



CITY COUNCIL STAFF REPORT

DATE: JULY 7, 2010

PUBLIC HEARING

SUBJECT: ZONING ORDINANCE AMENDMENT EXTENDING TERM FOR PORTABLE "OPEN" SIGNS IN COMMERCIAL ZONES

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. The ordinance included an expiration date of October 3, 2010, unless extended. On June 23, 2010, the Planning Commission adopted a recommendation to the City Council to extend the term for two years to October 3, 2012. 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, 2012"

STAFF 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-

ITEM NO. 1E

year time period was established beginning October 3, 2008. Without an extension, portable “open” signs would not be permitted after October 3, 2010.

The City has issued permits for forty-nine (49) portable open signs. This is well under 10% of the number of businesses which might qualify for such signs. Most permits were issued within the first few months; only twelve have been issued in the second year the ordinance has been in effect (October 2009 to the present). Compliance has fairly uniform, though some signs have been placed without permits and others are non-conforming for various reasons (added balloons, lights, etc.) 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. Further, staff believes that the look of the downtown and uptown areas has not been adversely affected by these signs. The Commission considered the matter at its meeting of June 23, 2010 and adopted a recommendation to extend the provisions for two years.

The City Council may consider any recommendation, including:

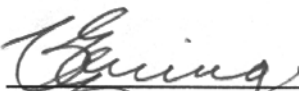
1. No extension. If adopted, the signs would be subject to removal on October 4, 2010.
2. Unlimited term. If adopted, the signs would be allowed indefinitely, subject to the standards and administrative rules and guidelines.
3. Extension of a limited term. If adopted, signs would continue to be allowed for additional time, as determined by the Council. This term 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 text amendment and determined that it is Categorically 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.

FISCAL IMPACT:

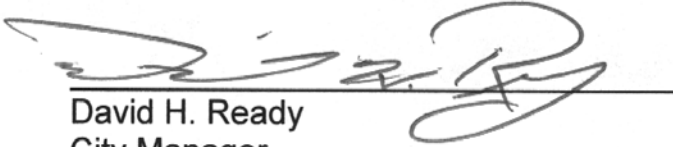
No fiscal impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas J. Wilson
Assistant City Manager, Dev’t Svcs



David H. Ready
City Manager

Attached:

1. Draft Ordinance
2. Planning Commission Resolution No. 6147
3. Planning Commission Staff Report (June 23, 2010, with attachments)

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, 2012.

City Attorney's Summary

Ordinance No. 1744, relating to portable open signs, was originally approved for two years and will expire on October 3, 2010. This Ordinance extends Ordinance No. 1744 to October 3, 2012. .

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, 2012, 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 _____ day of _____ 2010.

MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY

file

RESOLUTION NO. 6147

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL EXTEND FOR TWO YEARS THE TERM FOR SECTION 93.20.09.B.5 OF THE PALM SPRINGS ZONING CODE (PORTABLE OPEN SIGNS).

WHEREAS, Section 93.20.00 of the Palm Springs Zoning Ordinance establishes regulations for the design, placement and use of signs; and

WHEREAS, on April 18, 2008, the City Council voted unanimously to direct staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1202) to establish standards and regulations for portable "open" signs; and

WHEREAS, on May 28, 2008, the Planning Commission conducted a duly noticed public hearing on the proposed amendment, at which hearing the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines 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 the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide for the continued use of pedestrian-oriented signage in the Downtown and Uptown areas of the City;
- b. Assure that standards and regulations continue to avoid undue clutter or potential hazards to pedestrians in the City's traditional commercial areas, and
- c. Assure the continued economic viability of existing and future retailers in the City's Downtown and Uptown areas.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it continues to provide for flexibility in the face of changed economic

conditions, and will assure the continued success of the City's Downtown and Uptown areas.

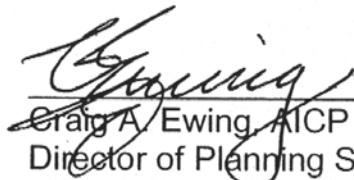
Section 3: Based upon the foregoing, the Planning Commission hereby recommends that the City Council extend for two years (through October 3, 2012) the provisions of Section 93.20.09.B.5 related to portable "open" signs.

ADOPTED this 23rd day of June 2010.

AYES: 6, Donenfeld, Munger, Hudson, Conrad, Scott and Chair Cohen
NOES: None
ABSENT: 1, Vice Chair Caffery
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, AICP
Director of Planning Services



PLANNING COMMISSION STAFF REPORT

Date: June 23, 2010

Case No.: 5.1202-A

Type: Zone Text Amendment

Location: City-wide

Applicant: City of Palm Springs

To: Planning Commission

From: Craig A. Ewing, AICP, Director of Planning Services

Subject: Zoning Ordinance Amendment Extending Term for Portable "Open" Signs in Commercial Zones

PROJECT DESCRIPTION

The project is an amendment to the Palm Springs Zoning Code to extend the term for allowing portable "open" signs in front of commercial businesses. A public hearing is required.

RECOMMENDATION

That the Planning Commission conduct a public hearing and forward to the City Council its recommendation for extending the term for allowing portable "open" signs. A draft resolution recommending a two-year extension is attached for the Commission's consideration.

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.

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. Without an extension, portable “open” signs would not be permitted after October 3, 2010.

The City has issued permits for forty-nine (49) portable open signs. This is well under 10% of the number of businesses which might qualify for such signs. 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 are 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. Most permits were issued within the first few months; only twelve have been issued in the second year the ordinance has been in effect (October 2009 to the present). Compliance has fairly uniform, though some signs have been placed without permits and others are non-conforming for various reasons (added balloons, lights, etc.) Code Enforcement conducts regular patrols and outreach in the downtown area.

During the initial months of the ordinance, staff fielded several calls from business owners outside the authorized area for these signs. Merchants along East Palm Canyon, Sunrise Way and the east side of Indian Canyon (which is not zoned C-B-D) have asked about having portable “open” signs in their areas, which is presently not allowed.

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. Further, staff believes that the look of the downtown and uptown areas has not be adversely affected by these signs. The Commission may consider any recommendation, including:

1. No extension. If adopted, the signs would be subject to removal on October 4, 2010.
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 Commission may recommend any term; however, staff believes that any 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 Categorically 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.

Craig A. Ewing AICP
Director of Planning Services

cc: Draft Resolution
Palm Springs Zoning Code Section 93.20.09.B.5 (Portable Open Signs)
Administrative Rules and Regulations for Portable Open Signs

CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION

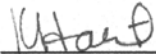


City Council
Meeting Date: July 7, 2010
Subject: Proposed Portable Open Signs Ordinance

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on June 26, 2010.

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




Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was 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 June 24, 2010.

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

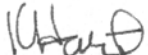


Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on June 24, 2010, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (4 notices)

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



Kathie Hart, CMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1202-A – 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 7, 2010. 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-A, 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 Alternations 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 are also available for public review at City Hall between the hours of 8:00 a.m. to 11:00 a.m. and 2:00 p.m. to 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.

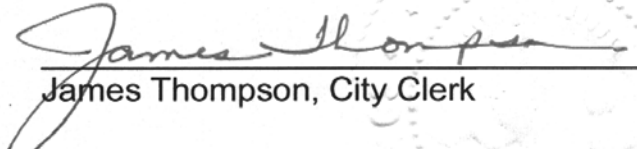
COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the public hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (mail or hand delivery) to:

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

Any challenge of the proposed 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 Craig A. Ewing, Director of Planning Services Department 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) 323-8364.


James Thompson, City Clerk

