



## PLANNING COMMISSION STAFF REPORT

**DATE:** June 10, 2015

**SUBJECT:** CITY OF PALM SPRINGS FOR AN AMENDMENT TO THE PALM SPRINGS ZONING CODE (PSZC) CHAPTER 93.20 AND SECTION 92.15.01 TO ALLOW PORTABLE OPEN SIGNS AND OUTDOOR DISPLAYS IN THE SUNNY DUNES COMMERCIAL DISTRICT, C-M (COMMERCIAL MANUFACTURING) ZONE (5.1372 ZTA). (FF)

**FROM:** Department of Planning Services

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### PROJECT DESCRIPTION

This is a request to amend the Palm Springs Zoning Code (PSZC) to allow portable open signs and outdoor displays in the Sunny Dunes commercial district generally located between South Palm Canyon on the west and Calle Palo Fierro on the east. The proposed portable sign and outdoor display regulations are similar to what is currently allowed in the Downtown and Uptown areas.

### ISSUES

- Portable open signs and outdoor merchandise displays are currently prohibited in the C-M (Commercial Manufacturing) zone.
- The portable open sign ordinance for the Downtown and Uptown areas of the City is set to expire in October 2016, unless extended by City Council.

### RECOMMENDATION

To open the public hearing and recommend approval to the City Council.

### BACKGROUND INFORMATION

<i>Related Relevant Actions by Planning, Building, Fire, etc.</i>	
07/30/08	The City Council enacted Ordinance No. 1744, a Zoning Text Amendment to allow portable open signs in the Downtown and Uptown areas of the City. The ordinance included an expiration date, which has been extended through October 2016.

<b>Related Relevant Actions by Planning, Building, Fire, etc.</b>	
05/06/15	The City Council directed staff to prepare a Zone Text Amendment to allow portable open signs and outdoor displays in the Sunny Dunes commercial area.

## **ANALYSIS**

Business owners in the Sunny Dunes commercial area submitted a petition to City Council to request a change to the zoning code to allow portable open signs and outdoor merchandise displays within the commercial district. At the 6 May 2015 meeting, the Council directed staff to prepare a Zone Text Amendment, and requested that the Planning Commission make a recommendation on the request.

The proposed amendment for portable open signs mirrors what is currently allowed in the Downtown and Uptown areas. The signs may be permitted in public rights-of-way, subject to setback requirements from the street curb and maintenance of a clear pedestrian path that meets ADA requirements. The signs are limited for use by retail businesses only, and must be located directly in front of the tenant space. Copy on the sign is limited, and a sign permit is required. It is proposed that the portable open sign regulations follow the same expiration schedule as applies to the Downtown and Uptown signage; City Council may extend the expiration date for the signage by ordinance.

The regulations for outdoor merchandise display also reflect what is currently permitted in the Downtown and Uptown areas. Items for display are limited to furniture, antiques, fine arts, and apparel; a maximum of three items may be displayed. The display must be located on private property, and no advertising may be utilized as part of the display. The approval process for outdoor display requires the submittal of a Minor Architectural Review application, which is approved administratively by staff.

The area in which the portable open signs and outdoor displays would be permitted would be restricted to the Sunny Dunes Road and East Industrial Place street frontages within the boundaries of the C-M (Commercial Manufacturing) zone. The signs and displays would not be permitted along the Calle Palo Fierro, North Riverside Drive, or South Calle Chia frontages.

The use of portable open signs and outdoor displays may be appropriate in pedestrian-oriented retail districts, provided adequate protections are in place to maintain aesthetic character and allow for safe pedestrian circulation. The Sunny Dunes commercial area has been transitioning from light industrial uses to retail uses, and the use of limited portable signs and displays may encourage greater pedestrian activity in the area.

## **ENVIRONMENTAL ANALYSIS**

Section 21084 of the California Public Resources Code requires Guidelines for

Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15305 "Minor Alterations in Land Use Limitations," Class 4 projects consist of minor alterations of land use limitations which do not result in any changes in land use or density. Therefore, in accordance with Section 15305, staff has determined that the Zone Text Amendment (5.1373 ZTA) is considered categorically exempt from CEQA and a Notice of Exemption will be prepared for filing with the Riverside County Clerk upon approval of the amendment.

## NOTIFICATION

A public hearing notice was published in accordance with the requirements of State law and local ordinance. As of the writing of this report, staff has not received any comment on the proposed amendment to the zoning code.

## CONCLUSION

The proposed portable open sign and outdoor display regulations are similar to what is currently permitted in the Downtown and Uptown areas of the City, and may be appropriate for the Sunny Dunes commercial area.

A handwritten signature in black ink, appearing to read 'Flinn Fagg', is written over a horizontal line.

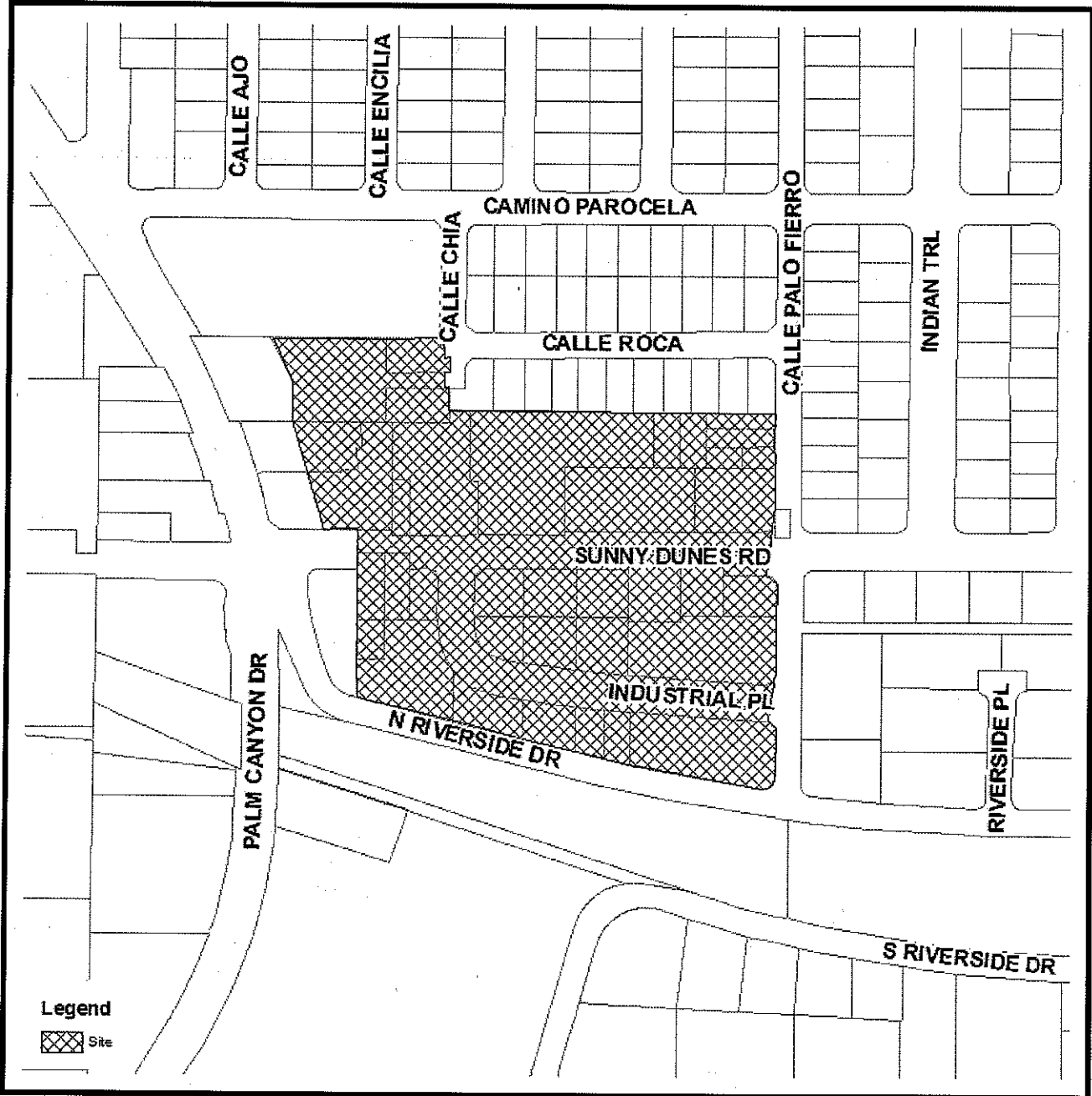
Flinn Fagg, AICP  
Director of Planning Services

## Attachments:

1. Vicinity Map
2. Draft Resolution
3. Petition from the Sunny Dunes Antique District



# Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 93.20 AND SECTION 92.15.01 OF THE PALM SPRINGS ZONING CODE TO ALLOW PORTABLE OPEN SIGNS AND OUTDOOR DISPLAYS IN THE SUNNY DUNES COMMERCIAL AREA, C-M (COMMERCIAL MANUFACTURING) ZONING DISTRICT.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. On May 4, 2015, the Sunny Dunes Antique District business group submitted a petition signed by business owners within the district, requesting that the City Council amend the Palm Springs Zoning Code to allow portable open signs and outdoor merchandise displays in the district.

B. On May 6, 2015, the City Council directed staff to prepare a Zone Text Amendment for recommendation by the Planning Commission to allow portable open signs and outdoor displays in the Sunny Dunes commercial district, an area zoned C-M (Commercial Manufacturing) and generally located along Sunny Dunes Road and East Industrial Place.

C. On June 10, 2015, the Planning Commission conducted a noticed public hearing on an amendment to Chapter 93.20 and Section 92.15.01 of the Palm Springs Zoning Ordinance, and considered changes to the zoning code to allow portable open signs and outdoor merchandise displays, subject to standards and conditions.

D. The Planning Commission carefully reviewed and considered all of the evidence presented at its meeting of June 10, 2015, including but not limited to the staff report and all written and oral testimony presented.

E. The Planning Commission hereby finds that adoption of the proposed Zoning Ordinance Text Amendment would:

1. Allow signage and displays in the Sunny Dunes Commercial District similar to that which is permitted in the Downtown and Uptown Districts.
2. Enhance the viability of retail businesses within the commercial district and encourage reinvestment in the area.
3. Provide standards for portable signs and modest outdoor displays, subject to review standards and processes.

E. The adoption of the proposed Zoning Ordinance Text Amendment would

be consistent with the intent of the Zoning Ordinance and the City's General Plan as it encourages business growth and reinvestment in an aging commercial area.

F. The proposed Zoning Ordinance Text Amendment is Categorically Exempt under Section 15305, "Minor Alterations in Land Use Limitations," of the Guidelines for the Implement of the California Environmental Quality Act and the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS  
RESOLVES:

SECTION 1. Amend Section 92.15.01.00(A) of the Palm Springs Zoning Code to read as follows and renumber currently permitted uses identified as subsections 23 through 33:

23. Outdoor display as an accessory to a permitted main use and located on the same property as the permitted use, subject to the requirements as listed below:
  - a. Outdoor display shall only be permitted along the Sunny Dunes Road and East Industrial Place frontages, between Calle Palo Fierro on the east and the western line of the C-M (Commercial Manufacturing) zone boundary on the west.
  - b. Display of merchandise offered for sale shall only be permitted as follows:
    - i. Merchandise shall be limited to furniture, antiques, fine arts and fine apparel.
    - ii. A maximum of three (3) items may be displayed within a single contiguous area of sixteen (16) square feet that is totally located in front of and adjacent to the primary use retail space.
    - iii. Items must be freestanding and not attached to any building.
    - iv. The maximum height of the display shall be seven feet.
    - v. The display shall not be placed within the public right-of-way, nor impede pedestrian, vehicular or parking circulation.

- vi. No product advertising or signage may be placed on the display.
- vii. Prohibited items include all merchandise not specifically covered in Item (i) above. Specifically prohibited items include, but are not limited to, accessories, display racks, display tables, mannequins (except torso display frames), and other items.
- viii. Approval of such display shall be subject to Section 94.04.00, minor architectural application for a finding that the display is compatible with pedestrian movements and the character of the surrounding development.

**SECTION 2.** Amend Section 93.20.05(C) of the Palm Springs Zoning Code to read:

13. Portable Open Signs.

Except where another permitted outdoor display has been authorized (postcard rack, art displays, merchandise display, etc.) and provides an indication that the retailer is open for business, one portable open sign may be allowed for any retail business, limited to the area defined below and subject to the following restrictions:

- a. Portable open signs shall only be permitted along the Sunny Dunes Road and East Industrial Place street frontages, between Calle Palo Fierro on the east and the western line of the C-M (Commercial Manufacturing) zone boundary on the west.
- b. 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.
- c. 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. The sign shall not be located in areas blocking bay parking

spaces or vehicular traffic.

- d. 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.
- e. 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.
- f. The sign frame shall include a heavy base to prevent unintended movement caused by wind or other minimal force. Signs which require additional weighting (sandbag, concrete block, etc.) are not allowed.
- g. The sign copy shall be produced professionally. Signs created by hand or home computer software are not allowed.
- h. No lighting, balloons or other attachments are allowed.
- i. The sign may contain the name of the business, a business logo, the word "open," and any a single descriptor of 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 device or message. No changeable copy shall be permitted.
- j. 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.

SECTION 3. The amendment to PSZC Section 93.20.05(C), "Portable Open Signs," shall be subject to the expiration date established by Ordinance No. 1744, unless reauthorized by action of the City Council.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1372 ZTA.

ADOPTED this 10<sup>th</sup> day of June, 2015.



Planning Commission Resolution No. \_\_\_\_\_

Case No. 5.1372 ZTA

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AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Flinn Fagg, AICP  
Director of Planning Services



05/04/2015

The Honorable Mayor and Council Members  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA. 92262

Dear Mayor and Council Members:

We the shop owners located on E. Sunny Dunes Rd. and E. Industrial Place in Palm Springs respectfully request zoning changes to allow for the use of sandwich board signs and display of products outside our stores.

Our business district group has started meeting monthly and will market our district as "Sunny Dunes Antique District".

We host a variety of businesses in our district that range from Antiques, Pet Care, Auto Repair, Food Market, Bakery Café, LGBT Bar, Pilates Studio, Gift Cards, Charity POP Shop, Barber Shop, Leather Goods, Landscaping and Modernism Furniture.

Currently, Palm Springs Uptown District enjoys zoning changes that allow for sandwich boards and limited product placement outside a business.

These external marketing tools allow for greater business visibility of being open and display product offerings of a business.

We are asking the city to amend our current zoning of "CM" to allow for sandwich board signs and limited display of products outside storefronts.

Sincerely,

Bill Sanderson | Representing Sunny Dunes Antique District  
Owner - Townie Bagels 650 E. Sunny Dunes Rd.  
(760) 459-4555

Attached: Signatures of Sunny Dunes Antique District Business: Owners, Employees and Supportive Citizens.

Visit the Shops at Sunny Dunes Antique District

Shop Owners requesting zone changes:

Shop Name

Signature

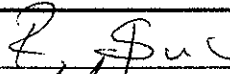
Sunny Dunes Antique Mall	Jay May
Sunny Dunes Antique Mall	D. B.
Sunny Dunes Antique Mall	Beano Ledbetter
" LOCAL RESIDENT TOO "	Sheryl Peterson
Sunny Dunes Antique Mall	Kishi King
Sunny Dunes " ANTIQUE MALL "	Sheryl King
Sunny Dunes Antique Mall	Sheryl King
SUNNY DUNES ANTIQUE MALL	Debra Warren
SUNNY DUNES ANTIQUE MALL	RONALD N BROWN
Sunny Dunes Antique Mall	P. Blackburn
Sunny Dunes Antique Mall	Patricia
Sunny Dunes Antique Mall	Bob Hammer
Sunny Dunes Antique Mall	Wick Powell
Sunny Dunes Antique Mall	Patricia
Sunny Dunes Antique Mall	Pat - Removal

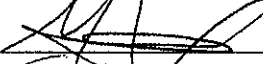
Visit the Shops at Sunny Dunes Antique District


Shop Owners requesting zone changes:

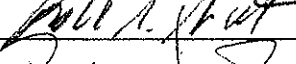
Shop Name

Signature

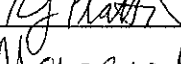
REX 

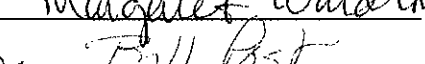
GARRISON FOX INTERIORS 

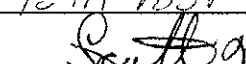
LEWIS & KLADDEIL 

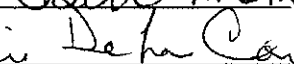
ROBB SCOTT 

BRINGER JACOBI 


ANTIQUE GALLERIES <sup>OF PALM SPRINGS</sup>  ROSA JOEL PLATT

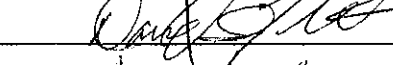
D&M Collection 

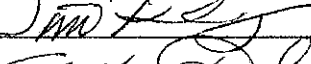
Worm Sands Neighborhood 

SUNNY DUNES ANTIQUE MALL 

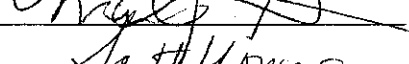
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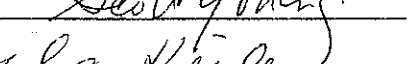
Little Shop of Treasures 

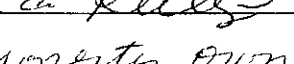
Antique Galleries of Palm Spr. 

Antique Galleries 

Sunny Dunes Antique Mall & Antique Gall. 

Debra 

Townie Bagels 

Sunny Dunes Antique Mall 

THE POP SHOP 

FRANK WENZEL property owner.

Shop Name

Signature

Is Remember This Andrew Cardenas [Signature]