





CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: April 11, 2012

To: Planning Commission

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

Project Planner: David A. Newell, Associate Planner 

Subject: Case No. 5.1255 CUP – Food Bank / Distribution Facility at 610 South Belardo Road

On January 5, 2011, the City Council approved a Type II Conditional Use Permit (CUP) to allow the operation of a food bank and distribution facility at 610 South Belardo Road. The original CUP limited food distribution to Sunday mornings between the hours of 8:00 a.m. and 10:00 a.m. As a result of discussions with surrounding neighbors, the applicant later determined that Thursday evening food distribution would be more desirable between the hours of 6:00 p.m. and 8:00 p.m. On January 11, 2012, the Planning Commission approved the modified day and hours of operation and requested a public hearing review on April 11, 2012. Thus, the public hearing today is a result of this request. Information related to the business is provided below.

Applicant: The applicant has stated that the transition to the new day and time has been a smooth process. Additional measures have been implemented to ensure better management of clientele and overall distribution. Further details of the operation will be provided by the applicant.

Police History: The Police Department history log for the past three months indicated that there was one incident related to the business. An individual made a threat to a volunteer and police scheduled a patrol the following week. No other incidents were logged during the past three-month time period. A Police Department representative is expected to be available to answer any questions of the Planning Commission at the meeting.

Notification: A public hearing notice was published in the Desert Sun and mailed to all property owners within 400 feet of the site. As of the writing of this memorandum, no correspondence has been received.

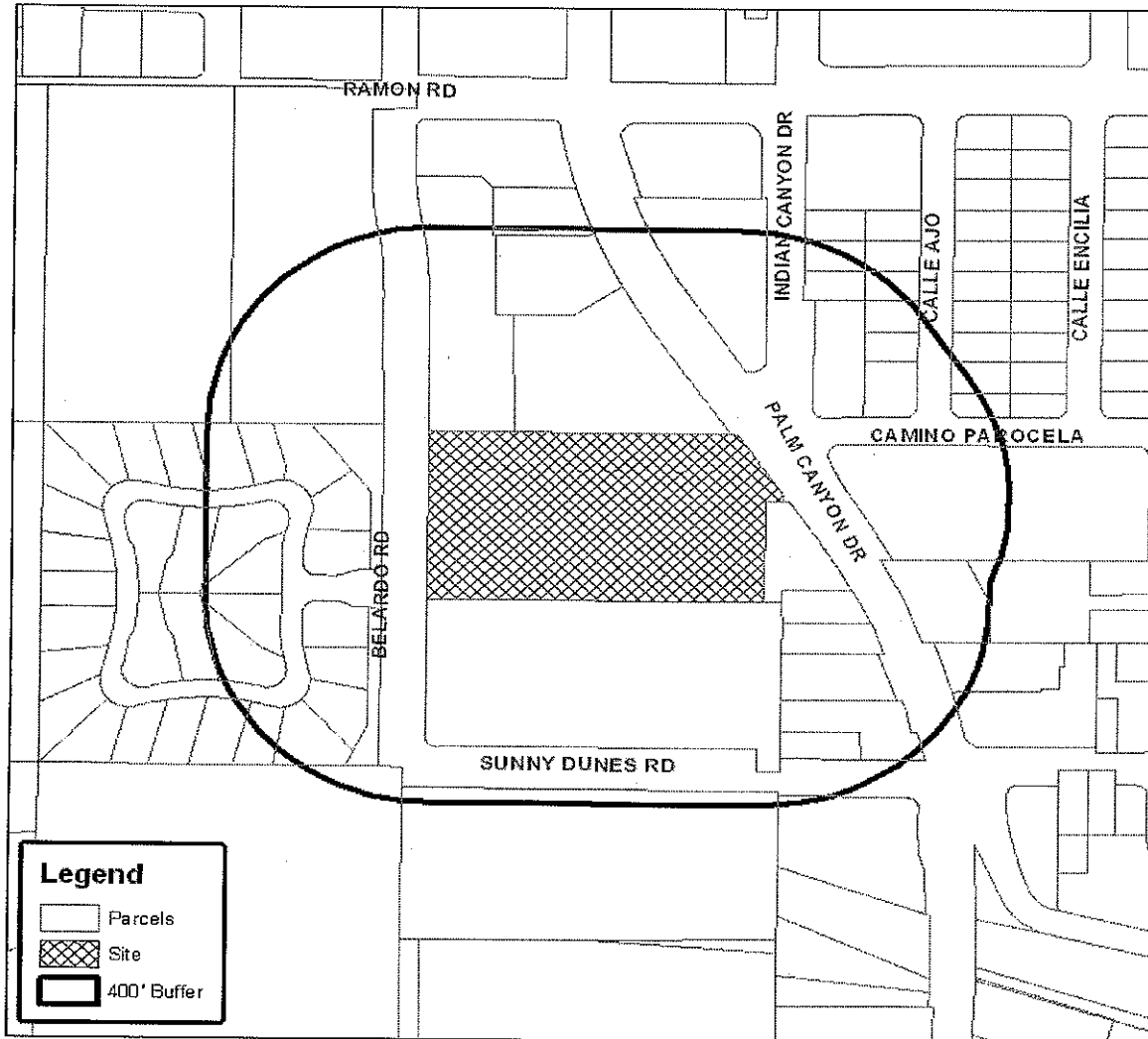
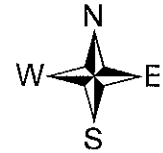
Based on the above information, staff recommends that the Conditional Use Permit remain in effect and that no further action be taken at this time by the Planning Commission. Should the Commission determine otherwise, a revocation process can be initiated pursuant to Section 94.02.00(I) of the Zoning Code.

Attachments:

- 1) 400' Radius Map
- 2) Planning Commission Minutes of January 11, 2012 (excerpt)
- 3) Planning Commission Resolution 6263
- 4) Planning Commission Staff Report dated January 11, 2012 (excluding attachments)
- 5) City Council Resolution 22862



Department of Planning Services Vicinity Map



Legend

- Parcels
- Site
- 400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1255 CUP

APPLICANT: Desert Sun Center
LLC

DESCRIPTION: To review an existing Conditional Use Permit (CUP) that authorizes "The Center" to operate a food bank and distribution facility within the office building located at 610 South Belardo Road. At its meeting of January 11, 2012, the Planning Commission approved a change in the day and hours of operation and requested that the status of the CUP be scheduled for review by the Planning Commission on April 11, 2012.

3. PUBLIC HEARINGS:

- 3A. Case 5.1255 CUP AMEND - A request by Desert Sun Center / The Center for an amendment to an existing Conditional Use Permit to change the day and hours of operation for the existing food bank and distribution facility at 610 South Belardo Road, Zone PD-77, Section 22. (Project Planner: David A. Newell, Associate Planner)

David A. Newell, Associate Planner, provided background information as outlined in the staff report dated January 11, 2012.

Chairman Donenfeld opened the public hearing:

-John O'Conner, executive director, commented that a total of 12,729 people were served in 2011 with grocery supplies; noting that poverty and unemployment have greatly affected the need in the community. He commented that they are acting on a request from the Canyons HOA and Historic Tennis Club to change the distribution day to provide less disruption to the neighborhood.

-Steve Seger, program & operations manager, provided an overview on the day-to-day management and operation of the distribution facility.

-Kathy Adams, The Canyons HOA, president, spoke about the disruptive behavior of the people that gather on Sunday mornings. She requested reconsideration of this site for the distribution center.

-Frank Tysen, Historic Tennis Club Neighborhood Organization, chairman, expressed concern that the 6 month performance review that was imposed on the distribution center and was never conducted and commented on the numerous complaints that have been received.

-John O'Conner, spoke about their commitment to improve the operation of the distribution center.

There being no further appearances the public hearing was closed.

The Commission commented and/or discussed:

- The late hours of operation would be inconvenient for seniors and disabled persons;
- Additional lighting may be required for food distribution during the evening hours;
- The traffic impact resulting from construction of the Belardo Bridge project;
- Distribution of food supplies by appointment during the afternoon hours;
- Managing the large crowds, traffic, noise and loitering;
- Distribution of food supplies in a two-day process to help alleviate the congestion and limit to the afternoon hours;

Associate Planner Newell clarified that a 6-month review was not imposed by the City Council.

Commissioner Klathcko spoke in favor of allowing the applicant to make the changes and follow-up with a 90 day review.

Vice Chair Hudson noted that the adjacent tenants and landlord would be opposed to the afternoon hours and spoke in favor of splitting up the distribution into two days with a 90 day review.

ACTION: To approve the amendment to the Conditional Use Permit to change the day and hours of operation from Sunday mornings between 8:00 a.m. and 10:00 a.m. to Thursday evenings between 6:00 p.m. and 8:00 p.m.; and to conduct a public hearing to open the Conditional Use Permit and review in 3 months.

Motion Philip Klatchko, seconded by Tracy Conrad and unanimously carried on a roll call vote.

AYES: Leslie Munger, Tracy Conrad, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson

~~**PLANNING COMMISSION COMMENTS.**~~

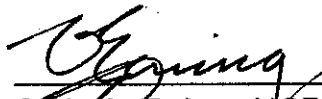
~~Commissioner Roberts requested code enforcement follow-up on removal of the red paint on the palm trees at the 7-Eleven on Vista Chino Road. He commented on the immense size of the "for lease" signs at the Albertsons Shopping Center on Sunrise Way and Vista Chino Road and other locations.~~

~~Commissioner Munger reported that she would not be in attendance for the next regular meeting.~~

~~**PLANNING DIRECTOR'S REPORT:** No items were reported.~~

~~**ADJOURNMENT:**~~

~~There being no further comments the Planning Commission adjourned at 3:02 p.m. to 1:30 p.m., Wednesday, January 25, 2012, City Hall, Council Chamber, 3200 East Tahquitz Canyon Way.~~



Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO. 6263

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, FOR THE APPROVAL OF CASE 5.1255 CUP AMEND, AN AMENDMENT TO THE APPROVED CONDITIONAL USE PERMIT TO CHANGE THE DAY AND HOURS OF THE FOOD DISTRIBUTION OPERATION LOCATED AT 610 SOUTH BELARDO ROAD.

WHEREAS, The Center, "applicant", has filed an application with the City pursuant to Section 94.02.00 (Conditional Use Permit) of the Zoning Code and City Council Resolution 22862, specifically Condition of Approval PLN 1, to amend the Conditional Use Permit to modify the day and hours of the food bank and distribution facility to Thursday evenings from 6:00 p.m. to 8:00 p.m. at 610 South Belardo Road, APN: 513-290-014, Zone PD-77; and

WHEREAS, a notice of public hearing for Case 5.1255 CUP AMEND was given in accordance with applicable law; and

WHEREAS, on January 11, 2012, a public hearing on Case 5.1255 CUP AMEND 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 Categorical Exempt pursuant Section 15301 (Existing Facilities), 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 Categorical Exempt pursuant to Section 15301 (Existing Facilities).

Section 2: After a review of the findings made by the Council when approving the CUP, it has been determined that all still apply to the proposed amendment with the exception of the third sentence in finding number 3, which states, "*The proposed use will operate in a 1,500 square foot tenant space and only on Sunday mornings when offices are typically closed.*" This is hereby modified to read, "*The proposed use will operate in a 1,500 square foot tenant space and only on **Thursday evenings** when offices are typically closed.*" All other findings remain applicable to this amendment.

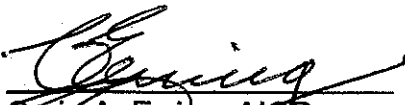
NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1255-CUP AMEND, an amendment to the day and time food distribution occurs to Thursdays from 6:00 p.m. to 8:00 p.m. at 610 South Belardo Road, subject to a review of the Conditional Use Permit by the Planning Commission on April 11, 2012.

ADOPTED this 11th day of January 2012.

AYES: 6, Klatchko, Conrad, Munger, Roberts, Hudson and Chair Donenfeld
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA


Craig A. Ewing, AICP
Director of Planning Services



Planning Commission Staff Report

Date: January 11, 2012

Case No.: 5.1255 – CUP AMEND

Type: Conditional Use Permit Amendment

Location: 610 South Belardo Road

APN: 513-290-014

Applicant: The Center (formerly Golden Rainbow Center)

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

Zone: PD-77 (Planned Development 77)

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

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant has requested an amendment to an existing Type II Conditional Use Permit (CUP) approved to operate a food bank and distribution facility to economically disadvantaged / disabled senior citizens at 610 S. Belardo Road. The proposed amendment is to change the day and hours of the operation from Sunday mornings between 8:00 a.m. and 10:00 a.m. to Thursday evenings between 6:00 p.m. and 8:00 p.m.

RECOMMENDATION:

That the Planning Commission approve the amendment to modify the day and hours of operation for the Type II Conditional Use Permit at 610 South Belardo Road.

PRIOR ACTIONS:

On December 8, 2010, the Planning Commission reviewed the Conditional Use Permit for the food bank and distribution facility and recommended approval to the City Council.

On January 5, 2011, the City Council approved the proposed food bank and distribution facility at 610 S. Belardo Road.

BACKGROUND AND SETTING:

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. 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.

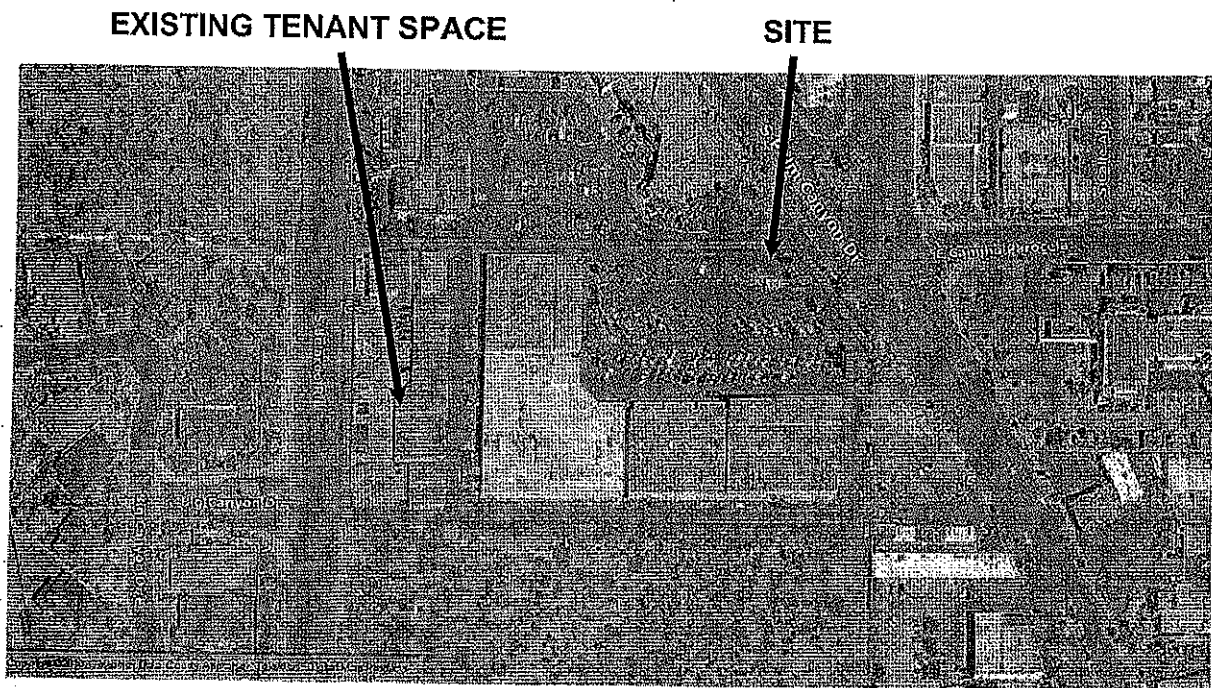


Table 1: Adjacent General Plan Designations, Zones and Land Uses:

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

The Center 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 have an office at 611 South Palm Canyon Drive, Suite 201, and offer food distribution to economically disadvantaged / disabled senior citizens at 610 S. Belardo Road.

ANALYSIS:

The applicant is proposing to change the day and time that the food bank and distribution operation serve their clients. The existing approved operational hours are from 8:00 a.m. to 10:00 a.m. on Sundays only. The proposed hours would be from 6:00 p.m. to 8:00 p.m. on Thursdays only.

The Conditional Use Permit authorizing this land use imposed certain Conditions of Approval, including a restriction on operational days and hours as follows:

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.

As mentioned above, the days and hours of operation may be approved by the Planning Commission. The applicant states that they have consulted with the neighboring residential tract to the west and the Historic Tennis Club Neighborhood Organization regarding the operation, and it was determined that the proposed modification would have less negative impact on the neighborhood.

Staff reviewed the findings made by the Council when approving the CUP and determined that they still apply to the proposed amendment (see attached City Council Resolution). The only modification would be to the third sentence in finding number 3, which states, "*The proposed use will operate in a 1,500 square foot tenant space and only on Sunday mornings when offices are typically closed.*" This would be modified to read, "*The proposed use will operate in a 1,500 square foot tenant space and only on **Thursday evenings** when offices are typically closed.*" All other findings would not change.

CONCLUSION:

The proposed amendment is similar to the original CUP and may be approved by the Planning Commission as conditioned in the Council's Resolution of Approval. Since the findings generally remain the same, staff is recommending approval of the proposed amendment to the day and time changes for the food bank and distribution facility.

NOTIFICATION:

Notification of this public hearing was sent to property owners within a 400 foot radius of the subject parcel. As of the writing of this report, staff has received written correspondence from the public, which is attached to this staff report.



David A. Newell
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

Attachments

- ~~1. Vicinity Map~~
- ~~2. Draft Resolution w/ Conditions of Approval~~
- ~~3. City Council Resolution 22862~~
- ~~4. Letter from Applicant~~
- ~~5. Letter from Historic Tennis Club Neighborhood Organization~~

RESOLUTION NO. 22862

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 CITIZINES AT 610 SOUTH BELARDO ROAD (CASE NO. 5.1255 CUP).

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

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

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

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

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

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

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

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

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

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

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

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

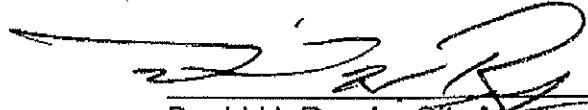
- o. Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.

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


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

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

ADOPTED THIS 5TH DAY OF JANUARY, 2011.


David H. Ready, City Manager

ATTEST:


James Thompson, City Clerk

CERTIFICATION

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

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 22862 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 the 2nd day of February, 2011, by the following vote:

AYES: Councilmember Foat, Mayor Pro Tem Weigel, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Hutcheson and Councilmember Mills.
ABSTAIN: None.

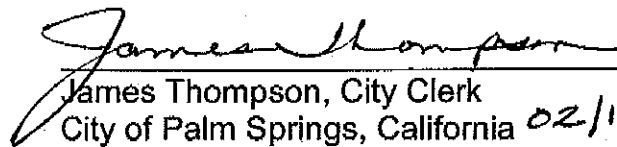

James Thompson, City Clerk
City of Palm Springs, California 02/10/2011

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. No food shall be consumed on the premises as part of the food distribution program operation. (Added by City Council on February 3, 2011)

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