



CITY COUNCIL STAFF REPORT

DATE: JULY 16, 2014

PUBLIC HEARING

SUBJECT: ZTA 5.1202 – PORTABLE OPEN SIGNS – AN AMENDMENT TO THE PALM SPRINGS ZONING CODE TO EXTEND THE TERM FOR ALLOWING PORTABLE “OPEN” SIGNS IN FRONT OF COMMERCIAL BUSINESSES (PALM SPRINGS ZONING CODE SECTION 93.20.09.B.5.).

FROM: David H. Ready, City Manager

BY: Planning Department

SUMMARY:

On July 30, 2008, the City Council enacted Ordinance No. 1744, a Zone Text Amendment to allow portable “open” signs in certain commercial areas of the City until October 3, 2010, unless extended. It was extended again to October 3, 2014 on December 19, 2012. The ordinance was extended for two years and it has now returned to the City Council for consideration of further extension. A draft ordinance extending the term for two years has been prepared for the Council’s consideration and approval. 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 3 OF ORDINANCE NO. 1744 (RELATING TO PALM SPRINGS ZONING CODE SECTION 93.20.09.B.5, PORTABLE OPEN SIGNS) BY EXTENDING THE PROVISIONS OF ORDINANCE NO. 1744 TO OCTOBER 3, 2016”.

ITEM NO. 1.A.

PRIOR ACTIONS:

On July 30, 2008, the City Council enacted Ordinance No. 1744, a Zone Text Amendment to allow portable “open” signs in certain commercial areas of the City. The ordinance included an expiration date of October 3, 2010, unless extended.

On September 12, 2008, the City issued administrative rules and guidelines for the permitting of portable “open” signs.

On September 3, 2010, the City Council approved a two-year extension on the expiration date of the ordinance, to October 3, 2012.

On December 5, 2012, the City Council approved a second two-year extension to the ordinance, to October 3, 2014.

BACKGROUND AND ANALYSIS:

In enacting the original ordinance, the City Council determined that the purpose of allowing portable “open” signs would be to assist businesses through the economic down-turn that began in 2008. The signs were limited to retail businesses in the C-B-D zone and on North Palm Canyon Drive between Alejo Road and Vista Chino. A two-year time period was established beginning October 3, 2008 and two-year extensions were approved in 2010 and 2012. Without an extension, portable “open” signs would not be permitted after October 3, 2014.

The City issued permits for 49 portable open signs from adoption in 2008 through 2009. In the period 2010-11, 48 signs were approved. In 2012-13, only 21 signs were approved. In the first half of 2014, 42 signs have been approved. Most permits have been issued to businesses on Palm Canyon and the side-streets in the downtown area; a few others have been granted for the uptown area and on the west side of Indian Canyon. The types of businesses to which permits have been granted vary widely, but the majority of applicants are restaurants, beauty and hair salons, restaurants and gift stores.

Staff notes that the Code Enforcement department provided outreach to the business community in the fall of 2008, including information about what was allowed and what remained prohibited under the new ordinance. Compliance has been fairly uniform, though some signs have been placed without permits and others are non-conforming for various reasons (added balloons, lights, etc.). There have been variable complaints and enforcement action necessary in the last 2 years. Code Enforcement conducts regular patrols and outreach in the downtown area.

The decision to extend the term for portable “open” signs is entirely at the discretion of the City Council. Staff’s experience to date suggests that most signs are in compliance and not every merchant seems to want such a sign.

Options include:

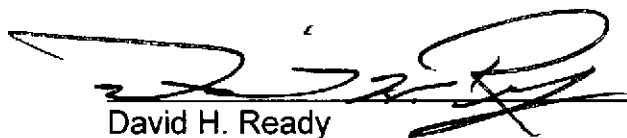
1. No extension. If adopted, the signs would be subject to immediate removal.
2. Removal of any term. If adopted, the signs would be allowed indefinitely, subject to the standards and administrative rules and guidelines.
3. Extension of the term. If adopted, signs would continue to be allowed for an additional term, which could be revisited and further extended in the future. The Council may adopt any term; however, staff believes that a term much less than two years would not be justified considering notice and hearing requirements for future extensions.

ENVIRONMENTAL DETERMINATION

Staff has evaluated the potential environmental impacts of the proposed Zoning Ordinance amendment and determined that it is Categorical 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.



M. Margo Wheeler, FAICP
Director of Planning Services



David H. Ready
City Manager



James Thompson
City Clerk

Attachments:

- Draft Ordinance (two-year extension)
- Section 93.20.09(B)(5) of PSZC

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 3 OF ORDINANCE NO. 1744 RELATING TO PALM SPRINGS ZONING CODE SECTION 93.20.09.B.5, PORTABLE OPEN SIGNS BY EXTENDING THE PROVISIONS OF ORDINANCE NO. 1744 TO OCTOBER 3, 2016.

City Attorney's Summary

Ordinance No. 1744, relating to portable open signs, was extended for two years and expired on October 3, 2012. Ordinance No. 1815 extended Ordinance No. 1744. This Ordinance extends Ordinance No. 1815 to October 3, 2016.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

SECTION 1. Section 3 of Ordinance No. 1744 is amended to read:

SECTION 3. This Ordinance shall expire on October 3, 2016, unless reauthorized by action of 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 3rd day of September 2014.

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on July 2, 2014 and adopted at a regular meeting of the City Council held on July 23, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

93.20.09 Permitted signs—Downtown/uptown.*

* CodeAlert: This topic has been affected by 1815. To view amendments and newly added provisions, please refer to the CodeAlert Ordinance List.

5. Portable Open Signs. *

Except where another permitted outdoor display has been authorized (postcard rack, art displays, etc.) and provides an indication that the retailer is open for business, one portable open sign may be allowed for any retail business in the C-B-D zone and on North Palm Canyon Drive between Alejo Road and Vista Chino, subject to the following requirements:

- a. One (1) portable open sign is allowed per retail tenant space. Office uses may not have portable open signs. Multiple businesses within a single tenant space shall be limited to one (1) sign overall.
- b. A portable open sign may only be placed between a public entry into the retail space and the nearest fronting street or parking drive aisle. The sign may be placed in the sidewalk public right-of-way, no less than three (3) feet from any street or parking curb; however, in no case may any sign impede pedestrian traffic. A forty-eight (48) inch clear paved pathway for ADA access must be maintained at all times.
- c. A portable open sign shall not exceed forty-two (42) inches in height and thirty-two (32) inches in width. The sign may be two (2) sided.
- d. The sign frame may be a single- or two-pole metal frame, or it may be an A-frame. The sign may be either chrome, black or white.
- e. The sign frame shall include a heavy base to prevent unintended movement cause by wind or other minimal force. Signs which require additional weighting (sandbag, concrete block, etc.) are not allowed.
- f. The sign copy shall be produced professionally. Signs created by hand or home computer software are not allowed.
- g. No lighting, balloons or other attachments are allowed.
- h. The sign may contain the name of the business, a business logo, the word “open,” and any major product or service available at the retail store. No other information or graphic is allowed, including hours of operation, telephone number, arrows, and any other devise or message.
- i. The Director of Planning Services shall prepare and implement administrative rules, regulations, and guidelines consistent with, and in furtherance of, the provisions of this subsection.

* Pursuant to Section 3 of Ordinance No. 1744 and amended by Ordinance No. 1815, PSZC Section **93.20.09(B)(5)** regarding portable open signs, expires October 3, 2014, unless otherwise reauthorized by action of the city council.

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**



Date: July 16, 2014
Subject: Case 5.1202-B Re: Portable Open Signs in Commercial Areas

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that the attached Resolutions were published in the Desert Sun on July 5, 2014.

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

A handwritten signature in black ink, appearing to read "CAB", is written over a horizontal line.

Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that the attached Resolutions were 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 July 5, 2014.

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

A handwritten signature in black ink, appearing to read "CAB", is written over a horizontal line.

Cynthia A. Berardi, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1202-B – APPLICATION BY THE CITY OF PALM SPRINGS
AMENDING THE PALM SPRINGS ZONING CODE
RELATING TO PORTABLE OPEN SIGNS
IN COMMERCIAL AREAS OF THE CITY

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of July 16, 2014. 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 5.1202-B, an application by the City of Palm Springs to authorize an extension of Palm Springs Zoning Code Section 93.20.09.B.5 relating to the use of portable “open” signs in commercial areas of the City.

ENVIRONMENTAL DETERMINATION: The City of Palm Springs, in its capacity as the lead agency for this project, under the California Environmental Quality Act (CEQA) has determined that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land use Limitations – of the Guidelines for the Implementation of CEQA. The proposed amendment does not result in any changes in land use or density.

REVIEW OF INFORMATION: The staff report and other supporting documents regarding this project are also available for public review at City Hall between the hours of 8:00 a.m. and 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.

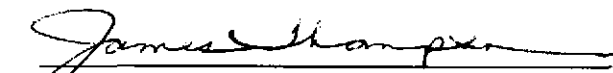
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the public hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (mail or hand delivery) to:

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

Any challenge of the proposal 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 M. Margo Wheeler, F.A.I.C.P., Director of Planning Services at (760) 323-8245.

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


James Thompson, City Clerk