

# REPORT TO THE PLANNING COMMISSION



**DATE:** July 14, 2020

**TITLE:** Development Permit No. 19-17 and Conditional Use Permit No. 19-12; An application for the development of an approximately 2,497 square foot convenience store with a Type 21 ABC License at 66079 Pierson Blvd (APN 641-021-048).

**Prepared by:** Rebecca Deming, Community Development Director

## RECOMMENDATION

- 1) Staff Report
- 2) Entertain questions of Staff from the Planning Commission;
- 3) Open Public Hearing;
- 4) Take testimony from Applicant;
- 5) Take public testimony for those in favor;
- 6) Take public testimony from those opposed;
- 7) Take public testimony from those in a neutral position;
- 8) Opportunity for Applicant rebuttal;
- 9) Close the Public Hearing
- 10) Planning Commission discussion and questions to Staff; and
- 11) Approve Development Permit No. 19-17 and Conditional Use Permit No. 19-12 for the development of a new convenience store with a Type 21 ABC License, subject to the Conditions of Approval and based on the findings listed.

## EXECUTIVE SUMMARY

On November 18<sup>th</sup>, 2019, the applicant, Randhawa Singh, submitted a Development Permit for a 2,497 square foot new ground up construction convenience store with a Conditional Use Permit application for a Type 21 license to sell beer, wine, and distilled spirits for consumption off the premises where sold. The project site located within the downtown area on the south side of Pierson Blvd between West Drive and Cactus Drive within the Commercial General Zone (APN 641-021-048).



## BACKGROUND AND SETTING

The proposed 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 coarse sands. The site is relatively leveled with power lines along the property.

**Table 1: Surrounding Land Uses**

	<b>Zoning &amp; General Plan Designations</b>	<b>Current Land Use</b>
<b>North</b>	C-G (Commercial General)	Vacant/Building
<b>West</b>	C-G (Commercial General)	Vacant

<b>South</b>	<i>MU-N (Mixed-Use Neighborhood)</i>	Vacant
<b>East</b>	<i>C-G (Commercial General)</i>	Vacant

**DEVELOPMENT PERMIT ANALYSIS**

The current Zoning designation for the site is CG (Commercial General) and the General Plan Designation is Commercial, the proposed use of the property is consistent with both the General Plan and Zoning Ordinance and permitted land uses in the zone.

The project proposes to develop a portion of the site with new 2,497 square foot new ground up construction convenience store in accordance with Section 17.12.020 and Section 17.12.080 of the Desert Hot Springs Municipal Code (DHSMC), which permits this use. Vehicular access is provided by a driveway on Pierson Blvd. Parking spaces are provided for ten vehicles, including one disability-accessible stall, this is consistent with the DHSMC minimum parking requirements and are outlined below.

**Required Parking**

<i>Proposed Use</i>	<i>Required Parking</i>	<i>Proposed Parking</i>
2,497 sq. ft retail commercial	10 spaces (1 space per 250 sq. ft. of gross floor area)	10 spaces

The proposed buildings’ exterior colors are a mix of beige colors and has parapet roof with tile. Landscaping are provided in the front of the building and parking lot. A block wall is proposed along the property’s eastern boundary from the store towards the Pierson Blvd, as shown on the site plan. The remainder of the lot is proposed remain in its natural state for future development, however staff is recommending a condition requiring a six foot landscape area be added along the entire Pierson Blvd frontage at the back of sidewalk (excluding the driveway).

The proposed development of each project site is consistent with the development standards of the CG (Commercial General) District in building height, setbacks, lot coverage and floor area ratio.

**Setback Requirements**

<b><i>Standard</i></b>	<b><i>CG Zone Standards</i></b>	<b><i>Proposed</i></b>
Front Setback	10’	71’
Rear Setback	Zero	136’
Side Setbacks	Zero	Zero & 35’ 10”
Height	35’	16’
Building Lot Coverage	35% maximum	10%
Floor Area Ratio	0.30	.09

**Lighting**

Parking areas and building access points are being conditioned to have lighting capable of providing adequate illumination for security and safety in compliance with DHSMC. These requirements will be reviewed by staff as part of the building permit submittal.

**CONDITIONAL USE PERMIT ANALYSIS**

The project proposes to establish a Type 21 (sale of beer, wine and distilled spirits for consumption off premises) license in accordance with Section 17.12.020, Section 17.12.050, and 17.74 of the DHSMC, which allows these uses with approval of an Administrative Conditional Use Permit.

The DHSMC Section 17.12.020 allows sale of beer, wine and distilled spirits for consumption premises with an Administrative Conditional Use Permit. In addition, Section 17.12.050(A) of the DHSMC prohibits businesses from selling alcoholic beverages within 500 feet of any religious

institution, school or public park. Staff has evaluated the ABC license and its proximity to sensitive land uses and has determined that the project site is located away from sensitive land uses.

As such, staff recommends that the Planning Commission approve a “Finding of Public Convenience or Necessity” and approve Conditional Use Permit No. 19-12 for the Type 21 (off-sale, general) ABC liquor license, subject to the attached Conditions of Approval

Although an Administrative Conditional Use Permit is director level process, DHMC 17.64.020 states that concurrent applications shall be approved by the highest level of review authority. In this case the Planning Commission.

The proposed development is consistent with zoning allowable use standards and all applicable General Plan policies with the implementations of the Conditions of Approval.

### **SIGNAGE**

Any signage will be required to submit a separate application that shall conform to the current specific standards of the City’s Sign Ordinance.

### **FINDINGS**

Development Permits are regulated under section 17.92 and Administrative Conditional Use Permits are regulated under Section 17.76 of the Desert Hot Springs Municipal Code and require that certain findings be made by the Planning Commission before granting a Development permit or CUP request. Staff has developed recommendations for each finding, as follows:

1. ***That the proposed use is permitted (convenience store) and conditionally permitted (Alcohol Sales) within the subject zone and complies with all of the applicable provisions of the Zoning Ordinance.***

The City of Desert Hot Springs Zoning Ordinance Section 17.12.020 allows a Convenience store with review and approval of a Development permit and sales of beer, wine or liquor with review and approval of an Administrative Conditional Use Permit application. The Commercial General (CG) zoning designation is intended for such use and is compatible with the surrounding neighborhood. Conditions of Approval have been prepared and are recommended to assure that the proposed use will comply with the applicable Zoning Ordinance provisions. Staff recommends this finding.

2. ***That the proposed use would not impair the integrity and character of the zone in which it is to be located.***

Staff has attached Conditions of Approval to ensure that the proposed use will not impair the integrity and character of the land use district. The Commercial General zoning district is intended for retail uses and the sale of alcohol. Conditions of Approval have been prepared. Staff recommends this finding.

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

The subject site (vacant) is physically suitable for the proposed use since the zone allows a wide range of retail and commercial uses in the CG zone. The site is located away from sensitive land uses such as schools, parks, religious institution, etc. The project includes parking, lighting, pedestrian circulation, and other required features for a convenience store. Therefore, the proposed Type 21 (sell beer, wine, and liquor for consumption off premises) ABC license is physically suitable for a convenience store. Staff recommends this finding.

**4. That the proposed use is compatible with the land uses that may already exist on the subject property.**

The subject property is currently vacant and has been design for a convenience store with the sale of alcohol. 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.**

The proposed use will be compatible with existing and future land uses within the general area of the proposed convenience store with ABC license since the majority of the surrounding uses are vacant or have retail, food, and other commercial uses. Overall, the proposed convenience store with the sale of alcohol is expected to be compatible with the existing and future commercial uses in the surrounding area. 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 project has been reviewed by City departments and other public agencies to the proposed use is compatible in scale, mass, density and intensity with adjacent land uses. Additionally, the properties immediately adjacent to this site are vacant. Any potential concerns have been addressed by recommended Conditions of Approval, and no unresolved concerns remain. 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.**

The subject site has water, sanitation, public utilities, and has access to all necessary services nearby to ensure that the proposed uses will not be detrimental to public health and safety. Staff recommends this finding.

**8. That there will be adequate provisions for public access to serve the site.**

The subject site is proposed to be developed with vehicular and pedestrian access from the public rights-of-way. The proposed project will not create any additional demand for access than what will be provided by the associated parking and drive aisle, subject to the recommended Conditions of Approval. Staff recommends this finding.

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

Appropriate development under this designation includes land uses which are compatible with the predominately character of the land. The City has adopted a zoning ordinance to implement the General Plan and provide for review and approval of the proposed use. The proposed project will be subject to all requirements of this Development Permit and Conditional Use Permit, as prescribed by the zoning ordinance, and the proposed Conditions of Approval. Staff recommends this finding.

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

No significant adverse or harmful effects on the environment or on any natural resources are anticipated from the use. Staff recommends this finding.

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

The proposed project will be operated in accordance with all applicable regulations and Conditions of Approval. A review of the proposed project has identified no negative impacts, subject to the implementation of specific Conditions of Approval. Staff recommends this finding.

**12. 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 proposed project has been reviewed by City departments and other public agencies for any potential detrimental effects on public interests, health, safety, convenience or welfare of the City. Any potential concerns have been addressed by recommended Conditions of Approval, and no unresolved concerns remain. Staff recommends this finding.

**NOTICING REQUIREMENTS**

The project was noticed to neighboring property owners within a 300-foot radius of the project site July 1, 2020 and was advertised in the Desert Star on Friday, July 3, 2020 per 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, Class No. 3 (New Construction or Conversion of Small Structures), of the California Environmental Quality Act.

**FISCAL IMPACT**

The proposed use will generate additional sales tax revenues.

**RECOMMENDATION**

Staff finds that the proposed project is consistent with the General Plan and meets the development standards of the CG (Commercial General) Zoning District. Staff recommends that the Planning Commission approve Development Permit 19-17 and Conditional Use Permit No. 19-12, subject to the Conditions of Approval, and the findings contained in this report.

**EXHIBIT(S)**

1. Draft Conditions of Approval
2. Proposed Plans