



CITY COUNCIL STAFF REPORT

DATE: May 16, 2012 PUBLIC HEARING

SUBJECT: Case No. 5.1272 – ZONE TEXT AMENDMENT RELATED TO OFF-SITE ADVERTISING DISPLAYS (BILLBOARDS)

FROM: David H. Ready, City Manager

BY: Planning Department

SUMMARY

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). Following a public hearing on September 28, 2011, the Planning Commission adopted a recommendation to not allow such signs. The Commission also recommended that certain standards be adopted, should the City Council decide to allow off-site advertising displays (billboards). A draft ordinance to allow such signs has been prepared for Council consideration. A public hearing is required.

RECOMMENDATION:

1. Open the public hearing and receive public testimony;
2. Waive the reading of the ordinance text in its entirety and read by title only; and
3. INTRODUCE ON FIRST READING 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)."

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. A Zone Text Amendment would be needed to accommodate the billboard company's proposal.

ANALYSIS

The question of whether or not to allow any kind of billboard is entirely at the discretion of the City Council. 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 Council may amend the zoning rules to allow billboards anywhere in the City.

In the event that the City Council 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. A draft ordinance has been prepared using this language.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission conducted a public hearing on September 28, 2011 on a draft Zone Text Amendment to allow off-site advertising displays (billboards) and adopted a recommendation against the amendment. The Commission also adopted the

following standards as a recommendation to the City Council should the Council decide to allow the signs (see attached Planning Commission resolution and meeting minutes):

1. Specific locations within the City where billboards would be allowed,
2. The type or types of allowed billboards,
3. The maximum number of allowed billboards,
4. The maximum size (overall height / width / sign area)
5. Lighting and materials (paper, plastic, digital sign surface)
6. The public benefit for each sign.
7. A review process to including the Architectural Advisory Committee, Planning Commission and City Council
8. Under any circumstances, the Planning Commission specifically recommends against approval of changeable copy signs, digital signs and backlit signage of any type.

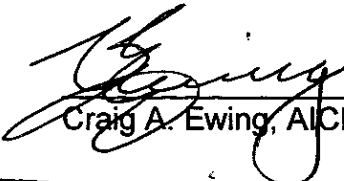
In its review, the Commission did not specify preferred locations, maximum numbers or maximum sizes, and the adoption or implements of these standards would require additional study.

ENVIRONMENTAL DETERMINATION

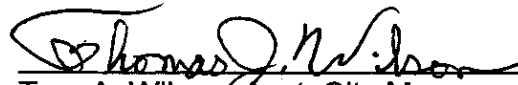
Staff has evaluated the potential environmental impacts of the proposed Zoning Ordinance text amendment and determined that it is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act. The proposed amendment to allow off-site advertising displays (billboards) does not result in any changes in land use or density.

FISCAL IMPACT:

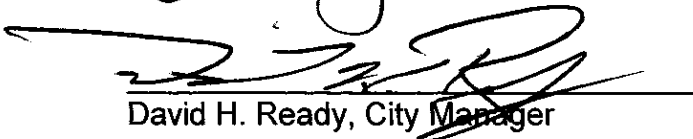
None.



Craig A. Ewing, AICP, Dir. of Plng Svcs



Tom A. Wilson, Asst. City Manager,
Dev't Svcs



David H. Ready, City Manager

Attachments:

1. Draft Ordinance – Zone Text Amendment – Off-site advertising displays (billboards)
2. Planning Commission Meeting Minutes, excerpt (September 28, 2011)
3. Planning Commission Resolution No. 6234 (adopted October 12, 2011)
4. Planning Commission Staff Report (September 28, 2011)

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

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated September 28, 2011.

Chair Donerfeld opened the public hearing:

-Fritz Noble, applicant, stated that the parcels under consideration are not viable wind sites because of wind access setbacks from the surrounding turbines. He requested that engineering condition #35 specify that the bond will be required at the time of grading permit.

There being no further appearances the public hearing was closed.

ACTION: To adopt the draft Negative Declaration and approve Case 5.1209 Change of Zone and Tentative Parcel Map 35681, subject to Conditions of Approval, as amended:

-Engineering Condition #35, to be modified to include, "at the time a grading permit is issued."

Motion Tracy Conrad, seconded by Vice Chair Hudson and unanimously carried 5-0 on a roll call vote.

AYES: Leslie Munger, Tracy Conrad, J.R. Roberts, Chair Donerfeld, Vice Chair Hudson

~~**ABSENT:** Philip Klatchko~~

→ **3B. Case 5.1272 ZTA - An application by the City of Palm Springs to amend the Palm Springs Zoning Code to establish regulations allowing off-site advertising displays (billboards). (Craig A. Ewing, AICP, Director of Planning Services)**

Director Ewing provided background information as outlined in the staff report dated September 28, 2011.

Chair Donerfeld opened public comments:

-Betsy Hayes-Gonzalez, real estate leasing manager, Lamar Outdoor Advertising, stated that their intent is not to bring a large number of signs to the city but provide information and help promote business for merchants by reaching out to tourists.

-William Houck, digital manager for Lamar Advertising, reiterated that they are not looking at building new billboards but instead use new digital technology that will allow them to maximize the real estate footprint.

There being no further appearances the public hearing was closed.

The Commission discussed and/or commented on the:

1. Brightness of digital billboards
2. Initiate AAC and/or planning commission review, site plan review and conditional use permit review

Commissioner Conrad expressed opposition to the bright lights associated with digital billboards.

Commissioner Klatchko arrived at 2:11 p.m.

Commissioner Roberts noted that Palm Springs is blessed with spectacular views in every direction and that billboards only serve to block those views with no discernible public benefit.

Vice Chair Hudson stated that he finds digital billboards are very distracting and there is a very small need for them in the city.

Commissioner Klatchko noted he would be recusing from voting on this item due to his late arrival.

ACTION: To deny the request to allow off-site advertising displays (billboards) as follows:

The Planning Commission does not find the proposed zone text amendment would benefit the community. Should the City Council seek to allow such signs, the Planning Commission recommends that the following issues be addressed through appropriate standards and procedures:

- A. Specific locations within the City where billboards would be allowed.
- B. The type or types of allowed billboards.
- C. The maximum number of allowed billboards.
- D. The maximum size (overall height / width) of sign area.
- E. Allowed media (including lighting) and materials (paper, plastic, digital sign surface)
- F. The public benefit for each sign.
- G. A review process to include the Architectural Advisory Committee, Planning Commission and City Council.

Motion J.R. Roberts, seconded by Leslie Munger and carried 5-0 on a roll call vote.

AYES: Leslie Munger, Tracy Conrad, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson
ABSTAIN: Philip Klatchko

RESOLUTION NO. 6234

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL NOT ALLOW OFF-SITE ADVERTISING DISPLAYS (BILLBOARDS) AND FURTHER RECOMMENDING CERTAIN CRITERIA FOR ANY AMENDMENT OF THE PALM SPRINGS ZONING CODE TO ALLOW SUCH SIGNS (CASE NO. 5.1272)

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 (Case No. 5.1272) 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.

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 not benefit the community.

Section 2: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council that the Palm Springs Zoning Code not be amended to allow off-site advertising signs (billboards) of any type.

Section 3: Further, should the City Council seek to allow such signs, the Planning Commission recommends that the following issues be addressed through appropriate standards and procedures:

- A. Specific locations within the City where billboards would be allowed,
- B. The type or types of allowed billboards,
- C. The maximum number of allowed billboards,
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- E. Lighting and materials (paper, plastic, digital sign surface)
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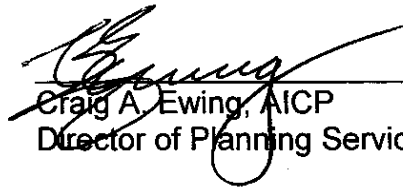
H. Under any circumstances, the Planning Commission specifically recommends against approval of changeable copy signs, digital signs and backlit signage of any type.

ADOPTED this 12th day of October 2011.

AYES: 5, Roberts, Munger, Conrad, Vice Chair Hudson and Chair Donenfeld
NOES: None
ABSENT: 1, Klatchko
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, AICP
Director of Planning Services



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.*

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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:

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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 Categorically 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

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**

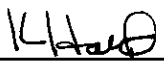


City Council
Meeting Date: May 16, 2012
Subject: CASE 5.1272 ZTA
ADVERTISING DISPLAYS (BILLBOARDS)

AFFIDAVIT OF MAILING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on May 3, 2012, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (6 notices)

I declare under penalty of perjury that the foregoing is true and correct.

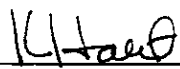


Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun as a 1/8 page display ad on May 5, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

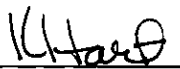


Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on May 3, 2012.

I declare under penalty of perjury that the foregoing is true and correct.



Kathie Hart, CMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1272 ZTA – APPLICATION BY THE CITY OF PALM SPRINGS
FOR A ZONING ORDINANCE AMENDMENT TO ALLOW OFF-SITE
ADVERTISING DISPLAYS (BILLBOARDS)

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of May 16, 2012. The City Council meeting begins at 6:00 p.m. in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider Case 5.1272 ZTA, an application by the City of Palm Springs to amend the Palm Springs Zoning Code to establish regulations allowing off-site advertising displays (billboards).

ENVIRONMENTAL DETERMINATION: The City of Palm Springs, in its capacity as the lead agency, under the California Environmental Quality Act (CEQA) has determined that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 of the State CEQA Guidelines. The proposed amendments would provide for a minor alteration of the land use limitations in the City's sign regulations, but would not increase land use densities or intensities.

REVIEW OF INFORMATION: The staff report and other supporting documents regarding this item are available for public review at City Hall between the hours of 8:00 a.m. to 11:00 a.m. and between 2:00 p.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk (760) 323-8204 if you would like to schedule an appointment to review these documents.

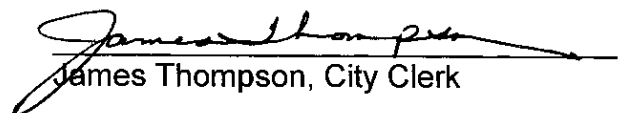
COMMENTS: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009[b][2]).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Craig A. Ewing, Director of Planning Services, at (760) 323-8245.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk

APR 19 2012

Status of Zone Text Amendment – Off-site Advertising / Billboards
April 19, 2012

Summary: A Zone Text Amendment to allow billboards within the City of Palm Springs has been reviewed by the Planning Commission and is ready for a public hearing before the City Council. The next available date for a hearing is May 16, 2012.

Background

On July 20, 2011, the City Council discussed several possible changes to the Zoning Code regarding signs, including “off-site advertising” (billboards), including electronic or digital billboards. By consensus, the Council initiated a zone text amendment related to billboard (and other types of signs).

On September 28, 2011, the Planning Commission reviewed a draft ordinance to allow billboards. On a unanimous vote, the Planning Commission recommended against allowing billboards. The Commission added that if the Council decides to allow billboards, the following items should be included:

- A. Specific locations within the City where billboards would be allowed.
- B. The type or types of allowed billboards.
- C. The maximum number of allowed billboards.
- D. The maximum size (overall height / width) of sign area.
- E. Allowed media (including lighting) and materials (paper, plastic, digital sign surface).
- F. The public benefit for each sign.
- G. A review process to include the Architectural Advisory Committee, Planning Commission and City Council.

On January 4, 2012, the City Council received an update on several pending zone text amendments, including off-site advertising / billboards.

The draft zone text amendment is ready for review by the City Council. A public hearing must be scheduled and noticed. The next available date for a hearing is May 16, 2012.

RECEIVED
CITY OF PALM SPRINGS
2012 APR 24 AM 8:26
JAMES THOMPSON
CITY CLERK

