

REPORT TO THE PLANNING COMMISSION



DATE: July 17, 2014

TITLE: Consideration of a Conditional Use Permit (CUP 01-14) to re-establish a 33-room existing hotel located on the south side of Pierson Boulevard, between Tamar and Foxdale Drives in the V-S (Visitor Serving) District. Request submitted by Victor Butte.

CASE NO: Conditional Use Permit No. 01-14 (CUP 01-14)

RECOMMENDATION

That the Planning Commission approve Conditional Use Permit (CUP 01-14), to allow the re-establishment of an existing 33-rooms, spa, and a restaurant, generally located at the southwest corner of Pierson Boulevard at Tamar Drive as shown on the exhibit to the right.

BACKGROUND

The Applicant, Victor Butte, filed a CUP application on May 1, 2014, to re-establish the hotel use on the site. The Zoning Code states that if a use is vacant for 6 months or more then the use will have to conform to the current code. The existing hotel is located on a 1.79 acre site and has been vacant for several years. Mr. Butte is requesting approval of a Conditional Use Permit that will allow him to complete the project and open for business. The hotel will have 33 rooms and pools/spas.



The existing building square footage is approximately 17,538 square feet which includes both floors, all rooms, spa, and the lobby area. The site is fairly flat and drains to the south. The site is developed with entrances along the east (Tamar Drive) and west (Foxdale Drive) sides of the property. Tamar, Foxdale, and Pierson Boulevard already have curb and gutter, but have no sidewalks. New sidewalks will be installed on each street. Most of the palm trees will be preserved in place with this redesign.

The current General Plan and Zoning designations for the site are Visitor-Serving consistent with the General Plan and Zoning Ordinance. The Zoning, General Plan Land Use designations, and current land uses for surrounding properties are as follows:

Zoning & General Plan Designations

North = Tuscan Hills Specific Plan
West = Low Density Residential (RL)
South = Visitor Serving (V-S)
East = Low Density Residential (RL)

Current Land Use

Vacant – Proposed Specific Plan
Single Family Residential
Vacant Land
Single Family Residential/Vacant

Conditional Use Permit Analysis

The Applicant is proposing to re-establish the hotel use. A portion of the building was destroyed by fire due to homeless encampment. The proposed improvements including rehabilitating the destroyed area, repainting the facades, making parking lot improvements to comply with current ADA standards, installing new landscaping, installing private outdoor patios on some of the units, new trash enclosure, providing drainage improvements and interior tenant improvements. Staff has reviewed the plans for the proposed project and has determined that while the building is legal nonconforming in terms of some of the development standards (i.e., front and street side yard setbacks) within the Visitor-Serving (V-S) Zoning District, the re-establishment of the hotel is appropriate and findings can be made to allow the use to continue. According to the Zoning Code, an existing legal nonconforming use or legal nonconforming building may be minimally expanded or changed if all of the following findings are made:

1. That such expansion or change is minimal – the change is minimal in that only upgrades are being proposed. There are no expansions of the existing uses in the building and no expansions are proposed to the floor plan.
2. That such expansion or change will not adversely affect or be materially detrimental to adjoining properties - The building currently exists and was once a hotel use with the same ancillary uses in the past. The use will not adversely affect or be materially detrimental to adjoining properties since the building has existed for many years and other hotels are operating as well in the immediate area.
3. That there is a need for relief of over-crowded conditions or for modernization in order to properly operate the use – The Applicant is proposing to modernize the hotel to bring it into compliance with current codes. Therefore, the modernization will help the project operate efficiently.
4. That the use is existing and has not been discontinued for a period of 6 or more calendar months – the use has been vacant for a few years. This does not apply to buildings and only applies to uses. Therefore, the project can be allowed as proposed.

Size, Coverage and Height - The project site is approximately 1.79 acres (77,972 sq. ft) in size. Under the V-S (Visitor Serving) Zoning District, the maximum building coverage varies and therefore has no specific requirement. The first floor is 7,265 which amounts to approximately 10% lot coverage which will not cause any detrimental impacts to the surrounding area. The V-S (Visitor Serving) Zoning District permits a building of 3-stories and a maximum height of up to 35 feet. The existing building has 2 stories above ground and the roofline is ±29 feet in height and satisfies the code requirement.

Setbacks – The required minimum setbacks from the property line for V-S (Visitor Serving) Zoning District are 20 feet in front, 10 feet at the rear, and 15 feet on the sides adjacent to a street. The main building is setback 11 feet from the Pierson Boulevard, 3-10 feet on the street side yard, and 112 feet from the rear property line. Even though the hotel does not appear to satisfy the front and street side yard requirements it would still be considered legal nonconforming. In addition the landscaping and additional right-of-way which is landscaped to the curb will provide additional buffer mitigating the shortened setback.

Site Circulation/ Off-Street Parking – Existing ingress and egress to the site is provided by four (4) driveways; one of Foxdale Drive, two on Tamar Drive, and one on Pierson Boulevard. The driveway on the northeast corner of the property has access on Pierson Boulevard and Tamar Drive and is a one-way customer drop off-area with a width of 19 feet to be increased to 28 feet with a redcurb (no parking) on the outside curb. The other access points are to the guest parking area with accesses on Tamar and Foxdale Drives which have widths of 24 feet each. All driveways meet the code requirement and will have conditions that require striping.

The hotel has 33 rooms with pools/spas. The site has a total of 55 parking spaces, including three (3) van accessible handicapped spaces. The site is only required to provide 51 parking spaces. The current Zoning Code requirement is shown in the Table below and satisfies the parking requirement:

Parking Calculation		
Use	Ratio	Number of Spaces
32 Guest Hotel Rooms	1.1 per room	35.2
One Managers Room	2 Spaces	2
1040 Square Foot Restaurant	1 per 75 Square Feet	13.87
Total Required		51.07
Parking Provided		55

Elevations, Colors and Materials – The existing building architecture is a Modern Design and has colors that include sky blue, eggshell, tan, silver, and pink.

Exterior Changes to Pierson Boulevard

- Provide a new porte-cochere at the entrance for customer drop-off with sky blue catamaran wind sails fabric covering the entryway.
- Install a 16 foot tall Pink Flamingo sculpture in a rock bowl fountain that will have a pink lava appearance (at night) under the porte-cochere .
- Maintain existing aluminum frames to the doors and windows that will match the new porte-cochere frames.
- Provide new channel letter signage with LED Illumination on building frontage as detailed on Sheet A-11.
- Resurface the existing block walls with new plaster.
- New meandering sidewalk.
- The predominate color of the block walls and the structure will be “egg shell” with the exception of the flamingo and fountain.

Exterior Changes to Tamar

- Renovate or replace “Egg Shell” block wall.
- Provide new “Blushing Bride” pink wrought iron fences, gates, and railings.
- New Butterfly roof with “smoke tan” plaster surface and decorative columns.
- New standard sidewalk.
- Window and door frames will be extruded aluminum with a grey color
- The Porte-cochere and fountain elements will also be a major part of the Tamar Street Elevation.

Exterior Changes to Foxdale Drive

- Renovate or replace block walls with “Egg Shell” color.
- The ends of the “smoke tan” Butterfly Roof will also be visible on Foxdale Drive.
- Complete removal of public restroom on second floor; no guest rooms will be impacted.
- Window and door frames will be extruded aluminum with a grey color
- Provide new “Blushing Bride” pink wrought iron gate, and railings.

Interior Elevations

- Repaint with new color scheme to match the outside with pink, tan, and eggshell.
- Install new smoke detectors and air conditioners.
- Service existing A/C units replace if needed.
- Upgrade all facilities to comply with ADA requirements.
- Provide 2 ADA equipped rooms.
- Provide a handicapped lift for the large pool.
- Repair and replace all broken windows.
- New Day User Facilities to include lockers, restrooms, and showers.
- Provide covered areas to the laundry, bar, and spas to match porte-cochere.
- Refurbished pink railings on stairs.
- New Pink doors to guest rooms.
- The roofs on the interior elevations will be smoke tan and will not be pink as shown on Sheet A-17 or A-19. However, during the evening hours the LED lighting will provide a pink glow to the eave as shown on Details 6 and 11 of Sheet A11.
- Butterfly roof will have major view from all vantage inside the facility.
- New private catamaran covered seating areas with flame pit.

Landscaping – The Site will have the landscaping enhanced to compliment the building. Most of the palm trees around the perimeter of the site will be retained except for two at each corner of Pierson Boulevard which will be removed for the installation of a handicapped ramp and the new corner treatment with the 6-foot flamingo. Each street frontage and the interior are summarized with the following:

Pierson Boulevard Frontage

This street frontage will have two new Acacia trees and one new Palo Verde and all three will have a container size of 24 inch box. In addition the applicant will supplement the trees with Desert Spoon and lantana shrubs with river rock as the ground cover. In addition there will be two types of climbing vines on the walls: bougainvillea vine which will grow to cover the wall. These materials will all be placed around the meandering sidewalk. Staff recommends the applicant have the option of switching the river granite to 5/8" gold Decomposed Granite if the river rock becomes a safety issue.

Foxdale Drive Frontage

This elevation will retain the existing palm trees and introduce one Palo Verde and one Acacia tree with Desert Spoon shrubs planted between the trees and the river granite rock as ground cover. The vines used on the exterior walls will be Bougainvillea. Staff recommends that the secondary tree be all Palo Verde trees so that there are only two species of trees.

Tamar Drive Frontage

The Tamar Drive frontage will be similar to that of Foxdale Drive except that it will have three Palo Verde mixed in with the existing palm trees. The shrubs will be Desert Spoon and Lantana with the river rock used as ground cover.

Parking Lot

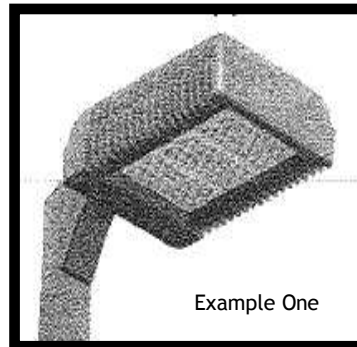
The wall along the parking lot adjacent to the building will be complimented by two types of climbing shrubs: the Star and Yellow Jasmine. The parking row along the southern edge of the building will have five finger planters that will be 6 feet wide and nineteen feet long and contain 24 inch box Palo Verde Tree with five existing palm trees which will remain. These planters will have the Lantana shrubs also, but no ground cover is identified. Staff recommends that the river rock or 5/8" gold decomposed granite be used. The middle parking row will contain 24 inch box Mesquite trees in the finger planters with Lantana as the shrubbery.

The last southern row of parking will also contain the retention basin which will retain the on-site water. The parking row will have 24 inch box Mesquite trees in a 6 foot planter along the property line. The wall along the property line will have a bougainvillea vine which will climb up the wall. The retention area will have two 24 inch box Palo Verde trees, Feathery Cassia shrubbery, and Primrose Jasmine that will climb the wrought iron fence. The retention basin will also contain a picnic tables, barbecue area and exercise equipment.

Neither the middle parking row, the last parking row, or retention basin have identified a ground cover. Staff recommends that applicant place river rock or 5/8" gold decomposed granite in these areas as a ground cover.

The proposed landscape plan will compliment the architecture and make this an attractive site in the neighborhood and have an "oasis" environment within the hotel that will be attractive to guests and help the City generate additional revenue.

Lighting Plan – The applicant has submitted a lighting plan with photometrics that have a maximum value of one-candlefoot in the parking area. In the parking area three 18 foot freestanding structures which will provide the proper illumination in the parking area as shown in Example One. There will be approximately 35 lighting fixtures along the street frontages as shown to the right in Example Two. This fixture will provide the equivalent illumination of the wall mounted lights.



Phasing Plan - The applicant proposes to improve this property in four phases, however all rooms will be occupied during all phases, whether remodeled or not.

Phase One

Phase One will include renovation of the front lobby, exterior walls along street frontage, exterior landscaping, day guest locker room, laundry room, new butterfly roof, on-site pools, and guest rooms 11-19.

Phase Two

Phase Two will include slurry seal of the parking area and the southern perimeter wall along the property line.

Phase Three

Phase Three will include the remainder of the hotel rooms, the porte-cochere, the pink flamingo, rock bowl fountain, covered patios, covered spas, and covered bar area.

Phase Four

Phase Four will include the retention basin, landscaping in the parking lot, and the re-grading of the parking lot.

ENVIRONMENTAL ANALYSIS

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq*, and the CEQA Guidelines, Title 14, Chapter 3 of California Code of Regulations, this request is found to be Categorically Exempt under Class 1, "Existing Facilities" or (Section 15301 of the CEQA Guidelines) and therefore, no further environmental review is required. The Applicant proposes the continued use of an existing structure for the same purposes where minor improvements are proposed to bring the property

into compliance including, plumbing fixtures, electrical switches, lighting, painting, paving, restriping the parking lot, and upgrading the landscaping which is not expected to cause significant environmental impacts.

ARCHITECTURAL AND LANDSCAPE REVIEW COMMITTEE (ALRC)

The ALRC reviewed the project on June 26, 2014 and unanimously recommended that the Planning Commission approve the project subject to the following recommendations:

1. The Flamingo at the main entrance return to the ALRC as an information item during the Plan Check process when all the details are available.
2. The alternate ground cover be changed to Gold Decomposed Granite with a size of 5/8"-11% finds.
3. The lights on the wall be replaced with illuminated bollards. Removal of Detail 5 on Sheet L-5 which is a multi-outlet emission device to another emitter that provides more efficient irrigation.
4. Replace the Palo Verde and Mesquite trees with any combination of Tipuana Tipu, Live Oaks, Acacia trees which are better shade trees.

All of these with the exception of Number 3 have been incorporated into the Conditions of Approval. The applicant had initially agreed to the illuminated bollards and would like the Planning Commission to approve ground mounted lights as shown in Example Two above. The Municipal Code only has specific illumination requirements for parking lots and therefore this proposal will meet the other requirements. The illumination will need to be less than 160 watts to be exempt from the shielding requirements which will be included in Condition No. 51.

FISCAL IMPACT

Improvements to the existing hotel will generate one-time revenues to the City in the form of Building Permits. In addition, the City will also receive Transient Occupancy Tax from room rentals.

RECOMMENDATION

Staff finds that the proposed project is substantially consistent with the General Plan and meets the development standards of the V-S-V Zoning District. Staff recommends that the Planning Commission approve Conditional Use Permit No. 01-14 subject to the Conditions of Approval and the adoption of a the following Minute Motions:

APPROVAL OF AN EXEMPTION TO CEQA based on the finding that the project qualifies as Categorically Exempt under Class Two, Section 15302 which allows replacement facilities of similar size. The Desert Hot Springs Planning Department is custodian of the documents or other material which constitute the record of proceedings upon which this decision is based.

APPROVAL OF CONDITIONAL USE PERMIT NO. 01-14 to allow a 33-unit hotel spa-restaurant subject to the following findings and the attached Conditions of Approval:

1. That the proposed use is conditionally permitted within the Visitor-Serving District and complies with all of the applicable provisions of this Zoning Ordinance;
2. That the proposed use would not impair the integrity and character of the Visitor-Serving District in which it is to be located;
3. That the hotel is physically suitable for the type and intensity of the proposal;

4. That the proposed hotel is compatible with the land uses presently on the subject property and/or immediately adjacent;
5. That the proposed hotel would be compatible with existing and future land uses located in the Hot water District in which the proposed use is to be located;
6. That the proposed Hotel is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses;
7. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed hotel would not be detrimental to public health and safety;
8. That the project site will have adequate provisions for public access to serve the site located at 67221 Pierson Boulevard;
9. The proposed hotel will not have an adverse effect upon desirable neighborhood characteristics;
10. That the proposed hotel is necessary and essential to the community;
11. That the proposed hotel is consistent with applicable goals and policies of the Visitor Serving District of the Desert Hot Springs General Plan;
12. The architecture of the proposed hotel will make a positive contribution to the immediate area of the project and the City as a whole;
13. The landscape palette has a variety of materials and will accent the architecture of the site and provide a positive contribution to the immediate area of the project and the City as a whole;
14. That there will not be significant harmful effects upon environmental quality and natural resources from the proposed hotel; and
15. That the proposed location, size, design, and operating characteristics of the proposed hotel would not be detrimental to the public interests, health, safety, convenience, or welfare of the City of Desert Hot Springs;

EXHIBITS

- 1) Plan Set
- 2) Conditions of Approval
- 3) Public Hearing Notice