

REPORT TO THE PLANNING COMMISSION



DATE: October 8, 2019

TITLE: Toba Day Spa Conditional Use Permit No. 07-18 to construct and operate a ground-floor day spa with hot mineral waters on 0.18 acres, including treatment rooms, steam rooms, and saunas, with a second story post-and-beam open roof structure and four upper-level soaking tubs

Prepared by: Judy Deertrack, Assistant 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) Staff recommends approval of Conditional Use Permit No. 07-18, based of the findings stipulated and subject to the proposed Conditions of Approval.

EXECUTIVE SUMMARY

On October 17, 2018, the applicant, Jacqueline S. Grad on behalf of Fam-Well, LLC, submitted a Conditional Use Permit application to establish a day spa with hot mineral water on a 0.18-acre lot consisting of 1,068 ground-level interior square feet and open upper deck with roofing. The proposal includes four (4) ground-floor treatment rooms with lockers, hot water steam rooms, saunas, and an upper-level open post-and-beam rooftop structure of corrugated metal covering four (4) rooftop soaking tubs with mesh screening. Exterior grounds contain flow-through grotto pool, flow-through spa hydrotherapy pool, an infrared salt sauna with outdoor showers, landscaping, and five (5) parking spaces.



Toba Day Spa proposes to operate with fourteen (14) rotating employees, including an on-site manager, professional staff, and off-hours housekeeping and grounds maintenance. Applicant anticipates one (1) to four (4) employees at the facility at any one time, subject to change based on spa appointments, with a maximum of three (3) clients simultaneously. In addition, Toba Day Spa proposes operating hours at seven (7) days a week, from 10:00 a.m. to 7:00 p.m. Spa services may be booked as early as 7:00 a.m., however. The services provided are as follows: use of mineral pools, mineral water steam bath, dressing rooms, infrared sauna, use of pour-your-own mineral tubs on the deck level, as well as other services. The massages offered by

licensed practitioners include: Swedish, Deep Tissue, Shiatsu, Aromatherapy, CBD Relaxation, Couples, and Reflexology (foot massage). The body treatments consist of Korean Scrub, DHS Mineral Salts Body Polish, and Clay Wrap. Facials include the Signature (organic with essential oil customized), Collagen Facial, Gentleman's Facial, and Biofield tuning (sound therapy). The facility proposes to service clients twenty-one (21) years of age and over.

SITE CONDITIONS

The project site is currently vacant. Below is a summary of the project site:

Existing Zoning/General Plan Land Use:	Visitor Serving V-S
Existing Use:	Visitor Serving
Project Area Size	0.18 Acres (Net & Gross: 7,749 square feet)
Gross Building Square Footage	~1,226 SF
Gross Building Footprint (incl. deck overhang)	~1,688 SF
GFA Square Footage for Parking	1,068 SF
Stories	1 + Exter. Roof Deck w/ Post & Beam Roofing
Assessor's Parcel Number (APN)	639-151-016

SETTING

The property is within the Visitor Serving (V-S) zone, surrounding properties for the project site consist of:

<u>Direction</u>	<u>Jurisdiction</u>	<u>Zoning & General Plan Designations</u>	<u>Current Land Use</u>
North	City	V-S (Visitor Serving)	Vacant
West	City	V-S (Visitor Serving)	Vacant
South	City	V-S (Visitor Serving)	Vacant
East	City	R/VS-L (Residential Visitor Serving)	Residential

The CUP project site is directly surrounded by vacant land, except for residential uses to the east.

CUP Analysis

The applicant is currently requesting a Conditional Use Permit to construct a day spa with hot mineral water, treatments offered by licensed practitioners, as well as other services. The Visitor Serving (V-S) zone *supports the maintenance and enhancement of existing hot mineral water spas and encourages development of similar new facilities, in particular "destination resort spas" and hotels that utilize the City's subsurface hot mineral waters*, as prescribed in Section 17.12.220 (A) of the Desert Hot Springs Zoning Ordinance.

Under Municipal Code Section 17.12.020 (C), development within the Visitor-Serving District will be subject to a Conditional Use Permit, shall utilize the standards and regulations developed for Visitor-Serving areas, and shall consist of those standards deemed appropriate to "1. (a) *Ensure the continued quality and image of the City as an international destination hot water spa/resort community;* (b) *Ensure the continued integrity of the low density residential and resort character of the City;* (c) *Ensure the internal integrity, over time, of the proposed resort complex.*" Staff recommends a finding the project is consistent with allowable uses in the V-S District.

General Plan and Zoning Consistency

The project proposes to establish a day spa in accordance with Municipal Code Sections 17.08.010 (Purpose of Districts) and 17.12.020 (Day-Visit Spas) of the DHSMC, which allows this use with approval of a Conditional Use Permit. The proposed development is substantially consistent with zoning use standards and all applicable General Plan policies, in conjunction

with the use of a Minor Exception for Parking and Setbacks (within the 10% rule) and Project Conditions of Approval

Site Planning Analysis

Site, Coverage, Setbacks and Height

The proposed development is substantially consistent with the development standards of the Visitor Serving (V-S) District in building height, setbacks, and lot coverage, with staff's recommended use of a Minor Exception to reduce the required parking spaces from six (6) spaces, to five (5) spaces.

Applicant may apply for a discretionary 10% variation (DHSMC 17.116) on parking standards under DHSMC 17.48 at one parking space for every 200 square feet of interior floor space (200:1) using the designation of a Health Club, with a gross floor area of 1,068, calculated at 1,000 sf / 1,068 sf for less than 1% deviation from what is required for five (5) parking spaces.

Staff recommends a series of parking exception to alleviate any parking standards that applicant cannot meet, considering the waivers may have a negligible impact, and applicant may have limited options otherwise on developing the lot. The following exception are recommended:

(1) Proposed Minor Exception of 68 sf to reduce the number of parking spaces from six (6) to five (5) - less than 10% deviation (DHSMC 17.48); (2) Proposed waiver of the requirement that fractional space requirements shall be rounded up to the next whole space, DHSMC 17.48.030 (G), replaced by use of the Minor Exception, above; (3) Proposed waiver of parking spaces located in interior side setbacks – discretionary design standard (DHSMC 17.48.040); (4) Proposed waiver of parking location back-up within 20 feet of vehicular entrance – discretionary design standard (DHSMC 17.48.040 (H) (3); (5) Proposed waiver of requirement that parking stalls shall be non-perpendicular whenever possible – discretionary design standard (DHSMC 17.48.060 (C). Further discussion and findings to follow.

Development Standards		
Standard	V-S Zone	Proposed
Height	Max. 3 stories or 35 feet	1 story with open rooftop 32 feet 2 inches
Front Setback	20 feet	40 feet 5 inches to building 20 feet 3 inches to parking
Side Setbacks	10 feet	10 feet to Building 5 ft & 8 ft for Parking Spaces
Rear Setback	10 feet	10 ft 3 inches
Building lot coverage	Varies	22%
Front Setback Parking (Design Review 17.48.060)	20 feet	20 ft 3 inches

Architecture

The applicant proposes to construct a ground-floor day spa on 0.18 acres and interior square footage of 1,068 square feet (first floor), with reception area, four (4) treatment rooms, men's and women's locker rooms and hot water steam rooms, unisex private ADA restrooms, and co-ed sauna. The upper deck floor will consist of non-enclosed second-floor soaking tubs, with post-and-beam open-roof construction at a height of 32 feet, 2 inches, consisting of partial coverage of four (4) soaking pools surrounded by mesh screening to prevent intrusion of insects and/or birds. The roof covering is proposed with roof truss design and corrugated metal

naturally rusting that is approximately 900 square feet over an approximate 1,200 square foot upper-level floor space. Exterior grounds contain flow-through grotto pool, flow-through spa hydrotherapy pool, and infrared salt sauna with outdoor showers.

The architectural character of the day spa will consist of a Desert Modern style with Sumatran Batak and Googie architecture references. The building materials include stucco exterior walls (Silverado stucco color), metal panels (on upper deck railing), and bronze anodized aluminum windows and doors. The overall architectural character will be that of an attractive, well-maintained day spa.

The development standards for the Visitor-Serving District contained under *DHSMC Section 17.12.220 (J) – Building Materials/Colors*, require the following: *“Unless otherwise approved by the Planning Commission color schemes sympathetic with desert surroundings (such as sands, grays, shades of brown) shall be utilized for all exterior finishes of a [residence] including door and window trim colors, roof tile, and garden walls.”* Staff finds that applicant’s proposed Silverado Stucco Color falls within the range of desert sand/beige/adobe colors. The bronze anodized aluminum windows and doors and naturally-rusting roof materials will consist of non-reflective finishes.

Landscaping

Pursuant to *DHSMC 17.12.300 (A) – Commercial Landscaping*, *“Landscaping for commercial uses should be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.”*

The landscape plan shows planted areas at the front, sides and rear of the site/parking area, with concentrated plantings along the exterior of the building structure, along the proposed perimeter fencing, and within rear exterior client therapy areas surrounding outdoor pools and saunas. The proposed landscape will be a combination of native plants, small shrubs, large accent plants, palm trees, rockery, water feature, well-fed irrigation, return cistern feature, solar outdoor lighting, and eco-friendly lighting, except for the parking area which requires a minimum requirement for illumination at 1-foot candle maintained across the surface of the parking area, and light poles not-to-exceed eighteen (18) feet in height (*DHSMC 17.48.060 – Design Standards*). The desert friendly plants consist of small leaved clematis vine, white sage, night blooming jasmine vine, orange daylily, as well as other plants. The proposed perimeter landscaping throughout the project site will help enhance the visual character of the streetscape in a manner that is compatible with the local desert environment and spa environment. Overall, landscaping has been designed to balance aesthetic and accent plants.

Circulation and Parking

Access to the site will be provided fronting Ocotillo Road with a semi-circular curved driveway design that is approximately twenty (20) feet deep, running the full lot frontage length of approximately 63 feet, with a proposed site plan and conditions of approval that specify the driveway will be posted as one-way with directional arrows, as shown on applicant’s proposed exhibits. The Planning and Engineering Departments have reserved final review of the driveway and parking design at time of building permit issuance. The applicant is providing permanent parking for five (5) vehicles at the approximate twenty (20) foot front setback boundary, including one (1) ADA van parking space.

Gross floor area, for purposes of calculating parking spaces, is defined under *DHSMC 17.04.050 – Definitions*, to mean, *“the area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards.”* Applicant re-designed the day spa to concentrate commercial uses on the ground floor, leaving only soaking tubs on an unenclosed second-level upper deck to reduce interior space calculations. This has given partial relief from parking standards. At an interior parking space calculation at 1,068 square feet,

applicant is requesting a Minor Exception to remain at five (5) parking spaces on this small lot (200:1). *DHSMC 17.48.040* gives discretion to the Planning Director to vary from the standards of number of required parking spaces for uses which represent “*special circumstances or for legal nonconforming uses.*” Staff recommends a Minor Exception be granted to allow five (5) parking spaces, including one (1) ADA space.

The Planning Department has proposed findings under *DHSMC 17.116* for *special circumstances* that warrant relief. This project occurs on a land parcel that was originally subdivided for residential development with a lot configuration of approximately 60’x120’ and later rezoned to Visitor-Serving Commercial. The lots present unique challenges for parking and setbacks. Staff has worked diligently to review options and can find none that allow for full parking without seriously compromising project design, and accordingly recommends five (5) parking spaces instead of the six (6) from the additional 68 square feet. Applicant could reduce another 68 square feet, but has described that it begins to compromise comfort and spaciousness of the interior spaces required for the luxury and uses of a day spa.

The Off-Street Parking Requirements under *DHSMC 17.48.040 (H) (3)* specify that “*no parking space required by this chapter shall be located in the front, side or rear setback area of any land use district.*” The interior side setback requirement for Visitor-Serving (V-S) is ten (10) feet. The ADA parking space unloading area intrudes into the north interior side setback by approximately five (5) feet, and a second parking space intrudes into the south interior side setback by approximately two (2) feet. Staff recommends relief from the strict provisions of the parking setback design standards because there appears to be no other parking solution.

In the judgement of Staff, the ADA parking space setback intrusion does not compromise path of travel, nor does it create a visual obstruction or compromise any design standards. Parking setback requirements are created under *DHSMC 17.48.060* Design Standards (Parking), and should be subject to Design Review Guidelines, reviewable by the Community Development Director, or Planning Commission. Staff recommends a waiver of the standard that “*no parking space shall be located in the side setback area of any land use district*” for special circumstances, because of the uniquely compact nature of these commercial lots, and the undue constraints it would pose on future development of the area.

DHSMC 17.48.060 (A) (2) – Commercial Design Standards, contains standards that require that “*no parking space shall be located so that a vehicle will maneuver within 20 feet of a vehicular entrance measured from the property line*”; as well as *DHSMC 17.48.060 (C) (1)*, “*Dimensional Requirements. 1. Parking stalls shall be non-perpendicular whenever possible.*”

Applicant has designed a circular driveway with parking stalls located within approximately twenty (20) feet of the front property boundary, and does not meet the spatial design guideline that vehicles backing up not maneuver within twenty feet of the front property line. Applicant has also designed the five parking spaces as perpendicular, out of necessity. Staff concludes the failure to meet this detail in parking standards does not compromise path of travel, nor does it create a visual obstruction or compromise any design standards. The small commercial Visitor-Serving lots designed at approximately 60’x120 ‘ and appear to have no other design available as a viable option. Parking design guidelines are created under *DHSMC 17.48.060* and should be subject to discretionary review by the Community Development Director, or Planning Commission.

Lighting

Exterior lighting currently illuminates all exterior doors, signs, walkways, entrances, and parking area. The Exterior Lighting Plan includes Eurasian Wall Light, the Eurasia Pole Light, the Linea Globe Pendant, as well as other light options. Lighting will be shielded within the property to contain illumination within the project boundary. Lighting within the parking areas shall be required in the exhibits and conditions of approval at an illumination level of 1’ candle or more.

Site Improvements

All other necessary requirements will be conditioned/required such as curb, gutter, sidewalks, and other improvements, pursuant to the City Zoning Code.

Required Findings

Conditional Use Permit Findings

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

The application is for a Conditional Use Permit to allow a day spa which is identified in Section 17.12.020 of the City of Desert Hot Springs Zoning Ordinance (Day Visit Spas), subject to approval of a Conditional Use Permit. The project, as proposed, complies with all applicable provisions of the Zoning Ordinance with respect to height, lot coverage, setbacks, and parking, excepting recommended parking waivers through Minor Exception (DHSMC 17.116) and discretionary design review under DHSMC Sections 17.48.040 and 17.48.060 (Design Standards), as follows:

(1) Proposed Minor Exception of 68 sf to reduce the number of parking spaces from six (6) to five (5) - less than 10% deviation (DHSMC 17.48); (2) Proposed waiver of the requirement that fractional space requirements shall be rounded up to the next whole space, DHSMC 17.48.030 (G), replaced by use of the Minor Exception, above; (3) Proposed waiver of parking spaces located in interior side setbacks – discretionary design standard (DHSMC 17.48.040); (4) Proposed waiver of parking location back-up within 20 feet of vehicular entrance – discretionary design standard (DHSMC 17.48.040 (H) (3)); (5) Proposed waiver of requirement that parking stalls shall be non-perpendicular whenever possible – discretionary design standard (DHSMC 17.48.060 (C)). Staff recommends this finding.

2. *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 day spa will have treatments, massages, reflexology, body treatments, and facials offered by trained licensed practitioners, as well as other services. The proposed day spa classifies as a conditionally permitted use as a Health/Fitness Facility under *DHSMC 17.12.020 – Commercial Uses* and would not impair the integrity and character of the land use district, subject to the Conditions of Approval. Staff recommends this finding.

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

The site is currently vacant and is located within the Visitor Serving (VS) District which supports and encourages the development of spas. The proposed two-story day visit spa will have treatment rooms, locker rooms, outdoor terraces, and soaking tubs, with a total gross building footprint of 1,688, including overhang, and lot coverage of 22%. The proposed use would not impair the integrity and character of the land use district subject to the Conditions of Approval. Project site design has posed challenges to parking, circulation, setback requirements and parking-area landscaping because of the previous residential subdivided lot sizes of 0.20 acres typical of the planning area. Considering that the planning area has been converted to Visitor-Serving uses, staff finds that the

impacts to parking, landscaping, and setbacks at this site are negligible, and have been compensated for through design. Staff recommends this finding.

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

The proposed day spa is allowed within the Visitor Serving (VS) zoning designation with approval of a Conditional Use Permit (CUP). The existing land uses within the subject property are also zoned Visitor Serving. The subject site is located adjacent to vacant land and at a proximity to spa uses which makes this land use compatible with surrounding land uses. Staff recommends this finding.

5. *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;*

Existing and future land uses within the general area of the project location, except for uses to the east (existing single-family homes) are zoned Visitor Serving (V-S). Lands to the north, south, and west are primarily vacant (Visitor Serving Zoning District), while lands to the east are zoned Residential Visitor Serving (Low Density). Staff recommends this finding.

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

The proposed development is for a ground floor day spa with hot mineral waters and rooftop deck with an open corrugated metal post-and-beam roof structure at a height of 32 feet and 2 inches. The use as a day spa is an allowable use subject to approval of a Conditional Use Permit. The day spa is the first structure to be built in the large Visitor-Serving parcel bounded southerly by 8th Street, northerly by San Diego Drive (and 12th Street), westerly by Palm Drive (adjacent to the Desert Hot Springs Spa), and westerly by residential subdivision development. The day spa conforms in all essential respects to the development and land use standards for the District. Staff recommends this finding.

7. *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;*

Staff has determined that prior to occupancy there will be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed project will be maintained and not become a blighted property. Staff recommends this finding.

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

The current project will be conditioned to complete any required street improvements, such as a sidewalk, to serve the day spa before an occupancy permit is issued by the City. Staff recommends this finding.

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

The day spa will have a desert modern style aesthetic and will be compatible with surrounding uses. The day spa will not have an adverse effect on desirable neighborhood characteristics and will overall enhance the site through good aesthetics. Staff recommends this finding.

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

The proposed day spa with hot mineral water is appropriate at the prescribed location (Visitor Serving District) which encourages visitor-related activities and the use of existing hot mineral water spas. The proposed use will have mitigation measures to offset the parking and circulation concerns on the adjacent residential neighborhood. Staff recommends this finding.

11. *That the proposed use is consistent with applicable goals and policies of the General Plan;*

Staff has evaluated the consistency of the proposed project with the City's General Plan Goals & Policies and identified no negative impacts to the surrounding neighborhood, subject to the implementation of the Conditions of Approval. Staff recommends this finding.

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

The two-story day spa with hot mineral waters do not introduce any hazardous materials or create any harmful effect on the environment or to the quality of natural resource. Therefore, staff has determined that the proposed project will not have or cause significant harmful effects upon environmental quality and natural resources. Staff recommends this finding.

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

The negative impacts (parking and landscaping) of the proposed use are mitigated, subject to the Conditions of Approval. The proposed use will not have a significant effect on the environment. Staff recommends this finding.

14. *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. (Prior code § 159.36.050)*

The proposed project is consistent with the City's Zoning Code & General Plan and will be conditioned by the Fire Department and City Engineer, and will be required to comply with the 2016 California Building Code requirements for structural, electrical, fire, plumbing, earthquake, etc. The project will also be required to pull all permits and to comply with all local, regional, and state laws. Staff recommends this finding.

Minor Exception Findings (DHSMC 17.116)

Applicant has requested a Minor Exception to the Parking Standards under DHSMC 17.48 after calculating the interior floor space of the day spa at 1,068 feet using a parking ratio of 200:1 for Health Clubs, combined with the standard under *DHSMC 17.48.030 (G)* that *"fractional space requirements shall be rounded up to the next whole space."* Applicant is requesting a waiver of the parking requirement for six (6) spaces, and is asking for a reduction to five (5) spaces, based upon the application of the Minor Exception ordinance that would allow a ten (10) per cent deviation in standards with findings.

Pursuant to DHSMC 17.116.040 Findings (Minor Exception), the Director shall record the decision in writing and shall recite therein the findings upon which such decision is based, pursuant to Section 65906 of the Government Code. The Director may approve and/or modify

an application in whole or in part, with or without conditions, only if the following findings are made:

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;

This project occurs on a land parcel that was originally subdivided for residential development with a lot configuration of approximately 60'x120' and later rezoned to Visitor-Serving Commercial. The lots present unique challenges for parking and setbacks. Staff has worked diligently to review options and can find none that allow for full parking without seriously compromising project design, and accordingly recommends five (5) parking spaces instead of the six (6) from the additional 68 square feet. The other subdivided Visitor-Serving lots in the area are presently vacant, but will experience the same restrictions, and should have the opportunity to share the same privilege enjoyed by this Applicant to make special findings. Staff recommends this finding.

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;

Staff has worked diligently to review options and can find none that allow for full parking without seriously compromising project design. Applicant has attempted to re-design the small lot by eliminating another 68 square feet of ground-level floor space, but reports that further space restriction compromises the comfort and spaciousness of the interior spaces required for the uses of a small day spa, including privacy and function. Staff recommends this finding.

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 City of Desert Hot Springs is currently engaged in a General Plan Update and Zoning (Development) Code Update that involves extensive review and adaptation of its current General Plan to provide for future growth and opportunity. The planning area in which this project is located has been converted from earlier residential usage (including small lot design) to Visitor-Serving capacity because its western edge is adjacent to the Palm Drive corridor and lies within or at close proximity to the hot water spa area. The project, as designed, furthers the objective of creating a day spa environment for tourism-related activities, and as such is not detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity and land use district where the property is located. Staff recommends this finding.

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;

This project occurs on a land parcel that was originally subdivided for residential development with a lot configuration of approximately 60'x120' and later rezoned to Visitor-Serving Commercial. Applicant is surrounded by a large land area designated for Visitor-Serving that is presently vacant, but will eventually develop commercial uses subject to the same or similar restrictions. The lots present unique challenges for parking and setbacks. Future commercial land developers will profit from development standards that are applied and interpreted with a degree of flexibility in the application to specific

projects. Granting the Minor Exception does not constitute a special privilege applicable to other properties in the vicinity and land use district. Staff recommends this finding.

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;

The proposed development is substantially consistent with the development standards of the Visitor Serving (V-S) District in building height, setbacks, and lot coverage, with staff's recommended use of a Minor Exception under DHSMC 17.116 on a discretionary 10% variation on parking standards under DHSMC 17.48 (Number of Parking Spaces) for purposes of measuring interior square footage for Health Clubs at a 200:1 ratio. Applicant has proposed a day spa with 1,068 square feet of interior enclosed space, at a parking ratio that requires one parking space (including ADA) for every 200 square feet of gross floor area, defined as "the area included within the surrounding exterior finish wall surface of a building or portion thereof, exclusive of courtyards." (DHSMC 17.04.050). Measuring 1,000/1,060 for five spaces, Applicant is requesting a deviation from the parking standard of less than 1%, and falls within the discretionary 10% variation. Granting the minor exception does not exceed 10% of the standard being modified or allow a use or activity not otherwise expressly authorized. Staff recommends this finding.

F. That granting the minor exception will not be inconsistent with the General Plan.

As described in DHSMC 17.12.220 Visitor-Serving Districts, "the district is meant to foster increased tourist and visitor-related activities and to support the maintenance and enhancement of existing hot mineral water spas and encourage development of similar new facilities in particular, "destination resort spas" and hotels that utilize the City's subsurface hot mineral waters." The proposed day spa advances all General Plan and zoning policies and objectives for commercial, recreational, and tourism-related development.

The project is located within a Visitor-Serving planning area that acts as an infill buffer between the Palm Drive Corridor and the residential units facing Ocotillo Road. The day spa environment, with hot water amenities, and health-related activities is a positive environment in which to relate to the residential environment, as well as the commercial corridor for the area. Staff recommends this finding.

GENERAL PLAN GOALS AND POLICIES

Residential Goals, Policies & Programs

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

Policy 1: Sufficient lands shall be designated to provide a full range of commercial services to the community and surrounding areas for present and future years.

The City of Desert Hot Springs is currently engaged in a General Plan Update and Zoning (Development) Code Update that involves extensive review and adaptation of its current General Plan to provide for future growth and opportunity. The planning area in which this project is located has been converted from earlier residential usage to Visitor-Serving capacity because its western edge is adjacent to the Palm Drive corridor and lies within or at close proximity to the hot water spa area. The project, as designed, furthers the objective of creating a day spa environment for tourism-related activities.

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 TN/City of Desert Hot Springs General Plan/Land Use Element III-20 accessibility, while preserving the scenic viewsheds from adjoining properties and public rights-of-ways.

The Project, as designed, substantially conforms to the land uses and development standards required of the Visitor-Serving Zone. The primary challenge to this project is the lot size of approximately 0.20 acres on which to provide for interior day spa treatment rooms, steam baths, lockers and dressing rooms, and exterior mineral pools, aesthetic features, parking, and landscaping. Staff has worked with the applicant to maximize the design of the lot to achieve a good balance and harmony and create an attractive and functional spa environment.

Policy 3: Encourage lot consolidation and integrated development planning along the Palm Drive and Pierson Boulevard corridors as well as the old Town district to reduce fragmentation and encourage in-fill development.

The project is located within a Visitor-Serving planning area that acts as an infill buffer between the Palm Drive Corridor and the residential units facing Ocotillo Road. The day spa environment, with hot water amenities, and health-related activities is a positive environment in which to relate to the residential environment, as well as the commercial corridor for the area.

NOTICING REQUIREMENT

The project was noticed to neighboring owners within a 300-foot radius of the project site on September 25, 2019 and was advertised in the Desert Star on Friday, September 27, 2019, per state noticing requirements. No public comments have been received as of this writing.

ENVIRONMENTAL ANALYSIS

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), this project is Categorically Exempt from environmental review pursuant to Section No. 15303 (c) (New Construction or Conversion of Small Structures), of the California Environmental Quality Act that states:

"A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive."

FISCAL IMPACT

The project will generate additional property tax revenue and will pay all applicable City Development fees.

EXHIBITS

- 1) Draft Conditions of Approval
- 2) Proposed Site Plan
- 3) Proposed Floor Plan
- 4) Proposed Elevations
- 5) Proposed Landscape Plan
- 6) Spa Operating Guidelines