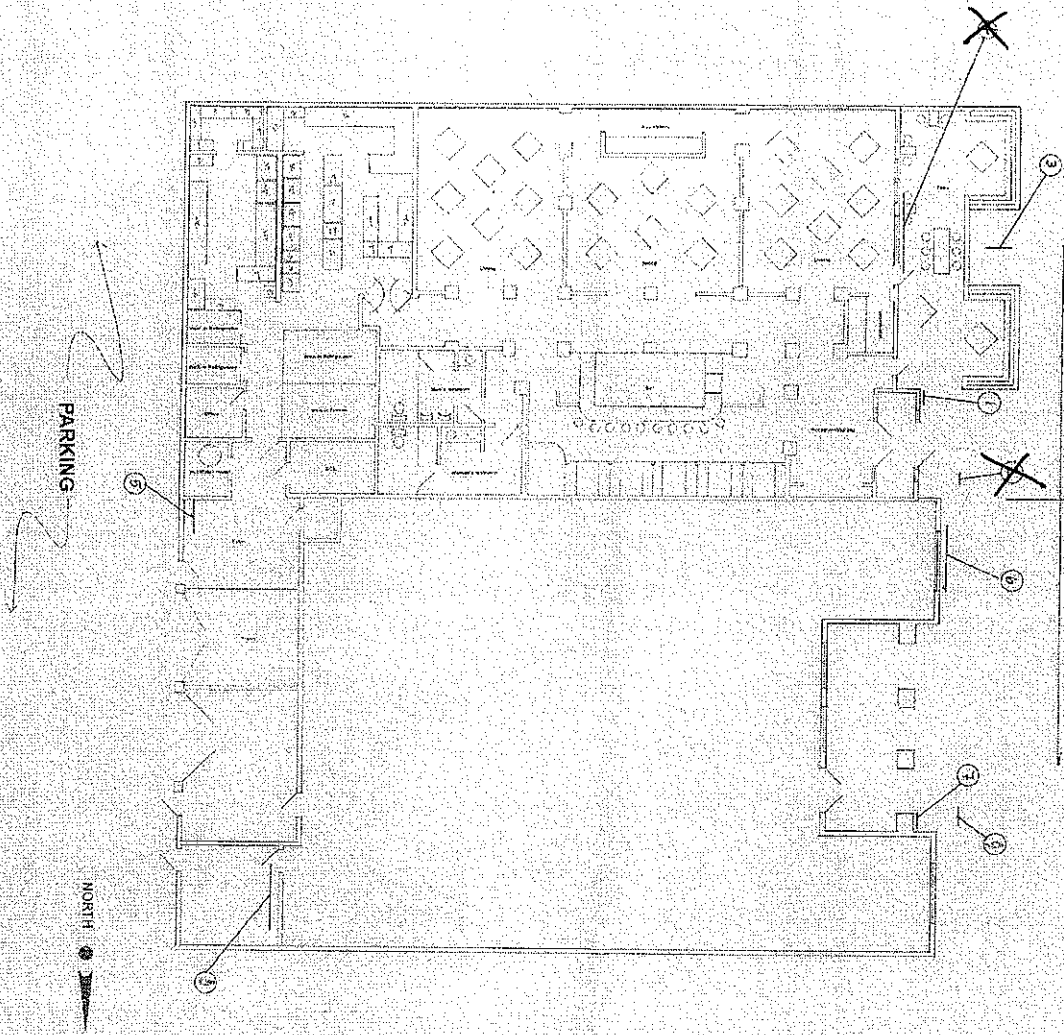
BUILDING DEPARTMENT CONDITIONS

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

END OF CONDITIONS

PALM CANYON DRIVE

THE LOBSTER HOUSE | JOHNNY COSTA'S



THE LOBSTER HOUSE:
 450 S. PALM CANYON DRIVE

- Sign 811: Lighted menu board
- Sign 812: ~~Lighted menu board~~
- Sign 813: ~~Lighted menu board~~
- Sign 814: ~~Lighted menu board~~
- Sign 815: ~~Lighted menu board~~
- Sign 816: ~~Lighted menu board~~
- Sign 817: ~~Lighted menu board~~
- Sign 818: ~~Lighted menu board~~
- Sign 819: ~~Lighted menu board~~
- Sign 820: ~~Lighted menu board~~
- Sign 821: ~~Lighted menu board~~
- Sign 822: ~~Lighted menu board~~
- Sign 823: ~~Lighted menu board~~
- Sign 824: ~~Lighted menu board~~
- Sign 825: ~~Lighted menu board~~
- Sign 826: ~~Lighted menu board~~
- Sign 827: ~~Lighted menu board~~
- Sign 828: ~~Lighted menu board~~
- Sign 829: ~~Lighted menu board~~
- Sign 830: ~~Lighted menu board~~
- Sign 831: ~~Lighted menu board~~
- Sign 832: ~~Lighted menu board~~
- Sign 833: ~~Lighted menu board~~
- Sign 834: ~~Lighted menu board~~
- Sign 835: ~~Lighted menu board~~
- Sign 836: ~~Lighted menu board~~
- Sign 837: ~~Lighted menu board~~
- Sign 838: ~~Lighted menu board~~
- Sign 839: ~~Lighted menu board~~
- Sign 840: ~~Lighted menu board~~
- Sign 841: ~~Lighted menu board~~
- Sign 842: ~~Lighted menu board~~
- Sign 843: ~~Lighted menu board~~
- Sign 844: ~~Lighted menu board~~
- Sign 845: ~~Lighted menu board~~
- Sign 846: ~~Lighted menu board~~
- Sign 847: ~~Lighted menu board~~
- Sign 848: ~~Lighted menu board~~
- Sign 849: ~~Lighted menu board~~
- Sign 850: ~~Lighted menu board~~
- Sign 851: ~~Lighted menu board~~
- Sign 852: ~~Lighted menu board~~
- Sign 853: ~~Lighted menu board~~
- Sign 854: ~~Lighted menu board~~
- Sign 855: ~~Lighted menu board~~
- Sign 856: ~~Lighted menu board~~
- Sign 857: ~~Lighted menu board~~
- Sign 858: ~~Lighted menu board~~
- Sign 859: ~~Lighted menu board~~
- Sign 860: ~~Lighted menu board~~
- Sign 861: ~~Lighted menu board~~
- Sign 862: ~~Lighted menu board~~
- Sign 863: ~~Lighted menu board~~
- Sign 864: ~~Lighted menu board~~
- Sign 865: ~~Lighted menu board~~
- Sign 866: ~~Lighted menu board~~
- Sign 867: ~~Lighted menu board~~
- Sign 868: ~~Lighted menu board~~
- Sign 869: ~~Lighted menu board~~
- Sign 870: ~~Lighted menu board~~
- Sign 871: ~~Lighted menu board~~
- Sign 872: ~~Lighted menu board~~
- Sign 873: ~~Lighted menu board~~
- Sign 874: ~~Lighted menu board~~
- Sign 875: ~~Lighted menu board~~
- Sign 876: ~~Lighted menu board~~
- Sign 877: ~~Lighted menu board~~
- Sign 878: ~~Lighted menu board~~
- Sign 879: ~~Lighted menu board~~
- Sign 880: ~~Lighted menu board~~
- Sign 881: ~~Lighted menu board~~
- Sign 882: ~~Lighted menu board~~
- Sign 883: ~~Lighted menu board~~
- Sign 884: ~~Lighted menu board~~
- Sign 885: ~~Lighted menu board~~
- Sign 886: ~~Lighted menu board~~
- Sign 887: ~~Lighted menu board~~
- Sign 888: ~~Lighted menu board~~
- Sign 889: ~~Lighted menu board~~
- Sign 890: ~~Lighted menu board~~
- Sign 891: ~~Lighted menu board~~
- Sign 892: ~~Lighted menu board~~
- Sign 893: ~~Lighted menu board~~
- Sign 894: ~~Lighted menu board~~
- Sign 895: ~~Lighted menu board~~
- Sign 896: ~~Lighted menu board~~
- Sign 897: ~~Lighted menu board~~
- Sign 898: ~~Lighted menu board~~
- Sign 899: ~~Lighted menu board~~
- Sign 900: ~~Lighted menu board~~

JOHNNY COSTA'S:
 440 S. PALM CANYON DRIVE

- Sign 865: Main sign (see approval)
- Sign 871: Main board
- Sign 869: (see sign, also approval)
- Sign 870: ~~Lighted menu board~~
- Sign 872: ~~Lighted menu board~~
- Sign 873: ~~Lighted menu board~~
- Sign 874: ~~Lighted menu board~~
- Sign 875: ~~Lighted menu board~~
- Sign 876: ~~Lighted menu board~~
- Sign 877: ~~Lighted menu board~~
- Sign 878: ~~Lighted menu board~~
- Sign 879: ~~Lighted menu board~~
- Sign 880: ~~Lighted menu board~~
- Sign 881: ~~Lighted menu board~~
- Sign 882: ~~Lighted menu board~~
- Sign 883: ~~Lighted menu board~~
- Sign 884: ~~Lighted menu board~~
- Sign 885: ~~Lighted menu board~~
- Sign 886: ~~Lighted menu board~~
- Sign 887: ~~Lighted menu board~~
- Sign 888: ~~Lighted menu board~~
- Sign 889: ~~Lighted menu board~~
- Sign 890: ~~Lighted menu board~~
- Sign 891: ~~Lighted menu board~~
- Sign 892: ~~Lighted menu board~~
- Sign 893: ~~Lighted menu board~~
- Sign 894: ~~Lighted menu board~~
- Sign 895: ~~Lighted menu board~~
- Sign 896: ~~Lighted menu board~~
- Sign 897: ~~Lighted menu board~~
- Sign 898: ~~Lighted menu board~~
- Sign 899: ~~Lighted menu board~~
- Sign 900: ~~Lighted menu board~~

RECEIVED
 11.17.18
 11/17/18
 11/17/18

THE LOBSTER HOUSE 450 S. PALM CANYON DRIVE
 JOHNNY COSTA'S 440 S. PALM CANYON DRIVE

ATTACHMENT #1




68895 Perez Rd. I-18
Cathedral City, CA 92234
Tel: 760-322-6366
Fax: 760-321-2682
License #689256

Date
3-24-11

Job Name
TheLobster House

Job Address
450 S. Palm Canyon
Palm Springs, CA

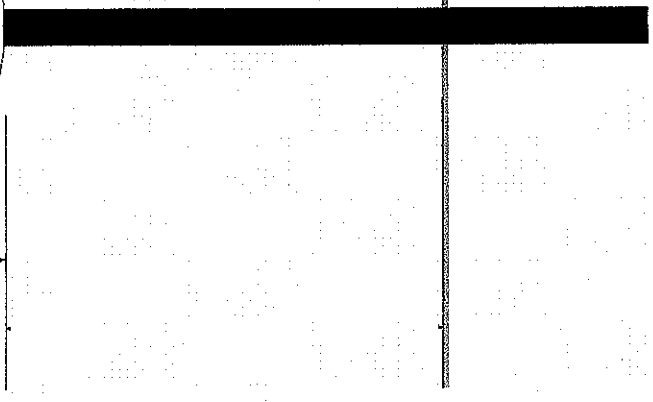
Sign Type
Double Sided
Illuminated Pole Sign
5" Thickness

Sign Artist:


Drawing #

1

© COPYRIGHT PROTECTED



RECEIVED

JUL 07 2011

PLANNING SERVICES
DEPARTMENT

Final Approval

Date

Approved with Changes

Date

DISCLAIMER: All ideas, designs and arrangements indicated or represented by this drawing are owned and property of *Floline Neon Sign Company Inc.* They were created, evolved, and developed only for use on and in connection with this specific project. None of such ideas, designs or arrangements shall be used by or disclosed to any person, firm or corporation for any purpose whatsoever without written permission. If they are shared even without approval on this drawing they will be billed a designing fee (min. \$500.00).

41945 BOARDWALK, SUITE L
PALM DESERT, CA 92211
PH 760.776.9907
FX 760.776.9844

Date: 03-24-11

Job#: 920964

Salesperson: DV

Graphic Artist: PC

Proof: 5

YOUR SIGNATURE ACKNOWLEDGES FULL
APPROVAL OF DESIGN CONTENT AND
LAYOUT, RELEASING SIGN-A-RAMA FROM
RESPONSIBILITY IN REGARD TO
INCORRECT DESIGN AND INFORMATION.
THE COLORS SHOWN ARE ONLY
REPRESENTATIVE OF ACTUAL PMS
COLOR CALL OUTS. FINAL COLOR WILL
BE MATCHED AS CLOSE AS POSSIBLE,
COMMENSURATE WITH MATERIALS USED.
THIS DESIGN IS PROPRIETARY PROPERTY
AND MAY NOT BE USED WITHOUT THE
EXPRESSED WRITTEN CONSENT OF
SIGN-A-RAMA.



APPROVAL SIGNATURE

DATE

SIZE

36" X 36"

COLOR

- 4 Color process

MATERIAL

Monument Sign
Double sided



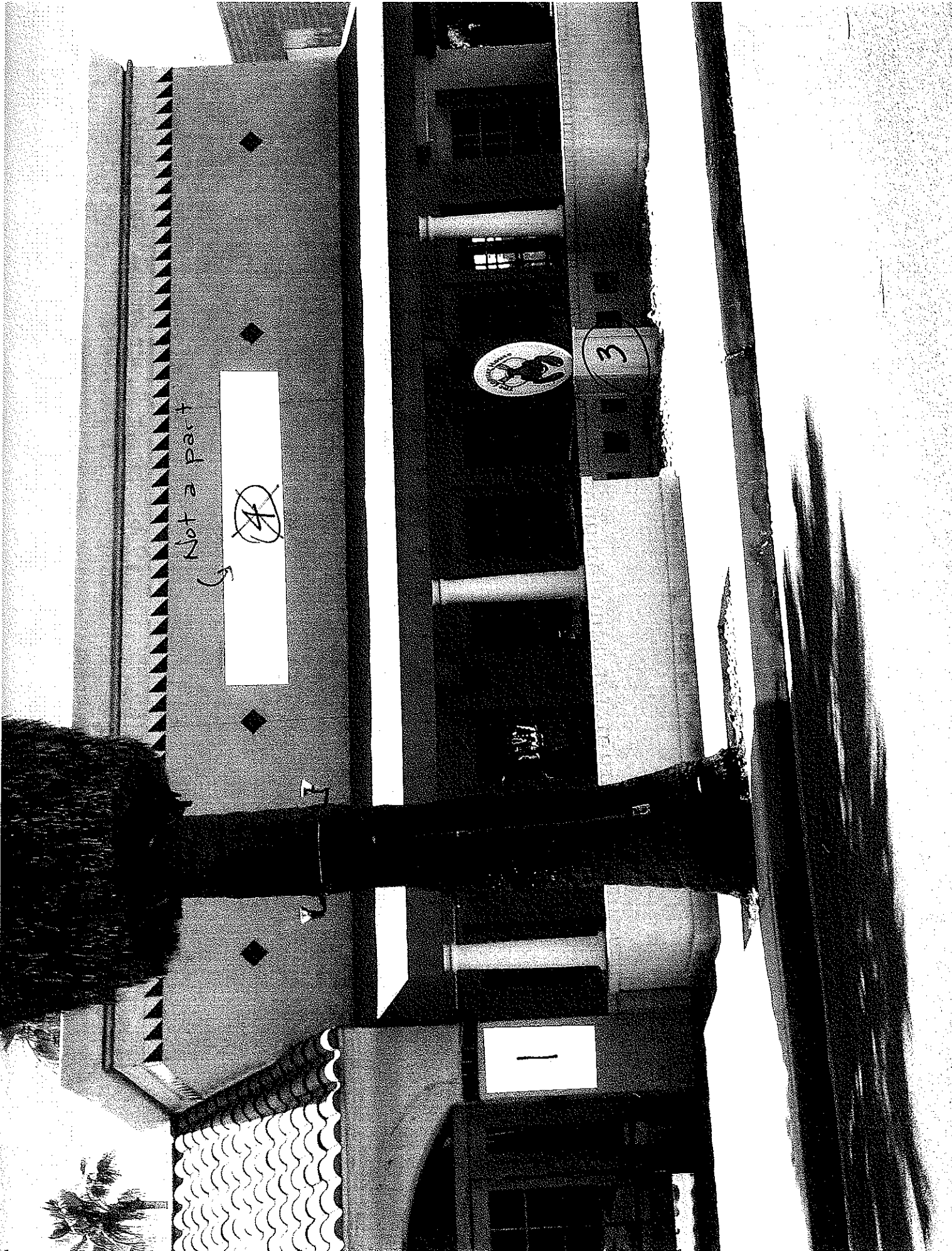


Fine Italian Cuisine

150

X

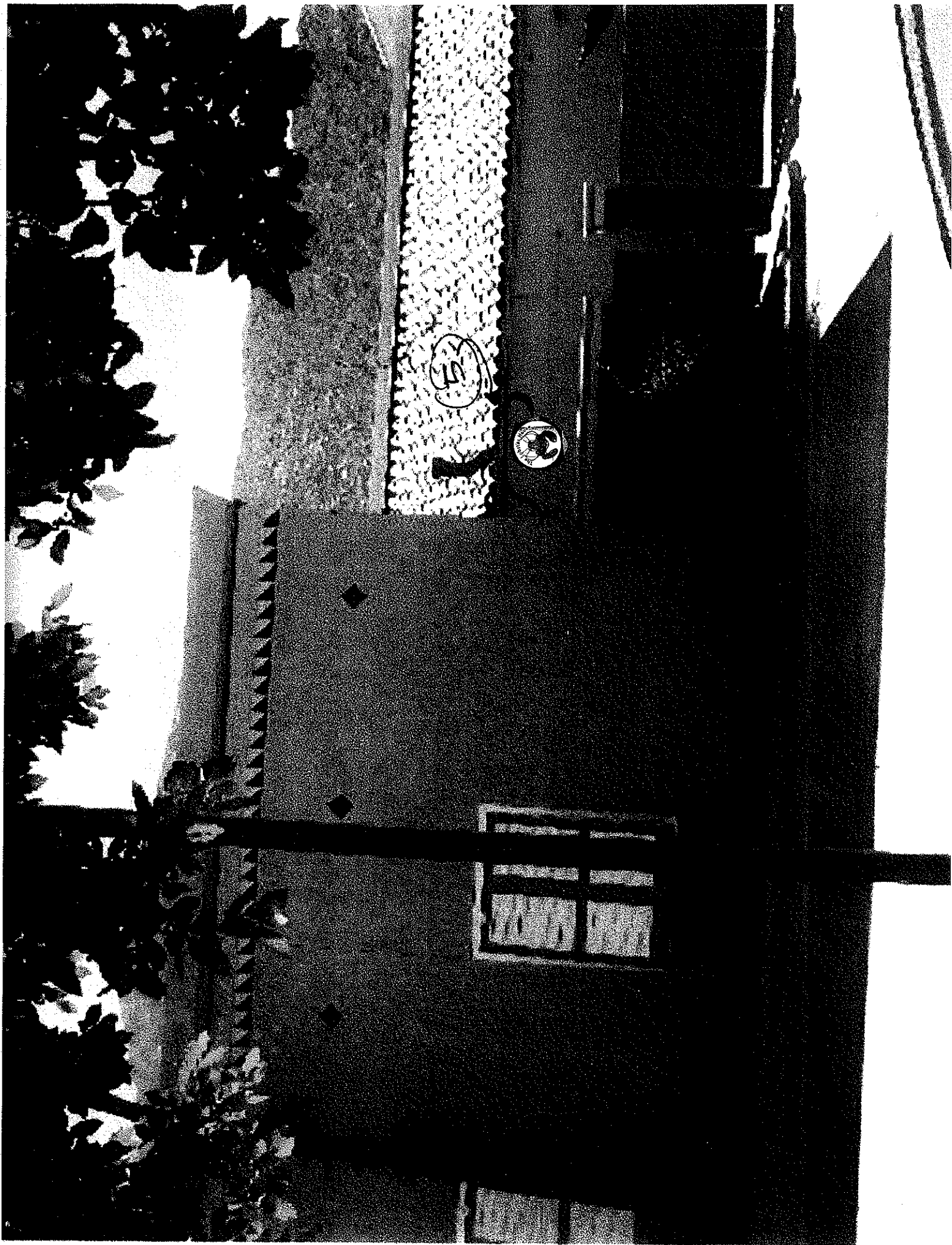
Not a Part



Not a part



3





17



8

Johnny Costas
Italian Cuisine & Pizzeria

ENTER

JOHNNY COSTAS