

**RESOLUTION NO. PC 2022-08**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA APPROVING VARIANCE NO. 22-01 AND INTERPRETATION FOR AN ELECTRONIC FREEWAY-ORIENTED OUTDOOR AVERTISING SIGN AT 40' HIGH LOCATED AT 85901 VISTA DEL NORTE (APN 603-102-025); FOXPOINT INTERACTIVE, LLC, APPLICANT.**

**WHEREAS**, Foxpoint Interactive, LLC filed an application for a Variance No. 22-01 and Interpretation to allow an electronic freeway-oriented outdoor advertising sign within 600' feet from a church and use finding to for the electronic/digital billboard sign to be found similar as an electronic message board. 85901 Vista Del Norte.; Assessor's Parcel No. 603-102-025 ("Project"); and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on Variance No. 22-01 and Use Finding on April 6, 2022 at the City Council Chambers, 1515 Sixth Street, Coachella, California regarding the proposed Project; and,

**WHEREAS**, at the Planning Commission hearing, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project; and,

**WHEREAS**, the proposed electronic freeway-oriented outdoor advertising sign is necessary or desirable for the development of the community, is consistent with the objectives of the City's General Plan, and is not detrimental to the existing uses or the uses specifically permitted in the zone in which the proposed use is to be located; and,

**WHEREAS**, the use finding of the proposed sign, electronic/digital billboard sign is similar in nature to a message board sign; and,

**WHEREAS**, the proposed project is exempt from the California Environmental Quality Act, as amended; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Coachella, California hereby resolve as follows:

**Section 1.**     Incorporation of Recitals

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

**Section 2.**     CEQA Findings

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning

Commission hereby finds and determines that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as an “New Construction of Small Structures” project (CEQA Guidelines, Section 15303) and the use finding electronic message board would not have a significant environmental impact on the environment and is exempt from CEQA pursuant to Section 15061(b)(3) of State CEQA Guidelines.

**Section 3.** Variance Findings

With respect to Variance 22-01, the Planning Commission finds as follows for the proposed outdoor advertising sign.

1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code. The purpose of the City’s sign regulations seek to provide proper sign control necessary to create and maintain aesthetic values which benefit both resident and merchants who operate in the City. The proposed sign is utilizing an area; a narrow corner of a triangular lot in a previously developed site for a church would have been difficult to develop with any other structures. Denial of the variance will create an undue hardship for applicants that wishes to submit projects that would install structures on underutilized areas or sections within a property throughout the city as well as projects geared towards digital platforms.
2. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings, that do not apply generally to other property in the same zone and vicinity. The subject property is triangular shape and the proposed sign is 400 feet away for the church building located at farthest west corner, the narrowest point of the project site with the ideal positioning to ensure images are seen on the freeway. Going west from the proposed location will not allow such structures until the closest development along Dillon Road.
3. Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question. The electronic freeway-oriented outdoor advertising sign within the same property as the church, “Family Worship Center” and therefore within the 600 feet of the church. The property owner, church, has agreed with the applicant to lease a portion of the property to erect the sign structure.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. As conditioned, the applicant has to ensure the ongoing maintenance of area around the sign free of any debris and property function of the electronic/digital billboard sign.
5. The granting of the variance will not adversely affect any element of the General Plan. The General Plan policies seek to enhance the aesthetic quality of the city’s streets and

parkways. The proposed electronic freeway-oriented outdoor advertising sign will ensure that the sign structure built in a quality that promotes upcoming technology of digital signs.

6. The proposed electronic/digital billboard sign is affixed to the freeway-oriented outdoor sign structure is within the CG zone with approximately frontage of 600 feet. The proposed sign is freeway oriented outdoor advertising sign. The proposed electronic/digital billboard sign will not be flashing, blinking or scrolling images or messages as conditioned for this project. The images will only transition as it moves from one image to another, each image that will be project will be a still image with no animation or any movement. The closest electronic message board is approximately 2,000 feet west projecting gas prices in Love's Truck Stop. Therefore, the proposed sign, electronic/digital billboard sign is similar in nature to a message board sign.
7. The City of Coachella has determined that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as an "New Construction of Small Structures" project (CEQA Guidelines, Section 15303) and the use finding electronic message board would not have a significant environmental impact on the environment and is exempt from CEQA pursuant to Section 15061(b)(3) of State CEQA Guidelines.

**Section 4.** Planning Commission Approval

Based on the foregoing recitals and findings above, and the written and oral comments, facts and evidence presented, the City of Coachella Planning Commission hereby approves Variance No. 22-01, as set forth in "Exhibit A" and approves Interpretation of Coachella Municipal Code Section 5.48 Outdoor Advertising Sign and Section 17.56 Signs as set forth in "Exhibit B".

**PASSED APPROVED and ADOPTED** this 6<sup>th</sup> day of April 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Stephanie Virgen  
Planning Commission Chairperson

**ATTEST:**

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Gabriel Perez  
Planning Commission Secretary

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

**I HEREBY CERTIFY** that the foregoing Resolution No. PC 2022-08 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 6<sup>th</sup> day of May 2022 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Gabriel Perez  
Planning Commission Secretary

**CONDITIONS OF APPROVAL FOR VARIANCE 22-01 AND OUTDOOR ADVERTISING SIGN:**

1. Variance No. 22-01 is granted to allow the construction of electronic freeway-oriented outdoor advertising sign at 40' high to be located to the west corner of the property at 85901 Vista Del Norte (APN: 603-102-025). The sign will be visible from the I-10 Freeway heading east. The site plan shows the location of the electronic sign within the same property as the church (Family Worship Center).
2. The applicant shall submit construction drawings through the Building Division for plan check and approval prior to obtaining a building permit.
3. The applicant shall ensure that the electronic sign projection shall be within the property line, as the project site plan shows, the setback shall be 16' from south property line along the Interstate 10.
4. The applicant shall be responsible for the maintenance of the electronic freeway-oriented outdoor advertising sign. If there are maintenance issue, the city may reach out

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5. The applicant shall execute a standard indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of this approval.
6. The applicant shall include branded city identification approved by the city's Public Information Officer.
7. Signs which are not effectively shielded so as to prevent beams or rays from being directed at any portion of the traveled ways and are of such intensity or brilliance to cause glare or impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle are prohibited.
8. No sign shall be so illuminated that it interferes with the effectiveness or obscures an official traffic sign, device or signal.-Any outdoor advertising sign(s) which is placed or maintained in violation of the provisions of this chapter, which is not removed within thirty (30) days of written notice from the city, shall be subject to a penalty of five thousand dollars (\$5,000.00) plus one hundred dollars (\$100.00) for each day the advertising sign(s) is placed or maintained after the city sends written notice that such penalty shall be assessed. (C.M.C Section 5.48.100 Enforcement)
9. The city may declare that any nonpermitted sign is a public nuisance and after notice that such is the case, the cost of abatement shall be affixed as a lien charge upon the land

whereon the sign is located and such cost shall be added to the tax bill for each such parcel, if not paid pursuant to such notice. (C.M.C Section 5.48.100 Enforcement)

**BUILDING DIVISION:**

10. The applicant shall be aware that the adjusted wind speed for this location is 122 miles per hour.

**CALIFORNIA DEPARTMENT OF TRANSPORTATION OFFICE OF ENCROACHMENT & OUTDOOR ADVERTISING:**

11. The applicant shall obtain necessary permits through the California Department of Transportation Office Encroachment & Outdoor Advertising.  
<https://dot.ca.gov/programs/traffic-operations/oda/forms>

**INTERPRETATION REGARDING ELECTRONIC/DIGITAL BILLBOARD SIGN:**

The interpretation is made that Coachella Municipal Code Section 5.48 Outdoor Advertising Sign includes electronic/digital billboard sign as an allowable type of sign, since the section does not identify whether an electronic/digital sign may be incorporated on an outdoor advertising sign structure. In addition, an interpretation has to be made that Coachella Municipal Code Section 17.56 Signs identifies electronic message board (reader boards) similar or can be considered as electronic/digital billboard sign. The Section lacks the definition for a message board (reader boards) and whether it can be considered similar to an electronic/digital billboard sign.

The electronic/digital sign is defined as computer-controlled electronic displays has the capability of projecting still images on a sign surface area on a presentation mode, where each image will be projected in an appropriate timing for public view.