



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: March 9, 2011

To: Planning Commission

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

Planner: Ken Lyon, Associate Planner *Ken Lyon*

Subject: **Case 5.1201 CUP AMND – Amendment of an existing Conditional Use Permit to expand assembly (Church) uses at an existing manufacturing/industrial building at 1301 Montalvo Way (The Family of Love Church).**

At its meeting of February 23, 2011, the Planning Commission conducted a public hearing on the above application and voted 4-0-1-1 (Munger abstained, Klatchko absent) to direct staff to return to the Commission with a resolution of approval.

The Commission directed Staff to work with the applicant to address the density/occupancy use such that the Church may conform to the density limits established by the Riverside County Airport Land Use Compatibility Master Plan. Staff has added Condition of Approval #17 which limits occupancy of the church to 187 persons.

The Planning Commission noted in its approval that it also wished to remove Condition of Approval #2 from its original June 25, 2008 CUP approval that limited the CUP to five years. That condition has been removed from the attached draft conditions of approval.

A Resolution approving Case 5.1201 CUP AMND is attached with revised Conditions of Approval attached as Exhibit A.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE 5.1201 CUP AMND, AN APPLICATION TO AMEND A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO EXPAND CHURCH USES AT A MULTI-TENANT INDUSTRIAL/MANUFACTURING BUILDING AT 1301 MONTALVO WAY; ZONE M-1-P, SECTION 7. TOWNSHIP 4, RANGE 5; APN 677-461-002 AND 003.

WHEREAS, The Family of Love Church, "applicant", has filed an application with the City pursuant to Section 94.02.00 (Conditional Use Permit) of the Zoning Code seeking approval to amend a previously approved conditional use permit to expand church uses in a multi-tenant industrial/manufacturing building at 1301 Montalvo Way; and

WHEREAS, a notice of public hearing for Case 5.1201 CUP AMND was given in accordance with applicable law; and

WHEREAS, on February 23, 2011, a public meeting on Case 5.1201 CUP AMND 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") The project has been evaluated in accordance with the guidelines of CEQA and determined to be Categorically Exempt pursuant Section 15303 (Conversion of Small Structures), 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: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Planning Commission finds that the proposed project is Categorically Exempt pursuant to Section 15301 (Existing Facilities).

Section 2: Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the Planning Commission finds as follows:

a. 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 Zoning Code Section 92.16.01(D)(13) Assembly uses, specifically Churches are permitted in the M-1-P zone subject to a Conditional Use Permit

b. 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 application is a request to expand the square footage of an existing assembly use (a church). Churches are permitted in the M-1-P zone subject to a conditional use permit. The underlying General Plan land use designation is Industrial. Churches or religious institutions and/or assembly uses are not a listed use in this land use area, however the applicant has been using their portion of the subject parcel for assembly uses since 2008 without conflict from other adjacent tenants or uses. Furthermore, the following policies of the General Plan support the proposed CUP Amendment:

LU 11.1 Encourage land uses in the areas surrounding the airport that are economically supportive of, or related to, the airport activities and that are developed in a manner that minimizes negative impacts to existing adjacent land uses.

The assembly use at this site has been developed with specific restrictions and Conditions of Approval on parking uses and maximum occupancy of the assembly uses such that conflicts or negative impacts to adjacent uses do not occur.

c. 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 site has been developed to conform to the standards of the M-1-P zone. The Planning Commission has conditioned the project approval to regulate parking such that conflicts with adjacent present and future uses are avoided.

d. 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 is designed with two driveway access points for vehicles onto Montalvo Way and with parking and driveways adequate to accommodate the vehicular requirements of the proposed use and other permitted uses within the zone.

e. 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.

The Planning Commission has included Conditions of Approval as noted in attached Exhibit A.

Section 3: The Planning Commission hereby removes Condition #2 from the original Conditional Use Permit approval, which stated, "This conditional use permit shall be valid for five years from the approval date and, upon request by the

applicant, may be extended by the Planning Commission upon finding that all conditions are being met."

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1201-CUP AMND; a request to amend a previously approved Conditional Use Permit to expand church uses in a multi-tenant industrial/manufacturing building at 1301 Montalvo Way, subject to the Conditions of Approval outlined in attached Exhibit A.

ADOPTED this 9th day of March 2011.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT A

Case No. 5.1201 – CUP AMND

FAMILY OF LOVE CHURCH
1301 MONTALVO WAY, UNIT 2 and 3

Planning Commission
June 25, 2008

AMENDED MARCH 9, 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.

PROJECT SPECIFIC CONDITIONS

1. The hours of operation shall be restricted as follows:

Use	Hours of Operation	Days
Administrative	8am – 6pm	Monday – Friday
Administrative and Assembly	6pm – 10 pm	Monday – Friday
	8am – 10 pm	Saturday – Sunday

Administrative activities include office, board meetings, counseling, after school study, mid-week prayer and any other associated use that is approved by the Director of Planning Services. However, in no case may parking demand during weekday use exceed nine (9) parking spaces.

2. ~~AMENDED 2-23-11: This Conditional Use Permit shall be valid for five years from the approval date and, upon request by the applicant, may be extended by the Planning Commission upon finding that all conditions are being met.~~
3. The applicant shall provide the Building Department an exit analysis for the proposed tenant space prior to issuance of building permit.

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4. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other

City Codes, ordinances and resolutions which supplement the zoning district regulations.

- 4a. 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 5.1201 – 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 further indemnification hereunder, 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.
5. 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 Police or the Director of Planning and Building, may result in commencement of proceedings to revoke the Conditional Use Permit pursuant to Section 9402.00I of the Zoning Ordinance. In addition, violations of 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.
6. Commencement of the Conditional Use Permit approval shall be valid for a period of two (2) years. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
7. The appeal period for a Conditional Use Permit application is 15 calendar days from the date of project approval. Permits will not be issued until the appeal period has concluded.
8. Separate architectural approval and permits shall be required for all signs.
9. The street address numbering/lettering shall not exceed eight inches in height.

10. No sirens, outside paging, music speaker system or any type of signalization will be permitted, except approved alarm systems.
11. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
12. 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.
13. The applicant shall be required to maintain the opening hours as stated on the Conditional Use Permit application. 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.
14. 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.
15. The owner and/or tenant 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.
16. The applicant will provide all buyers with a copy of this Conditional Use Permit.
17. Occupancy of the church shall be limited to 187 persons in accordance with the density limits of the Riverside County Land Use Compatibility Master Plan.

FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated September 16, 2010.

- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for fire alarm system must be submitted at time of the building plan submittal.
- FID 3. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 4. **Fire Alarm System:** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 5. **Fire Extinguisher Requirements (CFC 906):** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
- FID 6. **Means of Egress Illumination (CFC 1006.1 & 2):** Any time a building is occupied, the means of egress shall be illuminated at an intensity of not less than 1 foot-candle at the floor level.
- FID 7. **Means of Egress Illumination Power Supply (CFC 1006.3):** The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate in defined areas listed in the CFC.
- FID 8. **Required Exit Signs (CFC 1011.1):** Exits & exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. Access to exits shall be marked by readily visible exit signs in cases where the exit or path is not immediately visible to occupants. No point in the corridor shall be more than 100 feet or the listed viewing distance for the sign, which ever is less, from the nearest visible sign.
- FID 9. **Exit Sign Illumination (CFC 1011.2, 4 & 5):** Exit signs shall be internally or externally illuminated. When the face of an exit sign is illuminated from an external source, it shall have an intensity of not less than 5 foot-candles from either of two electric lamps. Internally illuminated signs shall provide equivalent luminance and be listed for the purpose.

- FID 10. **Exiting Analysis Required:** Based on the added square footage to this Group A Occupancy, an Exiting Analysis is required by a licensed Architect during the building plan check. The Exiting Discharge System must meet the Building and Fire Code.
- ~~18. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated January 2008. Additional requirements may be required at that time based on revisions to site plans.~~
- ~~19. Fire Department Conditions were based on the 2007 California Fire Code. Four complete sets of plans for fire alarm system must be submitted at time of the building plan submittal.~~
- ~~20. Insufficient information: There is insufficient information to completely provide all fire department conditions. These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.~~
- ~~21. Premises Identification (CFC 505.1): New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".~~
- ~~22. Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life saving or fire fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.~~
- ~~23. Location of Knox boxes: A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.~~
- ~~24. Fire Alarm System: Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.~~
- ~~25. Fire Extinguisher Requirements (CFC 906): Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.~~

- ~~26. Means of Egress Illumination (CFC 1006.1 & 2): Any time a building is occupied, the means of egress shall be illuminated at an intensity of not less than 1 foot-candle at the floor level.~~
- ~~27. Means of Egress Illumination Power Supply (CFC 1006.3): The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate in defined areas listed in the CFC.~~
- ~~28. Required Exit Signs (CFC 1011.1): Exits & exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. Access to exits shall be marked by readily visible exit signs in cases where the exit or path is not immediately visible to occupants. No point in the corridor shall be more than 100 feet or the listed viewing distance for the sign, which ever is less, from the nearest visible sign.~~
- ~~29. Exit Sign Illumination (CFC 1011.2, 4 & 5): Exit signs shall be internally or externally illuminated. When the face of an exit sign is illuminated from an external source, it shall have an intensity of not less than 5 foot-candles from either of two electric lamps. Internally illuminated signs shall provide equivalent luminance and be listed for the purpose.~~
- ~~30. Exit or exit access doorways required. (CFC 1015.1): Two exits or exit access doorways from any space shall be provided. Occupant load noted in the conditional use permit is greater than 49 and thus requires two exits.~~
- ~~31. Two exits or exit access doorways. (CFC 1015.2.1): Where two exits or exit access doorways are required from any portion of the exit access, the exit doors or exit access doorways shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between exit doors or exit access doorways.~~

BUILDING DEPARTMENT

32. The section of the site plan where the proposed tenant improvement is indicated shows a van accessible disabled parking space located a short distance from the entrance. This complies with CBC 1129B.1. However, to fully comply with CBC 1129B.3 the words "NO PARKING" shall be painted on the ground within the 8 foot wide access aisle. Also, to comply with CBC 1129B.4, the disabled parking space shall be identified with a permanently posted disabled parking "van accessible" sign mounted at a minimum of 80 inches above ground immediately adjacent to and visible from the parking space. Further, a sign indicating that

unauthorized vehicles parked in designated disabled parking spaces not displaying the appropriate placard or license plate issued to persons with disabilities shall be subject to tow away. This sign shall be either located adjacent to and visible from the disabled parking space or at the entrance to the parking lot.

33. To comply with CBC 1133B.8.5 regarding detectable warnings at hazardous vehicular areas, a 36 inch wide strip of truncated domes shall be applied in the level area at the bottom of the ramp where it meets the disabled parking access aisle.
34. The applicant will obtain permits for all construction involved with the site.