



## CITY COUNCIL STAFF REPORT

*Continue to 2.2.2011*

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

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### 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."

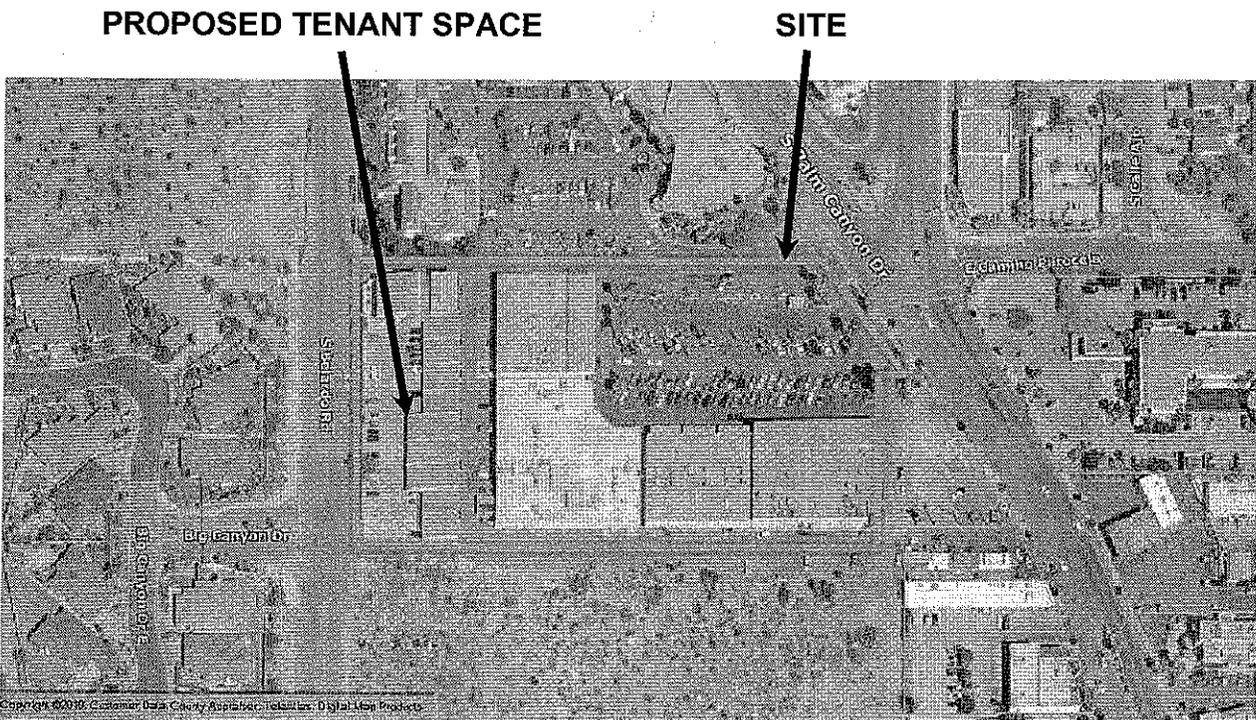
### PRIOR ACTIONS

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.A.**

**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.

### 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.

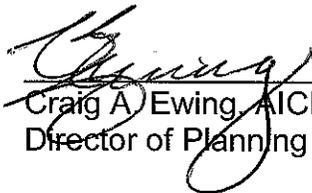
#### *Conditional Use Permit Analysis*

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

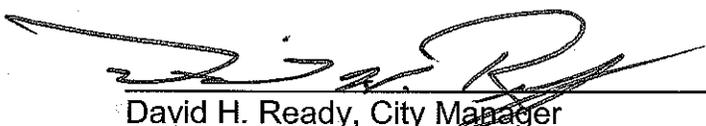
proposed use will operate in a 1,500 square-foot tenant space and only on Sunday mornings when offices are typically closed. Therefore, the site for the intended use is adequate in size and shape to accommodate such use to those existing or permitted future uses of land in the neighborhood. Findings 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

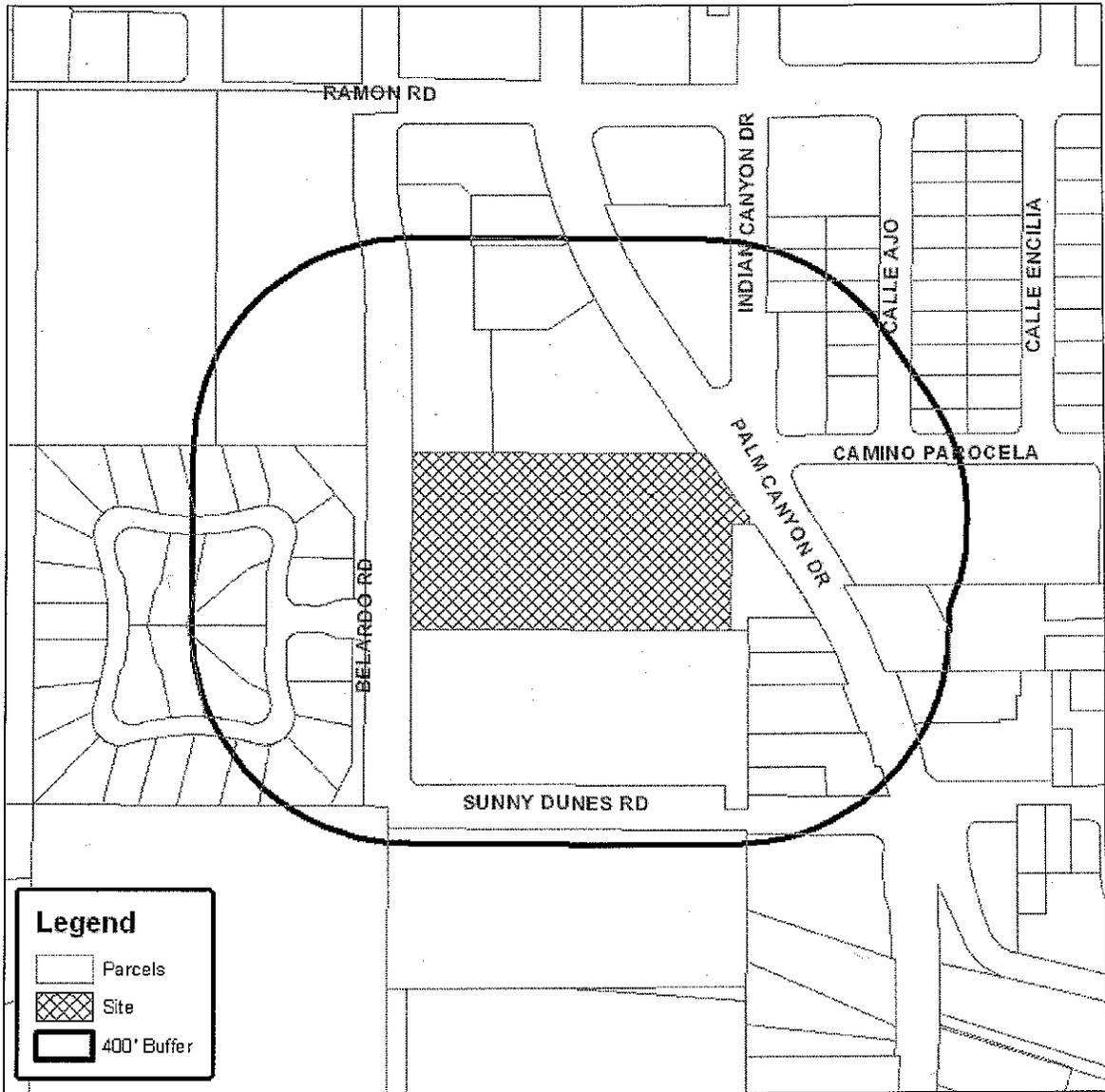
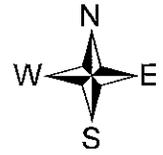
  
\_\_\_\_\_  
David H. Ready, City Manager

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



## 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.

Resolution No. \_\_\_\_\_

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ADOPTED THIS 5<sup>TH</sup> 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

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### **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.

**PROPOSED TENANT SPACE**

**SITE**



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 |
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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.

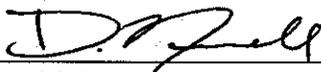
- 5) *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:*
  - a. *Regulation of use*
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-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

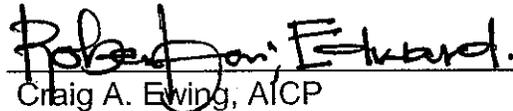
There are no changes proposed to the existing site plan. Staff has included Conditions of Approval such as restricting hours and days of operation, prohibiting outdoor storage, requiring property maintenance by owner/tenant and others to insure the proposed use will protect the public health, safety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

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**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 8<sup>th</sup>. 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**

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 8<sup>th</sup>. 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.

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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**



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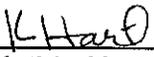
City Council  
Meeting Date: January 5, 2011  
Subject: Case 5.1255 – CUP – Desert Sun Center LLC – 610 S Belardo Road

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**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)

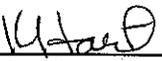
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
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.

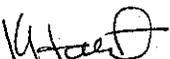
I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
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

**Jay Thompson**

**From:** Craig Ewing  
**Sent:** Wednesday, January 05, 2011 11:44 AM  
**To:** Chris Mills; David Ready; Ginny Foat; 'Ginny Foat at Home'; Jay Thompson; Lee Weigel; Martha Edgmon; 'Rick Hutcheson'; Steve Pougnet  
**Cc:** Douglas C. Holland; 'davidk@grcps.org'  
**Subject:** FW: Council agenda postponement request

To All,

Please note that the applicant, Golden Rainbow Center – SAGE, has submitted the following request for a continuation of their CUP application for a food distribution center. This public hearing is scheduled for your meeting this evening, and it is within the Council's authority to grant the continuance or proceed with the hearing. Further, the Council may approve the continuance, without receiving a staff report or public testimony, when it approves the agenda at the beginning of the meeting. The applicant indicated to me on the telephone that they wished for additional time to meet with neighbors who have recently expressed concern with the proposal. Staff has no objection to the continuance. Let me know if you have any questions.

**Craig A. Ewing, AICP**  
**Director of Planning Services**  
 City of Palm Springs  
 3200 E. Tahquitz Canyon Way  
 Palm Springs, CA 92262  
 760-323-8269

"Go all the way, then come back."  
 - Harley Earl

**From:** David Kimball [mailto:davidk@grcps.org]  
**Sent:** Wednesday, January 05, 2011 11:36 AM  
**To:** Craig Ewing; jaythompson@palmspringsca.gov  
**Cc:** 'Rick Hutcheson'; Ginny Foat; 'Randolph Lowe'  
**Subject:** Council agenda postponement request

Ladies and Gentlemen:

This is to confirm my telephone request of this date to postpone consideration of Case 5.1255 CUP on tonight's City Council Agenda. If further information is required I may be reached this afternoon on my cell: 760-219-2699. Thank you for your assistance.

**David Kimball**  
 Chief Operating Officer  
**Golden Rainbow Center-SAGE**  
 611 S. Palm Canyon Drive, Ste 201  
 Palm Springs, CA 92264  
 760-416-7790  
[www.grcps.org](http://www.grcps.org)

*Serving the LGBT Community and Its Supporters  
 Promoting Vibrant Aging & Fostering Community*

01/05/2011  
 ITEM 1.0.

26

**Kathie Hart**

RECEIVED  
CITY OF PALM SPRINGS

**From:** Martha Edgmon  
**Sent:** January 03, 2011 9:15 AM  
**To:** Kathie Hart  
**Subject:** agenda item

2011 JAN -3 PM 1:57

JAMES THOMPSON  
CITY CLERK

See below

*Martha*

*Martha Edgmon  
Executive Assistant, Mayor & Council  
City of Palm Springs  
Tel: (760) 323.8200  
Fax: (760) 323.8282  
[martha.edgmon@palm Springsca.gov](mailto:martha.edgmon@palm Springsca.gov)*

Please note that City hours are from 8:00 am to 6:00 pm Mon. - Thurs. and closed on Fridays

Palm Springs Hospitality Association

P.O. Box 4507

Palm Springs, CA 92263

(760) 835.4957

January 3, 2011

To: Mayor Steve Pougnet

Councilmembers: Ginny Foat, Rick Hutcheson,

Lee Weigel and Chris Mills

David Ready, City Manager

1-5-11

Additional Material

Item 1B

27

On behalf of the Palm Springs Hospitality Association, I am writing to ask that you not approve the proposed 1,500 square foot food bank and distribution center at 610 So. Belardo Road in Palm Springs. This proposed location, across from The Canyons on Belardo, is a high-end tourist area with many historic small inns as well as Melvyn's, The Viceroy, Chase Hotel, Palm Mountain Resort, and Casa Cody, to name a few. Many of these businesses, in addition to being hotels, also feature restaurants/food service and a Sunday Brunch that cater to tourists and locals.

In these most difficult economic times, we believe that any proposal that could potentially have a negative impact on business, is unacceptable. And, while we completely support the need for a facility that could accommodate our disadvantaged and meet their needs, we also absolutely believe that a facility such as this should be located away from business areas where such groups could have a deleterious effect on business in the Historic Tennis Club Neighborhood, or any other business neighborhood in Palm Springs on weekends when, we have the most visitors.

We ask for your consideration and your 'no' vote on this issue.

Sincerely,

Julius Kazen,

President, Palm Springs Hospitality Association

--  
Marcia Craig, Administrator  
Palm Springs Hospitality Association  
P.O. Box 4507  
Palm Springs, CA 92263  
Phone: 1-760 835-4957  
Fax: 1-760-462-2016  
[AdminPSHA@gmail.com](mailto:AdminPSHA@gmail.com)

[www.palmspringshospitality.org](http://www.palmspringshospitality.org)

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RECEIVED  
CITY OF PALM SPRINGS

2011 JAN -3 AM 11:26

JAMES THOMPSON  
CITY CLERK

TO: Mayor Pougnet and Council Members  
DATE: January 3, 2011  
RE: CUP 5.1255 Desert Sun Center, LLC.  
Type II CUP for operation of food bank and distribution center  
FROM: Sheryl Hamlin

I missed this item on the Planning Commission Agenda. Had I attended I would have reminded the commission about the property on Ramon and Belardo (Lucile Pasqual Trust sold to Contempo Homes).

This property has been a magnet for homeless. The city has worked with the owners to clear refuse and trees, but still they come and camp.

Recently we chased three people and a dog from our driveway. A few hours later we saw the trio and the dog in the property on Ramon and Belardo.

The food bank and distribution center will be an invitation for people to camp in this property and queue up for free food on Sundays.

The Sun Center and its proximity to these vacant lots is not a smart location for the food bank and distribution.

Please consider another location.

EDWARD S. HAND  
STANLEY C. HARAZIM  
P.O. Box 9040  
Rancho Santa Fe, CA 92067-4040

RECEIVED  
CITY OF PALM SPRINGS  
2011 JAN -3 AM 11:37  
JAMES THOMPSON  
CITY CLERK

December 30, 2010

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

Re: Case No. 5.1255 Conditional Use Permit  
Desert Sun Center LLC  
610 South Belardo Road

Dear Mr. Thompson:

We are the owners of a home located at 336 Big Canyon Drive South located within The Canyons housing development directly across from 610 South Belardo Road.

The purpose of this letter is to object to the issuance of a permit for the proposed project. The Canyons is a residential community which would be adversely impacted by the additional foot and vehicular traffic.

Directly next to The Canyons is a large vacant lot which attracts transients. We have experienced over the years many problems from these transients as police reports would document. Most recently this summer there were several fires which fortunately did not spread to our community. In addition huge amounts of garbage have accumulated on the sidewalks as well as within the lot, including human waste. There have been sounds at night which could have been violent arguments as well as an occasional gunshot. We have also been told that some type of drug activity has gone on there. Our fear is that approving this project would only exacerbate these problems, which we have mentioned herein. We believe it would only be a matter of time before someone would be injured by the additional numbers of individuals attracted to this proposed project.

Respectfully submitted,

*Edward S. Hand*  
Edward S. Hand

*Stanley C. Harazim*  
Stanley C. Harazim

**Cindy Berardi**

---

**From:** Old Ranch Inn [oldranchinn@dc.rr.com]  
**Sent:** Monday, January 03, 2011 2:57 PM  
**To:** Steve Pougnet  
**Cc:** CityClerk  
**Subject:** FW: CUP 5.1255 Desert Sun Center, LLC.  
**Attachments:** sun\_center\_frank\_version\_010211.pdf

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**From:** Old Ranch Inn [mailto:oldranchinn@dc.rr.com]  
**Sent:** Monday, January 03, 2011 2:43 PM  
**To:** 'Ginny.Foat@palmsprings-ca.gov'; 'Steve.Pougnet@palmsprings-ca.gov'; 'Rick.Hutcheson@palmsprings-ca.gov'; 'Lee.Weigel@palmsprings-ca.gov'; 'Chris.Mills@palmsprings-ca.gov'; 'David.Ready@palmsprings-ca.gov'; 'cityclerk@palmsprings-ca.gov'  
**Cc:** 'Frank Tysen / Casa Cody B&B - Co-Owner (SHoPS Board)'; 'coyoteinn@verizon.net'  
**Subject:** FW: CUP 5.1255 Desert Sun Center, LLC.

**Mayor & City Council Members ~**

**We wholeheartedly support Frank Tysen's position re: CUP 5.1255.**

**We protest the approval of this CUP by the Palm Springs City Council and request that you deny this food bank & distribution application.**

**G. Edward Fine  
Dr. Larry L. Pilcher  
Owners**

**OLD RANCH INN ~ Palm Springs  
'An Historic Palm Springs Retreat'  
220 South Patencio Road  
Palm Springs, CA 92262**

---

**From:** HTCNO Communication [mailto:htcno.communication@gmail.com]  
**Sent:** Monday, January 03, 2011 1:56 PM  
**To:** Ginny.Foat@palmsprings-ca.gov; Steve.Pougnet@palmsprings-ca.gov; Rick.Hutcheson@palmsprings-ca.gov; Lee.Weigel@palmsprings-ca.gov; Chris.Mills@palmsprings-ca.gov  
**Cc:** David.Ready@palmsprings-ca.gov; cityclerk@palmsprings-ca.gov  
**Subject:** RE: CUP 5.1255 Desert Sun Center, LLC.

Dear Mayor and Council Members,

Please find the attached letter from Frank Tysen regarding the proposed food bank and distribution center in the Sun Center which is on your agenda Wednesday.

Thanks.

1/3/2011

cc: HTCNO neighbors

TO: Mayor Pougnet and council members

DATE: January 3, 2011

RE: CUP 5.1255 Desert Sun Center, LLC.  
Type II CUP for operation of food bank and distribution center

FROM: Frank Tysen, Chairman Historic Tennis Club Neighborhood Organization

RECEIVED  
CITY OF PALM SPRINGS  
2011 JAN -3 PM 2:35  
JAMES THOMPSON  
CITY CLERK

While we appreciate the good work provided to the community by the Desert Rainbow SAGE organization, the location of the proposed food bank and distribution center in the Sun Center is misguided.

A food bank and distribution center will become a magnet for impoverished people. How can the SAGE staff determine if a person arriving for food is a) over 55, b) a resident of Riverside County and c) is economically disadvantaged? It is unrealistic to think that a staff of volunteers will be able to make such a distinction and send the unqualified people away.

The center will become a magnet for people wanting food. The church on Alejo and Belardo used to distribute free sandwiches on weekends where the lines started forming in advance and went around the building. Afterward there were papers and pieces of sandwiches in the street. They discontinued it for a good reason.

The proposed distribution center is directly across from The Canyons, a gated community that has already been adversely affected by traffic and loitering on weekends from the new Zelda's night club location in the Sun Center.

The area is bounded by two large parcels of land, one on Ramon and Belardo and the other parcel on the corner of Sunny Dunes and Belardo. Both of these parcels of land are magnets for homeless campers. The picture of the mattress shown below was taken on Thursday, December 30, 2010. The 'No Trespassing' signs have not deterred the homeless who camp in these two parcels. Code enforcement has required the owners to cut down trees which provide cover, but still the campers come and stay. The addition of a food distribution center in such close proximity to these two 'camping' areas will exacerbate the camping situation.

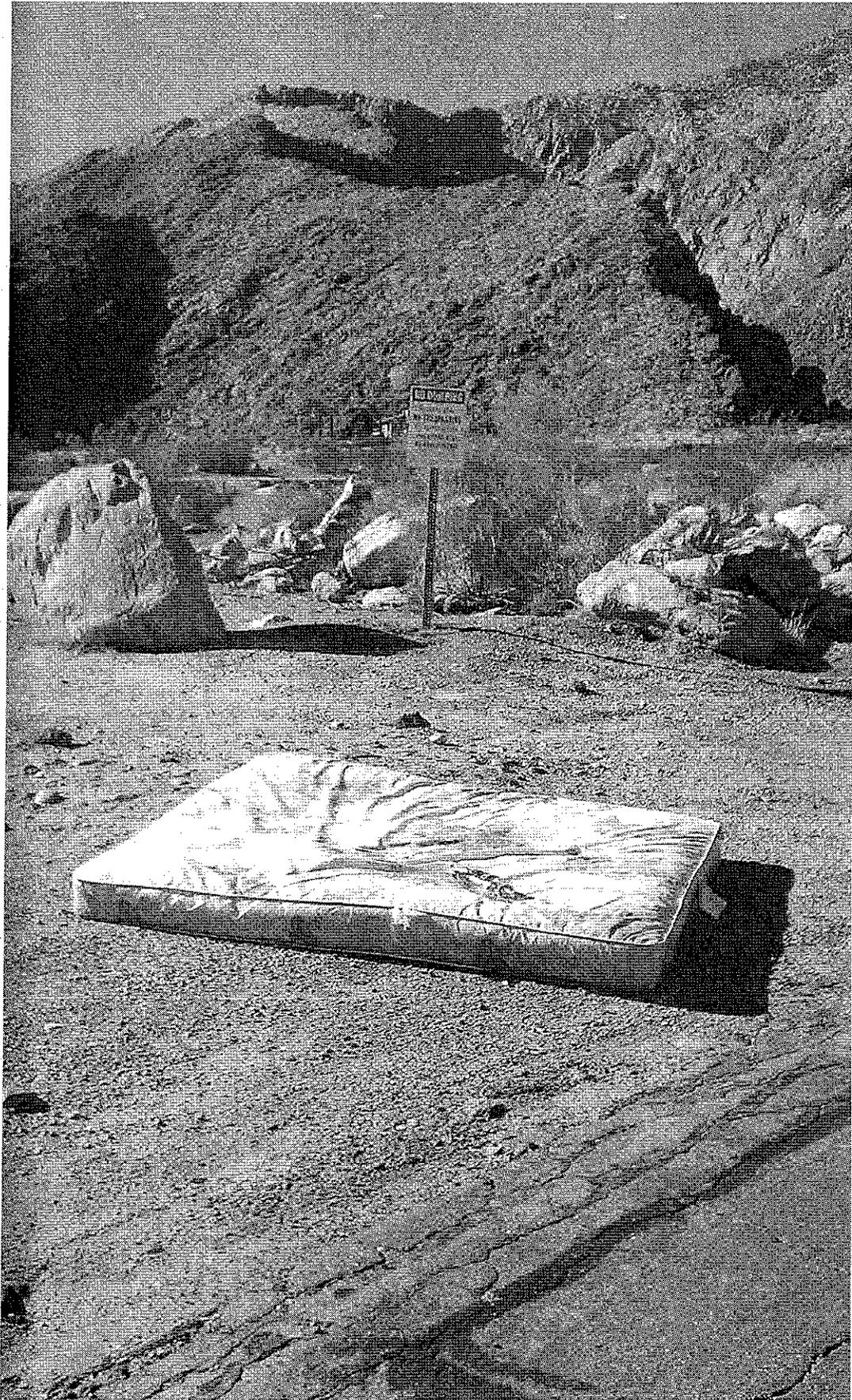
The application does not attempt to address the capacity issue. Will there be 50 or 500 coming for free food? How long will it take for the program to grow from 50 to 500? What is the plan for growth?

The proposed location is also the gateway to the small hotels of the Historic Tennis Club whose prime business occurs on the weekend.

Finally we do have the Roy Wilson facility which we believe was established to avoid this kind of proliferation.

Therefore, we oppose CUP 5.1255.

Frank Tysen (via email)



RECEIVED  
CITY OF PALM SPRINGS

2011 JAN -4 AM 11:35

JAMES THOMPSON  
CITY CLERK

Bruce Kirk  
David Etzen  
2820 Shadowlawn Ave.  
Los Angeles, CA 90039

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

Re: Case no. 5.1255  
Desert Sun Center LLC

Dear Mr. Thompson

We have owned a home located at 308 Big Canyon Drive North, in The Canyons neighborhood for the past six years.

Recently some of our neighbors, Edward Hand and Stanley Harazim sent you a letter (enclosed) objecting to approval of the Conditional Use Permit referenced above. We would like to affirm all of their comments and add our objection to approval of this permit.

Additionally, we have personally witnessed drug arrests for possession and sales only a few feet from our property. We have also witnessed and reported homeless people in camps starting fires. The problem with trash accumulation in the open areas surrounding The Canyons neighborhood cannot be overstated. The amount of garbage left behind by homeless people in this area is astonishing. There have also, over the years, been a significant number of burglaries in this area.

We fear that approval of this Permit would increase the problems that we, and many of our neighbors, have had to endure. It is obvious that the property in question was never intended for this purpose. The residents in the surrounding areas bought homes relying on the city to enforce current zoning regulations. Approval of this Conditional Use Permit would have a significant detrimental affect on the surrounding areas and the quality of life of the residents in these areas.

Sincerely,



Bruce Kirk



David Etzen

EDWARD S. HAND  
STANLEY C. HARAZIM  
P.O. Box 9040  
Rancho Santa Fe, CA 92067-4040

December 30, 2010

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

Re: Case No. 5.1255 Conditional Use Permit  
Desert Sun Center LLC  
610 South Belardo Road

Dear Mr. Thompson:

We are the owners of a home located at 336 Big Canyon Drive South located within The Canyons housing development directly across from 610 South Belardo Road.

The purpose of this letter is to object to the issuance of a permit for the proposed project. The Canyons is a residential community which would be adversely impacted by the additional foot and vehicular traffic.

Directly next to The Canyons is a large vacant lot which attracts transients. We have experienced over the years many problems from these transients as police reports would document. Most recently this summer there were several fires which fortunately did not spread to our community. In addition huge amounts of garbage have accumulated on the sidewalks as well as within the lot, including human waste. There have been sounds at night which could have been violent arguments as well as an occasional gunshot. We have also been told that some type of drug activity has gone on there. Our fear is that approving this project would only exacerbate these problems, which we have mentioned herein. We believe it would only be a matter of time before someone would be injured by the additional numbers of individuals attracted to this proposed project.

Respectfully submitted,

Edward S. Hand

Stanley C. Harazim

Jim & Connie Silva  
16541 Peale Lane  
Huntington Beach, CA 92649

RECEIVED  
CITY OF PALM SPRINGS  
340 Big Canyon Drive N  
Palm Springs, CA 92262  
2011 JAN -5 PM 1:38

January 5, 2011

JAMES THOMPSON  
CITY CLERK

TO: Mayor Steve Pougnet  
Mayor ProTem Lee Weigel  
Councilmember Ginny Float  
Councilmember Rick Hutcheson  
Councilmember Chris Mills

RE: Agenda Item 1b

My wife and I permanently reside in Huntington Beach, but we chose to buy a vacation home in Palm Springs. We also own a townhouse in Canyon Sands (since 1992). We love the charm of old downtown Palm Springs, so purchased our home at The Canyons in 2004 because of the LOCATION, LOCATION, LOCATION. We could have purchased anywhere in Coachella Valley, but fell in love with our view, accessibility to the Palm Springs downtown (walking), and wind-free corner of south Palm Springs. We had no idea that this lovely location also came with an on-going homeless problem.

We have been burdened with countless encounters from the homeless and desperate living just behind our house (sleeping in the flood control channel, raving lunatics with tourettes syndrome, setting up tents and lean-tos, setting fires, break-ins, foul language and filth, jumping our fences and swimming in our pools and sleeping in our backyards, cleaning up feces, all on private property). We were forced to call the police on many occasions, and are thankful that the Palm Springs police did respond and did what they could. Also, we have contacted the Agua Caliente Tribal leaders, and they have periodically cleaned up their empty lots and trimmed bushes and trees and removed truck loads of homeless debris, of which we are very appreciative.

We enjoy walking downtown along Belardo, but are always wary of the strange, dirty, homeless characters who wander off the lots around Belardo and Ramon and Belardo and Sunny Dunes. We feel anxious walking downtown after dark, and since this was a big reason why we bought our home, we are very disappointed in how things are beginning to unfold. We have had to install a sophisticated alarm system which is monitored by PFL and don't feel safe sleeping with our doors and windows open.

My wife and I are very concerned about the proposed Food Bank and Distribution Facility at 610 Belardo Road. We are very aware of the homeless problems in the desert and especially how they have negatively impacted the city library and grounds over the past few years. We appreciate how difficult it is for the city, county and state to provide adequate and proper solutions to those who find themselves homeless.

My wife and I are very much opposed to your approval of a Type II Conditional use permit for the operation of a food bank and distribution facility. We are unable to attend tonight's meeting, but I hope you will consider the residents in the area and realize the negative impact this type of facility would have on our quality of life as we feel this would further attract more unsavory characters.

Sincerely,

Jim & Connie Silva



# City of Palm Springs

Office of the City Clerk

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

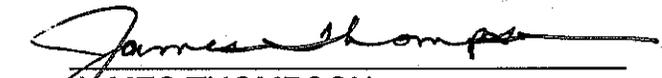
Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

## NOTICE OF CONTINUANCE

**NOTICE IS HEREBY GIVEN** that the Regular Meeting held on January 5, 2011, the City Council continued Public Hearing Item No. 1.B. to February 2, 2011:

**DESERT SUN CENTER, LLC APPLICATION 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 (CASE 5.1255):**

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m. on January 6, 2011, as required by established policies and procedures.

  
\_\_\_\_\_  
JAMES THOMPSON  
City Clerk