



CITY COUNCIL STAFF REPORT

DATE: January 5, 2011

PUBLIC HEARING

SUBJECT: CASE 5.1255 CUP: DESERT SUN CENTER, LLC. FOR A TYPE II CONDITIONAL USE PERMIT FOR THE OPERATION OF A FOOD BANK AND DISTRIBUTION FACILITY TO THE ECONOMICALLY DISADVANTAGED / DISABLED SENIOR CITIZENS AT 610 SOUTH BELARDO ROAD.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

Desert Sun Center, LLC. on behalf of the Golden Rainbow Center – SAGE, is requesting that the City Council approve a Type II Conditional Use Permit (CUP) to operate a food bank and distribution facility to economically disadvantaged / disabled senior citizens. The proposed facility will distribute food on Sunday mornings from 8:00 am to 10:00 am at 610 South Belardo Road, Suite 500.

RECOMMENDATION

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. ____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A TYPE II CONDITIONAL USE PERMIT FOR GOLDEN RAINBOW CENTER TO ALLOW THE OPERATION OF A FOOD BANK AND FOOD DISTRIBUTION FACILITY TO ECONOMICALLY DISADVANTAGED / DISABLED SENIOR CITIZENS AT 610 SOUTH BELARDO ROAD; CASE NO. 5.1255 CUP."

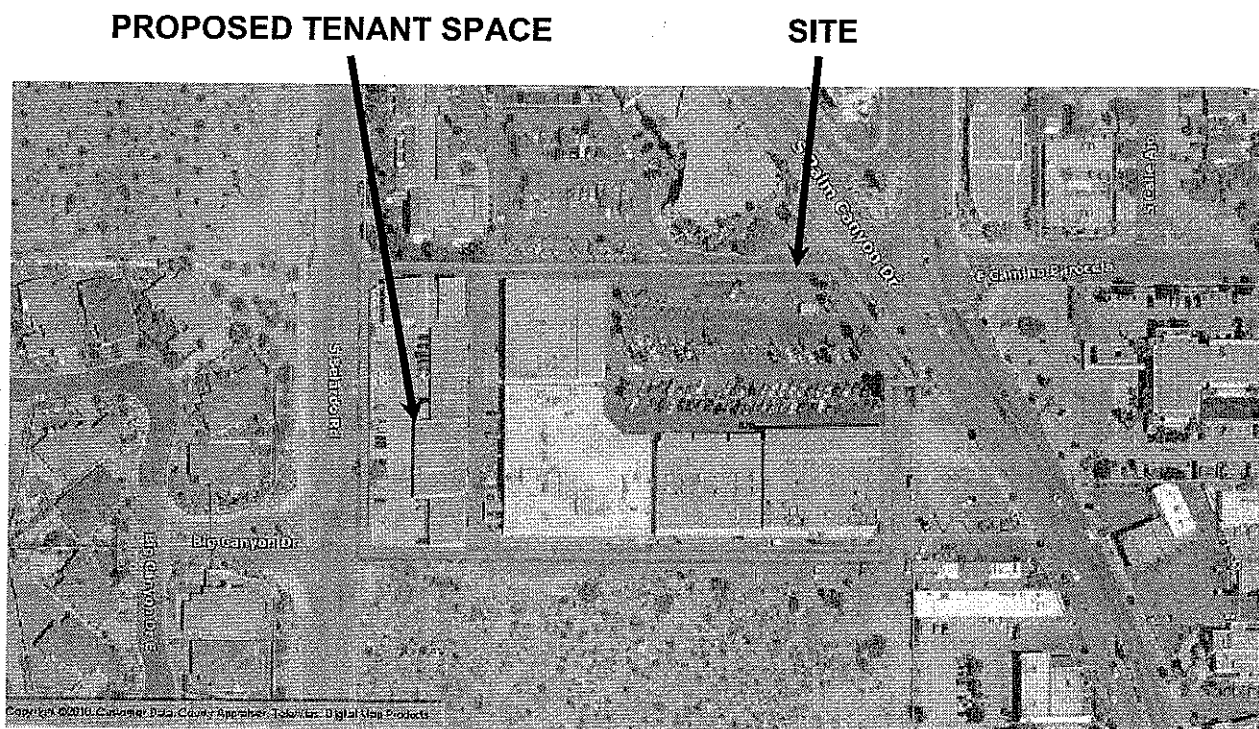
PRIOR ACTIONS

On December 8, 2010, the Planning Commission reviewed the Type II Conditional Use Permit and recommended approval to the City Council by a 7-0 vote.

ITEM NO. 1.B.

BACKGROUND AND SETTING:

The applicant, Desert Sun Center LLC, is requesting approval of a Type II Conditional Use Permit for the Golden Rainbow Center – SAGE. The Golden Rainbow Center – SAGE is a non-profit 501(c)(3) organization that provides health, wellness, and social programs to the Lesbian, Gay, Bisexual, and Transgender (LGBT) community in the Coachella Valley. They moved from 700 East Tahquitz Canyon Way to an office at 611 South Palm Canyon Drive, Suite 201, and are now looking to expand their services to provide food distribution. The proposed use will be located at the rear of the Sun Center at 610 S. Belardo Road, Suite 500.



The subject property is approximately 4.4 acres in size and adjacent to commercial uses to the north and east; residential uses to the west; and vacant land exists to the south. The property is a fully developed shopping center.

Table 1: Adjacent General Plan Designations, Zones and Land Uses:

	General Plan	Zoning	Existing Land Uses
North	CBD (Central Business District)	PD-82 (Planned Development District 82)	Multi-tenanted Commercial
South	MU / MU (Mixed Use / Multi-Use)	R-3 (Multiple-family Residential and Hotel) & C-2 (General Commercial)	Vacant
East	TRC (Tourist Resort Commercial)	PD-187 (Planned Development District 187)	Resort Hotel (Motel 6)
West	LDR (Low Density Residential)	R-2 (Limited Multiple-family Residential)	Single-family Residences

The existing site layout contains two main buildings with an alley and parking. The two main parking lots front both Palm Canyon Drive and Belardo Road. The Golden Rainbow Center has stated that the proposed Food Distribution Program will occupy a 1,500 square-foot tenant space on the westerly portion of the site. The facility will be for Riverside County residents aged 55 and older or disabled citizens. These clients will be given one grocery bag to fill with items of their choice. Items are limited and include one meat entrée, one fresh produce and other food items, depending on availability.

STAFF ANALYSIS:

General Plan & Zoning Designations

The General Plan designation of the subject site is MU / MU (Mixed Use / Multi-Use). The General Plan states, "*Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses.*" The proposed use is for the distribution of food bags to senior or disabled citizens; this can be categorized as a service business.

The site is zoned Planned Development District 77 (PD-77). Pursuant to Section 94.02.00(A)(2)(j) of the Palm Springs Zoning Code (PSZC), institutions of a philanthropic or charitable nature are allowed in any zone except where expressly prohibited. This Planned Development District does not expressly prohibit institutions of a philanthropic or charitable nature.

Off-street Parking

The commercial complex has a total square footage of approximately 106,894 square feet. The proposed use will be located in the westerly building that faces Belardo Road. This building is approximately 13,414 square feet in size and the proposed use will occupy approximately 1,500 square feet. Currently, there is a mix of commercial and office tenants on the subject property.

Mixed-use developments that exceed 20,000 square feet in gross floor area are required to have one parking space for each 250 square feet of gross floor area. With this calculation, the westerly building is required to have a total of 54 parking stalls. The subject building has forty parking stalls to the west and forty-two parking stalls to the east (rear of building) for a total of eighty-two parking stalls. Therefore, the facility will have sufficient parking.

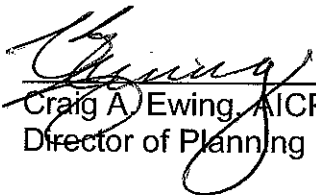
Conditional Use Permit Analysis

The request is subject to the required findings of a Conditions Use Permit as contained in Section 94.02.00 of the PSZC. The findings require that the use is properly one for the said location, is necessary or desirable for the development of the community and is not detrimental to existing uses or to future uses in the zone. The existing site is a large mixed-use commercial complex with a variety of office and commercial uses. The

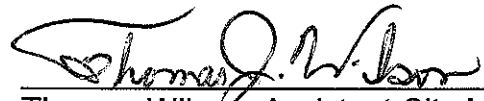
proposed use will operate in a 1,500 square-foot tenant space and only on Sunday mornings when offices are typically closed. Therefore, the site for the intended use is adequate in size and shape to accommodate such use to those existing or permitted future uses of land in the neighborhood. Findings in support of approving the proposed food bank and distribution facility have been made by the Planning Commission and are included in the attached draft resolution of approval.

FISCAL IMPACT:

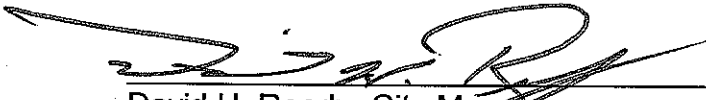
No Fiscal Impact.



Craig A. Ewing, AICP
Director of Planning Services



Thomas Wilson, Assistant City Manager



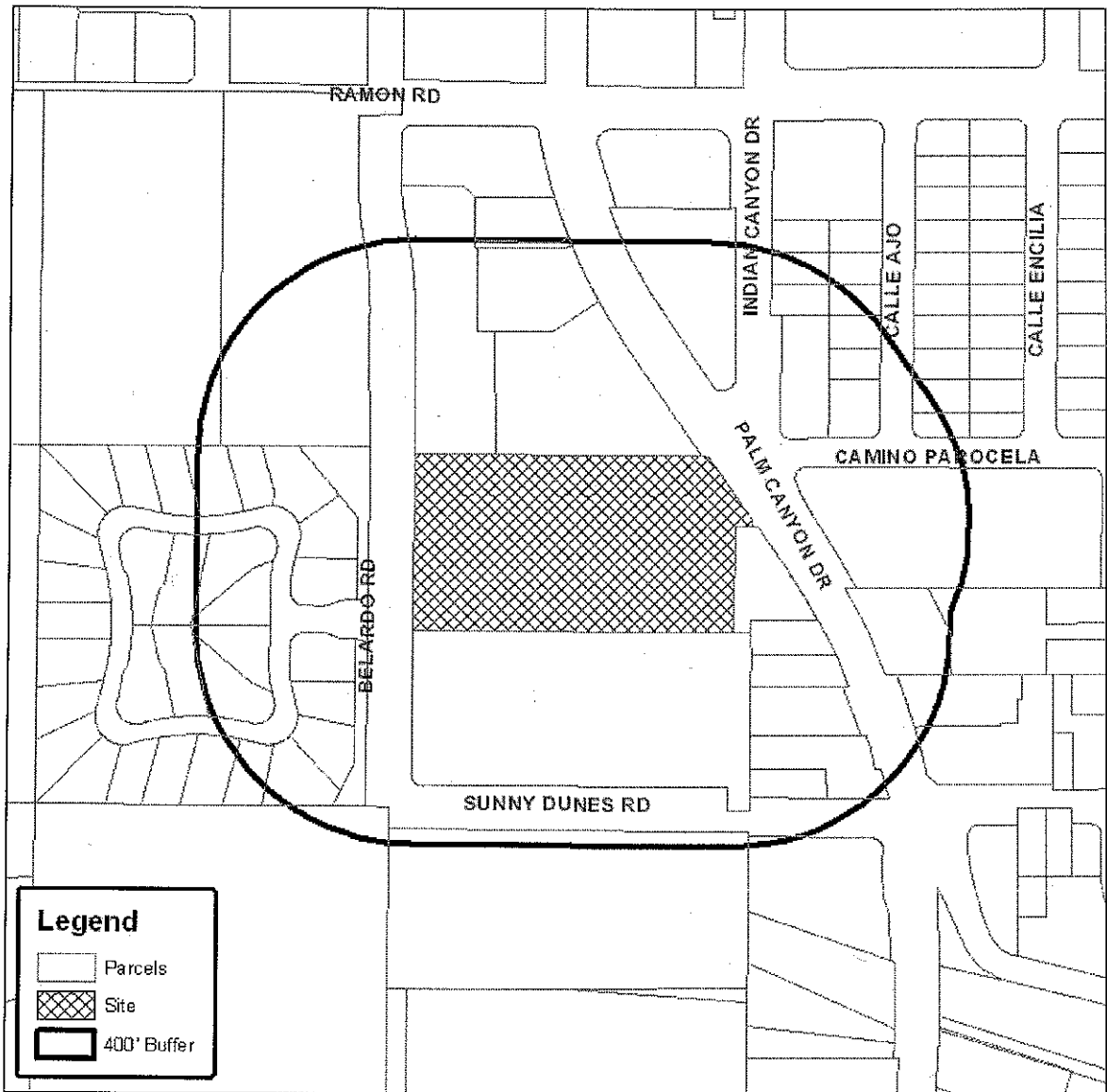
David H. Ready, City Manager

Attachments:

1. Vicinity Map
2. Draft City Council Resolution
3. Planning Commission staff report dated December 8, 2010
4. Draft Planning Commission meeting minutes, December 8, 2010
5. Letter received from member of the public



Department of Planning Services
Vicinity Map



Legend

- Parcels
- Site
- 400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1255 CUP

APPLICANT: Desert Sun Center LLC

DESCRIPTION: Desert Sun Center LLC for a Type II Conditional Use Permit to operate a food bank and distribution facility to economically disadvantaged / disabled senior citizens. The proposed facility will distribute to clients at 610 South Belardo Road, Suite 500, where other permitted services will also be offered.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1255 CONDITIONAL USE PERMIT FOR AN INSTITUTION OF CHARITABLE NATURE LOCATED AT 610 SOUTH BELARDO ROAD.

WHEREAS, Desert Sun Center, LLC. ("Applicant") on behalf of Golden Rainbow Center – SAGE, has filed an application with the City pursuant to Section 94.02.00 of the Palm Springs Zoning Code (PSZC) to distribute food baskets of groceries to economically disadvantaged / disabled senior citizens at 610 South Belardo Road, Suite 500, Zone PD-77, Section 22; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider the application for Conditional Use Permit Case No. 5.1255 was given in accordance with applicable law; and

WHEREAS, on December 8, 2010, a public hearing on the application for Conditional Use Permit Case No. 5.1255 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, on December 8, 2010, the Planning Commission recommended approval of Conditional Use Permit Case No. 5.1255 to the City Council; and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider the application for Conditional Use Permit Case No. 5.1255 was given in accordance with applicable law; and

WHEREAS, on January 5, 2011, a public hearing on the application for Conditional Use Permit Case No. 5.1255 was held by the City Council in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class 1 exemption (Existing Facilities) pursuant to Section 15301(e) of the CEQA Guidelines; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. This project is categorically exempt from environmental review pursuant to Section 15301(e) (Class 1 – existing facilities) of the California Environmental Quality Act (CEQA).

SECTION 2. Section 94.02.00(B)(6) of the Zoning Code requires the Planning Commission not approve a Conditional Use Permit unless it finds as follows:

1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*
2. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*
3. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping, and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood.*
4. *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*
5. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:*
 - a. *Regulation of use*
 - b. *Special yards, space and buffers*
 - c. *Fences and walls*
 - d. *Surfacing of parking areas subject to city specifications*
 - e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
 - f. *Regulation of points of vehicular ingress and egress*
 - g. *Regulation of signs*
 - h. *Requiring landscaping and maintenance thereof*
 - i. *Requiring maintenance of grounds*
 - j. *Regulation of noise, vibrations, odors, etc.*
 - k. *Regulation of time for certain activities*
 - l. *Time period within which the proposed use shall be developed*
 - m. *Duration of use*
 - n. *Dedication of property for public use*

- o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

SECTION 3. Based upon the foregoing, the City Council finds as follows:

1. Pursuant to Section 94.02.00(A)(2)(f) of the Palm Springs Zoning Ordinance, an institution of charitable nature is authorized within the PD-77 Zone with the approval of a Type II Conditional Use Permit. Planned Development District 77 does not expressly prohibit institutions of a philanthropic or charitable nature.
2. The General Plan designation of the subject site is MU / MU (Mixed Use / Multi-Use). The General Plan states, "*Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses.*" The proposed use is the distribution of food bags to senior or disabled citizens; this can be categorized as a service business.
3. The project does not propose any exterior changes to the site. The existing site is a large mixed-use commercial complex with a variety of office and commercial uses. The proposed use will operate in a 1,500 square-foot tenant space and only on Sunday mornings when offices are typically closed. Therefore, the site for the intended use is adequate in size and shape to accommodate such use to those existing or permitted future uses of land in the neighborhood.
4. The project site is located along South Palm Canyon Drive, which is a Major Thoroughfare, and South Belardo Road, which is a Collector Street, according to the General Plan Circulation Element. Both of these two-way streets are fully paved and include sidewalks. The food distribution services will be held on Sundays for two hours only. The proposed use will be adequately served by the existing parking on the site, and the use is expected to generate minimal traffic.
5. There are no changes proposed to the existing site plan. Staff has included Conditions of Approval such as restricting hours and days of operation, prohibiting outdoor storage, requiring property maintenance by owner/tenant and others to insure the proposed use will protect the public health, safety and general welfare.

NOW, THEREFORE BE IT RESOLVED that the City Council approves Conditional Use Permit Case No. 5.1255, subject to those conditions set forth in Exhibit A, which are to be satisfied unless otherwise specified.

ADOPTED THIS 5TH DAY OF JANUARY, 2011.

David H. Ready, City Manager

ATTEST:

James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

EXHIBIT A

CONDITIONAL USE PERMIT CASE NO. 5.1255

DESERT SUN CENTER, LLC.

610 SOUTH BELARDO ROAD

JANUARY 5, 2011

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1255 CUP, except as modified by the conditions below.
- ADM 2. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 3. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 4. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1255 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs.

Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 5. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 6. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once the use has commenced operation, the Conditional Use Permit does not have a time limit, provided the project has remained in compliance with all conditions of approval.
- ADM 7. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 8. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution.
- ADM 9. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Policy or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in

enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.

ADM 10. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.

ADM 11. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

PLANNING DEPARTMENT CONDITIONS

PLN 1. Hours / Days of Operation. The applicant shall be required to maintain the opening hours as stated on the Conditional Use Permit application. Hours of operation shall be from 8:00 a.m. to 10:00 a.m. on Sundays only. Any future modifications to the hours of operation shall require prior approval by the Planning Commission and the City reserves the right to modify or restrict the business hours based upon documented operational circumstances.

PLN 2. Operation Changes. The applicant/owner shall notify the Director of Planning and Building in writing 30 days in advance of any changes in the operation of business. Any transference of this Conditional Use Permit upon change of ownership is subject to review and approval by the City.

PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.

PLN 4. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 5. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

PLN 6. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

BUILDING DEPARTMENT CONDITIONS

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

FIRE DEPARTMENT CONDITIONS

FID 1. The applicant will comply with all requirements of the Palm Springs Fire Department.

END OF CONDITIONS



Planning Commission Staff Report

Date: December 8, 2010

Case No.: 5.1255 – CUP

Type: Conditional Use Permit

Location: 610 South Belardo Road

APN: 513-290-014

Applicant: Desert Sun Center, LLC for Golden Rainbow Center - SAGE

General Plan: MU / MU (Mixed Use / Multi-Use)

Zone: PD-77 (Planned Development 77)

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

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

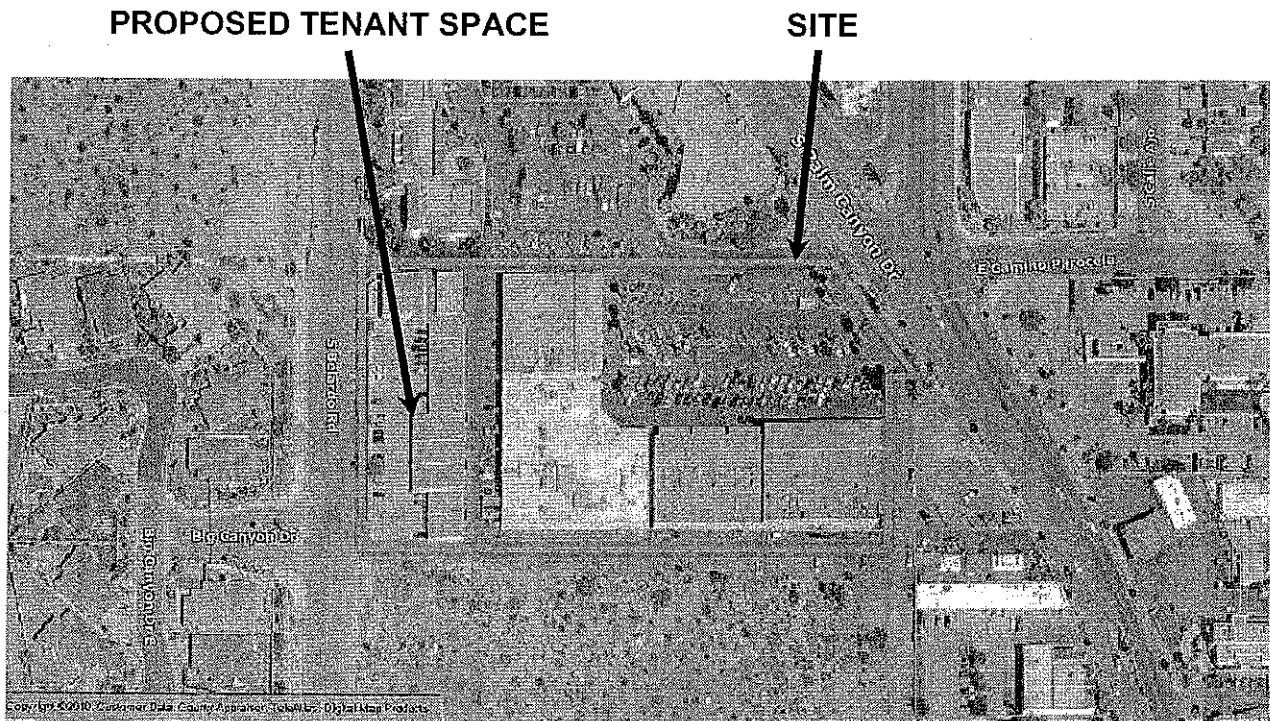
The applicant has requested a Type II Conditional Use Permit (CUP) to operate a food bank and distribution facility to the economically disadvantaged / disabled senior citizens. The proposed facility will distribute food on Sunday mornings from 8:00 am to 10:00 am at 610 South Belardo Road, Suite 500.

RECOMMENDATION:

That the Planning Commission recommends approval of the Type II Conditional Use Permit to the City Council to allow a food distribution facility at 610 South Belardo Road, Suite 500.

BACKGROUND AND SETTING:

The applicant, Desert Sun Center LLC, is requesting approval of a Type II Conditional Use Permit for the Golden Rainbow Center – SAGE. The Golden Rainbow Center – SAGE is a non-profit 501(c)(3) organization that provides health, wellness, and social programs to the Lesbian, Gay, Bisexual, and Transgender (LGBT) community in the Coachella Valley. They moved from 700 East Tahquitz Canyon Way to an office at 611 South Palm Canyon Drive, Suite 201, and are now looking to expand their services to provide food distribution. The proposed use will be located at the rear of the Sun Center at 610 S. Belardo Road, Suite 500.



The subject property is approximately 4.4 acres in size and adjacent to commercial uses to the north and east; residential uses to the west; and vacant land exists to the south. The property is a fully developed shopping center.

Table 1: Adjacent General Plan Designations, Zones and Land Uses:

	General Plan	Zoning	Existing Land Uses
North	CBD (Central Business District)	PD-82 (Planned Development District 82)	Multi-tenanted Commercial
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The existing site layout contains two main buildings with an alley and parking. The two main parking lots front both Palm Canyon Drive and Belardo Road. The Golden Rainbow Center has stated that the proposed Food Distribution Program will occupy a 1,500 square-foot tenant space on the westerly portion of the site. The facility will be for Riverside County residents aged 55 and older or disabled citizens. These clients will be given one grocery bag to fill with items of their choice. Items are limited and include one meat entrée, one fresh produce and other food items, depending on availability.

ANALYSIS:

The General Plan designation of the subject site is MU / MU (Mixed Use / Multi-Use). The General Plan states, "*Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses.*" The proposed use is for the distribution of food bags to senior or disabled citizens; this can be categorized as a service business.

The site is zoned Planned Development District 77 (PD-77). Pursuant to Section 94.02.00(A)(2)(j) of the Palm Springs Zoning Code (PSZC), institutions of a philanthropic or charitable nature are allowed in any zone except where expressly prohibited. This Planned Development District does not expressly prohibit institutions of a philanthropic or charitable nature.

The commercial complex has a total square footage of approximately 106,894 square feet. The proposed use will be located in the westerly building that faces Belardo Road. This building is approximately 13,414 square feet in size and the proposed use will occupy approximately 1,500 square feet. Currently, there is a mix of commercial and office tenants on the subject property.

Mixed-use developments that exceed 20,000 square feet in gross floor area are required to have one parking space for each 250 square feet of gross floor area. With this calculation, the westerly building is required to have a total of 54 parking stalls. The subject building has forty parking stalls to the west and forty-two parking stalls to the east (rear of building) for a total of eighty-two parking stalls. Therefore, the facility will have sufficient parking.

REQUIRED FINDINGS:

The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. Those findings are analyzed by staff in order below:

- 1) *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

Pursuant to Section 94.02.00(A)(2)(f) of the Palm Springs Zoning Ordinance, an institution of charitable nature is authorized within the PD-77 Zone with the approval of a Type II Conditional Use Permit. Planned Development District 77 does not expressly prohibit institutions of a philanthropic or charitable nature.

- 2) *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The General Plan designation of the subject site is MU / MU (Mixed Use / Multi-Use). The General Plan states, "Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses." The proposed use is the distribution of food bags to senior or disabled citizens; this can be categorized as a service business.

- 3) *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping, and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood.*

The project does not propose any exterior changes to the site. The existing site is a large mixed-use commercial complex with a variety of office and commercial uses. The proposed use will operate in a 1,500 square-foot tenant space and only on Sunday mornings when offices are typically closed. Therefore, the site for the intended use is adequate in size and shape to accommodate such use to those existing or permitted future uses of land in the neighborhood.

- 4) *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The project site is located along South Palm Canyon Drive, which is a Major Thoroughfare, and South Belardo Road, which is a Collector Street, according to the General Plan Circulation Element. Both of these two-way streets are fully paved and include sidewalks. The food distribution services will be held on Sundays for two hours only. The proposed use will be adequately served by the existing parking on the site, and the use is expected to generate minimal traffic.

- 5) *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:*
 - a. *Regulation of use*
 - b. *Special yards, space and buffers*
 - c. *Fences and walls*

- d. *Surfacing of parking areas subject to city specifications*
- e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
- f. *Regulation of points of vehicular ingress and egress*
- g. *Regulation of signs*
- h. *Requiring landscaping and maintenance thereof*
- i. *Requiring maintenance of grounds*
- j. *Regulation of noise, vibrations, odors, etc.*
- k. *Regulation of time for certain activities*
- l. *Time period within which the proposed use shall be developed*
- m. *Duration of use*
- n. *Dedication of property for public use*
- o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

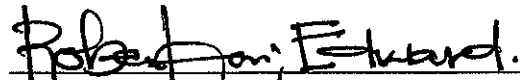
There are no changes proposed to the existing site plan. Staff has included Conditions of Approval such as restricting hours and days of operation, prohibiting outdoor storage, requiring property maintenance by owner/tenant and others to insure the proposed use will protect the public health, safety and general welfare.

CONCLUSION:

The proposed project is consistent with the use on the site and is compatible with the General Plan and Zoning Ordinance land uses. Staff recommends the required findings necessary for the issuance of a Conditional Use Permit and is therefore recommending approval of Case 5.1255 – CUP.



David A. Newell
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

Attachments

- ~~1. Vicinity Map~~
- ~~2. Draft Resolution w/ Conditions of Approval~~

2B. Case 5.1255 CUP - A request by Desert Sun Center LLC for a Type II Conditional Use Permit to operate a food bank and distribution facility to economically disadvantaged / disabled senior citizens at 610 South Belardo Road, APN: 513-290-014, Zone PD 77, Section 22. (Project Planner: David A. Newell, Associate Planner)

David Newell, Associate Planner, provided background information as outlined in the staff report dated December 8, 2010.

Chair Caffery opened the public hearing:

- Harvey Stern, provided background information on the non-profit organization pertaining to the type of clientele, donation deliveries and food distribution.
- Kelly Wells, provided information on the food deliveries to the facility, distribution process and the type of food donated and distributed.
- Robin Johnson, (director of social services, Desert AIDS Project), stated that a high number of HIV patients are economically disadvantaged and spoke in support of the proposed project.
- Randy Lowe, (chairman, board of directors, Golden Rainbow Center), spoke about the importance of this service to the community.
- Carlo Paoli, on behalf of Bernice Greene, expressed opposition to the food bank and distribution center because it will increase traffic and loitering in this area.
- Tom Lathrop, (board member, Golden Rainbow Center), spoke about their search for appropriate location and hours of operation.
- Tim Sigle, requested approval of the food bank to help low income senior citizens and the community.
- John Giandelonie, expressed support for the proposed project and noted the benefits to the community.
- Michael Lowe, requested consideration of the proposed application for all those in need in the community.
- David Kimball, (chief operating officer, Golden Rainbow), addressed the loitering and vagrancy concern and noted the limited hours of food distribution.
- Harvey Stern, explained that they have temporarily re-located until approval of this application.

There being no further appearances the public hearing was closed.

The Commission requested further information on the type of transportation the majority of clients use and maximum amount of people allowed in the building.

Commissioner Klatchko stated that this an appropriate use and location and noted that no negative comments from the neighboring tenants were received.

M/S/C (Philip Klatchko/Vice Chair Scott, 7-0) To recommend approval to the City Council, subject to Conditions of Approval.

David Newell

From: bernice greene [bezybee@yahoo.com]
Sent: Wednesday, December 08, 2010 11:48 AM
To: David Newell
Subject: Conditional Use Permit Case No.5.1255
Attachments: 633 Big Canyon East, Palm Springs.docx

Hello, David

I have modified the second to last sentence of my original letter to indicate that I am not against the presence of the Golden Rainbow organization-- only the operation of a food distribution facility at the Desert Sun Center.

That revised letter is attached.

Thank you,

Bernice Greene

RECEIVED

DEC 08 2010

**PLANNING SERVICES
DEPARTMENT**

December 6, 2010

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

RE: Conditional Use Permit
Case No. 5.1255
Desert Sun Center LLC

RECEIVED

DEC 08 2010

**PLANNING SERVICES
DEPARTMENT**

Dear Sir:

I am in receipt of your Notice of Public Hearing regarding the above referenced Conditional Use Permit application. While I am a property owner of a single family home located at 633 Big Canyon, East, I am in Northern California this month, and cannot attend the Planning Commission meeting on December 8th. However, I am requesting that Mr. Carlo Paoli, who is a Palm Springs resident and lives near the proposed location, be allowed to read this letter on our behalf.

Sun Center is a complex of mixed retail and office use located in an area comprised of upscale single family homes, small hotels and vacant land. Belardo Road is a well maintained, quiet street, designated as a bike trail in front of Sun Center. There is virtually no truck traffic on this street at this time.

I strongly object to locating a food bank and distribution center in this location. The increased traffic due to truck deliveries and food pickup would destroy the quiet nature of this neighborhood. I have observed more than a half dozen intoxicated street people "hanging out" at the current Cathedral City location on "truck delivery days" in addition to their "hanging out" on the food distribution day. These loiterers would pose a problem in our neighborhood, and would additionally affect the existing tenants possibly changing the nature of the businesses located in Sun Center. Lastly, I believe that the additional police coverage required to supervise a use of this nature in this location is not available.

While I do not object to the Golden Rainbow center having offices and programs in the Desert Sun Center, I feel very strongly that this is not the proper location for a food distribution facility. That use belongs in an industrial area, not in a retail, office or residential neighborhood.

Please deny this use in the Desert Sun Center.

Sincerely,

Bernice Greene

633 Big Canyon, East

Palm Springs

December 6, 2010

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

RE: Conditional Use Permit
Case No. 5.1255
Desert Sun Center LLC

RECEIVED

DEC 06 2010

**PLANNING SERVICES
DEPARTMENT**

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For all of these reasons I feel very strongly that this is not the proper location for a food distribution facility. It belongs in an industrial area, not in a retail, office or residential neighborhood.

Please deny this use in Sun Center.

Sincerely,

Bernice Greene

633 Big Canyon, East

Palm Springs

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**

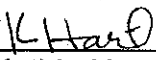


City Council
Meeting Date: January 5, 2011
Subject: Case 5.1255 – CUP – Desert Sun Center LLC – 610 S Belardo Road

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 December 21, 2010, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California.
(72 notices)

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




Kathie Hart, CMC
Chief Deputy City Clerk

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 December 25, 2010.

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

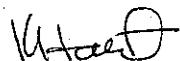


Kathie Hart, CMC
Chief Deputy City Clerk

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 December 21, 2010.

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



Kathie Hart, CMC
Chief Deputy City Clerk



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: www.palmspringsca.gov

December 21, 2010

Ms. Claudia Salgado
Bureau of Indian Affairs
P. O. Box 2245
Palm Springs, CA 92263

Dear Ms. Salgado:

RE: City Council Meeting – January 5, 2011
Case 5.1255 – CUP – Desert Sun Center LLC – 610 S Belardo Road

The City Council of the City of Palm Springs will be conducting a public hearing relating to the above referenced on January 5, 2011. Enclosed are copies of the public hearing notice to be forwarded to the appropriate Indian landowner(s) within the 400 ft. radius of the project location.

<u>APN</u>	<u>ALLOTMENT NUMBER</u>
513-280-013	5B
513-280-015	5B
513-280-016	5B
513-280-017	5B
513-280-018	5B
513-290-001	(?)

Please feel free to contact me if there are any questions or concerns, 323-8206.

Sincerely,

Kathie Hart, CMC
Chief Deputy City Clerk

/kdh

Encl: Public Hearing Notices (8 copies)

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE NO. 5.1255 CONDITIONAL USE PERMIT
DESERT SUN CENTER LLC
610 SOUTH BELARDO ROAD

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of Wednesday, January 5, 2011. 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 an application by Desert Sun Center LLC for a Type II Conditional Use Permit to operate a food bank and distribution facility to economically disadvantaged / disabled senior citizens. The proposed facility will distribute to clients at 610 South Belardo Road, Suite 500, where other permitted services will also be offered.

ENVIRONMENTAL DETERMINATION: This project is categorically exempt from environmental review pursuant to Section 15301(e) (Class 1 - Existing Facilities) of the California Environmental Quality Act (CEQA).

REVIEW OF PROJECT INFORMATION: The proposed application, site plan and related documents are 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 at (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 Planning Commission by letter (for mail or hand delivery) to:

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

Any challenge of the proposed project 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]).

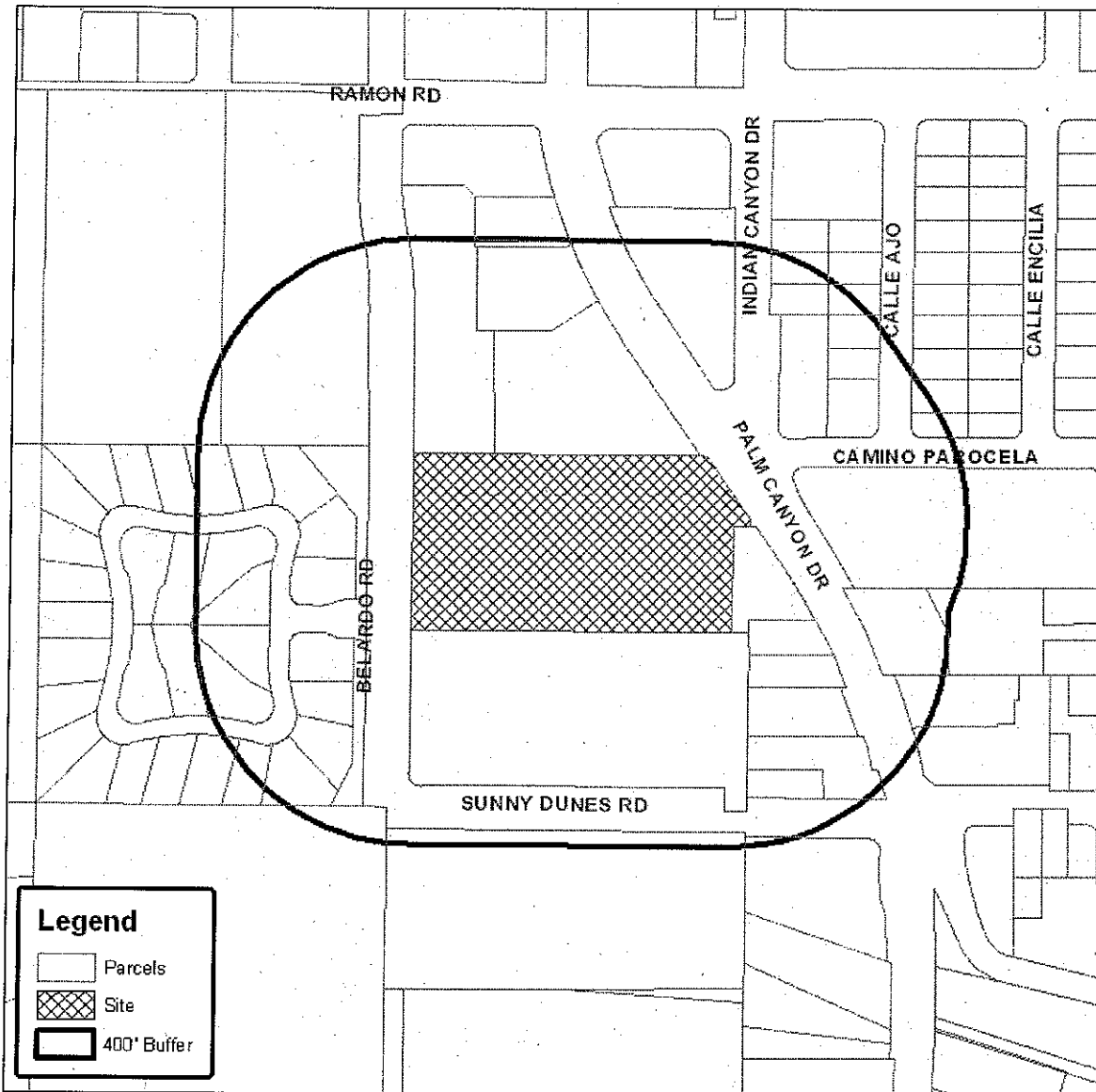
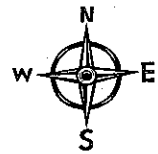
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Planning Services Department at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.





Kathie Hart, CMC
Chief Deputy City Clerk



Department of Planning Services Vicinity Map



Legend

-  Parcels
-  Site
-  400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1255 CUP
APPLICANT: Desert Sun Center LLC

DESCRIPTION: Consider an application for a Type II Conditional Use Permit to operate a food bank and distribution facility to economically disadvantaged / disabled senior citizens. The proposed facility will distribute to clients at 610 South Belardo Road, Suite 500, where other permitted services will also be offered.

Wayne Simmons
65 San Marino Circle
Rancho Mirage CA 92270

December 22, 2010

Palm City Council
C/O David Ready, City Manager
3200 Tahquitz Canyon Way
Palm Springs CA 92262
Email: citymanager@palmsprings-ca.gov

Pho: (760) 323-8299
Fax: (760) 322-8325

RE: 4765 Ramon Road
Palm Springs CA

RECEIVED
CITY OF PALM SPRINGS
2010 DEC 27 PM 3:00
JAMES THOMPSON
CITY CLERK

Dear Mr. Ready:

As the owner of 4765 Ramon in Palm Springs I want you to know I support the application of Organic Solutions of the Desert, Inc to amend its permit so that it may be located at my property on Ramon Road. We have had numerous meeting with the principals, believe they have a sound business model and the financial resources to successfully execute their business plan.

We have agreed to all the lease terms which include improvements to the interior and exterior premises, which will not only enhance the building itself, but increase "street attractiveness" of the building from Ramon Road with its main entrance on Williams Road.

I will be in attendance at the January 5th City Council meeting and will be prepared to answer any questions from the Council. Thank you for your time and consideration.

Sincerely,



Wayne Simmons

29