

## REPORT TO THE PLANNING COMMISSION

---



**DATE:** March 12, 2019

**TITLE:** Applications (DP 06-18, DR 04-18, CUP 05-18, TTM 37571, SVAR 03-18, Mitigated Negative Declaration and Mitigation Monitoring Program) for the development of a 20,000 square foot discount grocery store ("The Grocery Outlet") on a 2.09 acre site located on the west side of Palm Drive across from Park Lane and within the C-N (Commercial Neighborhood) Zoning District.

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

**Reviewed by:** Rebecca Deming, 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) Recommendation from staff to approve the Mitigated Negative Declaration, Mitigation Monitoring Program, DP 06-18, DR 04-18, CUP 05-18, TTM 37571, & SVAR 03-18 for development of a new 20,000 square foot discount grocery store on the west side of Palm Drive across from Park Lane and within the C-N Zoning District. APN: 656-020-034

### EXECUTIVE SUMMARY

The applicant, Terry Johnson, on behalf of Best Development Group, has filed applications for construction and design review of a 20,000 square foot discount grocery store, installation of business signage, subdivision of lots on the project site and approval of a Conditional Use Permit and Resolution of Convenience & Necessity for an additional (Type 21 – off sale, general) liquor license in a census tract which the State Alcohol Beverage Control Board (ABC) has currently deemed as “over concentrated”.



#### Applications under Consideration:

Case Number	Case Type	Description
DP 06-18	Development Permit	For the Construction of a 20,000 square foot grocery Store
DR 04-18	Design Review	For the design of a 20,000 square foot Grocery Outlet
CUP 05-18	Conditional Use Permit	For land use approval of the sale of beer, wine, and spirits (Type 21 license)
TTM 37571	Tentative Tract Map	For subdivision of the 9.72-acre site into two lots.
SVAR 03-18	Sign Variance	For the allowance of the two main wall signs to be 216 square feet (code allow for 75 sf) and for five (5) additional ancillary signs.

### **BACKGROUND & DISCUSSION**

The proposed project site is located on the west side of Palm Drive between the existing Pizza Hut and the Sky's Haven mobile home park. The project site is currently vacant and relatively undisturbed, with vegetation of creosote bush & desert scrub brush, and a soil type that consists mainly of deep course sands. The site slopes slightly downwards towards the south (about 4 feet elevation difference from the north side of the site to the south side of the site). The site has existing power lines (and poles) along the west & south sides of the project site which will have to be removed and installed underground.

Access to the proposed grocery store will be provided from two driveways along Palm Drive. Parking will be provided in the front of the grocery store (on the Palm Drive side of the project). The applicant will be required to mitigate some of the impacts created by the increase in traffic by paying a fair-share for a new traffic signal at Palm Drive & Park Lane. The developer will also be required to dedicate right-of-way along Palm Drive and make all necessary street improvements to Palm Drive (curb, gutter, sidewalk, street lights, ADA improvements, bike lane, etc.)

The development also includes necessary on-site improvements including but not limited to landscaping, parking, lighting, trash enclosures, bicycle racks, ADA parking & path of travel etc. Staff is also recommending that the developer place security cameras capable of 100-foot facial recognition on the corners of the building and at access points.

### **ANALYSIS**

#### **I. Development Permit Analysis**

##### **Land Use Compatibility**

The current General Plan and Zoning designation for the site is C-N (Commercial Neighborhood) and the proposed use of the property is consistent with both the General Plan and Zoning Ordinance with regard to the intention of the C-N designation and permitted land uses in the zone. Below is a table outlining the currents Zoning & General Plan Land Use designations, and existing land uses for surrounding properties:

**Table 1: Surrounding Land Uses**

	<i>Zoning &amp; General Plan Designations</i>	<i>Existing Land Use</i>
North:	C-N (Commercial Neighborhood)	Vacant – Undeveloped (Pizza Hut further up Palm)
West:	C-N (Commercial Neighborhood)	Vacant - Undeveloped
South:	RMHP (General Commercial)	Mobile Home Park (Sky's Haven)
East :	R/VS-H (Residential Visitor Serving, High Density)	Hotel, Spa & Restaurant (Aqua Soleil)

**Conformance with the City's Zoning Code**

The project proposes the construction of a 20,000 square foot discount grocery store in accordance with Sections 17.12.020 & 17.92.030 of the DHSMC, which allows this land-use with approval of a Development Permit & Design Review Application. The proposed development is consistent with the Desert Hot Springs Zoning Code (DHSZC) development standards in maximum lot coverage, minimum dwelling size building heights, and setbacks.

**Site Planning Analysis**

The proposed development of each project site is consistent with the development standards of the C-N (Commercial Neighborhood) District in building height, setbacks, and lot coverage. Other applicable requirements will be analyzed later in this report.

**Table 2: Setback Requirements**

<i>Standard</i>	<i>C-N Zone Standards</i>	<i>Proposed</i>
Front Setback	25'	130' 8"
Rear Setback	Zero	34' 8"
Side Setbacks	Zero & 20' (south side)	51' 5" & 49' 11"
Height	35'	32'
Building Lot Coverage	35% maximum	21.9%

**II. Design Review Analysis**

Pursuant to Section 17.80.030 the applicant has filed an application for design review of the proposed 20,000 square foot discount grocery store.

**Construction Type and Building Materials**

The applicant proposes to construct a wood truss and glulam structure with plywood decks, and interior stud framing. The exterior of the building will use a combination of masonry block (smooth face CMU), clear storefront glazing, cultured stone veneer, and an EIFS (exterior insulation and finish system) which looks like stucco, is waterproof and will help insulate the building with a composite of materials.

The architecture of the building is relatively utilitarian in form utilizing square and rectangular forms with little variation in overall massing of the structure. That said the building's entrance does feature a large canopy structure over almost the entire width of the building and including the covered entrance. The main façade also features cornice like features along the roofs top edge to add some architectural interest to the building's

façade and to finish off the look of the building. The main façade facing the parking lot and Palm Drive also leaves space for the main business identification signage.

The main façade also is supported by thick square pilasters (with stone veneer and EIFS finishes) that are evenly spaced evenly along the frontage to allow for pedestrian access and incorporates a form in the shape of an arc or crescent, to help draw the eye toward the electronic sliding front doors.

The building's design utilizes variations in the use of materials on the facades main elements to add architectural interest to each of the buildings elevations (facades), with the most interesting features on the East elevation (facing Palm Drive) and the North elevation. The north elevation incorporates a parapet pop-up architectural element to help break up the long roof line on the north side of the building while the east facing elevation (main façade) incorporates pop-up parapets and tower like structures which are incorporate into the main pilaster elements of the front pedestrian canopy structure.

The west & south facing elevations of the building being much more utilitarian and incorporating few architectural elements mainly because the south side will incorporate the truck loading bay and the west side of the building will house the trash enclosures and will provide emergency access to the back of the building for the fire department.

The applicant proposes an exterior color palette of Decatur Buff, Guacamole, Putnam Ivory, Heritage Red and Kona for the exterior building elements. A material board and color building elevations are attached (as Exhibit Nos. 5 & 6) which show the placement of the different architectural elements, exterior finishes and proposed colors.

City staff has evaluated the proposed building materials, exterior colors, architecture, building massing, etc. and has added a recommended condition of approval, Condition No. 1, within and attached hereto in Exhibit No. 1, Draft Conditions of Approval, stating that prior to installation of the trash enclosure, the applicant/developer shall provide the Planning Department a trash enclosure plan including colors and materials for review and approval.

### **Vehicular Access & Parking**

Access will be provided by two driveways along the Palm Drive frontage. The southern driveway will include installation of a street light for traffic control and to allow left turns to head northbound on Palm while exiting the site. There will also be a dedicated right turn lane for southbound traffic. The applicant will be required to install the signal as conditioned.

Vehicular traffic exiting the north driveway will only be allowed to turn southbound onto Palm Drive. Appropriate signage will be installed to reflect this prior to occupancy of the building.

Delivery Trucks will enter the site from the north driveway and will be routed around the back of the building and to the south side of the building where there will be a loading dock. The proposed loading dock (proposed truck bay of 17'11" in width and 81' in loading bay depth with no roof enclosure) is consistent with the requirements on the DHSZC in dimensions which requires no less than 15 feet in width and 50 feet in length with a 14-foot vertical clearance.

The applicant will be required to make a dedication of an additional fifteen (15) feet of right-of-way along Palm Drive, and will be required to make all necessary street improvements along the Palm Drive frontage (half street improvements, bike lane, gutter, curb, sidewalk, streetlight, ADA ramps/paths of travel, etc.)

The project is also consistent with the DHSZC in minimum parking requirements as outlined below.

**Table 3: Required Parking**

<i>Proposed Use</i>	<i>Required Parking</i>	<i>Proposed Parking</i>
20,000 sq. ft grocery store	80 spaces (1 space per 250 sq. ft. of gross floor area)	80 spaces

### **Lighting**

Sidewalks, parking areas, loading areas, and building access points are being conditioned to have lighting capable of providing adequate illumination for security and safety. The proposed lighting includes the use of box type LED single & double head free-standing light poles around the parking areas, which utilize a design which has a flat lens to inhibit light from escaping into the night sky, or onto adjacent properties, and fully shielded LED wall-packs on along the side of the building. Below is a table outlining the minimum, average and maximum foot-candle throughout the site.

**Table 4: Exterior Lighting**

<i>Area</i>	<i>Min</i>	<i>Max</i>	<i>Avg</i>	<i>DHSZC requirement</i>
Parking Area	0.1 fc	6.1 fc	1.0 fc	1 fc, evenly distributed
Loading Dock	3.1 fc	9.4 fc	6.2 fc	2 fc may be appropriate

City staff has evaluated the proposed lighting plan and fixtures and has several recommended conditions of approval. Condition No. 2 (attached hereto, in Exhibit No. 1, Conditions of Approval) states that the applicant/developer shall install additional light fixtures to include two (2) additional free-standing light poles; one near the south driveway entrance, and one near the north driveway entrance, and shall install 5-8 additional walk packs to the front and rear of the building to meet adequate lighting levels, as to be determined by the Community Development Director. Staff has also added a condition (Condition No. 3) that the light poles shall not exceed 18 feet in height (to be consistent with Section 17.48.060(G) of the DHSZC).

### **Landscaping and Irrigation**

Landscaping is proposed around the entire perimeter of the site, which includes substantial plantings along the street frontage and the parking area. Landscaping has been designed to balance aesthetic, water use and security objectives. Along Palm Drive landscaping will consist of Desert Museum Palo Verdes trees and Red Yucca, Wild Petunia, Ocotillo, Silver Senna, Trailing Indigo Bush, Sierra Gold Dalea, Morning Glory, Desert Agave, and Fairy Duster, and mulch near the plantings, and 3/8" California Gold decomposed granite for the remaining ground cover. The parking area will utilize Honey Mesquite trees to provide some shading for the parking area. The perimeter will consist mainly of additional plantings of the shrubs mentioned above. The

perimeter wall shall consist of compatible CMU block walls (around the north to visually enhance, protect and blend the retail grocery facility into its surroundings while also promoting visibility by law enforcement vehicles from the street. The frontage along Palm Drive will remain open – only landscaping is proposed along the Palm Drive frontage (no fencing is proposed).

The plan utilizes automatic point source irrigation systems to control the amount of water being used and the time of day to prevent excess evaporation. Irrigation for the plantings will also utilize water efficient fixtures such as drip emitters and micro bubblers to provide sufficient water for plantings with no water loss due to water controllers and other irrigation equipment. The final landscape and irrigation plans will also be reviewed by the Mission Spring Water District and the City prior to occupancy of the building.

### ***Phasing***

The applicant proposes to construct the project in one phase, beginning in the summer of 2019, with an estimated completion in late Spring of 2020.

### ***Security***

At this time, no specific security measures have been considered and/or incorporated into the project, but City Staff is recommending an added condition (Condition No. 4) that the applicant/developer provide security cameras on the corners of the building and at the main entrance of the building to enhance the security on the site and for the patrons of the business.

### **III. Sign Program/Variance (SVAR):**

The applicant is proposing 3 main business identification signs and four smaller signs advertising goods they will be providing (produce, meats, etc.). The 3 main business identification signs consist of two wall mounted signs, one facing the main parking area and Palm Drive, and the second on the north side of the building. Both of these signs will utilize white and yellow clear acrylic pan-channel lettering with black vinyl returns. Each sign will be backlit with LED fixtures, and will be mounted on a dark red aluminum face/background. This sign will be constructed using pan channel lettering with LED lighting mounted on an aluminum background. The thickness of the lettering will be approximately 5 inches.

The third business identification sign is a monument sign which will be located near the southern driveway perpendicular to the street so that it can be seen traveling in either direction on Palm Drive. The proposed height of eight (8) feet is consistent with the City's Sign Ordinance and it will be located in an area that will not interfere with traffic visibility (corner cutoff/safety area). The sign will utilize aluminum cabinet construction painted to match the building, with clear lexan faces with a second surface for the red background and golden yellow and white vinyl copy. The other clear face is being used to protect against vandalism/graffiti.

**Table 5: Sign Ordinance Comparison**

<i>Proposed Signage</i>	<i>Proposed Size</i>	<i>Sign Ordinance Allows</i>
Sign A (facing Palm Dr.)	216 sq. ft.	75 square foot max. in the C-N zone
Sign B (facing north)	216 sq. ft.	75 square foot max. in the C-N zone
Sign C (monument)	22.8 sq. ft. (conforms)	24 square foot max. (double-faced)
Sign D (goods provided)	<u>5 signs</u> 12.3 sq. ft. (Organics) 11.5 sq. ft. (Produce) 7.2 sq. ft. (Dairy) 7.2 sq. ft. (Meat) 6.75 sq. ft. (Wine)	

#### **IV. Tentative Parcel Map (TPM):**

Pursuant to Section 16.24 of the Desert Hot Spring Municipal Code (DHSMC), the applicant has filed a Tentative Parcel Map application for subdivision of the 9.72-acre site into two smaller lots; a 2-acre site for the development of the discount grocery store and a remainder lot for future (undisclosed) development. The proposed subdivision is consistent with the goals & policies of the City's General Plan and meets the minimum requirements of the DHSZC. The Tentative Parcel Map as associated technical reports have also been evaluated by the City Engineer for content, existing structures, drainages, streets, easements, dedications, etc. The proposed conditions of approval from the City Engineer can be found within Exhibit No. 1, Draft Conditions of Approval.

Pursuant to Section 16.24.150,

*“the tentative map may be approved or conditionally approved by the Commission if it finds that the proposed subdivision, together with the provisions for its design and improvements, are consistent with the General Plan, and applicable specific plan, and all applicable provisions of the municipal code. The Commission may require, as a condition of its approval, that the payment by the subdivider of all development fees, required to be paid at the time of the application for, or issuance of, a building permit or other similar permit, shall be made at the rate for applicable fees in effect at the time of said application or issuance of a building or similar permit.”*

#### **V. Conditional Use Permit**

Pursuant to Section 17.12.050, the applicant has filed a Conditional Use Permit (CUP) for the review and potential issuance of an ABC liquor license. The Conditional Use Permit is required for the ABC liquor license for sale of beer, wine, and spirits (Type 21 license). The other proposed uses, site design and architectural review of the project are being reviewed under the Development Permit & Design Review applications.

#### **VI. Resolution of Convenience & Necessity**

## Background

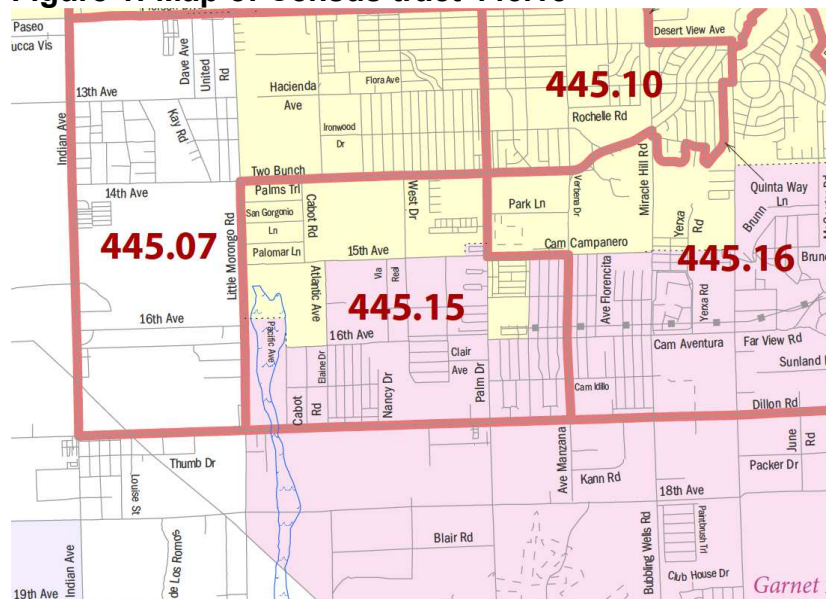
The Grocery Outlet is a growing supermarket chain that operates as a full-service grocery store with a strong emphasis on discounted fresh foods including meat, produce, prepared foods, bakery, and domestic products for everyday use. The proposed store will operate as a retail destination for residents of the City to purchase products and necessities for everyday use, with alcoholic beverage sales being a small percentage of business activity. Information from the Applicant indicates that the display area for the sale of alcoholic beverages will be approximately 600 square feet of shelf and cooler space which equates to approximately 3% of the total floor area. The Grocery Outlet intends to sell alcoholic beverages as a convenience to shoppers who patronize the store for other items. Further, The Grocery Outlet has operated in a professional and orderly manner in other locations and is considered a good business citizen within other cities such as Long Beach, Bakersfield, and Azusa - just to name a few.

## Local Setting

The two existing licenses are for the El Mercadito Market & Restaurant located on the east side of Palm Drive, north of Dillon Road (in the County's jurisdiction), and the Walgreens on the corner of Little Morongo Road and Palm Drive. Staff has added a map of Census Tract 445.15, illustrated below as figure 1 and attached as Exhibit No. 12, to outline the boundaries of the tract, and for Commission's review in supporting the findings for necessity of another license.

It should be noted that the proposed Grocery Outlet is within Census Tract 445.15 (see figure 2, below) a tract which is currently saturated with liquor licenses (only two are allowed within the tract). Therefore, the City must approve a Resolution of Convenience and Necessity for the addition license to be granted. The request for this approval is tied to the application for a Conditional Use Permit and will be processed together as they both address the applicants request for the ABC liquor license.

**Figure 1: Map of Census tract 445.15**



Section 17.12.050 of the DHSZC outlines the regulations for issuance of an ABC license, and states the following:



*“A business or establishment requiring issuance of an “ABC” license is subject to a Conditional Use Permit, and shall comply with the following standard(s), in addition to conditions imposed by the Commission:*

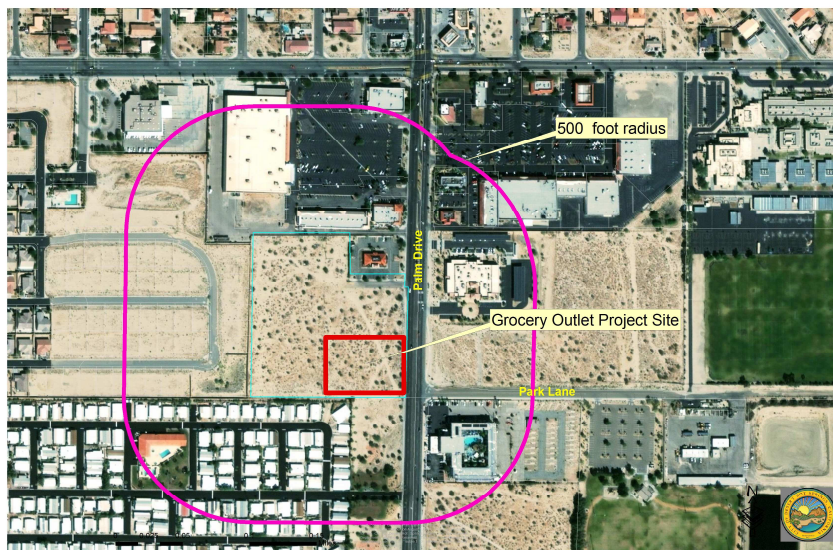
- A. Establishments subject to an off-site “ABC” license shall not be located within 500 feet of any religious institution, school, or public park within the City; and shall not be located in such close proximity to another similar use to cause over-saturation of the neighborhood. The license application shall be reviewed by the Police Department prior to City approval.”*

## **Specific Requirements**

Staff would like to note (as stated above) that establishments subject to an off-site “ABC” license shall not be located within 500 feet of any religious institution, school, or public park within the City; and shall not be located in such close proximity to another similar use to cause over-saturation of the neighborhood.

Staff has evaluated the proposed site and proximity to any religious institutions, schools, or public parks and has determined that the proposed project is in compliance with this requirement, as shown in figure 1, below.

**Figure 2: 500 Foot Radius Map**



As such, staff recommends that the Planning Commission suggest that the required “Finding of Public Convenience or Necessity” can be supported and recommends that the City Council make Findings of Convenience and Necessity and approve Conditional Use Permit No. 05-18 for the Type 21 (off-sale, general) ABC liquor license, subject to the attached Conditions of Approval (EXHIBIT 1).

## **REQUIRED FINDINGS**

### **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 discount grocery store is a use, "Grocery Store", which is specifically labeled as a "Permitted Use" within the table of permitted uses (Table 17.12.01, Desert Hot Springs Zoning Code) for properties with a C-N (Commercial Neighborhood) Zoning designation. Staff has evaluated the proposed development of the site and determined that the project is consistent with the development standards and design guidelines of the city, with minor design recommendations from staff made in the Conditions of Approval, and/or outlined in the mitigation measures contained within the draft mitigated negative declaration.

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

The proposed development of the site with a 20,000 square foot discount grocery store is consistent with the Zoning and General Plan land-use designations and is consistent with other development in the vicinity and along Palm Drive. The allowable building coverage is 35% for the C-N zoning district, while the project's building footprint only proposes to cover approximately 22% of the site. Staff recommends this finding.

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

The proposed discount grocery store is specifically allowed as a permitted use within the C-N zone, as well as a use that is clearly indicated in the language of the City's General Plan discussion on the C-N land use designation. The surrounding properties are largely of a commercial nature and there are other smaller markets, general retail, restaurants, a bank, a K-Mart shopping center, and other commercial businesses in the immediate area. The proposed discount grocery store would be complimentary to the other buildings, uses, and businesses in the area. Staff recommends this finding.

- 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 subject site is proposed to be developed with one commercial building and includes all public services and utilities installed and available. The proposed discount grocery store will not create an extraordinary demand for water, sanitation or other public utilities and services that would result in any detriment to public health and safety. Staff recommends this finding.

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

Staff has added a condition that the applicant/developer will be required to install the traffic signal. at the southern driveway/entrance to the project site. The completion of the installation will be required prior to the grocery store getting occupancy and beginning operations. This will to help mitigate the addition traffic and projected level of services at the southern driveway, and to improve safety for its patrons (vehicular,

bicycle, and pedestrian traffic) when entering and exiting the site. The developer will also be required to make street improvements, add bicycle lanes, cur/gutter/sidewalks, street lights, ADA ramps, ADA paths of travel, etc. to help improve safety on and off-site.

Staff has also evaluated the City's parking requirement and determined that the project affords adequate parking; 80 spaces are provided; 80 spaces are required. The Public Works Department & City Engineer have reviewed the project and have conditioned the entitlements to make all necessary improvements to meet the City's design standards. Staff recommends this finding.

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

A draft initial study and mitigated negative declaration have been prepared for the project. Based on those documents, City staff has determined that the project will not have any significant impacts that cannot be conditioned or mitigated prior to construction, during construction, and/or prior to the business becoming operational and as a part of the attached conditions of approval and the mitigation measures outlined in the draft initial study and mitigated negative declaration for the project. All impacts have been mitigated or will be mitigated at the appropriate times during construction and/or prior to completion of the project. Staff recommends this finding.

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

A draft initial study and mitigated negative declaration have been prepared for the project. Based on those documents, City staff has determined that the project will not have any significant impacts that cannot be conditioned or mitigated prior to construction, during construction, and/or prior to the business becoming operational and as a part of the attached conditions of approval and the mitigation measures outlined in the draft initial study and mitigated negative declaration for the project. All impacts have been mitigated or will be mitigated at the appropriate times during construction and/or prior to completion of the project. Staff recommends this finding.

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

The proposed development of the site with a 20,000 square foot discount grocery store is consistent with the City's General Plan land-use designation of C-N (commercial neighborhood), which specifically states: *"This designation provides for neighborhood scale shopping centers conveniently located near residential areas. These developments are typically anchored by supermarkets and super drugstores. A wide range of other uses, including banking, barbers/beauty salons, dry cleaners, restaurants, service businesses, offices and other related activities are typically found in these planned centers. Typical sizes are 8 to 10 acres providing approximately 80,000 to 100,000 square feet of gross leasable floor area.* Staff recommends this finding.

*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*

The location, size and design of the proposed grocery store are comparable to other commercial developments in the area and staff has evaluated the application, architectural building plans, the environmental documents, as well as all of the related technical studies. After consideration of the documents staff has added a condition that the applicant/developer shall install a new traffic signal at the southern

driveway/entrance to the project site. The completion of the installation will be required prior to the grocery store getting occupancy and beginning operations. This will help to mitigate the additional traffic and projected level of services at the southern driveway, and to improve safety for its patrons (vehicular, bicycle, and pedestrian traffic) when entering and exiting the site. The developer will also be required to make street improvements, add bicycle lanes, curbs/gutter/sidewalks, street lights, ADA ramps, ADA paths of travel, etc. to help improve safety on and off-site.

Staff has also evaluated the City's parking requirement and determined that the project affords adequate parking; 80 spaces are provided; 80 spaces are required. The Public Works Department & City Engineer have reviewed the project and have conditioned the entitlements to make all necessary improvements to meet the City's design standards. A draft initial study and mitigated negative declaration have been prepared for the project.

Based on those documents, City staff has determined that the project will not have any significant impacts that cannot be conditioned or mitigated prior to construction, during construction, and/or prior to the business becoming operational and as a part of the attached conditions of approval and the mitigation measures outlined in the draft initial study and mitigated negative declaration for the project. All impacts have been mitigated or will be mitigated at the appropriate times during construction and/or prior to completion of the project. Staff has determined that the proposed 20,000 square foot grocery store will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Staff recommends this finding.

### **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 discount grocery store will utilize a variety of exterior finishes and materials and will incorporate a large pedestrian canopy structure into the architecture of the building as well as some pop-out structural/architectural features and a cornice like roof treatment to give the overall building a more interesting appearance than just a plain large box. Staff has reviewed the proposed buildings massing, architecture, use of exterior finishes, materials, structural elements, colors, lighting and landscaping and has determined that the project will be that of a well-designed, yet somewhat utilitarian designed building, but one that is consistent with the commercial area, and the overall design characterizes the vicinity, and will provide for a desirable environment for its patrons as well as its neighbors. Staff recommends this finding.

- 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 layout and design of the proposed grocery store utilize a 2.09 acre site at the southern end of the overall site. The building lot coverage is less than 22% of the project site and is substantially less than allowed by the Desert Hot Springs Zoning Code, which allows up to a 35% building-to-lot coverage.

The proposed 20,000 square foot grocery store will provide adequate parking (80 spaces), meeting the City's parking requirement, and is being conditioned to pay a fair-share contribution for the installation of a new street light at the south entrance to the site. This will help mitigate the future traffic, and will help to improve safety for vehicles, bicycles, and pedestrians. The project will also be required to make all necessary street improvements including but not limited to ADA ramps, ADA path of travel, bike lanes, right of way dedications, installation of street lights, etc. Staff has determined that the project, as conditioned and mitigated, will not unreasonably interfere with the use or enjoyment of the neighboring properties (existing, or future) and will not result in vehicle and/or pedestrian hazards. Staff recommends this finding.

*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.*

The proposed discount grocery store will utilize a variety of exterior finishes and materials and will incorporate a large pedestrian canopy structure in to the architecture of the building as well as some pop-out structural/architectural features and a cornice like roof treatment to give the overall building a more interesting appearance than just a plane large box. Staff has reviewed the proposed buildings massing, architecture, use of exterior finishes , materials, structural elements, colors, lighting and landscaping and has determined that the project well be that of a well-designed, yet somewhat utilitarian designed building, but one that is consistent with the commercial area, and the overall design characterizes of the vicinity, and will provide for a desirable environment for its patrons as well as its neighbors. Staff has determined that that the proposed grocery store will provide for and maintain a harmonious, orderly and attractive development, which is contemplated by this Zoning Ordinance and the General Plan. Staff recommends this finding.

### **Conditional Use Permit Findings:**

*A. That the proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance;*

The proposed discount grocery store is a use, "Grocery Store", which is specifically labeled as a "Permitted Use" within the table of permitted uses (Table 17.12.01, Desert Hot Springs Zoning Code) for properties with a C-N (Commercial Neighborhood) Zoning designation. Staff has evaluated the proposed development of the site and determined that the project is consistent with the development standards and design guidelines of the city, with minor design recommendation from staff made in the projects Conditions of Approval, and/or outlined in the project's mitigation measures contained within the draft mitigated negative declaration.

The application for a Type 21 (Off-Sale General) ABC liquor license, which is identified in Section 17.12.050 of the City of Desert Hot Springs Zoning Ordinance, subject to approval of a Conditional Use Permit. The project is proposed to be compliant with applicable provisions of the Zoning Ordinance. Conditions of Approval have been prepared and are recommended to assure the proposed use will comply with applicable Zoning Ordinance provisions. Staff recommends this finding.

*B. That the proposed use would not impair the integrity and character of the land use district in which it is to be located;*

The proposed discount grocery store and Type 21 (Off-Sale General) ABC license for the sale of beer, wine, and distilled spirits is physically suitable for the General Commercial zoned parcel on which it is proposed. The proposed grocery store is specifically allowed as a permitted use within the C-N zone, as well as a use that is clearly indicated in the language of the City's General Plan discussion on the C-N land use designation. The surrounding properties are largely of a commercial nature and there are other smaller markets, general retail, restaurants, a bank, a K-Mart shopping center, a Stater Brothers grocery store, and other commercial businesses in the immediate area. The proposed discount grocery store would be complimentary to the other buildings, uses, and businesses in the area. Staff has determined that the proposed project would not impair the integrity and/or character of the land-use district in which the project is located. Staff recommends this finding.

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

The proposed development of the site with a 20,000 square foot discount grocery store is consistent with the Zoning and General Plan land-use designations and is consistent with other development in the vicinity and along Palm Drive. The allowable building coverage is 35% for the C-N zoning district, while the project's building footprint only proposes to cover approximately 22% of the site. Staff recommends this finding.

*D. That the proposed use is compatible with the land uses presently on the subject property;*

The project site does not contain any other active uses. The entire site is presently vacant. Therefore, staff has determined that the proposed use is consistent with the other use (vacant commercial land) on the subject property. Staff recommends this finding.

*E. That the proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located;*

The proposed discount grocery store is specifically allowed as a permitted use within the C-N zone, as well as a use that is clearly indicated in the language of the City's General Plan discussion on intended uses within the C-N designation. The ancillary application for a Type 21 (Off-Sale General) ABC license for the sale of beer, wine, and distilled spirits is physically suitable for the General Commercial zoned parcel on which it is proposed. The surrounding properties are largely of a commercial nature and there are other smaller markets, a Stater Brothers grocery store, miscellaneous general retail establishments, restaurants, a bank, a K-Mart shopping center, as well as other commercial businesses in the immediate area. Staff has determined that the proposed discount grocery store would be complimentary to the other buildings, uses, and businesses in the area (both existing and future). Staff recommends this finding.

*F. That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses;*

The proposed discount grocery store is specifically allowed as a permitted use within the C-N zone, as well as a use that is clearly indicated in the language of the City's General Plan discussion on the C-N land use designation. The surrounding properties

are largely of a commercial nature and there are other smaller markets, general retail, restaurants, a bank, a K-Mart shopping center, and other commercial businesses in the immediate area. The proposed 20,000 square foot grocery store will only occupy about 22% of the project site (which allows up to 35% coverage), has a proposed building height of 32 feet (35 feet allowed) and meets all the setback and parking requirements of the C-N zoning district. The application for a Type 21 (Off-Sale General) ABC license for the sale of beer, wine, and distilled spirits is physically suitable for the General Commercial zoned parcel on which it is proposed. Therefore, staff has determined that the proposed grocery store is compatible with other adjacent lands uses in, scale, mass, coverage, density and intensity. Staff recommends this finding.

*G. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;*

The subject site is proposed to be developed with one commercial building and requires that all public services and utilities be installed and available prior to the City granting occupancy of the building. Staff has determined that the proposed discount grocery store will not create an extraordinary demand for water, sanitation or other public utilities and services that would result in any detriment to public health and safety. Staff recommends this finding.

*H. That there will be adequate provisions for public access to serve the subject proposal;*

Staff has added a condition that the applicant/developer shall install a new traffic signal at the southern driveway/entrance to the project site. The completion of the installation will be required prior to the grocery store getting occupancy and beginning operations. This will to help mitigate the addition traffic and projected level of services at the southern driveway, and to improve safety for its patrons (vehicular, bicycle, and pedestrian traffic) when entering and exiting the site. The developer will also be required to make street improvements, add bicycle lanes, cur/gutter/sidewalks, street lights, ADA ramps, ADA paths of travel, etc. to help improve safety on and off-site.

Staff has also evaluated the City's parking requirement and determined that the project affords adequate parking; 80 spaces are provided; 80 spaces are required. The Public Works Department & City Engineer have reviewed the project and have conditioned the entitlements to make all necessary improvements to meet the City's design standards. Staff recommends this finding.

*I. That there will not be an adverse effect upon desirable neighborhood characteristics;*

The proposed discount grocery store will utilize a variety of exterior finishes and materials and will incorporate a large pedestrian canopy structure in to the architecture of the building as well as some pop-out structural/architectural features and a cornice like roof treatment to give the overall building a more interesting appearance than just a plane large box. Staff has reviewed the proposed buildings massing, architecture, use of exterior finishes , materials, structural elements, colors, lighting and landscaping and has determined that the project well be that of a well-designed, yet somewhat utilitarian designed building, but one that is consistent with the commercial area, and the overall design characterizes of the vicinity, and will provide for a desirable environment for its patrons as well as its neighbors. In addition, the application for a Type 21 (Off-Sale General) ABC license for the sale of beer, wine, and distilled spirits is physically suitable for the General Commercial zoned parcel on which it is proposed. Staff has determined

that that the proposed grocery store with a type 21 liquor license, will not have any adverse effects upon desirable neighborhood characteristics. Staff recommends this finding.

*J. That the proposed use is needed or appropriate at the prescribed location, as demonstrated in the market/feasibility study, if required;*

The proposed discount grocery store, with an ancillary type 21 liquor license, is located in an area that will help to service the south end of town, off of the Palm Drive corridor. It will also help to serve an unincorporated area of the County that is under-served with this type of retail establishment. Staff agrees that a discount grocery store may be a good business venture, given the demographics of the population in the area. That being said, no feasibility study was required as a part of the submittal to the City. Nonetheless, staff has determined that the proposed use is appropriate for the prescribed location along the Palm Drive frontage and towards the south end of town.

*K. That the proposed use is consistent with applicable goals and policies of the General Plan;* Staff has identified the following General Plan goals and policies applicable to the application and provides responses to each.

#### Administration

*Goal: Comprehensive and integrated administration and implementation of all elements of the Desert Hot Springs General Plan through consistent and effective policies and programs.*

The City has adopted a Zoning Ordinance to implement the General Plan and provide for review and approval of ABC Licenses. The proposed project will be subject to all requirements of this Conditional Use Permit, as prescribed by the Zoning ordinance, and the recommended Conditions of Approval.

*Policy 7: The City shall encourage in-fill development within already urbanized areas of the corporate boundaries of the City, and expansion of new development shall be logically phased and, as appropriate, guided by the development of existing and new Specific Plans.*

The proposed liquor license (within the proposed grocery outlet) will be located on a developed property within a developed commercial area located within the General Commercial zone. All public improvements will be in place at time of occupancy.

*Policy 8: City shall provide opportunities for review and comment on development proposals through public hearing notices sent to owners of property located at least within 300 feet of development proposal sites.*

The project was noticed to neighboring owners within 300 feet of the project (on February 14, 2019), and in the Desert Star Weekly on February 15, 2019, per state noticing requirements. The City Council will open the public hearing and take public comments and/or testimony on the dais and prior to any action.

#### Community Design

*Goal 2: Variety of community design, architecture and landscaping compatible with the City's desert setting and surrounding development.*



The proposed use (type 21 liquor license) will be within the proposed discount grocery store. All site improvements, including lighting, parking, access, ADA ramps/path of travel, and internal tenant improvements will be completed prior to occupancy. These improvements will adhere to applicable development standards and guidelines. The building's exterior and onsite improvements will be designed with materials, colors, and other design elements that are compatible with the City's desert setting and surrounding commercial development.

*Policy 1: Private and public sector development projects shall equally apply City community design standards, thereby protecting the community's scenic viewsheds, providing community cohesion and enhancing the image of Desert Hot Springs as a resort residential community.*

The site will be developed with a commercial building that is complimentary to existing buildings in the vicinity. All onsite improvements will be made on the project site, prior to occupancy of the building.

*Policy 9: Signs shall be limited to the minimum size, scale and number needed to provide functional identification and exposure necessary to convey messages, while minimizing impacts on traffic safety, streetscape and scenic viewsheds.*

The applicant has filed an application for a sign variance and is being reviewed as part of the project as a whole. Staff has analyzed the application and made a recommendation to approve based on the fact that strict application of the specific requirements of the City's Sign Ordinance would deprive the business of adequate visibility from the public right-of-way.

*Policy 10: Lighting shall be limited to the minimum height, number and intensity of fixtures needed to provide security and identification in residential, commercial and industrial development, taking every reasonable measure to preserve the community's night skies.*

All exterior lighting shall comply with Section 17.40.170 (Outdoor Lighting) to assure that only the minimum level of lighting necessary to provide the needed security and safety is installed. Existing exterior lighting will be directed downward and properly shielded to protect the night skies.

#### **Economic Development:**

*Goal 1: A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.*

The proposed Type 21 (Off-Sale General) ABC License will help increase the viability of the proposed grocery store to provide opportunities for new employment and provide additional tax revenues to the City.

*Goal 2: Continued growth, which assures the maintenance of revenue, base adequate to support present and future public services and facility's needs.*

The Type 21 (Off-Sale General) ABC License will increase the viability of the proposed grocery store to provide additional revenues to the City to support present and future public needs.

*Policy 11: Make every effort to expedite the processing of development proposals, which address the economic development goals of the community and take the initiative to incubate new programs and projects.*

The application for a Conditional Use Permit is required by the Desert Hot Springs Zoning Code to assure compatibility with surrounding land uses and to develop project-specific conditions to

assure successful operation in concert with the City's development goals. The application was received on July 25, 2018 and has been processed expeditiously.

### Fire and Police Protection

*Goal: A high level of police and fire protection and service.*

All plans and improvements for interior or exterior building improvements will be subject to review and enforcement under fire codes and regulations. The project is not expected to have much demand for fire and police services due to the fact that it is only a 20,000 square foot retail establishment, with a street frontage on a primary street.

*Policy 1: All new and improved developments shall be reviewed for their impact on safety and the provision of police and fire protection services.*

All plans and improvements for interior or exterior building improvements will be subject to review and enforcement under fire codes and regulations.

#### *Policy 2*

*Enforce fire standards and regulations in the course of reviewing building plans and conducting building inspections.*

All plans and improvements for interior or exterior building improvements will be subject to review and enforcement under building codes and regulations.

*L. That there will not be significant harmful effects upon environmental quality and natural resources;*

A draft initial study and mitigated negative declaration have been prepared for the project. Based on those documents, City staff has determined that the project will not have any significant impacts that cannot be conditioned or mitigated prior to construction, during construction, and/or prior to the business becoming operational and as a part of the attached conditions of approval and the mitigation measures outlined in the draft initial study and mitigated negative declaration for the project. All impacts have been mitigated or will be mitigated at the appropriate times during construction and/or prior to completion of the project. Staff has determined that as conditioned the project will not have any significant harmful effects upon environmental quality and natural resources. Staff recommends this finding.

*M. That the negative impacts of the proposed use are mitigated, and/or a mitigated negative declaration may be filed; and*

A draft initial study and mitigated negative declaration have been prepared for the project. In addition, staff has conducted an analysis of the surrounding uses to determine if there are any religious institutions, public parks or schools within 500 feet of the project site and has concluded that there are no such facilities within 500 feet of the proposed project.

Based on that analysis and a review of the technical studies and environmental documents, City staff has determined that the project will not have any significant impacts that cannot be conditioned or mitigated prior to construction, during construction, and/or prior to the business becoming operational and as a part of the attached conditions of approval and the mitigation measures outlined in the draft initial study and mitigated negative declaration for the project. All impacts have been mitigated

or will be mitigated at the appropriate times during construction and/or prior to completion of the project. Staff recommends this finding.

*N. That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience, or welfare of the City.*

The location, size and design of the proposed grocery store are comparable to other commercial developments in the area and staff has evaluated the application, architectural building plans, the environmental documents, as well as all of the related technical studies. After consideration of the documents staff has added a condition that the applicant/developer shall pay a fair-share contribution for the installation of a new traffic signal at the southern driveway/entrance to the project site. The completion of the installation will be required prior to the grocery store getting occupancy and beginning operations. This will to help mitigate the addition traffic and projected level of services at the southern driveway, and to improve safety for its patrons (vehicular, bicycle, and pedestrian traffic) when entering and exiting the site. The developer will also be required to make street improvements, add bicycle lanes, cur/gutter/sidewalks, street lights, ADA ramps, ADA paths of travel, etc. to help improve safety on and off-site.

Staff has also evaluated the City's parking requirement and determined that the project affords adequate parking; 80 spaces are provided; 80 spaces are required. The Public Works Department & City Engineer have reviewed the project and have conditioned the entitlements to make all necessary improvements to meet the City's design standards. A draft initial study and mitigated negative declaration have been prepared for the project.

Based on those documents, City staff has determined that the project will not have any significant impacts that cannot be conditioned or mitigated prior to construction, during construction, and/or prior to the business becoming operational and as a part of the attached conditions of approval and the mitigation measures outlined in the draft initial study and mitigated negative declaration for the project. All impacts have been mitigated or will be mitigated at the appropriate times during construction and/or prior to completion of the project. Staff has determined that the proposed 20,000 square foot grocery store will not detrimental to the public interest, health, safety, convenience, or welfare of the City. Staff recommends this finding.

### **Tentative Parcel Map Findings:**

Pursuant to Section 16.24.150 of the DHSMC,

*“the tentative map may be approved or conditionally approved by the Commission if it finds that the proposed subdivision, together with the provisions for its design and improvements, are consistent with the General Plan, and applicable specific plan, and all applicable provisions of the municipal code.”*

City staff has determined that proposed Tentative Parcel Map No.37571 is consistent with the Goals & Policies of the City's General Plan and conforms to the specific requirements of the Desert Hot Springs Zoning & Municipal Codes. The Tentative Parcel Map as associated technical reports have also been evaluated by the City Engineer for content, existing structures, drainages, streets, easements, dedications,

etc. The proposed conditions of approval from the City Engineer can be found within Exhibit No. 1, Draft Conditions of Approval.

### **Sign Variance Findings:**

- A. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, 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;*

The applicant/developer has submitted a sign variance application to allow for an increase in allowable square footage for the two proposed main business identification signs on the east and north sides of the building. The applicant has also requested allowance to install five services related signs to advertise the goods or services they provide as part of their business operations. They are also asking for relief from the strict application of the City's Sign Ordinance to allow for more than the maximum allowable signs. The proposed 20,000 square foot discount grocery store has its main frontage along Palm Drive, which is classified as a major arterial road and is one of the City's major thoroughfares. In this location of Palm Drive the ultimate ROW is 110 feet and the posted speed limit is 40 miles per hour.

The building itself is setback approximately 140 feet from the western curb on Palm Drive and will ultimately be as far away as 250 feet from the other side of the street on Palm Drive. Staff has reviewed the plans and the proposed size of the signage and has determined that due to the placement of the building - being 140-210 feet setback from the public right-of-way and the speeds at which the cars travel going northbound and southbound, the granting of an increase in the allowable square footage of the proposed sign is not unreasonable. An increase in sign area would help improve this visibility and alert drivers on Palm Drive of the presence of the discount grocery store. The increase in sign area might also assist in traffic safety so that drivers might see the business identification signage sooner, so they could prepare to turn without having to cut across traffic and/or go around the block or make U-turns.

Staff also does not see this as a granting of special privilege because other businesses in the area either are part of a sign program, which allows for an increase in square footage of business identification signage for those businesses in the rear of commercial shopping centers. Other similar properties with a similar plan for development would also be treated as having a potential for allowing exceptions to the City's Sign Ordinance depending on having circumstances on the site which strict application of the specific requirements of the Sign Ordinance would deprive a business of having adequate visibility. Other similar properties with similar circumstances would also have a potential to ask for relief from the specific requirements of the City's sign ordinance – if we could make the finding that strict application would not give adequate visibility for the business.

Staff would like to note that most of the businesses along Palm Drive have street frontage and were not developed so far back from the public right-of-way. Staff has determined that there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical land use district classification. Staff recommends this finding.

*B. That granting the variance 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 variance is sought:*

The applicant/developer has submitted a sign variance application to allow for an increase in allowable square footage for the two proposed main business identification signs on the east and north sides of the building. The applicant has also requested allowance to install five services related signs to advertise the goods or services they provide as part of their business operations. They are also asking for relief from the strict application of the City's Sign Ordinance to allow for more than the maximum allowable signs. The proposed 20,000 square foot discount grocery store has its main frontage along Palm Drive, which is classified as a major arterial road and is one of the City's major thoroughfares. In this location of Palm Drive the ultimate ROW is 110 feet and the posted speed limit is 40 miles per hour.

The building itself is setback approximately 140 feet from the western curb on Palm Drive and will ultimately be as far away as 250 feet from the other side of the street on Palm Drive. Staff has reviewed the plans and the proposed size of the signage and has determined that due to the placement of the building - being 140-210 feet setback from the public right-of-way and the speeds at which the cars travel going northbound and southbound, the granting of an increase in the allowable square footage of the proposed sign is not unreasonable. An increase in sign area would help improve this visibility and alert drivers on Palm Drive of the presence of the discount grocery store. The increase in sign area might also assist in traffic safety so that drivers might see the business identification signage sooner, so they could prepare to turn without having to cut across traffic and/or go around the block or make U-turns.

Staff also does not see this as a granting of special privilege because other businesses in the area either are part of a sign program, which allows for an increase in square footage of business identification signage for those businesses in the rear of commercial shopping centers. Other similar properties with a similar plan for development would also be treated as having a potential for allowing exceptions to the City's Sign Ordinance depending on having circumstances on the site which strict application of the specific requirements of the Sign Ordinance would deprive a business of having adequate visibility. Other similar properties with similar circumstances would also have a potential to ask for relief from the specific requirements of the City's sign ordinance – if we could make the finding that strict application would not give adequate visibility for the business.

Staff would like to note that most of the businesses along Palm Drive have street frontage and were not developed so far back from the public right-of-way. Staff has determined that there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical land use district classification. Staff recommends this finding.

*C. That granting the variance 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;*

Upon review of the application, materials, the standards of the City's Sign Ordinance, and the specific circumstances of the site development and placement of the building staff has determined that the granting of the sign variance will not be materially detrimental to the public health, safety, welfare. And will not be injurious to the property or improvements in such vicinity and land use district.

*D. That granting the variance 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 applicant/developer has submitted a sign variance application to allow for an increase in allowable square footage for the two proposed main business identification signs on the east and north sides of the building. The applicant has also requested allowance to install five services related signs to advertise the goods or services they provide as part of their business operations. They are also asking for relief from the strict application of the City's Sign Ordinance to allow for more than the maximum allowable signs. The proposed 20,000 square foot discount grocery store has its main frontage along Palm Drive, which is classified as a major arterial road and is one of the City's major thoroughfares. In this location of Palm Drive the ultimate ROW is 110 feet and the posted speed limit is 40 miles per hour.

The building itself is setback approximately 140 feet from the western curb on Palm Drive and will ultimately be as far away as 250 feet from the other side of the street on Palm Drive. Staff has reviewed the plans and the proposed size of the signage and has determined that due to the placement of the building - being 140-210 feet setback from the public right-of-way and the speeds at which the cars travel going northbound and southbound, the granting of an increase in the allowable square footage of the proposed sign is not unreasonable. An increase in sign area would help improve this visibility and alert drivers on Palm Drive of the presence of the discount grocery store. The increase in sign area might also assist in traffic safety so that drivers might see the business identification signage sooner, so they could prepare to turn without having to cut across traffic and/or go around the block or make U-turns.

Staff also does not see this as a granting of special privilege because other businesses in the area either are part of a sign program, which allows for an increase in square footage of business identification signage for those businesses in the rear of commercial shopping centers. Other similar properties with a similar plan for development would also be treated as having a potential for allowing exceptions to the City's Sign Ordinance depending on having circumstances on the site which strict application of the specific requirements of the Sign Ordinance would deprive a business of having adequate visibility. Other similar properties with similar circumstances would also have a potential to ask for relief from the specific requirements of the City's sign ordinance – if we could make the finding that strict application would not give adequate visibility for the business.

Staff would like to note that most of the businesses along Palm Drive have street frontage and were not developed so far back from the public right-of-way. Staff has determined that there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that strict application of this Zoning Ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical land use district classification. Staff recommends this finding.

*E. That granting the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and*

The granting of this variance does not allow an activity which would otherwise be prohibited. The request is for an increase in allowed square footage for the business identification signage. Signage would be allowed by right in the zone. The application is simply seeking relief from the code to allow for additional square footage.

*F. That granting the variance will not be inconsistent with the General Plan.*

The granting of this variance is not inconsistent with the Goals & policies set forth in the City General Plan. The main use of the property is specially mentioned in the intent of the zone. The applicant is simply seeking relief from the specific requirement of the Sign Ordinance to allow for additional square footage for their business indentation signage.

### **Additional General Plan Goals & Policies (C-N):**

Staff has identified the additional applicable goals, policies, and programs in relation to the proposed project:

#### **Administrative Policies**

##### ***Policy 5***

*The City shall assure that properly filed development applications shall be processed in an expeditious and timely manner.*

The application for the proposed discount grocery store was submitted to the city on July 25, 2018. Staff has processed the applications in a timely manner considering 1) the context of the applications, 2) the number of applications and entitlements involved, 3) the extent of the review of the environmental documents, and 4) the need to revise the traffic study to bring the level of service grade up to a level that would not trigger an Environmental Impact Report.

##### ***Program 5 A***

*The City shall maintain application processing procedures that assure expeditious and timely processing of land development applications, including "fast tracking" procedures for priority development proposals*

The application for the proposed discount grocery store was submitted to the city on July 25, 2018. Staff has processed the applications in a timely manner considering 1) the context of the applications, 2) the number of applications and entitlements involved, 3) the extent of the review of the environmental documents, and 4) the need to revise the traffic study to bring the level of service grade up to a level that would not trigger an Environmental Impact Report.

##### ***Policy 8***

*City shall provide opportunities for review and comment on development proposals through public hearing notices sent to owners of property located at least within 300 feet of development proposal sites.*

The project was noticed to neighboring owners within a 300-foot radius of the project site (on Thursday, February 14, 2019) and was advertised in the Desert Star on Friday, February 15, 2019 per state noticing requirements. No public comments have been received as of this writing.

## **Commercial Designations: Applicable Goals, Policies, and Programs**

### ***Policy 2***

*Development standards for commercial land uses shall include setbacks, pad elevations, massing and height limitations, and other requirements, which provide adequate visibility and accessibility, while preserving the scenic viewsheds from adjoining properties and public rights-of-ways.*

The proposed discount grocery store is specifically allowed as a permitted use within the C-N zone, as well as a use that is clearly indicated in the language of the City's General Plan discussion on the C-N land use designation. The surrounding properties are largely of a commercial nature and there are other smaller markets, general retail, restaurants, a bank, a K-Mart shopping center, and other commercial businesses in the immediate area. The proposed 20,000 square foot grocery store will only occupy about 22% of the project site (which allows up to 35% coverage), has a proposed building height of 32 feet (35 feet allowed) and meets all the setback and parking requirements of the C-N zoning district.

The building is also setback approximately 140 feet from the public right of way. Considering the setback and the somewhat lower height of the building as well as the conditions to add a new traffic signal at the south entrance and the requirement for dedication of right of way and street improvements, staff has determined that the proposed grocery store is compatible with other adjacent lands uses in, scale, mass, coverage, density and intensity, and will provide adequate visibility and accessibility, and will preserve the scenic viewshed from the adjoining properties and public rights-of-way.

### **NOTICING REQUIREMENT**

The project was noticed to neighboring owners within a 300-foot radius of the project site (on Thursday, February 14, 2019) and was advertised in the Desert Star on Friday, February 15, 2019 per state noticing requirements. No public comments have been received as of this writing.

### **ENVIRONMENTAL ANALYSIS**

Pursuant to Section 15072 of the California Environmental Quality Act (CEQA) Statutes & Guidelines, an Initial Study/Draft Mitigated Negative Declaration has been prepared for the project described herein. This Initial Study was undertaken for the purpose of deciding whether the project may have a significant effect on the environment. On the basis of the Initial Study, city staff has concluded that the project will have a significant effect on the environment, but that mitigation measures imposed will reduce impacts to less than significant levels and has therefore prepared a Draft Mitigated Negative Declaration. The Initial Study has been accepted by the City and reflects the independent judgement of the City. The site is not known to be on the Hazardous Waste list compiled pursuant to Government Code Section 65962.5 On March 12<sup>th</sup>, 2019, the Planning Commission, at the public hearing or during deliberations, may approve, deny, or propose changes to the project or to the environmental determination.

### **FISCAL IMPACT**

The proposed grocery store paid all required fees for processing of the applications and will contribute to the community by way of collection of ongoing retail sales taxes and the bi-annual payment of property taxes.



**EXHIBITS**

- 1 – Draft Conditions of Approval
- 2 – Project Site / Aerial
- 3 – Site Photos
- 4 – Revised Site Plan (showing traffic signal)
- 5 – Color Building Elevations
- 6 – Material Board
- 7 - Floor Plan
- 8 - Landscape Plan
- 9 – Site Photometric / Lighting Plan
- 10 – Proposed Pole Light Fixtures
- 11 – Proposed Wall Pack Light Fixtures
- 12 – Set of Plans (including sections, gradings, etc.)
- 13 – Tentative Tract Map 37571
- 14 – Sign Renderings / Drawings
- 15 – Draft Initial Study / Mitigated Negative Declaration
- 16 – Revised Traffic Study
- 17 – Water Quality Management Plan
- 18 – Hydrology Report
- 19 – 500 Foot Radius Map (schools, churches, parks)
- 20 – Map of Census tract 445.15
- 21 – Application for Type 21 License
- 22 – Draft Resolution of Convenience & Necessity