



Planning Commission Staff Report

Date: January 9, 2013
Case No.: 10.474 DET
Type: Planning Commission Determination
Zone: H-C (Highway Commercial)
Location: 19-345 North Indian Canyon Drive
APN: 666-330-051
Applicant: Michael Hess of Blue Gecko Coffee Company
From: Craig A. Ewing, AICP, Director of Planning Services
Planner: Ken Lyon, Associate Planner

PROJECT DESCRIPTION:

Michael Hess of Blue Gecko Coffee Company (the applicant) is requesting that the Planning Commission determine that a coffee roasting establishment is similar to a retail bakery use. The proposed request is to allow a coffee roasting establishment to locate in an existing multi-tenant commercial/industrial building in the H-C (Highway Commercial) zone at 19345 North Indian Canyon Drive (north of Interstate 10).

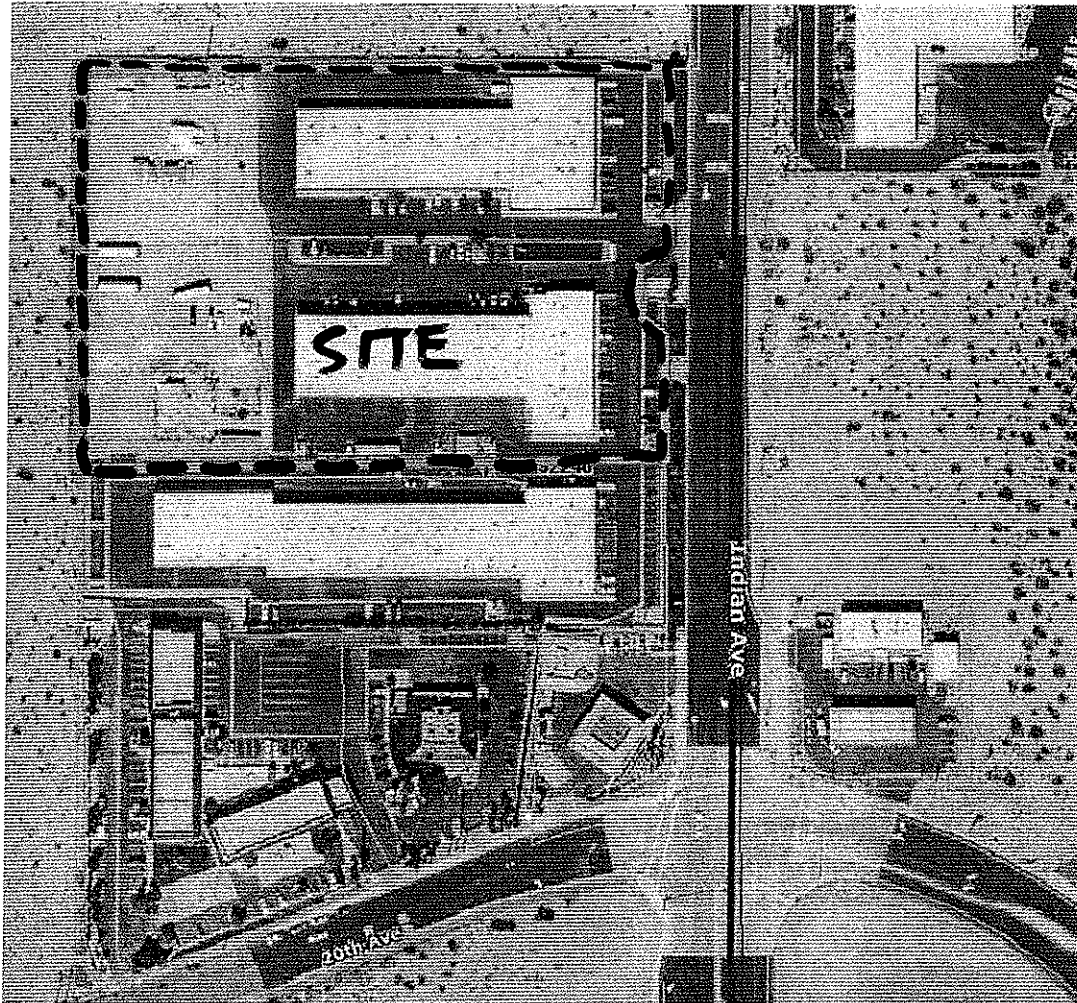
RECOMMENDATION:

That the Planning Commission approves Case 10.474 DET, determining that a coffee roasting establishment is similar to a retail bakery.

BACKGROUND AND SETTING:

The subject site is located on the north side of Palm Springs (north of the Interstate 10 freeway) in an area of existing commercial and industrial uses and vacant land. The roughly 5.61-acre site is fully developed with two existing commercial / industrial multi-tenant buildings. The buildings on the site have a variety of tenants, mostly industrial in nature, including a hydroponic supply company, a gas welding company, a bus charter company, a bar & grill, an auto collision repair company, an auto body repair & painting company, a paving company, a rental car agency, a western-wear clothing store, and a roofing company.

The proposed coffee roasting use would occupy one of the tenant spaces.



19345 North Indian Canyon Drive

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

	General Plan	Zoning	Existing Land Uses
North	RBC	M-2 (Manufacturing)	Vacant
South	RBC (Regional Business Center)	HC (Highway Commercial)	Commercial Industrial Multi-tenant building
East	(unincorporated Riverside County)	(unincorporated Riverside County)	Vacant
West	RBC	M-2	Vacant

The applicant proposes to operate a small coffee roasting business. The roasting machine is described in the applicant's submittal as being "similar to a small retail bakery oven". In addition, the applicant has provided information regarding the exhaust and filtration system. These filters and chaff collectors considerably trap particulates in the exhaust system,

thereby reducing smoke and odors that might be given off from the process of roasting the coffee.

The proposed use is primarily envisioned to be wholesale coffee roasting, however the applicant has noted that a small retail component for selling the roasted coffee beans to the public is an aspect he desires to incorporate in the near future. A coffee roasting oven emits some odor, however the relatively small oven proposed by the applicant emits a relatively small amount of roasting odors. Should the applicant eventually choose to enlarge his operations, larger roasting ovens come equipped with more elaborate scrubbers and filtration to mitigate the larger volume of odor emitted by larger roasters.

ANALYSIS:

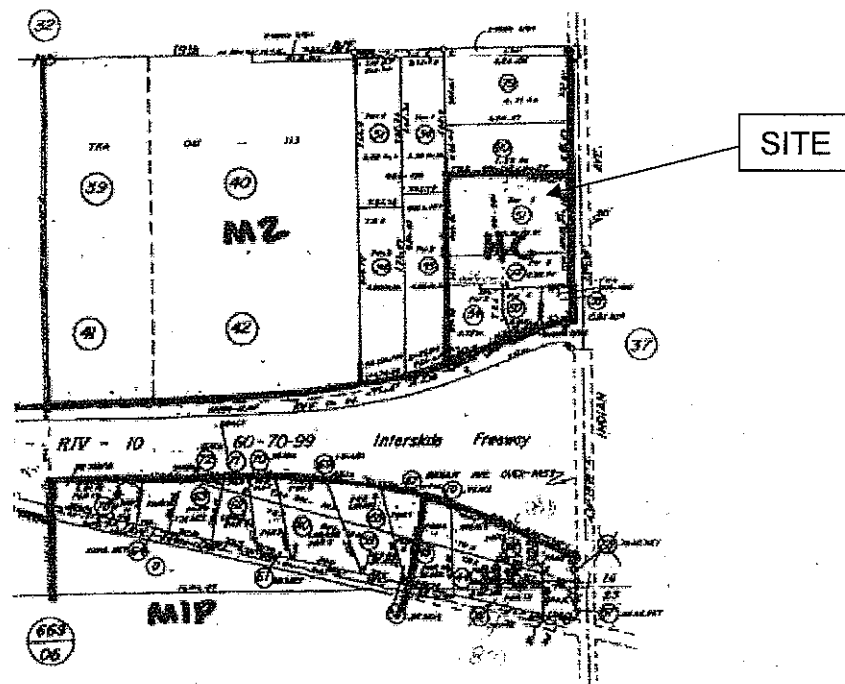
Pursuant to Section 92.14.1.01(B) of the Palm Springs Zoning Code (PSZC), "*Similar Uses Permitted by Commission Determination*" The Planning Commission may, by resolution, permit any other uses which it may determine to be similar to those listed as "by right" and not more obnoxious or detrimental to the public health, safety and welfare or to other uses permitted in the zone. By Right Uses in the HC Zone include:

- All uses permitted in the C-1 and C-2 Zones,
- Hotels,
- Offices,
- Restaurants,
- Large-scale services retail outlets.

Retail bakeries are a "by right" use listed in the C-1 zone. Uses in the C-1 zone are also permitted by right in the HC zone. Staff believes coffee roasting is a use similar to a retail bakery. Furthermore, staff believes coffee roasting is not more obnoxious or detrimental to public health, safety and welfare than other uses permitted in the zone such as automobile service stations, liquor stores, recycling collection centers, truck stops or ambulance services.

In this case, the applicant is proposing a small coffee roasting use in one of the tenant spaces at the subject address. The proposed site is developed with two multi-tenant commercial / industrial buildings. Roughly a block south, in the immediate vicinity of the freeway interchange, are an assortment of hotels, restaurants, convenience stores and gas stations. As one drives further north, away from the freeway, the businesses and tenants become more industrial and service-oriented in nature.

The "HC" (Highway Commercial) zone comprises a relatively small geographic area immediately adjacent to the Interstate 10 / Indian Canyon Drive interchange as shown below in a portion of the zoning map for the northern part of the City.



ZONING MAP SHOWING HC ZONE

Pursuant to Section 92.14.1.00: "The "HC" zone is intended to provide for the development of a commercial district providing for the retail and service needs of freeway travelers." The proposed site is at the northerly end of the HC zone, and is surrounded by industrial, manufacturing and service uses.

Staff has reviewed the proposed coffee roasting use with respect to odors or other potentially noxious aspects of the proposed use. As noted in the applicant's letter, filtering and a "chaff collector" reduce the potential for smoke or odors that might be objectionable. The proposed use may emit some odors from the coffee roasting, but Staff does not see this as a use any more noxious or objectionable than a typical retail bakery, or other existing uses in the vicinity and on the parcel, such as automobile painting and auto repair, large tour bus storage (potential for concentrated Diesel fumes), and the truck rental agency.

REQUIRED FINDINGS:

When an unlisted use is proposed for a particular zone or when classification of an unlisted use is requested, it shall be the duty of the commission to ascertain all pertinent facts concerning such use and by resolution of record set forth its findings and the reasons for designating a specific classification for such use. A newly-designated use, as approved by the Planning Commission, shall be considered as an addition to the zoning ordinance at an appropriate time following when other general amendments are also being considered.

Pursuant to the requirements of Section 94.01.02(B) (*Procedures for Determinations*) of the PSZC, in permitting or classifying an unlisted use, the commission shall first make a finding that all of the following conditions exist:

- 1) *That the use is in keeping with the stated intent and purpose of the zone.*

Pursuant to Section 92.14.1.00: "The "HC" zone is intended to provide for the development of a commercial district providing for the retail and service needs of freeway travelers." The wholesale coffee roasting use is proposed to be located in a multi-tenant building that contains a mix of commercial and industrial uses. The location is conducive for this use because it is close to the interstate and along a major thoroughfare of the City's General Plan; thus providing convenient access for trucks picking up and delivering the wholesale coffee products. The small retail component in which the applicant would offer his coffee to the general public would also be capable of serving both the local community and freeway travelers (although this is not anticipated to be a high volume retail activity), it is anticipated as an optional small accessory use, secondary to the primary use of roasting coffee for wholesale use.

- 2) *That field investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the zone wherein it is proposed to be located.*

The proposed wholesale coffee roasting use would be located in an existing facility. This facility is a multi-tenant commercial / industrial building and has a variety of wholesale, retail, and manufacturing tenants. The site is located on a major thoroughfare and the proposed use and operation are compatible with the uses permitted in the HC zone, such as automobile service stations, hotels, restaurants, and miscellaneous retail, commercial and manufacturing uses and other similar permitted uses in the immediate vicinity.

- 3) *That the subject use is similar to one (1) or more uses permitted in the zone within which it is proposed to be located.*


Pursuant to Palm Springs Zoning Code Section 92.14.1.01(A)(), Retail Bakeries are a by right permitted use in the HC zone. Considering that both coffee roasting and baking involve the processing of raw food products into consumable products, Staff believes the proposed coffee roasting use is similar to a retail bakery since both involve the baking or roasting of raw food products or ingredients for ultimate consumption by the public.

- 4) *That the subject use will not cause substantial injury to the values of property in the zone within which it is proposed to be located.*

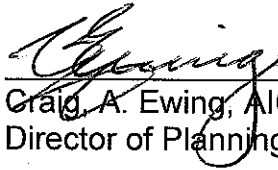
There is no known evidence to conclude that the proposed use is likely to cause substantial injury to values of property in the "HC" Zone. Staff reviewed the method of filtration and exhaust from the proposed roasting ovens and concluded that there should be little offensive or noxious odors emanating from the roasting activity. Furthermore, if slight odors do emanate from coffee roasting at this location, it would be no more obnoxious than slight food odors that emanate from the existing nearby fast-food restaurants. Staff believes the use will not cause substantial injury to the values of properties in the zone in which it is proposed to be located.

CONCLUSION:

The "HC" zone allows various commercial / industrial uses that provide retail, manufacturing and service uses to the community and travelers along the interstate highway. Wholesale coffee roasting is a use that staff believes is compatible and consistent with other "by right" uses permitted in the "HC" zone and is similar to a retail bakery. Staff further believes that the proposed coffee roasting use is less obnoxious or detrimental to public health, safety and welfare than other uses permitted in the zone. Therefore, staff recommends that the Planning Commission determine that a wholesale coffee roasting use is similar to a retail bakery and should be permitted by right in the HC zone.



Ken Lyon, RA, Associate Planner



Craig A. Ewing, AICP,
Director of Planning Services

Attachments

1. Vicinity Map
2. Draft Resolution
3. Letter of Request dated 10-29-12

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT WHOLESALE COFFEE ROASTING IS SIMILAR TO A RETAIL BAKERY USE IN THE "HC" (HIGHWAY COMMERCIAL) ZONE.

WHEREAS, Michael Hess ("Applicant") has filed an application with the City pursuant to Section 94.01.00 (Similar Uses by Planning Commission Determination) of the Palm Springs Zoning Code (PSZC) for a determination that wholesale coffee roasting is similar to a retail bakery use in the "HC" (Highway Commercial) zone for a proposed coffee roasting business in a multi-tenant building located at 19345 North Indian Canyon Drive, and

WHEREAS, on January 9, 2013, a public meeting on the application (Case 10.474) was held by the Planning Commission in accordance with applicable law; 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 94.01.02(B) of the PSZC, the Planning Commission makes determines that all of the following conditions exist:

Pursuant to the requirements of Section 94.01.02(B) (*Procedures for Determinations*) of the PSZC, in permitting or classifying an unlisted use, the commission shall first make a finding that all of the following conditions exist:

- 1) *That the use is in keeping with the stated intent and purpose of the zone.*

Pursuant to Section 92.14.1.00: *"The "HC" zone is intended to provide for the development of a commercial district providing for the retail and service needs of freeway travelers."* The wholesale coffee roasting use is proposed to be located in a multi-tenant building that contains a mix of commercial and industrial uses. The location is conducive for this use because it is close to the interstate and along a major thoroughfare of the City's General Plan; thus providing convenient access for trucks picking up and delivering the wholesale coffee products. The small retail component in which the applicant would offer his coffee to the general public would also be capable of serving both the local community and freeway travelers (although this is not anticipated to be a high volume retail activity), it is anticipated as an optional small accessory use, secondary to the primary use of roasting coffee for wholesale use.

- 2) *That field investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the zone wherein it is proposed to be located.*

The proposed wholesale coffee roasting use would be located in an existing facility. This

facility is a multi-tenant commercial / industrial building and has a variety of wholesale, retail, and manufacturing tenants. The site is located on a major thoroughfare and the proposed use and operation are compatible with the uses permitted in the HC zone and other similar permitted uses in the immediate vicinity.

- 3) *That the subject use is similar to one (1) or more uses permitted in the zone within which it is proposed to be located.*

Pursuant to Palm Springs Zoning Code Section 92.14.1.01(A)(), Retail Bakeries are a by right permitted use in the HC zone. Considering that both coffee roasting and baking involve the processing of raw food products into consumable products, Staff believes the proposed coffee roasting use is similar to a retail bakery since both involve the baking or roasting of raw food products or ingredients for ultimate consumption by the public.

- 4) *That the subject use will not cause substantial injury to the values of property in the zone within which it is proposed to be located.*

There is no known evidence to conclude that the proposed use is likely to cause substantial injury to values of property in the "HC" Zone. Staff reviewed the method of filtration and exhaust from the proposed roasting ovens and concluded that there should be little to no offensive or noxious odors emanating from the roasting activity. Furthermore, if slight odors do emanate from coffee roasting at this location, it would be no more obnoxious than slight food odors that emanate from the existing nearby fast-food restaurants. Staff believes the use will not cause substantial injury to the values of properties in the zone in which it is proposed to be located.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby determines that a wholesale coffee roasting use is similar to a retail bakery in the HC (Highway Commercial) zone.

ADOPTED this 9th day of January, 2012.

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RECEIVED

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PLANNING SERVICES
DEPARTMENT

10,474 Det.

Project:

Blue Gecko Coffee Co.
19345 N. Indian Cyn dr.
Palm Springs, Ca. 92258
Approx. 1331 sq ft
Zone ~~A~~ H-C

10/29/12

To the Planning Commission of Palm Springs,

This letter is a request for a determination of finding that my proposed coffee roasting establishment be treated the same as a retail bakery. The code is silent on coffee roasting per se, and the equipment is very similar to a small retail baking oven. The business is very small and would be no more production and impact on the area than a small bakery.

The current zoning is ~~A~~ H (C-1, 92.12.01.A) which would allow for a retail bakery and the surrounding area is M-2 which allows the wholesale use.

The roasting process itself is very low impact as the new roaster comes with a chaff collector which traps all the particulates and filter screens which reduce the smoke and smell considerably (see attached).

Yours Truly,
Michael Hess
proprietor

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MHES57@gmail.com

H-C