

## REPORT TO THE PLANNING COMMISSION

---



**DATE:** June 13, 2017

**TITLE:** Request for a One-Year Extension of Time for Development Permit 01-14, Design Review No. 01-14 for the Ho Ho Express Private Fueling Station Located on the East Side of Little Morongo Road South of Dillon Road (APN: 665-190-018)

**Prepared by:** Scott Taschner, Senior Planner

**Reviewed by:** Daniel Porras, Community Development Director

---

### RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Approve a request for a one-year time extension for Development Permit 01-14 & Design Review 01-14 for the Ho Ho Ho Express private fueling station located on the east side of Little Morongo Road south of Dillon Road on Assessor Parcel No. 665-190-018.

### BACKGROUND / PRIOR ACTIONS

On February 10, 2015 the Planning Commission approved Development Permit 01-14 and Design Review 01-14 for the development of a private fueling station with above ground tanks and a 1400 sq ft modular office-caretakers residence on the project site. The project had two years to obtain building permits and begin construction, but due to financial constraints the project start has been delayed. The applicant/developer does not want to lose entitlements therefore they are requesting a one-year time extension, to February 10, 2018.

### CURRENT REQUEST

Pursuant to Section to Section 17 .92.100 (Development Permit / Time Extensions) of the Desert Hot Springs Municipal Code, the Planning Commission may grant an extension of time, for good cause, not to exceed 12 months. In granting the extension, the Commission shall ensure that the Development Permit complies with all current Zoning Ordinance provisions. Service stations are allowed as a permitted use through the approval of a Design Review and Development Permit by the Planning Commission. The Applicant, Felix Ho, has filed an application to construct of private fueling station for HoHoHo Trucking Company. The site is located south of Dillon Road between Little Morongo Road and Ben-Mar Road.

### Design Review Findings:

- A. The design of the proposed project would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, textures, and colors that will remain appealing and will retain a reasonably adequate level of maintenance.

The proposed development and use of the site is consistent with other developments in the area. The buildings aesthetics will be comparable to

other buildings used in this area of the city and the equipment will be screened from view from the public right-of way. The site will also be maintained and kept free of debris, trash, etc.

- B. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards; and

The site development will not interfere with the neighboring properties ability to use their land as allowed under the Zoning Code and General Plan. The location of the drive access and location of the gate allow for vehicles to pull onto the site so traffic is not blocked. In addition, the project will require paving of roads that are currently unimproved. The project and vehicles will have to comply with Federal, State and local regulations including regulations for safety.

- C. The architectural design of the proposed project is compatible with the character of the surrounding neighborhood and will maintain the harmonious, orderly and attractive development contemplated by this Zoning Ordinance and the General Plan. (Prior code § 159.38.040).

The neighboring properties are currently vacant and are zoned light-industrial. The proposed development of the site with a fueling station, office, and related site developments will be consistent with the uses that are allowed in the area. The proposed project is conditioned to reduce the impacts of the activities and structures on neighboring properties and surrounding area.

#### **Development Permit Findings:**

- A. That the proposed use is permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance, including prescribed development standards and design guidelines;

The proposed use is permitted in the zoning district, with review and approval of a development permit, and subject to findings and conditions. Staff and the Planning Commission previously reviewed and approved the project and staff has added additional conditions to further mitigate the impacts of the project on neighboring properties and the surrounding area.

- B. That the subject site is physically suitable for the type and intensity of the land use being proposed;

The proposed project is located in the appropriate zone for the type of business and development that is being proposed. The proposed project will only use half of the site and will have minimal impact as far as density, lot coverage, massing, and other factors.

- C. That the proposed development would be compatible with existing and future developments within the land use district and general area;

The proposed use is permitted in the zoning district, with review and approval of a development permit, and subject to findings and conditions. Staff and the Planning Commission previously reviewed and approved the

project and staff has added additional conditions to further mitigate the impacts of the project on neighboring properties.

- D. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use is not detrimental to public health and safety;

The project will be conditioned to make all infrastructure improvements, including street improvements, which will provide access for emergency services and help to protect public health & safety. In addition, the Fire Department has reviewed the project and added conditions to help prevent and mitigate any future emergencies. The project will not require connection to sewer, and electrical will be provide by SCE or a cogeneration solution which will be reviewed at a later date, during building plan check, and prior to issuance of building permits.

- E. That there is adequate public access and roadway capacity to serve the subject proposal;

The project will be conditioned to make street improvements to half right-of-way width and shall pave the right-of-way up to an existing paved surface. This will provide adequate access to the site.

- F. That there are no significant harmful effects upon environmental quality and natural resources;

The mitigated negative declaration recommended mitigation measure to limit the impacts to a less than significant levels on impacts to cultural, historical resources and hazardous materials. The mitigation measures will be implemented as outlined in the projects conditions of approval and shall be adhered to by the applicant/developer.

- G. That any negative impacts of the proposed use can and shall be mitigated;

The mitigated negative declaration recommended mitigation measures to limit the impacts to a less than significant levels on impacts to cultural, historical resources and hazardous materials. The mitigation measures will be implemented as outlined in the projects conditions of approval and shall be adhered to by the applicant/developer. In addition staff has added more conditions to further mitigate the visual impacts of the project on the neighboring properties.

- H. That the proposed use is consistent with the General Plan; and

The proposed uses are consistent with the goals and policies of the General Plan.

- I. That the proposed location, size, design, and operational characteristics of the planned use are not detrimental to the public interest, health, safety, convenience, or welfare of the City. (Prior code § 159.44.060).

The proposed location and site design is consistent with other businesses and operations in the area. The proposed use has been conditioned and mitigation measures imposed such that there will very little or no impacts on public safety and health. The City's Fire Department, Engineering Department, and Planning Department have reviewed the proposed project and conditioned the project to help mitigate any impacts on the public and/or the neighbors. The project will

also have to submit for building plan check prior to issuance of building permits, and will be reviewed for compliance to California Building, Fire, Electrical and all other applicable codes for compliance. This will further ensure to project the welfare, health and safety of the public.

**FISCAL IMPACT**

The applicant has paid the necessary fees for the extension of time, and will be required to pay the routine fees for the building permits. The proprietor will also be required to have an agreement that all sales tax proceeds for the purchase of their gasoline will be credited to the City of Desert Hot Springs.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve a one-year time extension for Development Permit 01-14 and Design Review 01-14, subject to the attached conditions of approval and the findings contained herein.

**EXHIBITS:**

- 1) 2015 ALRC Staff Report
- 2) Conditions of Approval
- 3) Site Plan
- 4) Landscape Plan
- 5) Office Elevation
- 6) Office Floor Plan
- 7) Office Picture - Sample
- 8) Picture of Similar Tank
- 9) Site Photograph
- 10) Mitigated Negative Declaration