



Planning Commission Staff Report

Date: April 13, 2011

Case No.: Case 5.1184 Conditional Use Permit

Application Type: Setting a Public Hearing for a Recommendation to City Council to Revoke a Conditional Use Permit

Location: 280 Oasis Road

Applicant: Initiated by Staff; Original CUP Applicant: Rick Bracamonte

Zone: M-1 (Service / Manufacturing)

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

APN: 669-444-013

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

Project Planner: David A. Newell, Associate Planner

SUMMARY

In accordance with Section 94.02.00.I, the City Council may revoke an existing Conditional Use Permit if it finds that the use permitted by the CUP is not being conducted in compliance with the conditions of approval.¹ Staff believes that such conditions may exist at the recycling facility (Palm Springs Recycling) located at 280 Oasis Road. The request to the Commission is to set a hearing date at which it can consider a recommendation to the City Council on the matter.

¹ 94.02.00.I.

1.

Revocation or Voiding of Conditional Use Permit.

The council, with or without a recommendation from the planning commission, may, after notice and public hearing, revoke any conditional use permit for noncompliance with any of the conditions set forth in granting the permit.

BACKGROUND AND DISCUSSION

The site was originally approved as a Conditional Use Permit (CUP) to operate a recycling facility on January 23, 1985, for a three year period. On March 8, 1989, the CUP was extended for five years to expire on March 8, 1994 and has been in operation since that time. On August 13, 2008, the Planning Commission approved another Conditional Use Permit for the site, subject to the Conditions of Approval in the attached Resolution.

Complaints have been received that the facility is not complying with Condition of Approval No. 5, which states,

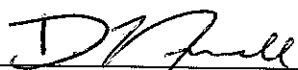
The owner and/or tenant shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site or on adjacent streets or alleyway. The owner and operator shall 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.

If the Planning Commission determines that the attached complaints and photographs provide adequate evidence to consider a revocation of the CUP, staff recommends the Commission set a public hearing date for May 11, 2011.

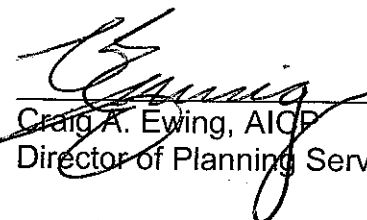
The original staff report and resolution granting approval of the Conditional Use Permit are attached, including the associated conditions of approval.

NOTIFICATION

The staff report and agenda have been forwarded to the applicant. If the Commission directs staff to set a future public hearing, notice will be mailed to all property owners within 400 feet of the subject property in advance of the hearing.



David A. Newell
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS

1. CUP 5.1184 Resolution and Conditions of Approval
2. CUP 5.1184 Staff Report (July 9, 2008)
3. CUP 5.1184 Staff Memorandum (July 23, 2008)
4. Site Plan
5. Complaint Letters

RESOLUTION NO. 7155

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PALM SPRINGS, CALIFORNIA
APPROVING CONDITIONAL USE PERMIT FOR A
RECYCLING FACILITY AND A VARIANCE FOR AN
INCREASE IN WALL HEIGHT AT THE PROPERTY
LOCATED AT 280 OASIS ROAD, ZONE M-1,
SECTION 34.

WHEREAS, Rick Bracamonte of Palm Springs Recycling ("Applicant") has filed an application with the City pursuant to Sections 94.02.00 and 94.06.00 of the Zoning Code to allow a recycling facility and an increase in wall height for the property located at 280 Oasis Road, Zone M-1, Section 34; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case Nos. 5.1184 – CUP and 6.510 – VAR was given in accordance with applicable law; and

WHEREAS, on July 23, 2008, a public hearing on the Conditional Use Permit No. 5.1184 – CUP and Variance No. 6.510 – VAR 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 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: Pursuant to the requirements of Section 94.02.00(B)(6) of the Palm Springs Zoning Code, the Planning Commission finds:

- 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 92.17.01(D)(19) of the Palm Springs Zoning Code, a recycling / salvage center may be permitted within the M-1 zone with the approval of a Conditional Use Permit.

- 2) *That the use is necessary or desirable for the development of the community, is in harmony with the various elements of objectives of the general plan, and 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.

Land Use Policy LU3.2 states, "Promote opportunities for expansion and revitalization of industrial uses within the City." The facility and surrounding right-of-way will be enhanced and revitalized. The use will not be allowed to have storage that exceeds the wall height and additional landscaping will be installed.

- 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 subject site has served this use adequately for over twenty years. The fence will be upgraded to a block wall and additional landscaping will be provided to better adjust to the existing and 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 on the corner of Oasis Road and Del Sol Road. These are local streets as defined by the General Plan Circulation Element. Oasis Road is served by Indian Canyon Drive, which is designated as a Major Thoroughfare by the General Plan Circulation Element. Del Sol Road is served by Radio Road, which is designated as a Collector street by the General Plan Circulation Element. These roads are adequate to serve a small recycling facility.

- 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.*

The conditions imposed require the applicant to make modifications to the site to ensure that the public health, safety and general welfare are protected. Some of the conditions include (1) making street improvements to ensure safe pedestrian and vehicular movement around the site; (2) installing a new wall block wall on or near the perimeter; (3) prohibiting the acceptance of recyclable materials that may contain hazardous substance remains; (4) Maintaining safe interior circulation; (5) limiting the CUP to a five year period.

Section 2: Pursuant to the requirements of Section 94.06.00 of the Palm Springs Zoning Code, the Planning Commission finds:

- 1) *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The lot has an approximate width of 100 feet, depth of 104 feet and area of 10,920 square feet. The M-1 Zone requirements for this lot include a width of 150 feet, a depth of 100 feet and an area of 20,000 square feet. The lot is substandard in width and area.

The recycling use requires a large on-site separation area that is located outside the existing building. Pursuant to Section 92.17.03(K) of the Palm Springs Zoning Code, "*Outdoor storage and activities associated with permitted uses shall be entirely enclosed by solid masonry walls to adequately screen view of outdoor storage and/or equipment from the external boundaries of the property.*" Therefore, the substandard size of the subject site would deprive the property of less area for on-site outdoor operations due to necessary wall height screening requirements listed above.

- 2) *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege*

inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

Similar conditions have been imposed on properties within the vicinity. Staff believes that the wall height has maintained the integrity of the Zoning Code and would not constitute a grant of special privilege that is inconsistent with the limitations placed upon other substandard properties in the vicinity and zone.

- 3) *The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The applicant is required to provide landscape enhancements and street improvements. These enhancements will beautify and soften the wall and not be materially detrimental to the public. The street improvements will provide improved pedestrian and vehicular safety on and adjacent to the site.

- 4) *The granting of such variance will not adversely affect the general plan of the city.*

The proposed project has been analyzed against the policies of the General Plan and no inconsistencies have been found.

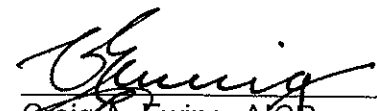
NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1184 – CUP and 6.510 - VAR, subject to those conditions set forth in Exhibit A.

ADOPTED this 13th day of August, 2008.

AYES: 5, Cohen, Hochanadel, Caffery, Conrad and Donenfeld
NOES: None.
ABSENT: None.
ABSTAIN: 2, Ringlein and Scott

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, AICP
Director of Planning Services

EXHIBIT A

Case Nos. 5.1184 – CUP & 6.510 – VAR

CITY OF PALM SPRINGS

PALM SPRINGS RECYCLING CENTER
280 OASIS ROAD

APPROVED BY PLANNING COMMISSION

5.1184 CUP
Case # 6.510 VAR Date 8.13.08 Initial DN

Planning Commission
August 13, 2008

APPROVED BY CITY COUNCIL

Case # _____ Date _____ Initial _____

Resolution # _____ Ordinance # _____

CONDITIONS OF APPROVAL

APPROVAL SUBJECT TO ALL REQUIRED

CONDITIONS BY ABOVE BODIES

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.

PLANNING DEPARTMENT

PROJECT SPECIFIC CONDITIONS

1. Within six months of the CUP approval date and prior to business license approval, the owner shall:
 - a. Submit an on-site parking and circulation plan for review and approval by the Department of Planning Services;
 - b. Install on-site parking and circulation improvements per the approved plan;
 - c. Remove the existing corrugated metal fence and install a new ten foot high block wall no closer than five feet to street property lines to screen all materials and equipment from the exterior of the site.
 - d. Submit street improvement plans to the Engineering Department.
2. The facility is prohibited from accepting metal materials that may contain hazardous substance remains. This does not include batteries.
3. A ten foot walkway must be maintained around the metal recyclable pile.
4. This Conditional Use Permit shall be valid for a period of five years from the date of approval (August 13, 2008). Prior to the expiration date, the owner shall request that the Planning Commission extend this date to continue the use.

5. 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 or on adjacent streets or alleyway. 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.
6. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning Services, prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal. All landscaping located within the public right of way or within community facilities districts must be approved by the Public Works Director and the Director of Parks and Recreation.
7. Outdoor storage and activities associated with permitted uses shall be entirely enclosed by solid masonry walls to adequately screen view of outdoor storage and/or equipment from the external boundaries of the property. Items shall not be stacked or stored higher than wall. All enclosures and stored materials must comply with fire department requirements for access and fire protection.
8. No materials or wastes shall be deposited or stored in such form or manner that they may be transferred off the lot by normally-occurring natural causes or forces. *Additional measures, such as netting, to ensure this condition is met may be required by the City.* Wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed containers in required enclosures.

GENERAL

9. 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.
- 9a. 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 5.1184 – CUP &

6.510 – VAR. 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.

10. 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 9402.001 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.
11. 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.
12. Separate architectural approval and permits shall be required for all signs.
13. The street address numbering/lettering shall not exceed eight inches in height.
14. No sirens, outside paging, music speaker system or any type of signalization will be permitted, except approved alarm systems.
15. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
16. 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.
17. The applicant shall be required to maintain the opening hours as stated on the Conditional Use Permit application. Hours of operation will be from 8:00

a.m. to 4:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. on Saturdays. 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.

18. 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. The applicant will provide all buyers with a copy of this Conditional Use Permit.
19. The approval of this Variance is limited to the life of the Conditional Use Permit (CUP) and upon its expiration the wall must be reduced to height limits consistent with Section 93.02.00 of the Palm Springs Zoning Code.

FIRE DEPARTMENT

1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated 11/29/07. Additional requirements may be required at that time based on revisions to site plans.
2. Combustible Storage (CFC 315.3): Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.
3. Storage Beneath Overhead Projections From Buildings (CFC 315.3.1): Combustible materials stored or displayed outside of buildings that are protected by automatic sprinklers shall not be stored or displayed under non-sprinklered eaves, canopies or other projections or overhangs.
4. Storage Height in Open Areas (CFC 315.3.2): Storage in open areas shall not exceed 10 feet in height.
5. Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
6. Fences (CFC 503.1.5): When fences are installed that cause the distance from an approved fire department access road to exceed the maximum distance allowed in Section 503 herein, a gate shall be provided in the fence to maintain the required fire department access. The gate shall installed with a minimum of four (4) feet in width and be equipped with a key box and/or lock accessible from

- both sides in accordance with Section 506 herein from the existing concrete parking area that will provide access to the east side of the building.
7. 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".
 8. 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.
 9. 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.
 10. Key Box Contents: The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.
 11. Security Gates (CFC 503.6): Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.
 12. Portable Fire Extinguisher (CFC 906.1): Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.
 13. Storage Associated with Yard Waste and Recycling Facilities (CFC 1908):
 - a. Size of piles. Piles shall not exceed 10 feet in height, 150 feet (45 720 mm) in width and 250 feet (76 200mm) in length. (CFC 1908.3)
 - b. Pile separation. Piles shall be separated from adjacent piles by approved fire apparatus access roads. (CFC 1908.4)
 - c. Combustible waste. The storage, accumulation and handling of combustible materials and control of vegetation shall comply with Chapter 3. (CFC 1908.5)

BUILDING DEPARTMENT

1. The applicant shall obtain permits for all construction involved with the site.

ENGINEERING DEPARTMENT

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

STREETS

1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
3. All improvements must be installed within twelve months of the Conditional Use Permit approval date.

OASIS ROAD

4. Construct a 6 inch curb and gutter, 20 feet north of centerline along the entire frontage, with a 25 feet radius curb return at the northeast corner of the intersection of Oasis Road and Del Sol Road in accordance with City of Palm Springs Standard Drawing No. 200 and 206.
5. Construct a 15 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 201.
6. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
7. Construct a Type B curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Oasis Road and Del Sol Road in accordance with City of Palm Springs Standard Drawing No. 213.
8. Construct pavement with a minimum pavement section of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire Oasis Road frontage in accordance with City of Palm Springs Standard Drawing No. 110. Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

DEL SOL ROAD

9. Construct a 6 inch curb and gutter, 20 feet east of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.
10. Construct a 5 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210.
11. Construct pavement with a minimum pavement section of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire Oasis Road frontage in accordance with City of Palm Springs Standard Drawing No. 110. Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

PUBLIC ALLEY

12. All broken or off grade street improvements shall be repaired or replaced.

SANITARY SEWER

13. All sanitary facilities shall be connected to the public sewer system. The existing sewer service to the property shall be used for new sanitary facilities.

DRAINAGE

14. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Oasis Road or Del Sol Road. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
15. This project may be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, may be required by regulations imposed by the RWQCB. It shall be the applicant's

responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. If required, such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development (if any).

16. A Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to adjacent public streets is prohibited. Construction of operational BMP's shall be incorporated on-site as required by the City Engineer.

GENERAL

17. The record property owner shall enter into a covenant agreeing to underground all of the existing overhead utilities required by the Municipal Code in the future upon request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner and submitted to the City Engineer prior to issuance of a grading permit. A current title report or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.
18. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.

TRAFFIC

19. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
20. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
21. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in

accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.

END OF CONDITIONS



Planning Commission Staff Report

Date: July 9, 2008

Case No.: 5.1184 – CUP

Type: Conditional Use Permit

Location: 280 Oasis Road

APN: 669-444-013

Applicant: Rick Bracamonte

General Plan: M-1 (Service / Manufacturing Zone)

Zone: Mixed Use / Multi-Use

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

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION

The applicant has requested a Conditional Use Permit (CUP) to allow a recycling center use located at an existing building at 280 Oasis Road.

RECOMMENDATION

That the Planning Commission approve Case 5.1184 – CUP, a Conditional Use Permit to allow the continuing operation of a recycling center located at an existing building at 280 Oasis Road. This recommendation was a “close call” as discussed in this report.

BACKGROUND AND SETTING

The subject property, currently known as Palm Springs Recycling, is slightly larger than a quarter acre in size and contains an existing building that is approximately 2,046 square feet in area. The building is located on the east side of the property with an open yard to the west. The open yard to the west contains the following:

- Baling machine
- Pile of metals to be disassembled and recycled
- Baled materials
- Storage of containers
- Various debris

The site is bounded by Oasis Road to the south, Del Sol Road to the west, an alley to the north and a church facility to the east. The surrounding properties' land use, Zone and General Plan are listed in Table 1 below.

Table 1: The surrounding General Plan, Zoning and Land Uses

	General Plan	Zone	Land Use
North	Mixed Use / Multi-Use	M-1	Industrial / Commercial
South	Mixed Use / Multi-Use	M-1	Industrial / Commercial
East	Mixed Use / Multi-Use	M-1	Church
West	Mixed Use / Multi-Use	M-1	Industrial / Commercial

The property is currently operating illegally as a recycling facility. The site was originally approved as a Conditional Use Permit (CUP) to operate a recycling facility on January 23, 1985, for a three year period (see attached Planning Commission Resolution No. 3720). On March 8, 1989, the CUP was extended for five years to expire on March 8, 1994 (see attached Planning Commission Resolution No. 3982) and has been in operation since that time.

The operation at the facility involves the separation of various recyclable materials: aluminum, plastic, paper, and certain ferrous / non-ferrous metals (aluminum, copper, brass, stainless steel). The baled materials are transferred to Los Angeles for shipment overseas or to other areas of the country for recycling. Glass and batteries are also accepted and transferred to a separate facility for recycling. No liquids are accepted at this location. The equipment originally associated with the business involved dumpster type bins and a baling machine. The baling machine was replaced in 2003 with a new model.

The facility operates Monday through Friday from 8:00 am to 4:00 pm and Saturdays from 8:00 am to 1:00 pm. Typical customers include the general public, cities, disposal companies and commercial entities. These customers park on Oasis Road and in front

of the existing building to unload and carry their presorted recyclables to the staff. Materials that are redeemable are weighed and the customer is reimbursed.

ANALYSIS

General Plan

With the General Plan update in 2007, the designation of the subject site changed from Industrial to Mixed Use / Multi-Use. This designation states, "*specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses.*"

Land Use Policy LU3.2 states, "*Promote opportunities for expansion and revitalization of industrial uses within the City.*"

Land Use Policy LU3.8 states, "*Discourage outdoor storage, except that finished products may be stored in non-street-frontage yards. Storage areas should be surrounded by landscaped, decorative walls and stored materials shall not exceed the wall height.*"

While the use is not specifically referred to in this General Plan designation, a recycling facility open to the general public is a service business. The facility and surrounding right-of-way will be enhanced and revitalized. The use proposes outdoor storage, but can be conditioned to prohibit storage that exceeds the wall height and require additional landscaping.

Zoning

The subject site is located within the M-1 zone. "*The 'M-1' service/manufacturing zone is intended to provide for the development of service industries for commercial and hotel uses and for industrial uses which include fabrication, manufacturing, assembly or processing of materials that are in already processed form and which do not in their maintenance, assembly, manufacture or plant operation create smoke, gas, odor, dust, sound, vibration, soot, glare or lighting to any degree which might be obnoxious or offensive to persons residing in or conducting business in either this or any other zone.*" Pursuant to Section 92.17.01(D)(19) of the Palm Springs Zoning Code (PSZC), a recycling / salvage center may be permitted within the M-1 zone with the approval of a Conditional Use Permit.

As stated above, the site consists of one rectangular-shaped building that is located on the eastern half of the property. There is one pedestrian and vehicular entry to the project site located on Oasis Road. The site has no curbs or sidewalks between the existing fence and Oasis Road and Del Sol Road. There is paving between the building

and Oasis Road which is not part of the street and appears to be used as parking. However, there are no parking stalls delineated.

Pursuant to Section 94.02.00(B)(6)(e) of the PSZC, the proposed use gives the Planning Commission the opportunity to impose conditions and minor site modifications which are deemed necessary to protect the public health, safety and general welfare. The following items of concern may need modification to protect the public health, safety and general welfare:

1. Pedestrian on- and off-site circulation
2. Parking modifications
3. Existing exterior fence and landscape
4. Interior sanitation and safety
5. Time limit for Conditional Use Permit

These items are discussed in detail below. Staff has recommended conditions of approval to mitigate concerns.

Pedestrian on- and off-site circulation

The existing site may pose potential safety concerns for pedestrian access to the front entrance and traffic circulation to and around the site. Parking in these areas may have to be adjusted for a pedestrian access path along the front of the building and the unloading areas. The Engineering Department recommends Conditions of Approval that require new curbs and sidewalks installed on Oasis Road and Del Sol Road. Additional requirements in the parking area are addressed below.

Parking

When referring to parking standards, the recycling center use may be categorized as a manufacturing and industrial use. Pursuant to Section 93.06.00(D)(17) of the PSZC, manufacturing and industrial uses require one parking space for each four hundred square feet of floor area. With this calculation, the property should have a total of five parking stalls, including one handicap parking stall. Staff has recommended Condition of Approval No. 1, which requires the owner to submit an on-site parking and circulation plan for review and approval by the Department of Planning Services. The condition also requires that these improvements be implemented within six months. This will enhance on-site pedestrian circulation.

Existing exterior fence and landscape

The existing fence along the perimeter of the property was required as part of the original CUP approval in 1985. The fence material is corrugated metal. Pursuant to Section 92.17.03(K) of the PSZC, outdoor storage waste disposal must conform to these requirements:

1. *Outdoor storage and activities associated with permitted uses shall be entirely enclosed by solid masonry walls to adequately screen view of outdoor storage and/or equipment from the external boundaries of the property. Items shall not be stacked or stored higher than wall. All enclosures and stored materials must comply with fire department requirements for access and fire protection.*
2. *No materials or wastes shall be deposited or stored in such form or manner that they may be transferred off the lot by normally-occurring natural causes or forces. Wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed containers in required enclosures.*

The first requirement states that all outdoor storage and activities must be screened by a solid masonry wall. Therefore, staff is recommending Condition of Approval No. 1.c that requires the applicant to remove the existing corrugated metal fence and install a new block wall to screen all materials and equipment from the exterior of the site. Due to the size of the site, staff recommends that the wall be located no closer than five feet to street property lines, be a maximum height of eight feet and installed within six months. This will allow for landscaping adjacent to the street to soften the wall's appearance.

Interior sanitation and safety

The recycling facility accepts various metals for recycling. These metals can be items that were previously assembled that must be disassembled or broken down in order to be recycled. Some examples include bicycles, windows, pots, vehicle rims, etc. These items are accepted and piled outside on the eastern half of the site until they are disassembled by the recycling center staff. In order to ensure a safe environment and avoid contamination, staff recommends Condition of Approval No. 2 prohibiting the facility from accepting materials that may contain hazardous substance remains on these items. To ensure that these items are not a hazard to patrons and employees, staff recommends Condition of Approval No. 3 that requires the applicant to maintain a ten foot clear pathway around the piled outdoor metals.

Time limit for Conditional Use Permit

This area previously had a General Plan designation of Industrial and in late 2007, the area changed to a Mixed Use / Multi-Use General Plan designation. General Plan LU8.3 states, "*Encourage and accommodate the development of specialty uses such as boutiques, art galleries, bookstores, restaurants, interior decorators, hardware stores and other similar uses that cater to the residents in close proximity to mixed / multi-use areas.*" General Plan LU8.6 states, "*Allow for and encourage the development of facilities and gathering places that provide for the social and health needs (daycare centers, social-service providers, medical facilities, etc.) of the residents within mixed/multi-use areas.*" While this designation does allow for industrial development,

the long range plan for this area is for commercial uses that serve the immediate residential uses. Therefore, staff is recommending Condition of Approval No. 4 that limits the Conditional Use Permit to a five year period with the possibility of a time extension approved by the Planning Commission.

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 92.17.01(D)(19) of the Palm Springs Zoning Code, a recycling / salvage center may be permitted within the M-1 zone with the approval of a Conditional Use Permit.

- 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.*

Land Use Policy LU3.2 states, "Promote opportunities for expansion and revitalization of industrial uses within the City." The facility and surrounding right-of-way will be enhanced and revitalized. The use will not be allowed to have storage that exceeds the wall height and additional landscaping will be installed.

- 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 subject site has served this use adequately for over twenty years. The fence will be upgraded to a block wall and additional landscaping will be provided to better adjust to the existing and 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 on the corner of Oasis Road and Del Sol Road. These are local streets as defined by the General Plan Circulation Element. Oasis Road is served by Indian Canyon Drive, which is designated as a Major

Thoroughfare by the General Plan Circulation Element. Del Sol Road is served by Radio Road, which is designated as a Collector street by the General Plan Circulation Element. These roads are adequate to serve a small recycling facility.

- 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.*

The conditions imposed require the applicant to make modifications to the site to ensure that the public health, safety and general welfare are protected. Some of the conditions include (1) making street improvements to ensure safe pedestrian and vehicular movement around the site; (2) installing a new wall block wall on or near the perimeter; (3) prohibiting the acceptance of recyclable materials that may contain hazardous substance remains; (4) maintaining safe interior circulation; (5) limiting the CUP to a five year period.

CONCLUSION

The site has been in operation for over twenty years; after the analysis of the site's current conditions, staff believes that with implementation of the recommended conditions from the City the facility will be upgraded. This is a close call for staff for all the concerns expressed in this report; however, the operation is beneficial for the

community. Therefore, staff is recommending approval of this Conditional Use Permit for a period of five years, subject to the conditions outlined in the Draft Resolution.

ENVIRONMENTAL DETERMINATION

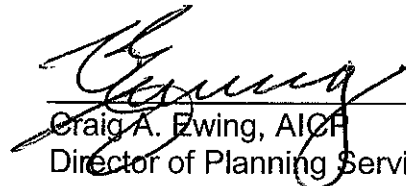
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt as a Class I exemption per Section 15301(Existing Facilities).

NOTIFICATION

A notice was mailed to all property owners within a four hundred foot radius in accordance with state law. As of the writing of this staff report, staff has received no comments from the public.



David A. Newell
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services


Attachments:

- ~~100' Radius Map~~
- ~~Draft Resolution & Conditions of Approval~~
- ~~Planning Commission Resolution 3720~~
- ~~Planning Commission Resolution 3082~~
- ~~Site Plan~~



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: July 23, 2008
To: Planning Commission
From: Craig A. Ewing, AICP, Director of Planning Services 
Subject: 5.1184 CUP & 6.510 VAR (Palm Springs Recycling)

PROJECT DESCRIPTION

The proposed application is for a Conditional Use Permit to allow a recycling center use and a Variance application to increase the maximum wall height allowed at the property located at 280 Oasis Road.

On July 9, 2008, the Planning Commission reviewed the proposed Conditional Use Permit application for Palm Springs Recycling Center. The hearing was continued by the Planning Commission with a direction that staff responds to the letter received on July 9, 2008, from a neighboring property owner, Mr. Frank Burgess. Specifically, the Commission requested that staff provided additional information and clarifications on the following issues:

- Building permits issued for building construction
- Street improvements around the property
- Loading and unloading on public streets thereby leaving trash around the property
- How many complaints have been received on the property
- The height of the existing fence on the property

This memo summarizes the clarifications and additional information that the Planning Commission requested. This item has been properly noticed and the Commission may open the public hearing, receive testimony, close the public comment section, and take action on the applications. The staff report and exhibits previously distributed to the Commission for this project are attached for reference.

Building Permit for the building on the site:

There are no records on file at the Building Department for the construction of the building, however, the following permits were issued for the site:

- On February 28, 1985, the City issued a permit to connect the industrial building to the city sewer.
- On June 3, 1985, the City issued a permit for electrical service change from 100 amps to 200 amps.

According to the Building Department, since other permits have been previously issued for the property, it was determined that this building may have been constructed with building permits when the location was under the jurisdiction of Riverside County.

Street Improvements:

Curbs, gutter and sidewalks around the property are currently not installed; staff is recommending that required street improvements be completed by the property owner. To ensure that this is done, conditions of approval Nos. 4 thru 11 from the Engineering Department have been added to the project.

Loading and Unloading on the Street:

Complaints have been received from other neighboring businesses as well that the Recycling Center uses adjacent streets to unload recyclable materials, which results in trash and debris on the streets and neighborhood. Staff is recommending condition of approval No. 5, which will require the applicant to monitor outdoor parking areas, walkways, and adjoining properties and take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site or on adjacent streets or alleyway.

Complaints on Property

The Code Enforcement Division of the City has received up to five complaints from separate property owners within the last year. The nature of the complaints which involves property maintenance, indicated that abandoned shopping carts with trash in them were left on the street. The complaint also includes occasions when large dumpsters full of overflowing trash have been left on the street for days.

Existing Fence

There is an existing corrugated metal fence around the property. The height of the fence is approximately eight and one-half feet high. The fence is located approximately seven feet back from the front (Oasis Road) property line and within one foot of the other property lines.

Variance:

Following the public hearing meeting held on July 9, 2008, the applicant submitted a variance application for the increase of the maximum wall height allowed within M-1 zoning district. The applicant is requesting to construct a ten foot (10') high wall in place of the existing fence.

Pursuant to Section 93.02.00 (E)(2) of the Zoning Ordinance:

"All walls and fences in any front yard and side front yard may not exceed four and one-half (4 ½) feet in height, except as otherwise permitted by the "C-M," "M-1-P," "M-1," and "M-2" zones..."

Pursuant to Section 92.17.03(E) of the Zoning Ordinance:

"All walls shall not exceed eight (8) feet in height in any interior side or rear yard. Walls not to exceed eight (8) feet in height may encroach into any front yard not more than five (5) feet."

The front yard (Oasis Road) setback in the M-1 Zone is twenty five feet. Therefore, a maximum wall height of eight feet is permitted no closer than twenty feet from the front property line as permissible in the aforementioned sections.

The applicant has proposed a ten foot wall to replace the existing fence. Staff believes that a ten foot high wall in the following locations would adequately screen the outdoor activities:

- five feet from the front (Oasis Road) property line
- five feet from the side street (Del Sol Road) property line would
- on rear (north) property line
- on side (east) property line

This will allow landscaping to be installed adjacent to the street frontages to soften the wall's appearance.

State law requires four (4) findings be made for the granting of a variance. Staff has analyzed the findings in order below:

- 1) *Because of the special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The lot has an approximate width of 100 feet, depth of 104 feet and area of 10,920 square feet. The M-1 Zone requirements for this lot include a width of 150 feet, a depth of 100 feet and an area of 20,000 square feet. The lot is substandard in width and area.

Pursuant to Section 92.17.03(K) of the Palm Springs Zoning Code, "*Outdoor storage and activities associated with permitted uses shall be entirely enclosed by solid masonry walls to adequately screen view of outdoor storage and/or equipment from the external boundaries of the property.*" Therefore, the substandard size of the subject lot would deprive the property of less area for on-site outdoor operations due to necessary wall height screening requirements listed above.

- 2) *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

Similar conditions have been imposed on properties within the vicinity. Staff believes that the wall height has maintained the integrity of the Zoning Code and would not constitute a grant of special privilege that is inconsistent with the limitations placed upon other substandard properties in the vicinity and zone.

- 3) *The granting of the variance will not be materially detrimental to the public health, safety, convenience, or welfare or injurious to property and improvements in the same vicinity and zone in which subject property is situated.*

The applicant is required to provide landscape enhancements and street improvements. These enhancements will beautify and soften the wall/fence and would not be materially detrimental to the public. The street improvements will ensure pedestrian and vehicular safety on and adjacent to the site.

- 4) *The granting of such variance will not adversely affect the general plan of the city.*

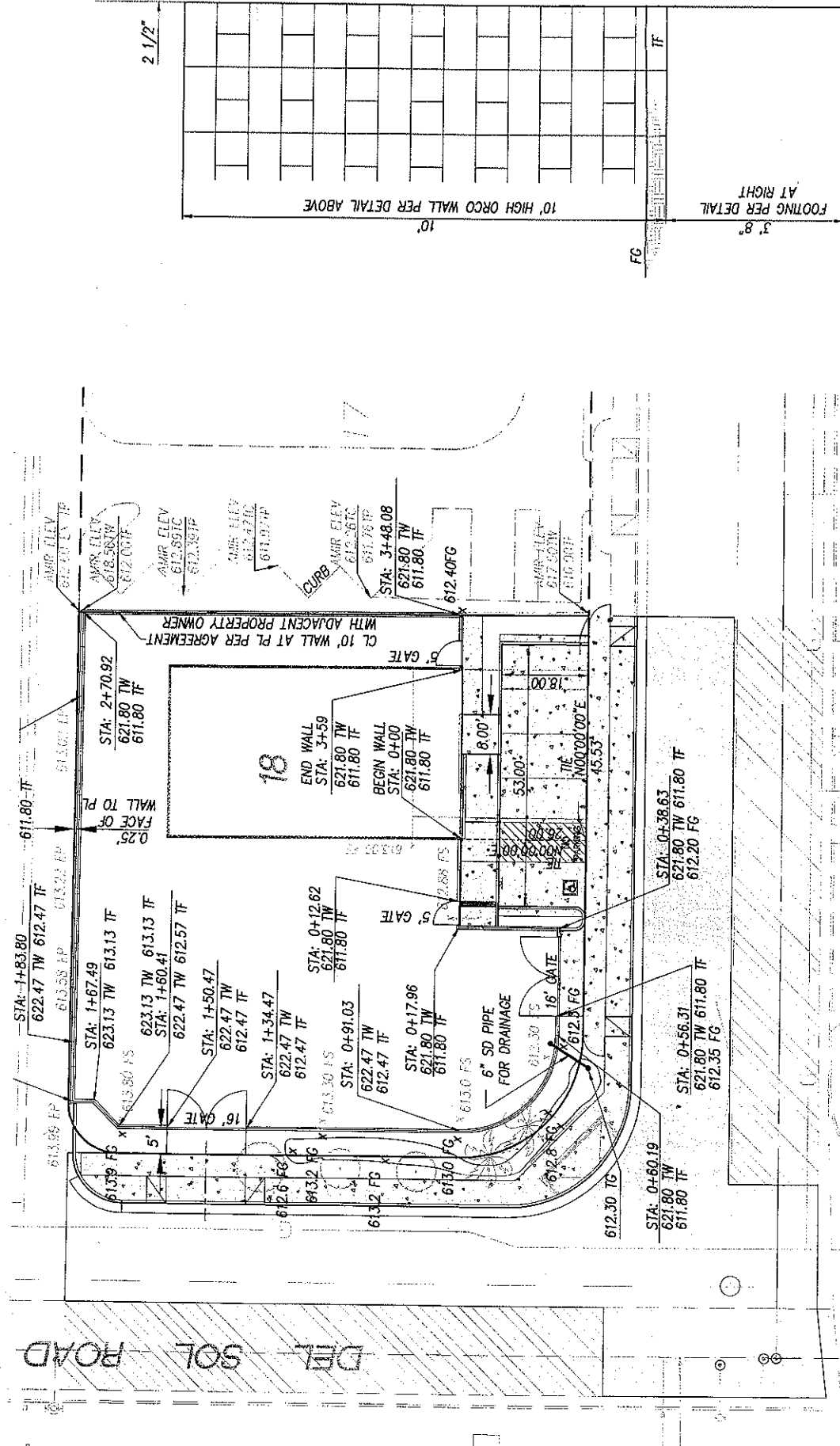
The proposed project has been analyzed against the policies of the General Plan and no inconsistencies have been found.

NOTIFICATION

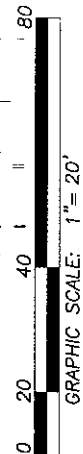
A public hearing notice for this hearing was advertised and mailed to surrounding property owners. At the time of this writing, staff has not received inquiry or comment.

ATTACHMENTS:

- ~~1. Draft Resolution and Conditions of Approval~~
- ~~2. Planning Commission Staff Report dated July 9, 2008 and exhibits (without the Draft Resolution and Conditions of Approval)~~




WALL PLAN
1"=20'



FOOTING PER DETAIL
AT RIGHT

10' HIGH ORCO WALL PER DETAIL ABOVE

REVIEW	CITY CHECK
	

PREPARED UNDER THE DIRECT SUPERVISION OF:
NOT FOR CONSTRUCTION
MICHAEL D. HACKER
R.C.E. NO. 55606 EXP 12/31/10
M D HACKER ENGINEERING, INC.

DATE: 03/19/09
DESIGN BY: VS
DRAWN BY: VS

BENCH MARK NO. 23-6 ELEV. = 462.140
LOCATION: U.S.G.L.O. BRONZE CAP IN MONUMENT
WELL SET AS N 1/16 SEC 22/23 AT CENTERLINE
SUNNY DUNES I BLOCK WEST OF S. PALM CANYON.
BASIS OF BEARINGS

Mr. Ewing,

Thank you for your email.

The first two pictures are from late last week with stolen carts in the adjacent areas of the Palm Springs Recycling Center. Repeated calls have been made to get them removed. One cart has been there for a month or two. The center was called about it.

Pictures 3 and 4 are ones I found on a community blog.

I wish the center would keep the carts there, rather than apparently tell its customers to abandon them elsewhere.

Sincerely,

Travis Armstrong

RECEIVED

FEB 28 2011

**PLANNING SERVICES
DEPARTMENT**

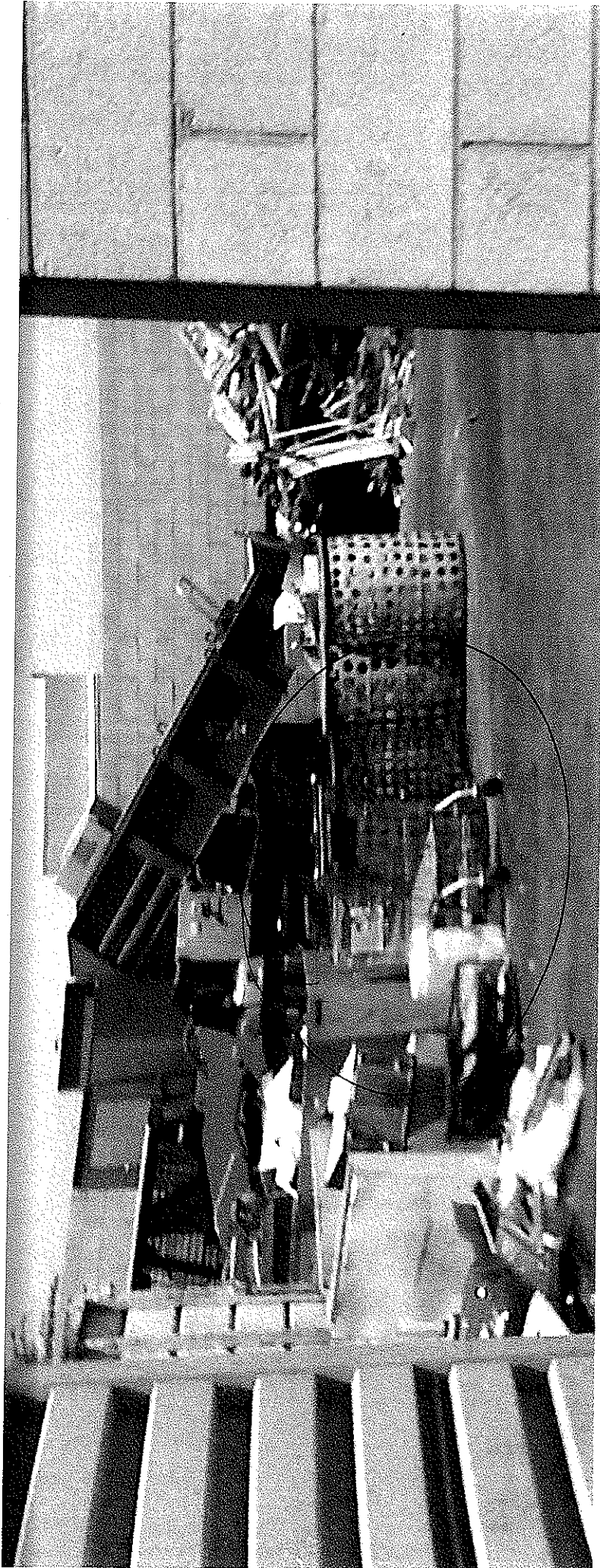


JULIAN MARKET
LIQUOR • FOOD • DELI

(2)



3



74



Mr. Ewing,

Pictures from today of the area around the recycling center.

Sincerely,

Travis Armstrong

RECEIVED
MAY 21 2008
PLANNING SERVICES
DEPARTMENT

RECEIVED

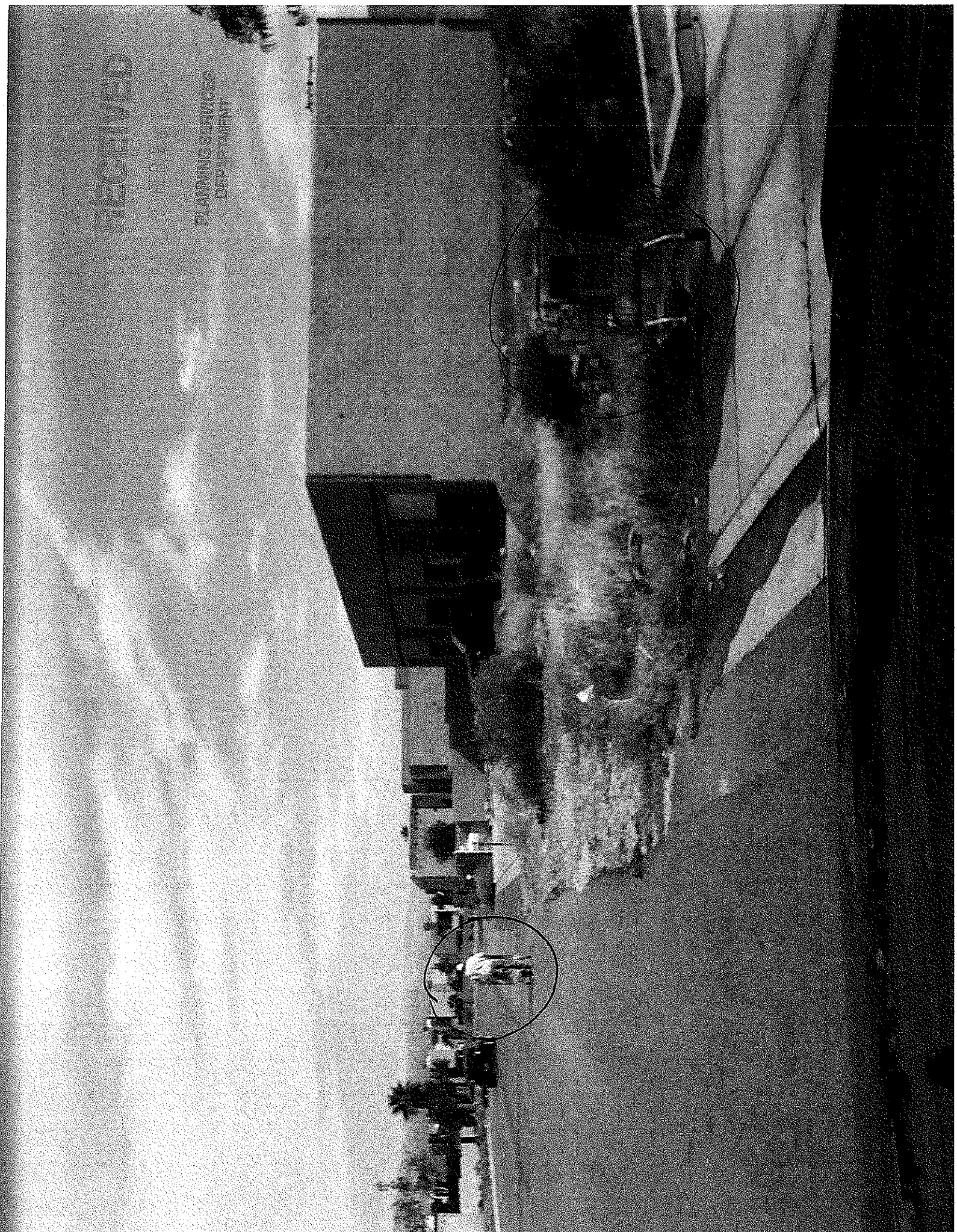
FEB 28 2011

PLANNING SERVICES
DEPARTMENT

INDIAN CANYON
ROAD

STOP







DESERT RESORT MANAGEMENT

August 5, 2010

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

RE: Palermo Community Association

Dear Mr. Ewing:

Enclosed please find a copy of a letter sent to Mr. Bracamonte regarding the shopping cart problem located off of Indian Canyon near the Palermo Community.

If you should have any questions or concerns please feel free to contact me at anytime.

Sincerely,

Brandi Scott, CCAM
Palermo Community Association
Community Association Manager

RECEIVED

AUG 09 2010

PLANNING SERVICES
DEPARTMENT



DESERT RESORT MANAGEMENT

August 4, 2010

Mr. Rick Bracamonte
President
Palm Springs Recycling
280 West Oasis Road
Palm Springs, CA 92262-1644

RE: Shopping Carts along Indian Canyon/San Rafael

Dear Mr. Bracamonte:

It has been noted that there is a consistent problem with shopping carts being left along Indian Canyon Road in and around the entrance of the Palermo Community Association in Palm Springs.

It is believed this problem is a result of people utilizing the carts to bring recyclables to your location and then leaving the carts around Indian Canyon and around the exterior of the Palermo Community. Please note these carts are being stolen from local area businesses and should not be transporting recyclables to your place of business.

The carts being stored around the Palermo Community are a continuous problem for the Palermo Community and the Board of Directors has been informed that it is the responsibility of Palm Springs Recycling to remove the carts from this location on a regular basis.

Therefore, the Board is requesting that you increase the monitoring of this location and remove all shopping carts promptly in order to help resolve the situation. Please note, the Board and the owners of the Palermo Community are fully prepared to fight any future contract renewals with the City of Palm Springs should a resolution to this problem not be obtained. We expect you and your business to be a "good neighbor" and look forward to an amicable solution to this ongoing problem.

Thank you in advance for your cooperation. Should you have any questions or concerns please feel free to contact me at any time.

At The Direction of the Board,

Brandi Scott, CCAM
Community Association Manager

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

Ken Lyon
Associate Planner