



## 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:**

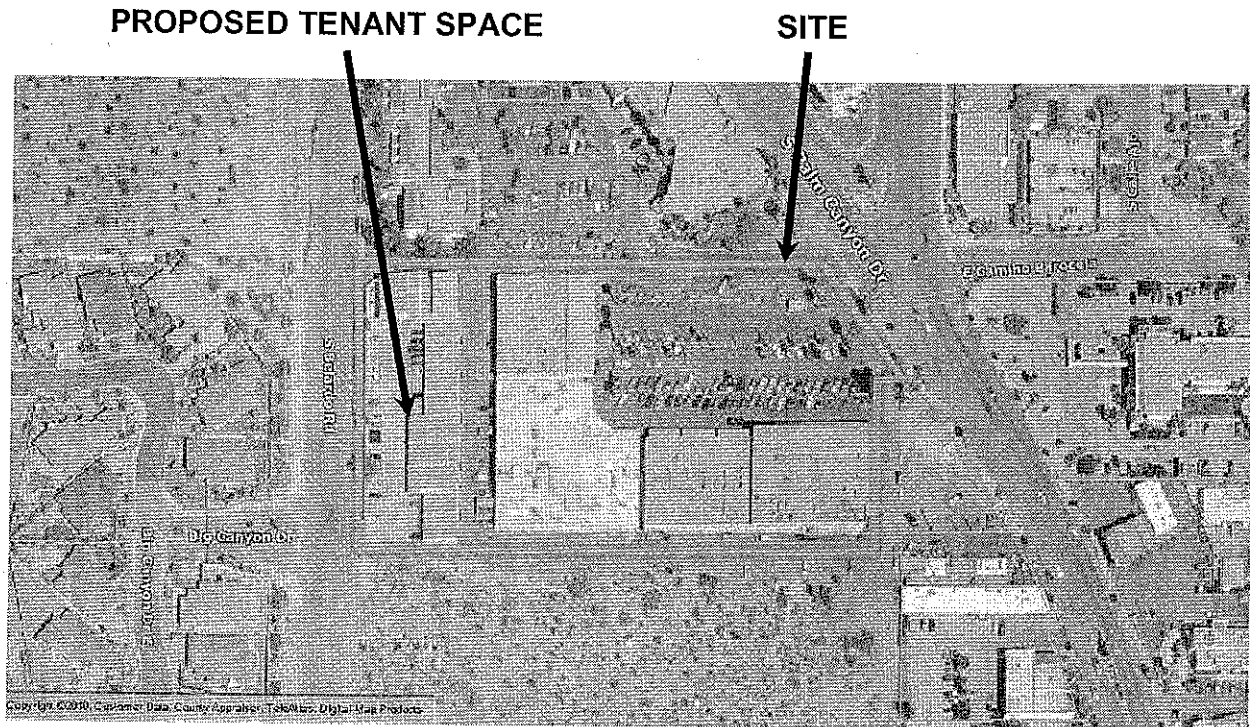
The applicant has requested a Type II Conditional Use Permit (CUP) to operate a food bank and distribution facility to the economically disadvantaged / disabled senior citizens. The proposed facility will distribute food on Sunday mornings from 8:00 am to 10:00 am at 610 South Belardo Road, Suite 500.

### **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:

	<b>General Plan</b>	<b>Zoning</b>	<b>Existing Land Uses</b>
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.

### **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.

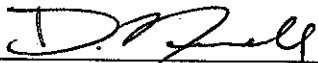
- 5) *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:*
  - a. *Regulation of use*
  - b. *Special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

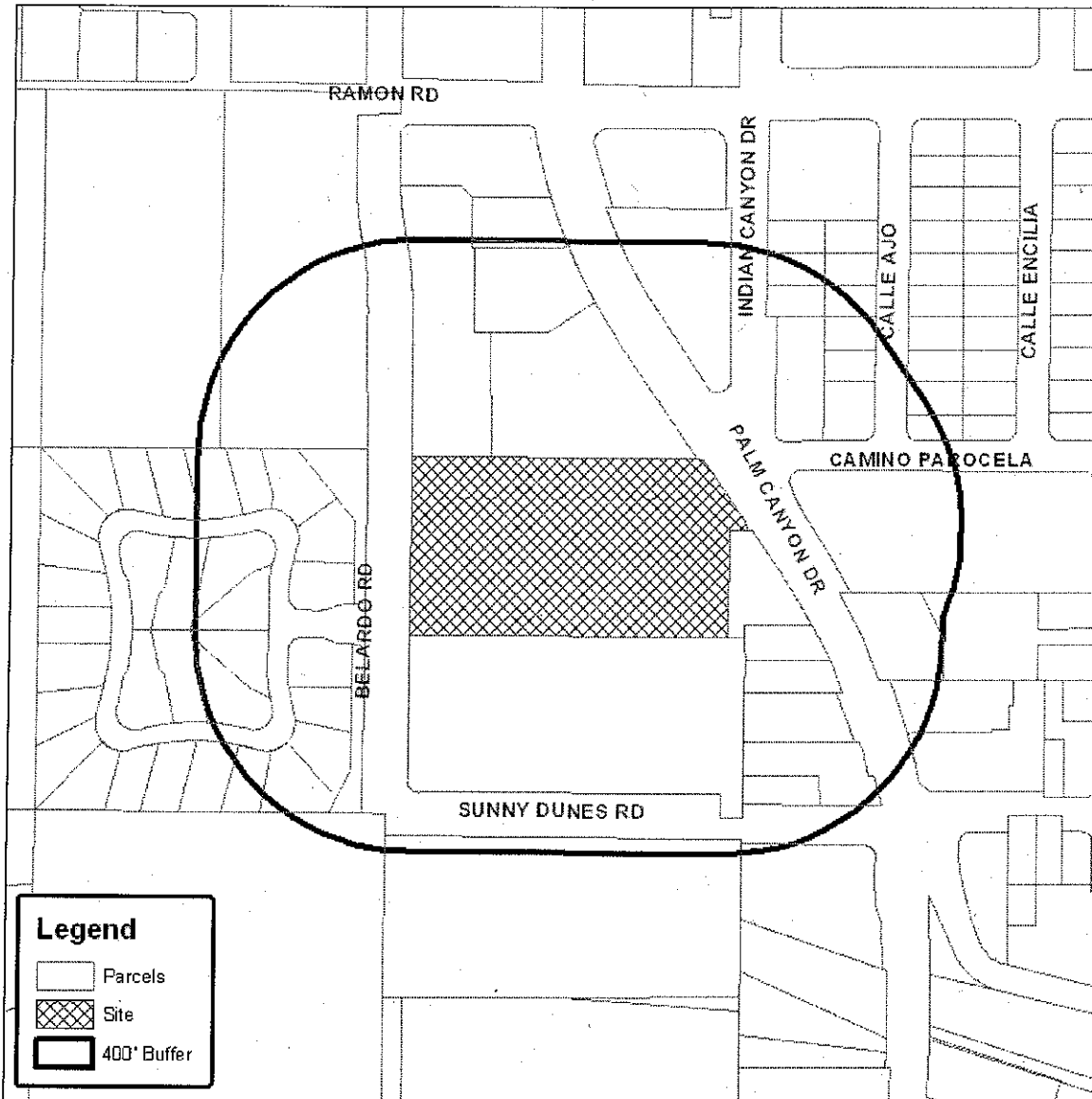
  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

**Attachments**

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



# 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 PLANNING COMMISSION  
OF THE CITY OF PALM SPRINGS, CALIFORNIA,  
APPROVING CASE NO. 5.1255 CONDITIONAL USE  
PERMIT FOR AN INSTITUTION OF CHARITABLE  
NATURE LOCATED AT 610 SOUTH BELARDO  
ROAD.

WHEREAS, Desert Sun Center LLC ("Applicant") for Golden Rainbow Center – SAGE has filed an application with the City pursuant to Section 94.02.00 of the Zoning Code 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 Case No. 5.1255 CUP 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 CUP was held by the Planning Commission 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 Planning Commission 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 PLANNING COMMISSION HEREBY FINDS 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 Planning Commission 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, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1255 – CUP, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 8<sup>th</sup> day of December, 2010.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

Craig A. Ewing, AICP  
Director of Planning Services

RESOLUTION NO. \_\_\_\_\_

**EXHIBIT A**

Case 5.1255 CUP (name and number)  
Golden Rainbow Center – SAGE

610 South Belardo Road

December 8, 2010

**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 Services, the Director of Building and Safety, 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**