

REPORT TO THE CITY COUNCIL



DATE: June 4, 2019

TITLE: Applications for Fireworks Stand Permits

Prepared by: Scott Taschner, Senior City Planner

Reviewed by: Rebecca Deming, Community Development Director

RECOMMENDATION

Consider a recommendation from the Fireworks Committee to:

- 1) Make exceptions to Desert Hot Springs Municipal Code Chapter 8.28 and approve all six (6) applications, subject to conditions of approval; OR
- 2) Approve the four (4) applications in compliance with Municipal Code.

DISCUSSION

Below is a summary outline of the process for issuance of Fireworks Permits per Desert Hot Springs Municipal Code Chapter 8.28:

- No person shall offer for sale or sell at retail any safe and sane fireworks in the City without having first applied for and received the following permits: Fireworks Program Permit and Fireworks Safety Permit.
- Fireworks Permit applications may be submitted to the City during the period of March 30, 2019 to April 26, 2019.
- A "Fireworks Committee" consisting of one representative from the Fire Department, one representative from the City's Finance Department, and one representative from the City Manager's office shall review all applications and make a recommendation to the City Council.
- City Council may issue up to four permits per calendar year.

The City advertised and provided fireworks permit applications and submittal procedures via the City Website and over the counter. During the period of April 23, 2019 through April 30, 2019 the City received a total of six (6) Fireworks Permit applications from six (6) non-profit organizations to sell safe and sane fireworks at six (6) different locations within the City of Desert Hot Springs.

All applications were reviewed by the Fireworks Committee, consisting of one representative from the Fire Department, Finance Department, City Manager's Office, and Planning Department. Based on the Committee's review of the submittal materials, four of the six applications were determined to meet all submittal requirements, all safety requirements, and all applicable permit requirements. Two applications were located within the minimum distance of 250 feet from each other (measured from property line to property line, not stand to stand), therefore only one can be allowed unless one applicant relocates to another location or chooses to withdraw their application. The other option would be that the City Council choose to grant a deviation from the specific limitations of the Municipal Code and grant approval of all six (6) applications. On that note, Staff is considering updating the fireworks section of the Municipal Code in next year's update of the Zoning Code to include certain recommendations from the Riverside County Fire Marshall and updating other certain specific standards that other local cities have incorporated into their respective Municipal Codes.

The applicant, TNT Fireworks, has indicated to staff that they would like to request that the City Council make an exception and approve all six (6) applications, and also make an exception to allow both the Lily of the Valley fireworks stand (in the K-Mart Center) and the DHS Little League stand (in the Vons Center) due to the fact they are on opposing sides of Palm Drive.

Below is the list of the applications, the corresponding non-profit organization, and the location. The applications are also shown in Exhibits 1 through 6.

Application Number	Non-profit Organization	Fireworks Stand Location	Approved by Committee
2019-0093	Victory Outreach	66290 Estrella Ave	Yes
2018-0094	Souls Praising Heaven	17100 Palm Drive	Yes
2019-0095	Rock of Salvation Apostolic Church	65945 Pierson Blvd (7-11 Ctr.)	Yes
2019-0096	Lily of the Valley Worship Ctr.	14011 Palm Drive (K-Mart Ctr.)	(conflicts with another application)
2018-0097	DHS Eagles Football	13200 Palm Drive (Stater Bros. Ctr.)	Yes
2019- 0098	DHS Little League	14200 Palm Drive (Vons Shopping Ctr.)	conflicts with another application)

FISCAL IMPACT

Permit fees have been paid by each applicant. Any applicant that is rejected by the City shall be entitled to a full refund of the fireworks program permit and the fireworks safety permit fees.

EXHIBITS:

- 1) Victory Outreach - Application 2019-0093
- 2) Souls Praising Heaven - Application 2019-0094
- 3) Rock of Salvation - Application 2019-0095
- 4) Lily of the Valley - Application 2019-0096
- 5) Desert Hot Springs Eagles Football - Application 2019-0097
- 6) Desert Hot Springs Little League - Application 2019- 0098