

REPORT TO THE PLANNING COMMISSION



DATE: May 8, 2018

TITLE: Sign Variance No. 01-18 for the Harborside (formerly Accucanna Heath Center) proposing a 70-foot pylon/pole sign with a sign area of 200 sq. ft., in addition to a wall and monument sign, the project is located on the southwest corner of Paul Road and Rita Way in the Commercial Retail (CR) Zone. APN: 660-160-008, -009, -010, -011.

Prepared by: Benjamin Torres, Associate Planner

Reviewed by: Daniel Porras, Community Development Director

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Consider a motion that the Planning Commission approve Sign Variance No. 01-18, with the pylon/pole sign located at the preferred location, subject to Staff's recommended conditions of approval. APN 660-160-008, -009, -010, -011.

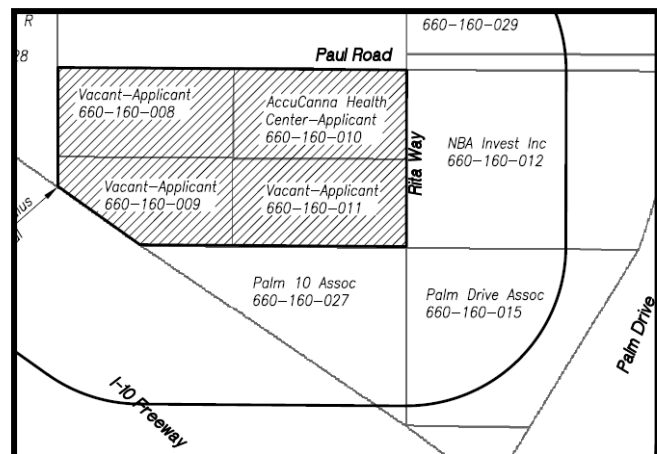
PRIOR ACTIONS

On July 28, 2015 the Planning Commission approved Conditional Use Permit No. 12-14 for the approximately 3,300 SF Harborside (formerly Accucanna Health Center) Cannabis Sales Facility with limited cultivation operations of up to 99 mature plants.

PROJECT SUMMARY

On March 29, 2018, the Applicant, Michael Platt Consulting, LLC, filed an application for a Sign Variance for the Harborside (formerly Accucanna Health Center) Cannabis Sales Facility (CUP 12-14). The application proposes three (3) different sign types (e.g. wall, monument, and pylon).

The project site is located on the southwest corner of Paul Road and Rita Way. The Harborside Center according to the applicant will consist of four (4) parcels (APN: 660-160-008, -009, -010, -011). The proposed wall and monument signs are proposed on the parcel (APN: 660-160-010) containing the Harborside Cannabis Sales Facility. The pylon sign is proposed on the parcel immediately south of the Cannabis Sales Facility fronting the I-10 Freeway, the applicant has proposed two locations for the sign, with a preferred and secondary location. There are currently no development plans for the proposed pylon sign location, the applicant has stated that remaining three (3) parcels will be developed as the Harborside



Center. The project site is currently under construction and is within the Commercial Retail (CR) Zone.

Surrounding properties consist of:

	Jurisdiction	Zoning & General Plan Designations	Current Land Use
North	City	CR (Commercial Retail) District	Vacant Land
West	City	IL (Light Industrial) District	Vacant Land
South	City	CR (Commercial Retail) District	Vacant Land
East	City	CR (Commercial Retail) District	Arco Gas Station

SIGN VARIANCE PROJECT ANALYSIS

General Plan and Zoning Consistency: The project proposes to establish a wall and monument sign in accordance with Section 17.44 (Sign Regulations) of the DHSMC, which allows this use. The project also proposes a 70-foot pylon sign with a 200-sq. ft. sign face, which does not conform to the sign regulations in the zoning code, the applicant is requesting a deviation from these standards by requesting a variance for the increased height and sign area, as well as relief from the City's Sign Ordinance requirement that the property have at least 300 feet of frontage adjacent to a State or Federal highway to install a pylon sign (the property has approximately 195 feet of frontage). The DHSMC contains regulations on how to process variances and explains that variances shall only be granted because of special circumstances applicable to the property. These special circumstances include property size, shape, topography, location or surroundings.

Sign Types:

Three (3) sign types are proposed as part of the application for the Harborside Center. A 26-sq. ft. wall sign for the Harborside Cannabis Sales Facility, a 30-sq. ft. monument sign, and a 70-foot-high pylon/pole sign with a proposed sign face area of 200 sq. ft. Two of the signs (wall and monument) will be located on the property containing the Harborside Cannabis Sales Facility. The pylon sign will be located on the parcel immediately south of the Cannabis Sales Facility having greater freeway frontage.

Sign Height: The proposed wall and monument sign conform to the standards contained in the DHSMC in regard to sign height. The pylon sign is proposing a maximum height of 70 ft., which is 45 ft. higher than what is currently allowed by the zoning code. The applicant is proposing an increased sign height to capture westbound traffic to allow potential customers enough time to identify the retail center and to take the Palm Drive offramp to access the center. The applicant prepared a Westbound Sign Visibility Site Line Study, which is included in the attached exhibits. Based on the location of the proposed Pylon Freeway Sign, if it were to conform to the zoning standards it will be partially blocked by the Palm Drive overpass, which is a reason for the increased sign height. In addition, the neighboring Arco gas station pylon sign has a height of 49 feet, according to the applicant. The Arco sign is not affected by the overpass due to its location, unlike the Harborside pylon sign which requires increased height to have the same westbound visibility. Below is a table showing sign height zoning conformance:

Sign Type:	Proposed Height	Maximum Height Permitted	Zoning Conformance
Wall	N/A	N/A	N/A
Monument	5 ft.	8 ft.	Yes
Pylon	70 ft.	25 ft.	No

Sign Area: The proposed wall and monument signs conform to the standards contained in the DHSMC in regard to sign area. The pylon sign is proposing a maximum sign area of 200 sq. ft., which is 75 sq. ft. higher than what is allowed by the zoning code. The existing Arco sign immediacy east of the project site has a sign area of 156 sq. ft. according to the applicant. Staff is recommending that the pylon sign area be reduced by twenty (20) percent, which will allow the pylon sign to have a maximum sign area of 160 sq. ft. This will make the sign area consistent with that of other neighboring signs and not grant the project a special privilege. Below is a table showing sign area zoning conformance:

Sign Type:	Proposed Sign Area	Maximum Sign Area Permitted	Zoning Conformance
Wall	26 sq. ft.	Up to 100 sq. ft.	Yes
Monument	30 sq. ft.	32 sq. ft.	Yes
Pylon	200 sq. ft.	125 sq. ft.	No

Sign Setbacks: The signs shall conform to the setback requirements contained in the DHSMC.

Freeway Signage: Section 17.44.01 of the DHSZC requires a minimum frontage of 300 feet adjacent to a federal or state highway to allow for placement of a freeway identification/monument pole sign. While the combined properties included in the overall project site are much larger, the diagonal cut of the property that has actual freeway frontage is only 195 feet. Due to the irregular shape of that one lot and the overall size of the four lots combined, and their close proximity to the freeway, staff believes relief from this section of the Code is warranted and supports a recommendation to waive this requirement.

Landscaping: Landscaping is proposed around most of the project containing the Harborside Cannabis Sales Facility, which includes plantings along the street frontage and the parking area. The proposed perimeter landscaping throughout the project site will help enhance the visual character of the streetscape in a manner that is compatible with the local desert environment. Landscaping has been designed to balance aesthetic, water use and security objectives. A 1,100-sq. ft. landscape area is proposed around the monument sign, exceeding the landscape requirements for monument signs. Staff have added a condition of approval requiring that landscaping be proposed around the pylon sign base area, subject to Planning Department approval.

ENVIRONMENTAL ANALYSIS

On July 28, 2015, the Planning Commission approved the Harborside (formerly Accucanna Health Centers) Cannabis Sales Facility and in doing so certified the Mitigated Negative Declaration (MND) for the Project. Pursuant to Section 15162(a) of the CEQA regulations, once an MND has been certified for a project, no subsequent environmental review needs to be completed unless there are substantial changes in the project that warrant additional review. The Planning Commission only needs to make a finding that the request for a Sign Variance is consistent with the original MND, and no further analysis is required. No significant changes are proposed as a part of the proposed project. In addition, this project also qualifies to be Categorically Exempt from environmental review pursuant to Section No. 15311, Class No. 11 (Accessory Structures), of the California Environmental Quality Act, since on-premise signs are proposed.

RECOMMENDATION

Staff finds that the proposed Sign Variance No. 01-18 is substantially consistent with the General Plan and satisfies the Zoning Code requirements through the variance process due to special circumstances applicable to the project location. Staff recommends that the Planning

Commission approve Sign Variance No. 01-18, with the pylon sign at the preferred location, subject to the Conditions of Approval, the mitigation measures outlined in the projects Mitigated Negative Declaration, and including the following findings:

1. *That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification;*

The project site was part of an annexation area that occurred in 2010 and since that annexation, there hasn't been any development in the surrounding area. Existing projects before the annexation were subject to different development standards for signs than what is currently allowed under the DHSMC. The applicant is proposing three (3) signs, one (pylon/pole sign) which does not meet the requirement contained in the zoning code. The pylon sign is proposed with a maximum height of 70 feet and a sign area of 200 sq. ft. The strict application of the zoning code will deprive the property of privileges enjoyed by other property owners in the vicinity. Immediately east of the project site within the same Commercial Retail (CR) zone, there is an existing Arco gas station that has a pylon sign with a maximum height of 49 feet and a sign area of 156 sq. ft. The proposed pylon sign is proposing a maximum height of 70 ft., which is 45 ft. higher than what is currently allowed by the zoning code. The applicant is proposing an increased sign height to capture westbound traffic to allow potential customers enough time to identify the retail center and to take the Palm Drive offramp to access the center. The applicant prepared a Westbound Sign Visibility Site Line Study, which is included in the attached exhibits. Based on the location of the proposed Pylon Freeway Sign, if it were to conform to the zoning standards it will be partially blocked by the Palm Drive overpass, which is a reason for the increased sign height. The Arco sign is not affected by the overpass due to its location, unlike the Harborside pylon sign which requires increased height to have the same westbound visibility. The pylon sign is proposing a maximum sign area of 200 sq. ft., which is 75 sq. ft. higher than what is allowed by the zoning code. The existing Arco sign immediately east of the project site has a sign area of 156 sq. ft. according to the applicant. Staff is recommending that the pylon sign area be reduced by twenty (20) percent, which will allow the pylon sign to have a maximum sign area of 160 sq. ft. This will make the sign area consistent with that of other neighboring signs and not grant the project a special privilege.

Section 17.44.01 of the DHSZC requires a minimum frontage of 300 feet adjacent to a federal or state highway to allow for placement of a freeway identification/monument pole sign. While the combined properties included in the overall project site are much larger, the diagonal cut of the property that has actual freeway frontage is only 195 feet. Due to the irregular shape of that one lot and the overall size of the four lots combined, and their close proximity to the freeway, staff believes relief from this section of the Code is warranted and supports a recommendation to waive this requirement. Staff recommends this finding.

2. *That granting the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the variance is sought:*

Based on the location of the proposed Pylon Freeway Sign, if it were to conform to the zoning standards it will be partially blocked by the Palm Drive overpass. The neighboring Arco gas station immediately to the east of the project site has an existing 49-foot pylon sign with a sign area of 156 sq. ft. The Arco sign/property is located in a prime location where sign visibility is not limited by the Palm Drive overpass. Based on the Sign Site Line Study prepared by the applicant, from the pylon sign location it will have a visibility of .57 miles with the offramp necessary to access the project site located at .225 miles. This will allow potential patrons of the facility .345 miles to see the sign and decide if they want to exit the I-10 Freeway. Someone traveling westbound at around 60 miles per hour, will have approximately 20 seconds to locate the sign and exit the freeway, at the signs proposed 70-foot height. Granting of the variance is necessary for the Harborside Center to succeed as a business, given that other establishment have signs with a similar height and area and are not affected by the Palm Drive overpass. Staff recommends this finding.

3. *That granting the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;*

The proposed pylon sign will be required to comply with all Federal, State, and Local regulations to preserve the health & safety, in addition to the general welfare of the City and surrounding areas. The pylon sign according to the applicant will be designed to withstand up to 140 miles per hour winds, in addition to complying with the California Building Code and other City codes/requirements. The pylon sign will be setback 10 feet from the property lines and will not impact neighboring properties/uses. Staff recommends this finding.

4. *That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;*

Variances have been granted all over the city, county, and state under the same, or similar circumstances due to obstructions and project location that prevents properties from enjoying the same benefits that their neighbors are currently enjoying. Based on the site conditions, external constraints, and existing structures the grating of a height increase for the proposed pylon sign from 25 feet to 70 feet does not constitute a special privilege. Staff is recommending in the conditions of approval that the sign area be reduced by twenty (20) percent to 160 sq. ft., which will keep it consistent with the neighboring Arco sign with an existing sign area of 156 sq. ft.

Section 17.44.01 of the DHSZC requires a minimum frontage of 300 feet adjacent to a federal or state highway to allow for placement of a freeway identification/monument pole sign. While the combined properties included in the overall project site are much larger, the diagonal cut of the property that has actual freeway frontage is only 195 feet. Due to the irregular shape of that one lot and the overall size of the four lots combined, and their close proximity to the freeway, staff believes relief from this section of the Code is warranted and supports a recommendation to waive this requirement. Staff recommends this finding.

5. *That granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and*

The proposed signs are regulated under the City's Zoning & Municipal Codes. Signs are a permitted use if they comply with the regulations contained in the City's zoning code, which is based on building size, project location, sign type, land use location, etc. The granting of this variance does not introduce new uses to the project site nor does it allow for a use or activity which would otherwise not be allowed. Staff recommends this finding.

6. *That granting the variance will not be inconsistent with the General Plan.*

The proposed signs are not inconsistent with the goals and policies of the General Plan. Staff has identified the following General Plan goals and policies applicable to the application and with responses to each. Staff recommends this finding.

Staff has identified the following General Plan goals and policies applicable to the application and provides responses to each.

Administration

Goal: Comprehensive and integrated administration and implementation of all elements of the Desert Hot Springs General Plan through consistent and effective policies and programs.

The City has adopted a Zoning Ordinance, which contains regulations on how to process variances. Although the pylon sign does not conform to the height, sign area, and freeway linear frontage requirements contained in the zoning ordinance, the variance section is being utilized to allow the property to enjoy benefits currently enjoyed by neighboring property owners and to support visibility and success of a freeway-oriented business center which will provide additional jobs, and revenue to the city in the form of cannabis taxation.

Policy 7: The City shall encourage in-fill development within already urbanized areas of the corporate boundaries of the City, and expansion of new development shall be logically phased and, as appropriate, guided by the development of existing and new Specific Plans.

The project site was part of an annexation area that occurred in 2010 and since that annexation, there hasn't been any development in the surrounding area. The purpose of the annexation was to provide the city with additional lands for development adjacent to the freeway and to help the city develop more commercial and industrial uses and establish City presence along the I-10 corridor. The additional businesses and future cultivation operations will also generate additional taxes to assist with city projects, street improvements, and the like. The proposed project will be located on a partially developed property within a partially developed commercial area. All public improvements are in place or will be in place once the project site is operational.

Policy 8: City shall provide opportunities for review and comment on development proposals through public hearing notices sent to owners of property located at least within 300 feet of development proposal sites.

The project was noticed to neighboring owners within 300 feet of the project (on April 26, 2018), and in the Desert Star Weekly on April 27, 2018, per state noticing requirements. No comments have been received at the time of this writing and the Planning Commission will open the public hearing and take public comments and/or testimony on the dais and prior to any action.

Community Design

Goal 2: Variety of community design, architecture and landscaping compatible with the City's desert setting and surrounding development.

The proposed signs will be similar to those in the vicinity and will be compatible in design, architecture, and landscaping with the City's desert surrounding, and commercial/industrial development in the area.

Policy 1: Private and public-sector development projects shall equally apply City community design standards, thereby protecting the community's scenic viewsheds, providing community cohesion and enhancing the image of Desert Hot Springs as a resort residential community.

The site is partially developed and under construction with the projects approved Cannabis Sales Facility. The proposed pylon sign is professionally designed and subtly advertises the business. The sign does not contain any indications that it represents cannabis business operations and does not display any leaves, plants, or other displays that might have a negative effect on the image of the City. The sign provides adequate height for business visibility, in relation to the I-10 Freeway that will promote patronage within the City, while still preserving viewsheds of the region therefore upholding the City's resort residential image.

Policy 9: Signs shall be limited to the minimum size, scale and number needed to provide functional identification and exposure necessary to convey messages, while minimizing impacts on traffic safety, streetscape and scenic viewsheds.

The project site was part of an annexation area that occurred in 2010 and since that annexation, there hasn't been any development in the surrounding area. Existing projects before the annexation were subject to different development standards for signs than what is currently allowed under the DHSMC. The applicant is proposing three (3) signs, one (pylon/pole sign) which does not meet the requirement contained in the zoning code. The pylon sign is proposed with a maximum height of 70 feet and a sign area of 200 sq. ft. The strict application of the zoning code will deprive the property of privileges enjoyed by other property owners in the vicinity. Immediately east of the project site within the same Commercial Retail (CR) zone, there is an existing Arco gas station that has a pylon sign with a maximum height of 49 feet and a sign area of 156 sq. ft. The proposed pylon sign is proposing a maximum height of 70 ft., which is 45 ft. higher than what is currently allowed by the zoning code. The applicant is proposing an increased sign height to capture westbound traffic to allow potential customers enough time to identify the retail center and to take the Palm Drive offramp to access the center. The applicant prepared a Westbound Sign Visibility Site Line Study, which is included in the attached exhibits. Based on the location of the proposed Pylon Freeway Sign, if it were to conform to the zoning standards it will be partially blocked by the Palm Drive overpass, which is a reason for the increased sign height. The Arco sign is not affected by the overpass due to its location, unlike the Harborside pylon sign which requires increased height to have the same westbound visibility. The pylon sign is proposing a maximum sign area of 200 sq. ft., which is 75 sq. ft. higher than what is allowed by the zoning code. The existing Arco sign immediately east of the project site has a sign area of 156 sq. ft. according to the applicant. Staff is recommending that the pylon sign area be reduced by twenty (20) percent, which will allow the pylon sign to have a maximum sign area of 160 sq. ft. This will make the sign area consistent with that of other neighboring signs and not grant the project a special privilege.

All exterior signs as proposed, and with Staffs recommended conditions of approval, are designed to convey their respective message, while minimizing impacts to traffic safety, streetscapes and scenic viewsheds.

Policy 10: Lighting shall be limited to the minimum height, number and intensity of fixtures needed to provide security and identification in residential, commercial and industrial development, taking every reasonable measure to preserve the community's night skies.

All exterior lighting shall comply with Section 17.40.170 (Outdoor Lighting) to assure that only the minimum level of lighting necessary to provide the needed security and safety is installed. All proposed exterior lighting shall be reviewed by staff for conformance to the applicable standards. Therefore, the proposed signs are taking reasonable steps to preserve the night skies.

Economic Development:

Goal 1: A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.

The proposed signs will promote economic development by advertising a nationally recognized commercial business operating within the City. Thus, encouraging people to visit Desert Hot Springs, while they are traveling though the I-10 freeway and will provide additional jobs for our local populous and additional tax revenues for the City.

Goal 2: Continued growth, which assures the maintenance of revenue, base adequate to support present and future public services and facility's needs.

The proposed signs will promote economic development by advertising a nationally recognized commercial business operating within the City. Thus, encouraging people to visit Desert Hot Springs, while they are traveling though the I-10 freeway and will provide additional jobs for our local populous and additional tax revenues for the City.

Policy 11: Make every effort to expedite the processing of development proposals, which address the economic development goals of the community and take the initiative to incubate new programs and projects.

The application for a Sign Variance was submitted on March 26, 2018 and it has been processed in a timely manner. Staff will present the proposal to the Planning Commission for entitlements on May 8, 2018.

EXHIBITS:

- 1 – Draft Conditions of Approval
- 2 – Pylon Sign
- 3 – Pylon Sign Location
- 4 – Wall Sign
- 5 – Monument Sign
- 6 – Wall & Monument Sign Location
- 7 – Sign Renderings (Front Corner)
- 8 – Sign Renderings (Right Entry)
- 9 – Sign Sight Line Study

