



## **PLANNING COMMISSION STAFF REPORT**

**DATE:** August 12, 2015

**SUBJECT:** RIOFINE NEON SIGN COMPANY ON BEHALF OF C.H.I.C. LLC REQUESTING AN APPEAL OF THE PLANNING DIRECTOR'S DECISION TO DENY A SIGN PERMIT APPLICATION FOR THE VILLAGE PUB AT 266 SOUTH PALM CANYON DRIVE (CASE 15-071 APP). (FF)

**FROM:** Department of Planning Services

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### **PROJECT DESCRIPTION**

This is a request for the Planning Commission to consider an appeal of the Planning Director's decision to deny a sign permit for a proposed sign at the Village Pub, located at 266 S. Palm Canyon Drive. Section 93.20.10(A)(3) outlines the process for Planning Commission consideration of appeals relative to sign permits.

### **ISSUES**

- Palm Springs Zoning Code (PSZC) Section 93.20.09 does not clearly state if signs are permitted above the eave line of a sloped roof.
- The proposed accessory sign exceeds the maximum permitted area, and the size would need to be reduced if approved.

### **RECOMMENDATION**

Review the proposed appeal request and take the appropriate action.

### **BACKGROUND INFORMATION**

<b><i>Related Relevant Actions by Planning, Building, Fire, etc.</i></b>	
07/09/15	Riofine Neon Sign Company submitted a sign permit application for an accessory sign at the Village Pub (266 S. Palm Canyon) to the Department of Planning Services.
07/30/15	The Planning Director issued a denial letter for the sign permit application.

Signs in the Downtown/Uptown area are regulated by Section 93.20.09 of the Palm Springs Zoning Code (PSZC). The code allows businesses to have one principal sign (“main sign”) and one secondary sign (“accessory sign”). The main sign may be a projecting sign (blade/arcade sign or awning sign), or a flush-mounted sign (window sign, individual letters mounted on the building, or a fascia panel/plaque sign). The maximum area permitted varies by the specific sign type. Accessory signs also include projecting signs or flush-mounted signs, but with a significantly reduced sign area.

The Village Pub has an existing main sign located over the customer entrance, which is categorized as a flush-mounted sign. The proposed accessory sign is an oval sign of approximately 23 square feet in area, and would be mounted on a short pole over the exposed rafters at the front of the building. The sign would be considered an accessory projecting sign, as it is secondary to the main sign and perpendicular to the face of the building. The sign permit for the proposed sign was denied primarily because the sign would be mounted above the eave line of first floor of the building, which has been interpreted by staff to be inconsistent with the height limits imposed by the sign code. In addition, the proposed sign exceeds the maximum area permitted for an accessory sign, and would need to be reduced in order to conform to code requirements.

## **ANALYSIS**

The applicant states the following relative to the denial of the sign permit application:

*In justification for the appeal, there seems to be some discrepancy regarding the interpretation of zoning code section 93.20.09(A)(3) which states that the top of any sign shall not be higher than the building on which it is located. Please see the attached drawing 1 stating the total building height is 381” with the proposed sign for Village Pub coming in at 182” below that roof line and showing the new Grind permitted sign almost at the roof line.*

PSZC Section 93.20.09(A)(3) states as follows: “Except as otherwise regulated, the top of any sign shall not be higher than the building on which it is located and in no event higher than twenty-eight (28) feet.” This requirement has generally been interpreted by Planning Services staff to mean that signs should be located below the eaves or below the upper cornice line of a building. This is consistent with the Community Design Element of the City’s General Plan, which states that roof signs should be prohibited (Policy CD 10.6).

The building on which the sign is located has two stories, with the second story of the building set back significantly from the Palm Canyon frontage. A pitched roof extends from the plate height of the one-story portion of the building up to the sill height of the second-story windows; the second story is capped with a hipped roof. The proposed sign would be located on a short pole extending above the first-story roof, with the sign perpendicular to the street. The sign would be mounted approximately 13’-4” above the height of the sidewalk, and would be 33 inches high. While the sign would be positioned above the eaves of the roof over the first story, it would be located below the

second-story roofline.

*Other examples of the discrepancy of understanding of the zoning code section 93.20.09(A)(3) see example of pictures of existing permitted signs meeting our proposed sign criteria. Drawing 2 "A" and "B" are Peabody's "C" is Pepper Thai and "D" is Sammy G's Tuscan Grill.*

Relative to the second point, there are examples of signs that have been approved that are located above the eave line of building on which they are located. The first example is the projecting sign for Peabody's Café & Bar, located at 134 S. Palm Canyon Drive. The projecting sign is attached to the wall of the building, and extends up above the eave line of the roof, but does not exceed the height of the ridgeline of the roof.

The second example cited by the applicant is the roof sign at Pepper's Thai Restaurant, located at 396 N. Palm Canyon Drive. The sign is mounted on a parapet wall which is located over the storefront for the restaurant, and department records indicate that the sign location was approved by staff in 2001. This sign may be considered a flush-mounted sign, as it is attached directly to the parapet wall. The parapet, however, appears to have been constructed solely for the purpose of signage display, based on the fact that the parapet does not extend the entire length of the building.

The third example is the sign at Sammy G's Tuscan Grill, which is mounted to a pitched roof, but is located parallel to the street frontage and is located below the ridgeline of the roof. The sign was approved as part of a sign program for The Vineyard complex; per Section 93.20.05(C)(6), signs approved under a sign program may vary from the specific limitations of the sign ordinance subject to findings by the Planning Commission.

PSZC Section 93.20.09(A)(3) clearly states that signs shall not extend above the top of buildings, but does not clearly address the issue of signage placement on buildings with sloped roofs. While not all of the cases provided by the applicant are specifically relevant to this condition, there are examples where signs have been approved that extend above the eave line of the roof. The exhibits included in Section 93.20.09 of the code suggest that projecting signs should be mounted to the wall or hung from the eaves of a building, but the verbiage in the code does not clearly address the placement of projecting signs located above the eave line of a building.

## **CONCLUSION**

The zoning code encourages that signs should complement the architecture of the building on which they are placed. To that end, the code clearly prohibits signs from being higher than the building on which they are located, but does not specifically address the situation of sign placement relative to sloped roofs. Should the Planning Commission make a finding that the placement of the proposed sign is in conformance with the intent of the zoning code, a sign permit will be issued for the sign, subject to the size limitations contained in PSZC Section 93.20.09.



Flinn Fagg, AICP  
Director of Planning Services

**Attachments:**

1. Vicinity Map
2. Draft Resolution
3. Code Excerpts – Chapter 93.20
4. Appeal Letter (dated July 31, 2015)
5. Denial Letter (dated July 30, 2015)
6. Exhibits



# 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, UPHOLDING THE APPEAL OF RIOFINE NEON SIGN COMPANY ON BEHALF OF C.H.I.C. LLC, APPROVING A SIGN PERMIT FOR THE VILLAGE PUB AT 266 SOUTH PALM CANYON DRIVE (CASE NO. 15-071 APP).

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. A sign permit application was submitted to the Department of Planning Services on July 9, 2015, by Rio Score, of Riofine Neon Sign Company, on behalf of C.H.I.C. LLC (the "Applicant"), for a proposed accessory projecting sign for the Village Pub at 266 South Palm Canyon Drive.
- B. The property at 266 South Palm Canyon Drive is located within the C-B-D (Central Business District) zone, and all signage within the downtown zone is subject to the requirements contained in Palm Springs Zoning Code (PSZC) Section 93.20.09.
- C. Department of Planning Services staff reviewed the sign application in accordance with the requirements of Section 93.20.09, and determined that the application did not conform to the height limitations contained in PSZC Section 93.20.09(A)(3). The application was also found to be inconsistent with the area limitations listed in PSZC Section 93.20.09(B)(1)(a).
- D. The Director of Planning Services issued a denial letter of the sign permit application on July 30, 2015, based upon the review conducted by Planning Services staff, and citing the fact that the proposed sign failed to conform to the requirements of PSZC Section 93.20.09.
- E. Pursuant to PSZC Section 93.20.10(A)(3), the applicant filed an appeal of the decision on July 31, 2015, requesting that the Planning Commission review the Planning Director's interpretation of the zoning code relative to sign height, and provided several examples where similar signs had been approved.
- F. On August 12, 2015, the Planning Commission held a public meeting to consider the applicant's appeal of the denial of the sign permit application.
- G. At the meeting of August 12, 2015, the Planning Commission carefully reviewed and considered all evidence presented in connection with the appeal of the action, including but not limited to the staff report, and all written and oral testimony presented.

**THE PLANNING COMMISSION RESOLVES:**

**SECTION 1.** The sign permit application that is the subject of this appeal shall be approved, as the proposed sign conforms to the height limitations contained in PSZC Section 93.20.09(A)(3), in that the sign does not extend above the ridgeline of the roof.

**SECTION 2.** The proposed sign shall otherwise conform to all requirements listed in PSZC Section 93.20.09, including area restrictions, dimensional restrictions, and all other applicable requirements.

**SECTION 3.** Based upon the foregoing, the Planning Commission hereby approves Case No. 15-071 APP.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Flinn Fagg, AICP  
Director of Planning Services

## iv. Fascia Panel/Plaque Signs.

The following requirements apply:

- (A) The length of the fascia panel/plaque shall be a maximum of two-thirds (2/3) the width of the overall storefront.
- (B) The height of individual letters shall not exceed fourteen (14) inches, with the first letter capitals a maximum of sixteen (16) inches.
- (C) The fascia panel/plaque design and finish shall be integrated with the storefront design.
- (D) Individual letters shall not exceed seven (7) inches in depth from the face of the surface upon which they are mounted.
- (E) Acceptable materials include cast stone, metal and wood panels with individual metal and wood letters, neon and custom ceramic tile.
- (F) Letters shall not be closer than six (6) inches from the edge of the fascia panel/plaque.
- (G) The fascia panel shall not exceed a maximum area of one (1) square foot per lineal foot of building frontage with a maximum area of fifty (50) square feet.

## 3. Height.

Except as otherwise regulated, the top of any sign shall not be higher than the building on which it is located and in no event higher than twenty-eight (28) feet.

## B. Accessory and Convenience Signs.

1. Each separate business may select one (1) type of accessory signage from the following signage types (see "SIGN TYPES" artwork found at the end of this Section 93.20.09). However, all businesses within a single building or complex of buildings shall use the same type.

## a. Projecting Signs.

## i. Blade/Arcade Signs.

The following requirements will apply when blade or arcade signs are used:

- (A) The maximum volume allowed shall be nine (9) cubic/square feet. The sign shall not exceed three (3) feet in any one (1) direction. The volume/dimensions used to determine size shall not include the bracket or suspension structure.
- (B) Acceptable materials include painted, polished and patina metal; painted and stained wood; glass; and inlaid stone.
- (C) The lowest point of any blade/arcade sign must be seven (7) feet above any pedestrian walkway.
- (D) The bracket design shall be integrally planned and detailed and shall be highly ornamental in nature. Brackets shall be consistent throughout their use on any particular building.
- (E) One (1) blade/arcade sign may be located at each customer entrance where this type of sign is not also located as a main sign. Each sign must be identical and the combination of such signs shall be deemed as one (1) sign for purposes of this section.

## ii. Awning/Umbrella Signs.

The face of an awning or umbrella which does not contain a main sign may contain an accessory/convenience sign according to the following criteria:

- (A) Letters shall be a maximum height of four (4) inches and located on a vertical face or any valance element of the awning or umbrella. The sign area shall not exceed four (4) square feet.



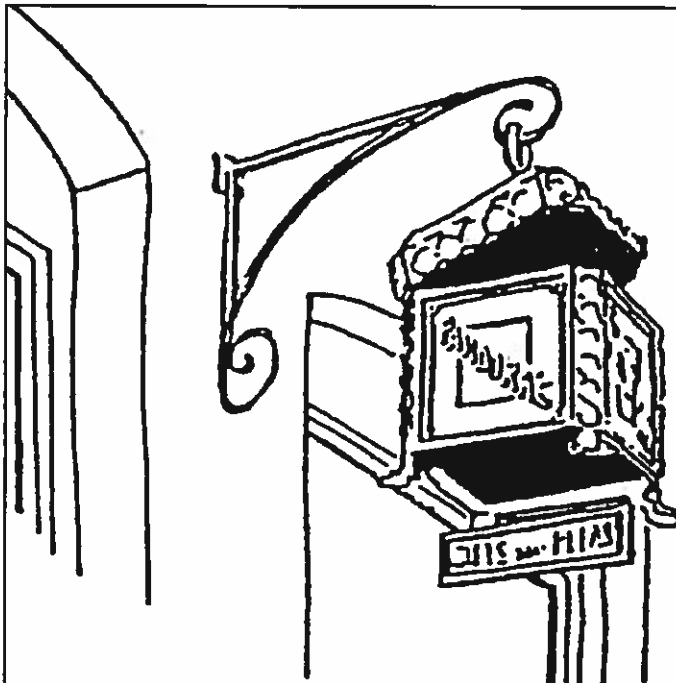
- f. The sign copy shall be produced professionally – signs created by hand or home computer software are not allowed.
- g. No lighting, balloons or other attachments are allowed.
- h. The sign may contain the name of the business, a business logo, the word “open”, and any major product or service available at the retail store. No other information or graphic is allowed, including hours of operation, telephone number, arrows, and any other device 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 Nos. 1815 and 1854, PSZC Section 93.20.09(B)(5) regarding portable open signs, expires October 3, 2016, unless otherwise reauthorized by action of the city council.

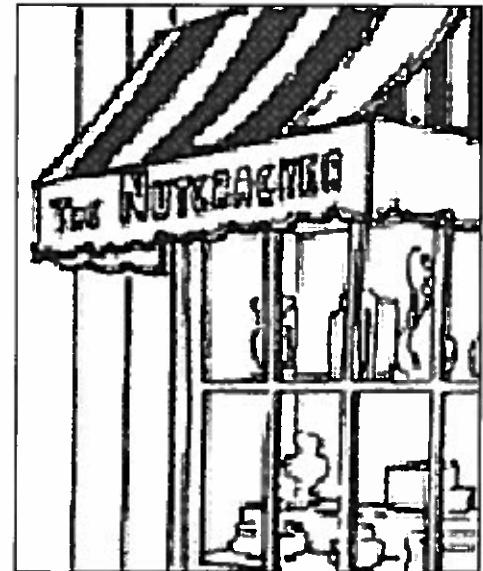
C. Prohibited Signs.

1. Signs on umbrellas and shade devices, except as provided by subsections (A)(2)(a)(2) and (B)(1)(a)(2) of this section;
2. “Can” signs with an illuminated translucent background and silhouette letters;
3. Vacuum formed plastic lettering;
4. Pre-cut and pre-packaged, vinyl letters applied to glazing or other storefront surfaces;
5. Signs prohibited by Section 93.20.04 unless otherwise permitted by this section.

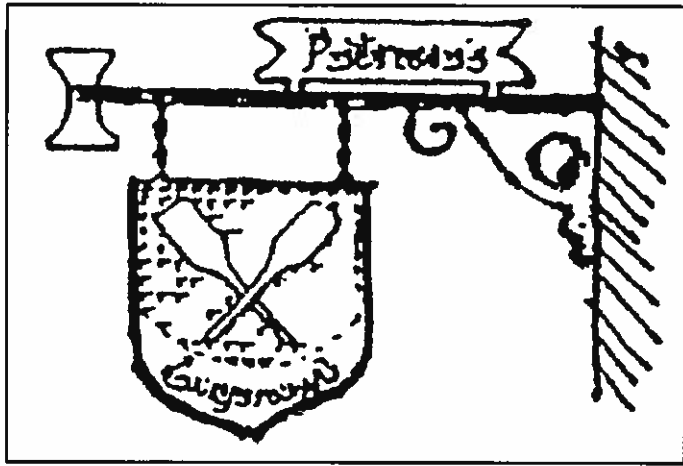
**Sign Types**  
**Downtown/Uptown**  
**Projecting Signs**



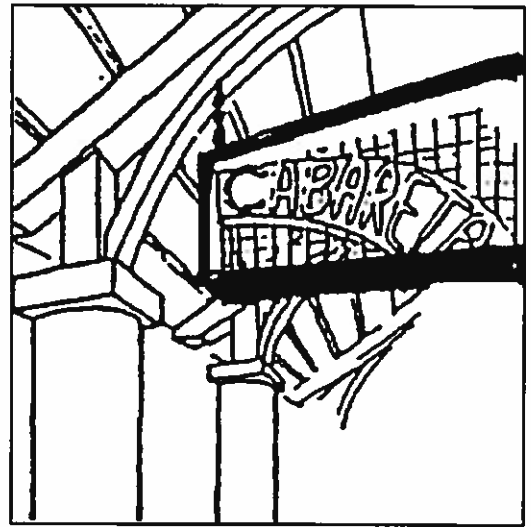
**Blade Sign**



**Awning Sign**

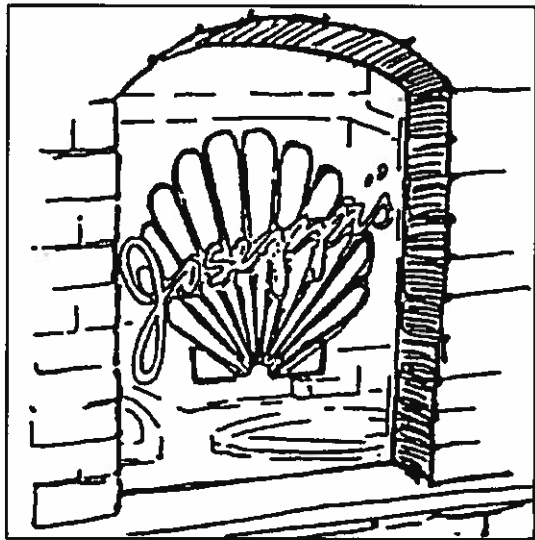


Blade Sign



Arcade Sign

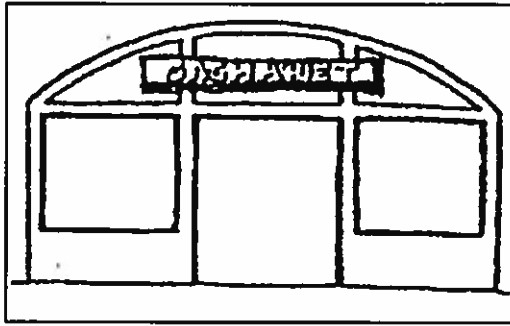
Sign Types  
 Downtown/Uptown  
 Flush-Mounted Signs



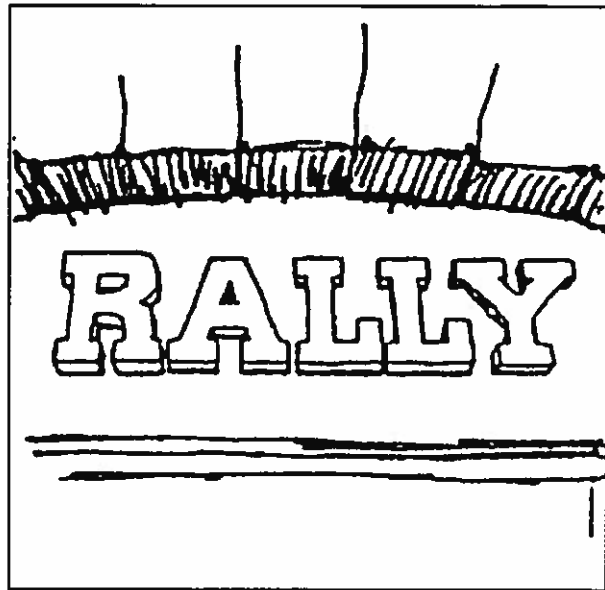
Sign on Glazing



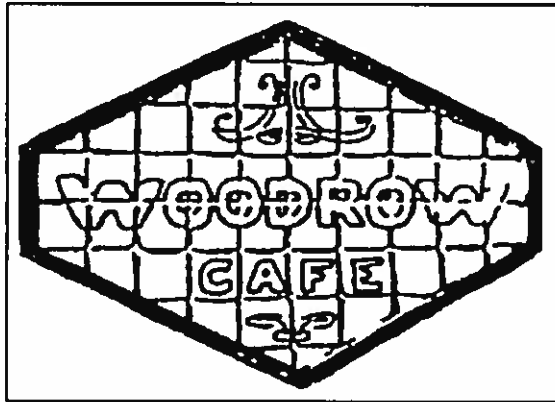
Plaque Sign



Individual Letters



Fascia Panel Sign



Plaque Sign

(Ord. 1861 § 1, 2014; Ord. 1854 § 1, 2014; Ord. 1815 § 1, 2012; Ord. 1744 § 2, 2008; Ord. 1637 § 2, 2003; Ord. 1538, 1996; Ord. 1294, 1988)

[View the mobile version.](#)



July 31, 2015

Flinn Fagg, AICP  
City of Palm Springs  
3200 E Tahquitz Canyon Way  
Palm Springs CA 92262

Re. Request to appeal denial of sign request for Village Pub

Dear Mr. Fagg

Regarding our conversation and your email dated thursday July 30th. I am respectfully submitting my letter to appeal your denial of the sign permit for the proposed new double faced sign for the Village Pub.

In justification for the appeal there seems to be some discrepancy regarding the interpretation of zoning code section 93.20.09 (A)(3) which states that the top of any sign shall not be higher than the building on which it is located.

Please see the attached drawing 1 stating the total building height is 381" with the proposed sign for Village Pub coming in at 182" below that roof line and showing the new Grind permitted sign almost at the roof line. Other examples of the discrepancy of understanding of the zoning code section 93.20.09 (A)(3) see example pictures of existing permitted signs meeting our proposed sign criteria. Drawing 2 "A" and "B" are Peabody's "C" is Pepper Thai and "D" is Sammy G's Tuscan Grill. We have also attached the sign permit application along with items that were submitted to Glen in the planning department.

Sincerely

A handwritten signature in black ink that reads "Rio L. Score".

Rio L. Score  
President  
Riofine Neon Sign Company Inc.



# City of Palm Springs

## Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262  
Tel: (760) 323-8245 • Fax: (760) 322-8360 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

30 July 2015

Mr. Rio Score  
Riofine Neon Sign Company  
68-895 Perez Road  
Cathedral City, CA 92234

RE: Sign Permit – Village Pub

Dear Mr. Score:

This letter is to notify you that the sign permit application for the Village Pub (266 S. Palm Canyon Drive) has been denied. The application has been denied because the sign does not comply with Palm Springs Zoning Code Section 93.20.09(A)(3), which states that the top of any sign shall not be higher than the building on which it is located.

Based upon the submitted drawings, the proposed sign extends above the eave line of the portion of the building on which it is located. While it is agreed that the sign does not extend above the highest point of the roof, the intent of the code is that signs be attached to and integrated with the façade of the building, and that they not extend above the eave or cornice line of the building.

Please feel free to contact me should you have any questions about this decision.

Sincerely,

Flinn Fagg, AICP  
Director

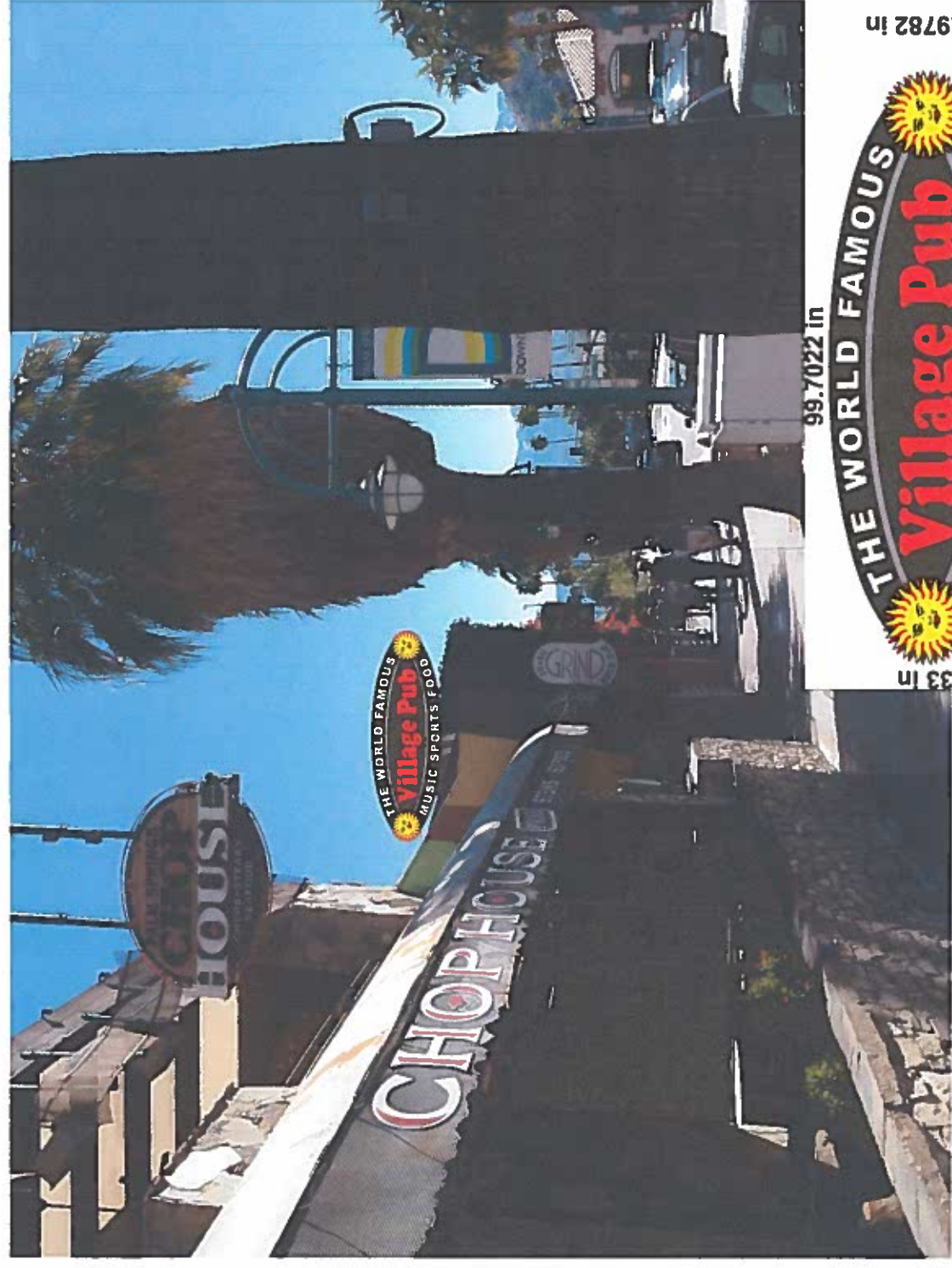
**Colorful Neon SIGN COMPANY**  
 INCORPORATED  
 68895 Perez Rd. I-18  
 Cathedral City, CA 92234  
 Tel: 760-322-6366  
 Fax: 760-321-2682  
 License #689256

**Date** 5-18-15  
**Job Name** Village Pub  
**Job Address** 266 S Palm Canyon Palm Springs CA  
**Sign Type** Sign Can  
**Sign/Letter Size** see right  
**Letter** Logo  
**Return** Trim  
**Lighting Type** Neon  
**Special Notes:**

**Sign Artist:** 

**Drawing #**  
**1**

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**Approved with Changes** \_\_\_\_\_ **Date** \_\_\_\_\_

**Final Approval** \_\_\_\_\_ **Date** \_\_\_\_\_

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License #6889256

**Date** 5-18-15  
**Job Name** Village Pub  
**Job Address** 266 S Palm Canyon Dr. Palm Springs CA  
**Sign Type** Sign Can  
**Sign/Letter Size** see right  
**Letter** Logo  
**Return** Trim  
**Lighting Type**  
**Special Notes:**

**Sign Artist:**

**Drawing #**

**1b**

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**SIDE PROFILE**



**SIDE WALK**



**Approved with Changes**

**Date**

**Final Approval**

**Date**

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From: **Riofine Neon** sales@riofinesigns.com  
 Subject: **Building side profile Drawings Village Pub**  
 Date: **July 9, 2015 at 3:16 PM**  
 To: **Glenn Mlaker** Glenn.Mlaker@palmsprings-ca.gov

Good Afternoon Glenn

Regarding our phone conversation yesterday regarding the Village Pubs sign request. Please see the attached drawing #1-d which shows a side profile of the building. As you stated yesterday the sign cannot be approved because it goes over the existing roof line. This is just not the case, the Village pubs roof line is well above the requested signage. As for the second concern of the sign protruding out over the side walk, the sign will be in alignment with the existing "Grind" sign. The majority of the Village Pub sign will be not over the side walk.

Drawing 1-e shows the existing Chop House hanging sign along with the (4) four Grind signs. If you could please give me a call so we can discuss the issues and have these drawings to relate to.

Best

Rio Score  
 Artist & Vice President  
 Riofine Neon

68895 Perez Rd. i-18  
 Cathedral City CA 92234  
 760-321-0484

[riofineneon.com](http://riofineneon.com)



68895 Perez Rd. i-18  
 Cathedral City, CA 92234  
 Tel: 760-321-0484  
 Fax: 760-321-2682

License #689256

**Date**

7-9-15

**Job Name**

VILLAGE PUB

**Job Address**

266 S. Palm Canyon Palm  
 Springs CA

**Sign Type**

Illuminated sign on

**Sign/Letter Size**

**Letter**      **Logo**

**Return**      **Trim**

**Lighting Type**

Neon

**Special Notes:**

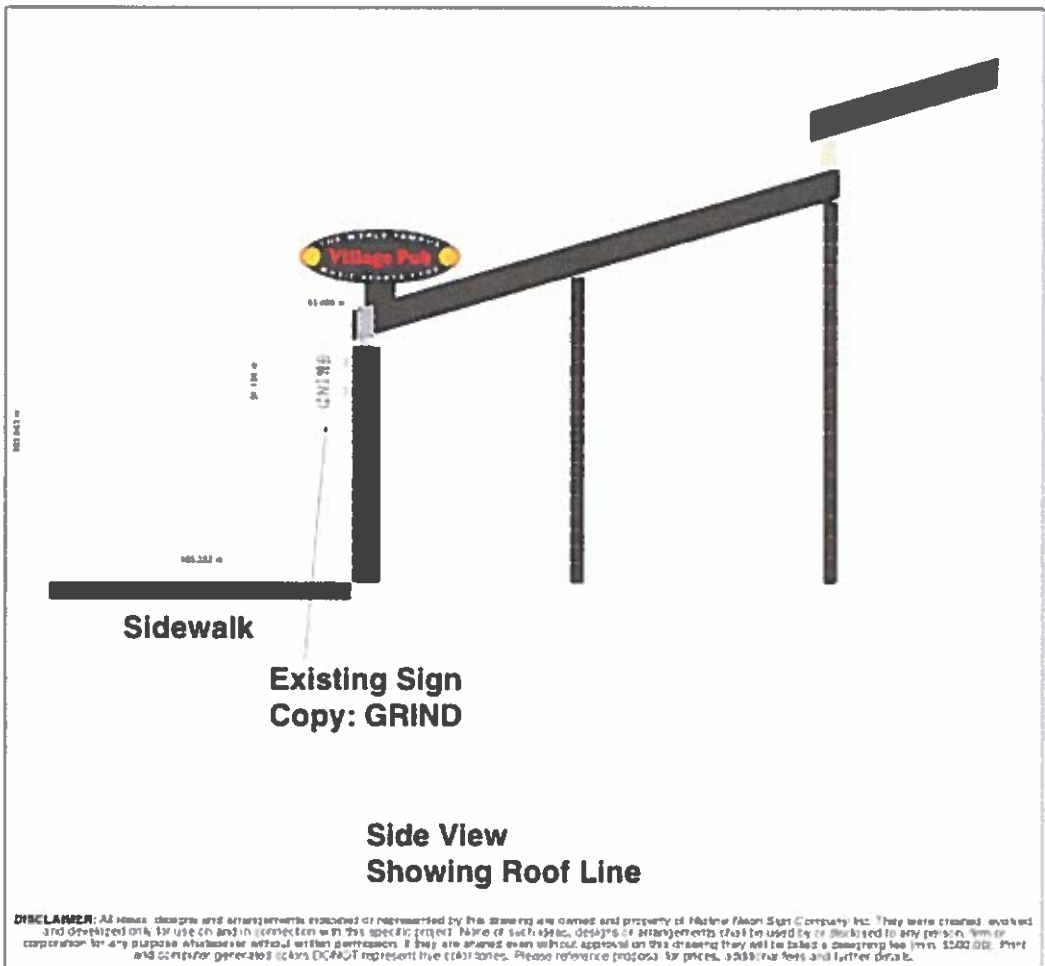
Requested sign does not extend  
 over the existing roof line

Sign Artist:

Drawing #

**1-d**

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68895 Perez Rd. I-18  
 Cathedral City, CA 92234  
 Tel: 760-322-6366  
 Fax: 760-321-2682

 License #689256

**Date**

8-3-15

**Job Name**

Village Pub

**Job Address**

266 S. Palm Canyon Palm  
 Springs CA

**Sign Type**

Sign Can

**Sign/Letter Size**

99.7" x 33"

**Letter**

Logo

**Return**

Trim

**Lighting Type**

Neon

**Special Notes:**

166" from sidewalk to bottom of  
 proposed sign can (includes 6"  
 post)  
 381" to the top of the roof line

**Sign Artist:**

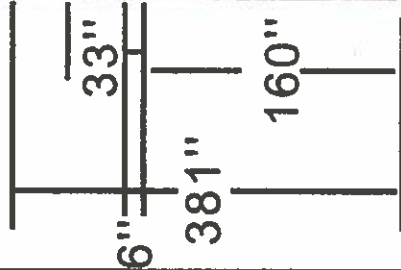
**Drawing #**

**1**

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**A.** Existing sign can  
 for "Grind" almost at roof line


**B.** Proposed sign can  
 is well below roof line



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 Fax: 760-321-2682

 License #689256

**Date**

8-3-15

**Job Name**

Village Pub

**Job Address**

266 S. Palm Canyon Palm  
 Springs CA

**Sign Type**

Sign Can

**Sign/Letter Size**

**Letter**

Logo

**Return**

Trim

**Lighting Type**

**Special Notes;**

Exhibits A, B, C, D

**Sign Artist:**

**Drawing #**

**2**

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A.



B.



C.



D.

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68895 Perez Rd. J-18  
 Cathedral City, CA 92234  
 Tel: 760-322-6366  
 Fax: 760-321-2682

License #689256

**Date**

8-3-15

**Job Name**

Village Pub

**Job Address**

266 S. Palm Canyon Palm  
 Springs CA

**Sign Type**

Sign Can

**Sign/Letter Size**

**Letter**

Logo

**Return**

Trim

**Lighting Type**

**Special Notes:**

Exhibits A,B  
 Grind had 4 existing signs

**Sign Artist:**

**Drawing #**

**3**

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