



# CITY OF DESERT HOT SPRINGS

65950 PIERSON BLVD  
DESERT HOT SPRINGS, CA 92240

[www.cityofdhs.org](http://www.cityofdhs.org)

## Minor Exception (ME) Record of Decision

ME No. 01-17  
Date: 04/13/2017  
Approved: \_\_\_\_\_  
Denied: \_\_\_\_\_  
Approved Subject  
to Conditions: X

Applicant: Provanomic, LLC (on Behalf of the Starlite Motel)

Address/APN: 13105 Palm Drive

Zoning / Land Use: C-G (Commercial General)

Request: Pursuant to Section **17.116.010-110**, the applicant is requesting a reduction in the amount of required parking spaces from 30 to 28 (7%) to accommodate the new addition hotel/motel units and other site improvements.

### Findings:

- A. *That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical land use district classification;*

Conformance with the drive aisle requirements and handicapped/ADA parking requirements, along with the limited space on the exiting site and the placement of existing features / structures, would limit the proposed development in such a manner that strict application of the parking requirement is not reasonable

- B. *That granting the minor exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and land use district and denied to the property for which the minor exception is sought;*

The existing site is limited in development potential by the dimensions, existing structures, existing curb cut and access to the public right-of-way, and height and setback requirements. The proposed development is a major improvement to the property and to the neighborhood and would sustainably enhance the overall neighborhood aesthetics. The proposed development would enhance the properties ability to service the needs of the community.

- C. That granting the minor exception will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;*

The proposed development is consistent with all other applicable standards in the zoning code ( height, setbacks, etc.), and the proposed project will be reviewed by the City's Fire and Building Departments for all state and city safety requirements prior to issuance of permits.

- D. That granting the minor exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located;*

The granting of a 7% reduction in the number of required parking spaces is allowed by section 17.116.010-110 of the Desert Hot Springs Zoning Code. The subject site is an existing parcel with limited dimensions and development capabilities. The proposed addition to the motel is consistent in all other standards of the code and the reduction from 30 required spaces to 28 spaces to accommodate required ADA parking and not alter the existing access is reasonable.

- E. That granting the minor exception does not exceed 10% of the standard(s) being modified, or allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and*

The request is for a reduction in the required parking from 30 space to 28 spaces a 7% reduction) and is consistent tithe section 17.116.010-110 of the Desert hot Springs Zoning Code. No other deviations from the zoning code are being requested.

- F. That granting the minor exception will not be inconsistent with the General Plan. (Prior code § 159.58.040).*

The General Plan designation for this property is Commercial General (2.1 – 4.0 dwelling units per acre). There is no General Plan Policy that would be adversely affected by this modification nor are their any specific plans associated with this property. The overall objective of the Palm Springs Zoning Code is the comprehensive and orderly planned use of land resources. The administrative minor modification establishes the findings and guidelines necessary to carry out minor but orderly development of exceptions to the ordinance. The granting of a 7% reduction in the number of required parking spaces is allowed by section 17.116.010-110 of the Desert Hot Springs Zoning Code Section 17.116.010-110 of the Desert Hot Springs Zoning Code specifically allows for a 10 percent reduction in the number of required packing spaces. The request for a reduction in the number of required parking space from 30 to 28 is consistent with the goals and policies of the general plan.

**Over**

## 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 Services, 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.

1. The proposed development of the premises shall conform to all applicable regulations of the Desert Hot Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. The owner shall defend, indemnify, and hold harmless the City of Desert Hot Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Desert Hot Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Desert Hot Springs, its legislative body, advisory agencies, or administrative officers concerning Case M.E. 01-17. The City of Desert Hot Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Desert Hot 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 Desert Hot 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 Desert Hot 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.
3. This Minor Exception is to allow a **reduction in the required parking spaces from 30 to 28 spaces** for the addition of short-term rental units to motel located at 13105 Palm Drive. This will meet the standards set by **Section 17.116.010-100** of the DHSZC.
4. The proposed building additions, landscaping, lighting and all other site improvements shall comply with all other development standards of the C-G Zone.
5. The Deign Review permit and Minor Exception shall remain in sustainable compliance with the approved plans and theses conditions of approval.
6. All Improvements shall conform to the Uniform Building Code, Fire Code, Desert Hot Springs Zoning Code as modified herein, and shall require building permits.

7. The design review portion of this permit shall expire 2 years from the date of approval. The permit shall expire on valid for a period of two year

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APPLICANT

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DATE

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Scott Taschner  
Senior Planner

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DATE

Cc: Applicant  
File  
Building & Safety