

# PLANNING COMMISSION STAFF REPORT

DATE: SEPTEMBER 11, 2013

SUBJECT: DEL TACO, LLC REQUESTING A SIGN VARIANCE TO ADD SIX SIGNS

ON BUILDING AND MODIFY EXISTING PYLON SIGN TO ADD DESCRIPTIVE TEXT AT DEL TACO RESTAURANT, 6620 NORTH INDIAN CANYON DRIVE, ZONE M-1-P, SECTION 14. (Case 8.257) (GM)

FROM: Department of Planning Services

## **SUMMARY**

The Planning Commission to consider a Sign Variance to add six signs on building and modify existing pylon sign to add descriptive text at the Del Taco restaurant.

### **RECOMMENDATION:**

Approve with condition that pylon sign text and graphics be reduced by 10%.

## ISSUES:

- · Applicant has installed five wall art pieces on building without prior approval.
- Sign Ordinance allows one main sign and one additional sign within 1,000 feet of Interstate 10. All other signs are not permitted. A variance, approved at a public hearing of the Planning Commission is required.
- AAC recommended approval with one condition for the reduction of the proposed pylon graphic and text by 10%.
- Applicant requests Planning Commission not accept AAC recommendation and allow proposed pylon sign graphics to be approved.

# **BACKGROUND:**

Related Rele	vant City Actions by Planning, Fire, Building, etc				
11/29/2009	Planning Commission granted approval of CUP for construction of				
	restaurant with drive-thru facility				
4/22/2010	Permit issued for building construction				
11/9/2009	AAC reviewed the proposed signage and by a vote of 7-0 recommended approval of freeway signage				
1/13/2010	Planning Commission approves a permanent freeway sign of 146-square feet per PSZC Sec 93.20.05(11). Sign is part of existing Chevron pylon sign.				
1/15/2013	Code Enforcement action relating to unpermitted signage on building				

6/10/2013	AAC reviews a building repaint request and by a vote of 6-0 recommended approval to the Planning Director
8/12/2013	AAC reviews a Sign Variance proposal and by a vote of 4-0-3 recommended approval with a condition that pylon text and graphic be reduced 10%

## **ANALYSIS:**

General Plan – Zoning			
Land Use Designation	Zoning	Use	Compliance
Regional Business Center	M-1-P	Fast Food Restaurant	Yes

	Field Check
July 2013	Staff viewed the site in late July, 2013

### **PROJECT DESCRIPTION:**

The applicant is seeking a sign variance to add six (6) new signs to the Del Taco Restaurant building; and re-face existing pylon sign to add descriptive text. The existing and proposed signs are shown on the table below:

Elevati	on	Lineal	Existing	Proposed Sign	Proposed	Status	Conforms
		Frontage	Sign		Increase		
South	-	36 feet	20.6 sq. ft.	21.1 sq. ft. wall sign	0.5 sq. ft.	sign not	No
				•		allowed	
	Total				21.1		
		54 feet	20.6 sq. ft.	21.1 sq. ft. wall sign	0.5 sq. ft.	main sign	Yes
East				8 sq. ft. artwork sign	8 sq. ft.	not permitted	No
				8 sq. ft. artwork sign	8 sq. ft.	not permitted	No
	Total				37.1		
•		63 feet	20.6 sq. ft.	21.1 sq. ft. wall sign	0.5 sq. ft.	main sign	Yes
West				8 sq. ft. artwork sign	8 sq. ft.	not permitted	No
				8 sq. ft. artwork sign	8 sq. ft.	not permitted	No
				8 sq. ft. artwork sign	8 sq. ft.	not permitted	No
	Total				45.1		
Pylon			144 sq. ft.	144 sq. ft. pylon	Re-face	permitted	
	Total				144.0 sq. ft.	adding text	No
Grand	Total				247.3 sq. ft.		

Permitted building signage is limited to one main sign on the west elevation according to Section 93.20.05(A)(2)(a); and on the east elevation for buildings within a 1,000 feet of Interstate 10 - Section 93.20.05(A)(2)(e). All other signage is not permitted. A Sign Variance may allow an increase in the total number of signs on the building.

The applicant is requesting to place five (5) artwork signs (graphic panel to be 8-square feet) on the east and west elevations; add one 21.1-square foot sign on the south elevation for a total of eight (8) building signs.

In addition, Del Taco is requesting to reface the existing 144-square foot double sided pylon sign to add the text "24 Hr Drive-Thru". Section 93.02.05(C)(11)(g) requires text on freeway oriented signs to be limited to corporate logos or business names only. A Sign Variance may allow the placement of descriptive text on the pylon sign.

### **REQUIRED FINDINGS:**

State law requires four (4) findings be made for the granting of a variance. Staff has analyzed the findings in order below:

1) Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The Del Taco restaurant is located on a single parcel adjacent to an existing Chevron service station with shared vehicular access. The two adjacent properties on the east side of North Indian Canyon Drive function as one highway commercial service center. The Palm Springs Zoning Code (PSZC) Section 93.20.05(6) allows a sign program for multi-tenant buildings or centers. The two abutting properties function as a unified service center, however the presence of two separate parcels prohibits the use of a sign program. The existing pylon contains the Chevron and Del Taco signs furthering the appearance as a unified commercial center. The strict application of the Zoning Code prohibiting the use of a sign program limits Del Taco restaurant from providing adequate signage. The marketability of the business is reduced due to restrictions of allowable signage limiting the economic viability of the business afforded by other fast casual restaurants in the vicinity under identical zone classification.

2) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The variance request for six (6) new building exterior signs for a total of three (3) business identification signs, five (5) artwork panels and a modified pylon sign is consistent with nearby development. Other highway commercial businesses in the area commonly have multiple signs with large pylons, including Jack In The Box, and

Wendy's restaurants located across the street to the west. Thus, the variance request does not grant special privileges to the applicant.

3) The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.

The proposed signs will be required to meet all necessary building and safety codes. The signs have been reviewed by the Architectural Advisory Committee for good design. Therefore, the granting of the variance will not affect the public health, safety, convenience or welfare and will not be injurious to property improvements in the same vicinity and zone.

4) The granting of such variance will not adversely affect the general plan of the city.

Staff has reviewed the policies of the general plan and has found no inconsistencies between the plan and the proposed signage.

## Additional Findings

In addition to the findings required by state law, the sign ordinance stipulates three additional findings required for sign variances. Those findings are analyzed by staff below:

 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 subject property is located adjacent to Interstate 10 and sits at a lower elevation than the adjacent highway. In addition, the new I-10 interchange configuration modified the bridge approach elevating North Indian Canyon Drive limiting direct visibility of the restaurant. Therefore, strict application of the regulations of the sign ordinance will not give adequate visibility to the signage.

2) The approved signage 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 signage.

The proposal includes the placement of six (6) new building exterior signs for a total of three (3) business identification signs; five (5) artwork panels and a modified pylon sign. The proposed business ID internally lit signs will utilize the Del Taco corporate logo.

The artwork panels feature ingredients used in the products sold at the restaurant will be affixed to three sides of the building. The signs are proposed in strategic locations to provide adequate and effective identification while representing the least departure from the standards of the sign ordinance. Furthermore, the Architectural Advisory Committee voted favorably to recommend approval of the Sign Variance with one condition.

3) That the approved signage is compatible with the surrounding property and not contrary to the purpose of the sign ordinance.

The use of corporate logos, colors, materials and the design of the signs are compatible with the building and adjacent highway commercial properties. The Architectural Advisory Committee voted favorably to recommend approval of the design with one condition that the pylon sign text and graphic be reduced 10%. The proposal does not conflict with the purpose of the sign ordinance as described in Section 93.20.02(B) of the Zoning Code.

### **ENVIRONMENTAL DETERMINATION:**

This request is categorically exempt as a Class 11 exemption from environmental review pursuant to Section 15311(a) (Accessory Structures, on-premise signs) of the California Environmental Quality Act (CEQA) Guidelines.

## **NOTIFICATION:**

Notification of this public hearing was sent to property owners within a 400 foot radius of the subject parcel. As of the writing of this report, staff has not received any correspondence from the public.

Glenn Mlaker, AICP

Assistant Planner

Director of Planning Services

## Attachments:

- 1. Vicinity Map
- 2. Resolution
- 3. Conditions of Approval
- 4. Proposed building signage
- 5. Site Photographs
- 6. AAC Minutes of August 12, 2013

#### RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING SIGN VARIANCE, CASE NO. 8.257, TO SECTION 93.20.06(A)(2) OF THE ZONING CODE TO ALLOW VARIOUS SIGNS AT THE DEL TACO RESTAURANT LOCATED AT 6620 NORTH INDIAN CANYON DRIVE.

WHEREAS, Del Taco, LLC ("Applicant") has filed an application with the City pursuant to Section 94.06.00 and Section 93.20.10(A)(4) of the Zoning Ordinance to add six signs on building and modify existing pylon sign to add descriptive text at property located at 6620 North Indian Canyon Drive, APN: 666-370-025, Zone M-1-P, Section 14; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Sign Variance, Case No. 8.256, was given in accordance with applicable law; and

WHEREAS, on September 11, 2013, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the California Environmental Quality Act (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:

<u>Section 1:</u> Pursuant to the requirements of Section 94.06.00(B), the Planning Commission finds:

1) Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The Del Taco restaurant is located on a single parcel adjacent to an existing Chevron service station with shared vehicular access. The two adjacent properties on the east side of North Indian Canyon Drive function as one highway commercial service center. The Palm Springs Zoning Code (PSZC) Section 93.20.05(6) allows a sign program for multi-tenant buildings or centers. The two abutting properties function as a unified service center, however the

presence of two separate parcels prohibits the use of a sign program. The existing pylon contains the Chevron and Del Taco signs furthering the appearance as a unified commercial center. The strict application of the Zoning Code prohibiting the use of a sign program limits Del Taco restaurant from providing adequate signage. The marketability of the business is reduced due to restrictions of allowable signage limiting the economic viability of the business afforded by other fast casual restaurants in the vicinity under identical zone classification.

2) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The variance request for six (6) new building exterior signs for a total of three (3) business identification signs, five (5) artwork panels and a modified pylon sign is consistent with nearby development. Other highway commercial businesses in the area commonly have multiple signs with large pylons, including Jack In The Box, and Wendy's restaurants located across the street to the west. Thus, the variance request does not grant special privileges to the applicant.

3) The granting of the variance will not be materially detrimental to the pubic health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.

The proposed signs will be required to meet all necessary building and safety codes. The signs have been reviewed by the Architectural Advisory Committee for good design. Therefore, the granting of the variance will not affect the public health, safety, convenience or welfare and will not be injurious to property improvements in the same vicinity and zone.

4) The granting of such variance will not adversely affect the general plan of the city.

Staff has reviewed the policies of the general plan and has found no inconsistencies between the plan and the proposed signage.

<u>Section 2:</u> In addition to the findings required by state law, the sign ordinance stipulates three additional findings required for sign variances. Pursuant to the requirements of Section 93.20.10(A)(4), the Planning Commission finds:

5) 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 subject property is located adjacent to Interstate 10 and sits at a lower elevation than the adjacent highway. In addition, the new I-10 interchange configuration modified the bridge approach elevating North Indian Canyon Drive limiting direct visibility of the restaurant. Therefore, strict application of the regulations of the sign ordinance will not give adequate visibility to the signage.

6) The approved signage 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 signage.

The proposal includes the placement of six (6) new building exterior signs for a total of three (3) business identification signs; five (5) artwork panels and a modified pylon sign. The proposed business ID internally lit signs will utilize the Del Taco corporate logo. The artwork panels feature ingredients used in the products sold at the restaurant will be affixed to three sides of the building. The signs are proposed in strategic locations to provide adequate and effective identification while representing the least departure from the standards of the sign ordinance. Furthermore, the Architectural Advisory Committee voted favorably to recommend approval of the Sign Variance with one condition.

7) That the approved signage is compatible with the surrounding property and not contrary to the purpose of the sign ordinance.

The use of corporate logos, colors, materials and the design of the signs are compatible with the building and adjacent highway commercial properties. The Architectural Advisory Committee voted favorably to recommend approval of the design with one condition that the pylon sign text and graphic be reduced 10%. The proposal does not conflict with the purpose of the sign ordinance as described in Section 93.20.02(B) of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 8.257, a sign variance to allow the addition of six new signs on building and modify existing pylon sign to add descriptive text at 6620 North Indian Canyon Drive, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 11<sup>th</sup> day of September 2013.

AYES: NOES: ABSENT: ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Margo Wheeler, AICP Director of Planning Services

#### RESOLUTION NO.

#### **EXHIBIT A**

Case No. 8.257 Sign Variance Del Taco Restaurant

6620 North Indian Canyon Drive

September 11, 2013

### **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 Director of Building and Safety, 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. Pylon Sign.
  - a. Sign graphics and text to be reduced by 10%.

#### **ADMINISTRATIVE CONDITIONS**

- ADM 1. <u>Project Description</u>. This approval is for the project described per Case 8.257 Sign Variance, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans on file in the Planning Division, date stamped May 28, 2013, except as modified by these conditions.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. <u>Minor Deviations</u>. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. <u>Indemnification</u>. 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 SI 8.257 Sign Variance. 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 6. <u>Time Limit on Approval</u>. Commencement of construction under this Architectural Approval shall be within two (2) years from the effective date of approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- ADM 7. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

#### **BUILDING DEPARTMENT CONDITIONS**

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

**END OF CONDITIONS** 

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JENNIFER GALVIN
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vacant

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4530 Mission Gonge Place San Diego, CA 92120 Tel: 619.283.2191 Fax: 619.283.9503 Web: www.cnpsigns.com

REPLACE EXISTING 3-2" X 6-4" FORMED FACE
INTERNALLY ILLUMINATED WALL SIGN (20.5 SQ. FT.)
W/ NEW 3-4 1/8" X 6"-4" FORMED FACE INTERNALLY
ILLUMINATED WALL SIGN (21.1 SQ. FT.)

REPLACE EXISTING 3-2" X 6-6" FORMED FACE INTERNALLY ILLIMINATED WALL SIGN (20.6 SG. FT.) W/ NEW 3-4 1/8" X 6-4" FORMED FACE INTERNALLY ILLIMINATED WALL SIGN (21.1 SQ. FT.)

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4'-0" X 4'-0" GRAPHIC PANEL "PRENCH FRIES"

4'-0" X 4'-0" GRAPHIC PANEL "CHEESE GRATER" 四四四四四

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PICEL TACO #1092

4'-0" X 4'-0" GRAPHIC PANEL "TOMATO"

4-0" X 4-0" GRAPHIC PANEL "CHICKEN"

4.0" X 4'-0" GRAPHIC PANEL "POT 0 BEANS"

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SIGNIS & GRAPHICS
4500 Mission Garge Place
San Dago, CA 92120
Tate 619,283,2191
Fax 619,283,8503
Web: www.capasigns.com

PROJECT DEL TACO #1092

icates 6620 N. INDIAN CANYON DR., PALM SPRINGS, CA 92262

MULTI TENANT PYLON SIGN FACE REPLACEMENT DRLY

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CUSTOMER APPROVAL

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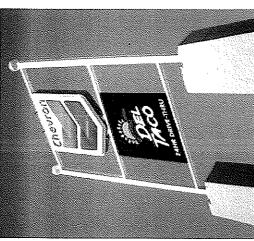
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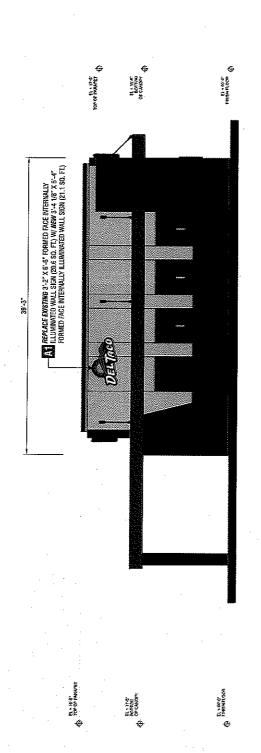
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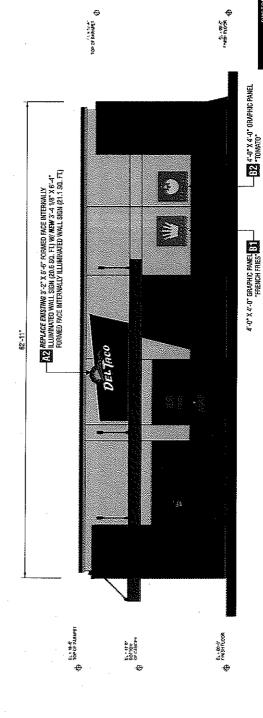
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GG20 N. INDIAN CANYON DR., PALM SPRINGS, CA 92262

SHET THE ELEVATIONS

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SOUTH / FRONT ELEVATION SCALE: 1/8" = 1"0"



CUSTONER APPROVAL 07/30/13 NOTED

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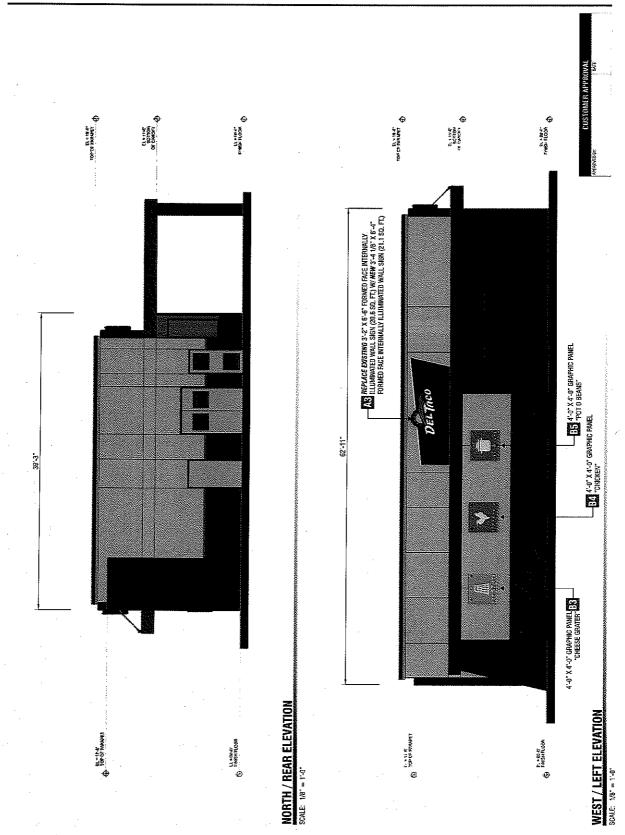
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EAST / RIGHT ELEVATION SCALE: 1/8" = 1:0"



SIGNS & GRAPHICS

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PROSECT DEL TACO #1092

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SECTION VIEW

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SECTION VIEW

**ELEVATION VIEW** 

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PRIMARY ELECTRICAL 120 V TRANSOT TRA-1-6-8-2E BALLAST 120V, 50-50 Faz Zo AMPS 68TY OUTPUT SIGN TO BE ILL LISTED RW DISCONNECT SWITCH AS REQUIRED)

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- DISCONNECT SWITCH

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MIN. (4) 3/8" X 3 1/2" LAGBOLTS-INTO BLOCKING OR STUD ELECTRONIC BALLAST: TRA-36-832 EP 120V/ 5D-60 Hz/ 2.0 AMPS/ 687V OUTPUT FABRICATED ALUMINUM CABINET; .063" ALUMINUM RETURNS/ .090" ALUMINUM BACKS -- (4) FLUORESCENT LAMPS @ 8 1/2" O.C.; - (1) 724 TIZD/HO LAMP - (1) 742 TIZD/HO LAMP - (1) 674 TIZD/HO LAMP - (1) 672 TIZD/HO LAMP 冒

S/F WALL SIGN - SMALL - 21.1 SQUARE FEET SOLE I'= 1'0'

**ELEVATION VIEW** 

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ма. DEL TACO #1092

ugator 6620 N. Indian Canyon Dr., Palm Springs, Ca 92262

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SECTION DETAIL
SCALE. 3T = 1-0
NOTE. SIGNS TO BE STOOD OFF OF BUILDING 1/2".
STANDOFFS PAINTED TO MATCH BUILDING.

SKETTERIOR GRAPHIC PANELS

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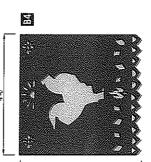
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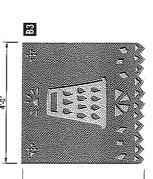
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2" WOODSCREW-(4 MIN.) 1/4" AUJMALITE WALL

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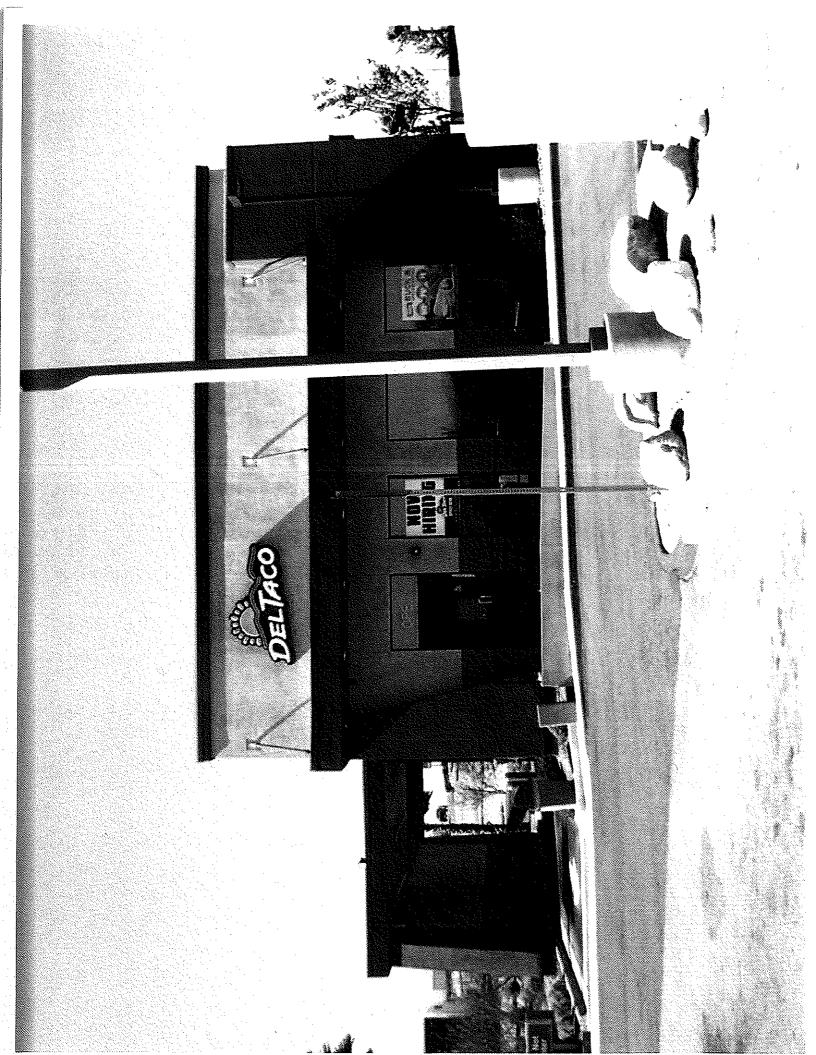
1/2" STANDOFFS





EXTERIOR GRAPHIC PANELS (BY OTHERS) SCALE: 1/2"-1'-0"







Committee Member Fauber concurred color elevations are mandatory and applicant should consider lighter colors.

M/S/C (Fauber/Fredricks, 4-0-3 absent Cassady, Hirschbein, Secoy-Jensen) To table.

4. EXTERIOR BUILDING REPAINT APPLICATION BY HARD ROCK HOTEL FOR FRONT FAÇADE AND INTERIOR COURTYARD TO FOUR COLORS LOCATED AT 150 SOUTH INDIAN CANYON DRIVE, ZONE RASECTION 14 (CASE NO. 3.1707 MAA) (GM)

JAMES CIOFFI, project representative, indicated new painting will wrap around inside corners from Palm Capyon and include the courtyard.

M/S/C (Purpel/Fredricks, 4-0-3 absent Cassady, Hirschbein, Secoy-Jensen) Approve as submitted to stop on inside corners and bring photos to subcommittee (Sono, Fauber and Purel) to finalize.

6. SIGN VARIANCE APPLICATION BY DEL TACO, LLC, TO ADD SIX SIGNS ON BUILDING AND MODIFY EXISTING PYLON SIGN TO ADD DESCRIPTIVE TEXT AT 6620 NORTH PALM CANYON DRIVE, ZONE M-1-P, SECTION 14 (CASE NO. 8.257 VAR). (GM)

Note Correction: Address is 6620 North Indian Canyon

MARK RABER, project representative, discussed the project

Committee Member Song felt all text in pylon sign needed to be reduced 10 - 15%.

Committee Wember Fredricks said he found wall signage to be proportional.

M/S/C (Song/Fredricks, 4-0-3 absent) Cassady, Hirschbein, Secoy-Jensen) Approve with condition that pylon text and graphic to be reduced 10%.

A recess was taken at 4:35 pm. The meeting resumed at 4:45 pm.

7. CERTIFICATE OF APPROVAL APPLICATION BY BRANDENBERG OASIS, LLC, FOR REPAIR AND REPAINT AT THE OASIS HOTEL TOWER AND CASITAS BUILDING, A CLASS 1 HISTORIC SITE (A CEQA CLASS 31 "HISTORIC RESOURCE RESTORATION/ REHABILITATION" CATEGORICAL EXEMPTION) AT 133-139 SOUTH PALM CANYON DRIVE, ZONE CBD (CASE NO. 3.1908 MAA / HSPB #10). (KL)

SUE LYON AND DANNY GRATHWOHL, applicant representatives, described the project.