



## Planning Commission Staff Report

DATE: April 23, 2014

PUBLIC HEARING

SUBJECT: CITY OF PALM SPRINGS TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) SECTION 93.20 REGARDING DEFINITIONS OF SIGNS AND MURALS (CASE 5.1335 ZTA). (MW)

FROM: Department of Planning Services

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### SUMMARY

The Palm Springs Zoning Code does not differentiate murals from signage. The proposal will do so.

### RECOMMENDATION:

Recommend approval to the City Council.

### STAFF ANALYSIS:

Significant review has been done to establish definitions and standards for murals to be allowed within the city of Palm Springs.

The current definition of a sign is ". . . any identification, description, illustration or device . . . located on private property and exposed to the public and which directs attention to a product, place, person, institution, business or solicitation . . . Any emblem painting . . . designed to advertise, identify or convey information shall be considered a sign . . ."

A new subsection 93.20.03.27.b. is proposed to be added as follows:

*This definition shall not include murals as reviewed and approved by the City of Palm Springs Public Arts Commission.*

A new definition is proposed to be added to the Palm Springs Zoning Code Section 93.20.03.19.

*"Mural" means a painting or artwork temporarily or permanently affixed to a building wall, freestanding wall or fence, distinguished from signage in that it does*

*not advertise a business, commercial endeavor or product sold or offered on the site or off-site.*

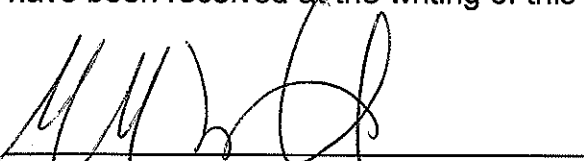
A new procedure is proposed in Palm Springs Municipal Code Section 3.37 to adopt a procedure for approving murals, ensuring their maintenance and lifespan.

**ENVIRONMENTAL ASSESSMENT:**

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 code text amendment is Categorical Exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act since the proposed zone text amendment proposes only insignificant changes to the land use designation provisions.

**NOTIFICATION**

Notice was provided by advertisement in the Desert Sun. No written communications have been received at the writing of this report.



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M. Margo Wheeler, AICP  
Director of Planning Services

Attachment:

1. Draft Resolution

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA RECOMMENDING APPROVAL OF A PROPOSED ZONE TEXT AMENDMENT OF THE PALM SPRINGS MUNICIPAL CODE TO CHANGE THE DEFINITION OF SIGNS AND ADD A DEFINITION OF MURALS. (CASE 5.1335 ZTA).

WHEREAS, the proposed amendment is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and the it has been recommended that the proposed amendment be determined to be Categorical Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because the proposed zone text amendment proposes only insignificant changes to the title and provides for new definitions of signs and murals.

WHEREAS, a notice of public hearing of the Planning Commission of the City of Palm Springs, California for Case 5.1335 ZTA (Zone Text Amendment) was given in accordance with applicable law; and

WHEREAS, on April 23, 2014 a public hearing of the Planning Commission was held to review said case, and at said hearing the Planning Commission 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 CEQA, the Planning Commission hereby recommends that the City Council determine that the proposed zone text amendment (Case 5.1306 ZTA) is Categorical Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act because the proposed zone text amendment proposes only insignificant changes to the title and provides for increased locations for churches and allowing staff to initiate amendments.

SECTION 2: Pursuant to PSZC Section 94.07.01 (Zoning Ordinance Text Amendment), the Planning Commission finds as follows:

- A. The proposed zoning code amendment is consistent with the intent of the zoning code, because, according to Section 91.00.00, the Zoning Code is adopted "For the purpose of promoting and protecting the public health, safety and welfare of the people of the city of Palm Springs and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of

land resources ..."; and the amendment proposes to modify the existing and add a definition for murals.

B. The proposed zoning code amendment is consistent with the intent of the general plan, because, the General Plan goals include:

Convey a positive image through the use of attractive and well-designed public and private informational signage.

Create active, vibrant and attractive gathering places.

Encourage a varied collection of public art pieces that add to the charm and character of the City.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby recommends that the City Council determine that the proposed zone text amendment Case 5.1335 ZTA is Categorically Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act and also recommends adoption of an ordinance to approve a zone text amendment (Case 5.1335 ZTA), as set forth in Exhibit A.

ADOPTED this 23rd day of April, 2014.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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M. Margo Wheeler, AICP  
Director of Planning Services

Exhibit A  
Case 5.1335 ZTA - Murals  
April 23, 2014

Definitions:

Section 1: Section 93.20.03.19.b of the Palm Springs Zoning Code is proposed to be added as follows:

*"Mural" means a painting or artwork temporarily or permanently affixed to a building wall, freestanding wall or fence, distinguished from signage in that it does not advertise a business, commercial endeavor or product sold or offered on the site or off-site.*

*And subsequent definitions renumbered.*

Section 2: Section 93.20.03.27.b of the Palm Springs Zoning Code is proposed to be added as follows:

*This definition shall not include murals as reviewed and approved by the City of Palm Springs Public Arts Commission.*

## City of Palm Springs

### Section 3.37.170 Original Art Murals on Private Property

#### (a) Purposes.

- 1) These regulations relating to Original Art Murals in the City of Palm Springs further the following purposes: (1) encouraging artistic expression; (2) fostering a sense of pride; (3) preventing vandalism at mural sites through the installation of murals that vandals are reluctant to disturb; and (4) preserving existing murals that are a valued part of the history of the City.
- 2) The City wishes to encourage the installation of murals and, at the same time, prevent the proliferation of off-site commercial signs. Therefore, the City's mural regulations exclude commercial advertising on murals to prevent the installation of the equivalent of an off-site commercial sign on a mural.
- 3) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:
  - i. That the design, construction, installation, repair and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.
  - ii. That the regulations will provide reasonable protection to the visual environment by controlling the size, height, spacing and locations of such displays.
  - iii. That the public will enjoy the aesthetic benefits of being able to view such displays in numbers and sizes that are reasonably and appropriately regulated.
  - iv. That the regulations will conform to judicial decisions, thereby limiting costly litigation and facilitating enforcement of these regulations.
  - v. To provide registration requirements and regulations for Original Art Murals.

#### (b) Original Art Mural Registration.

An application for a mural shall be submitted to the Planning Department to be assessed by the staff and presented to the Architectural Advisory Committee for their review as to the compatibility of the proposed mural in the location and on the specific structure it is proposed.

- 1) **Authority.** The Public Arts Commission shall have the authority to recommend to the City Council that an application for an Original Art Mural meets all of the applicable registration requirements established herein.
- 2) **Neighborhood Involvement Requirement.** The Mural Ordinance shall include a neighborhood involvement requirement. Specifically, the rules shall include a requirement that an applicant for mural approval send notice of that application to the Neighborhood Organizations within one half mile of the location of the proposed mural at least 30 days prior to the registering the mural. No mural shall be registered until the applicant certifies that he or she has completed this neighborhood involvement requirement.

- 3) **Covenant.** In connection with the installation of a new Original Art Mural, the applicant shall be required to record a covenant with the Office of the City Clerk. The covenant shall require that the mural comply at all times with the provisions of the Original Art Mural Regulations specified herein. In addition, the covenant shall remain in force for as long as the mural exists.
- 4) **Change of Ownership.** Upon a change of ownership of the property to which an Original Art Mural is affixed, a new owner may, at the owner's election and without the need for permission from the Public Arts Commission, de-register the mural and terminate the covenant.
- 5) **Original Art Mural Regulations.** An Original Art Mural that meets all of the following requirements will be allowed upon satisfaction of the applicable registration procedures:
  - (1) The mural shall remain in place, without alteration, for a minimum period of two years. "Alterations" include any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute an "alteration". Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism. A mural may be removed within the first two years of the date of registration under the following circumstances.
    - i. the property on which the mural is located is sold; or
    - ii. the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or
    - iii. the property undergoes a changes of use authorized by the Department of Building and Safety.
    - iv. the owner of a mural may request permission from the Department of Economic Development to remove a mural prior to the expiration of the two year period, which the Department may gran upon making a finding that the continued maintenance of the mural is not feasible and that the early removal of the mural is not a furtherance of off-site commercial advertising.
  - (2) No part of a mural shall exceed the height of the structure to which it is tiled, painted or affixed.
  - (3) No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted or affixed.
  - (4) No part of a mural shall exceed a height of 35 feet above grade.
  - (5) No mural may consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other

automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).

- (6) No mural shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
- (7) No mural shall be placed on a lot that is improved with only one single-family residential structure and accessory structures.
- (8) No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.
- (9) Digitally printed image murals shall receive approval of both the Fire Department and Department of Building and Safety.
- (10) A mural shall not be created without the final authorization of the Palm Springs City Council.