



CITY OF PALM SPRINGS  
DEPARTMENT OF PLANNING SERVICES  
MEMORANDUM

**Date:** June 10, 2015  
**To:** Planning Commission  
**From:** Department of Planning Services *TR*  
**Subject:** Agenda Item 2A. Gergis Yousef for Gas Station Remodel  
Case 5.0712 CUP Amendment

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At its meeting of May 13, 2015, the Planning Commission continued the subject item to the June 10, 2015, regular meeting to receive input and recommendations from the Historic Site Preservation Board (HSPB). The project will be reviewed by the HSPB on June 9<sup>th</sup> and their comments will be provided to the Commission prior to the June 10<sup>th</sup> meeting.

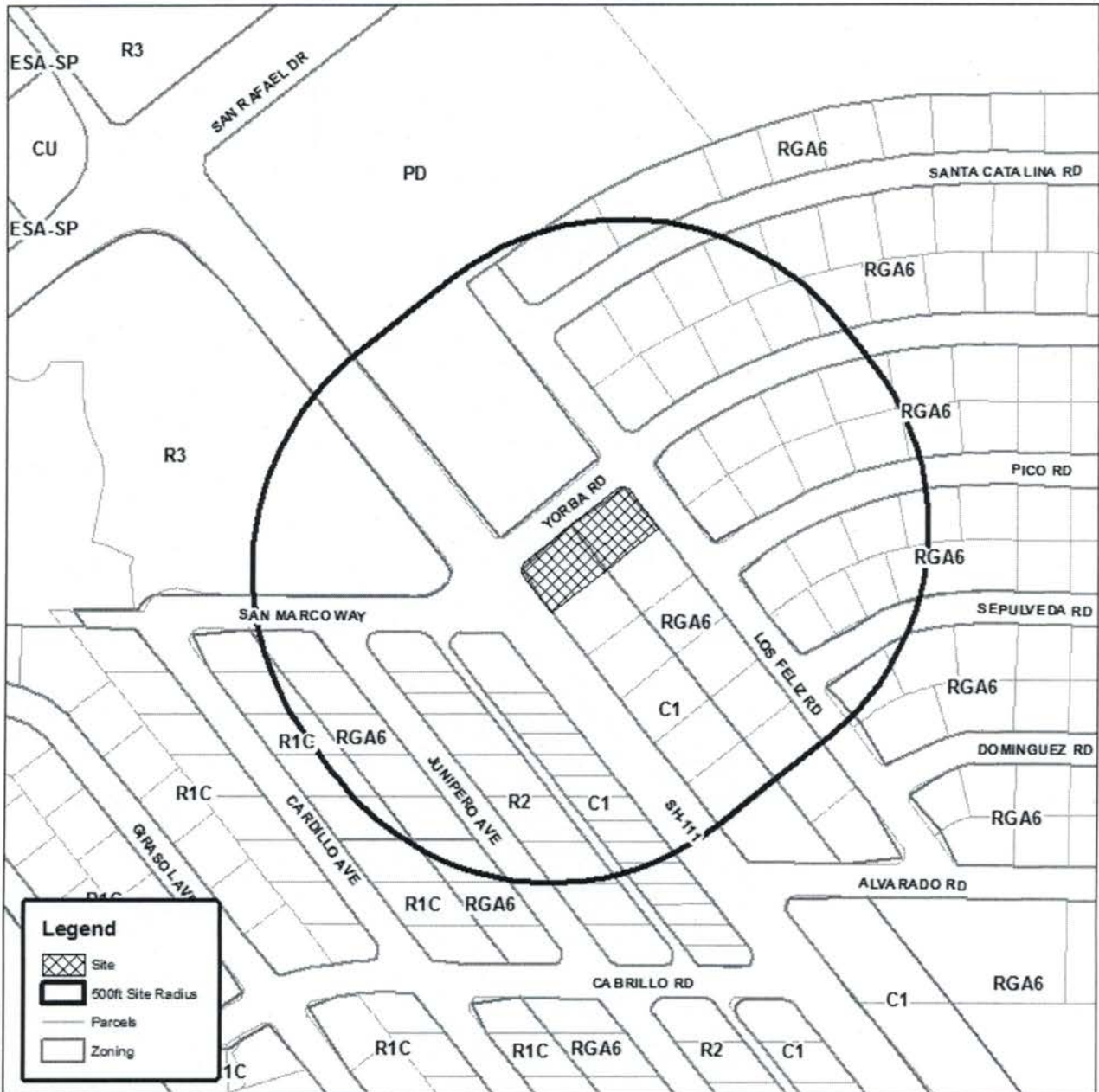
The Commission also requested a landscape and asphalt plan. The applicant has provided a landscape plan proposing drought-tolerant plant species without the use of turf. The applicant also provided a narrative of the proposed building changes and before and after photographs of the proposed addition (see attached).

Attachments:

1. Vicinity Map
2. Draft Resolution
3. June 9, 2015 Historic Site Preservation Board Staff Report
4. May 13, 2015 Planning Commission Staff Report
5. May 13, 2015 Planning Commission Minutes
6. Applicant Narrative (received June 2, 2015)
7. Photographs
8. Landscape Plan
9. Public Correspondence (1 letter)



# Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE 5.0712 CUP, A CONDITIONAL USE PERMIT TO REPLACE EXISTING AUTOMOBILE SERVICE SPACE WITH SEONDARY RETAIL FOR AN EXISTING GASOLINE SERVICE STATION LOCATED AT 2796 NORTH PALM CANYON DRIVE (HIGHWAY 111).

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. Gergis Yousef ("applicant") has filed an application with the City pursuant to Section 94.02.00 (Conditional Use Permit) of the Zoning Code for a remodel to replace existing automotive service bays with secondary retail for the sale of convenience items, sandwiches and beverages at 2796 North Palm Canyon Drive (APN: 504-091-001).
- B. On June 24, 1963, the City Council granted a Conditional Use Permit (Case 5.322) for the subject automobile service station, which was constructed after a building permit was issued by the Building Department on August 8, 1963.
- C. The subject automobile service station existed prior to the enactment of further restrictions established in Section 93.23.01 of the Zoning Code and has remained in continuous operation to the best of the City's knowledge.
- D. A notice of public hearing for Case 5.0712 CUP was given in accordance with applicable law.
- E. On June 10, 2015, a public hearing on the application for approval of Case 5.0712 CUP was held by the Planning Commission in accordance with applicable law.
- F. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.
- G. Pursuant to the California Environmental Quality Act (CEQA Guidelines), the Planning Commission finds that Case No. 5.0712-CUP are Categorical Exceptions under Section 15303 (existing facilities). The Planning commission further finds that there are no reasonably foreseeable potentially significant environmental impacts resulting from this project.
- H. Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the Planning Commission finds as follows:
  - a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

Pursuant to Zoning Code Section 92.12.01.D.5, “automobile service stations” are permitted in the C-1 zone with the approval of a Conditional Use Permit (CUP). The subject use was established prior to current zoning code and is permitted to remain in operation under the previously approved CUP. The proposed application is to modify the existing accessory / secondary commercial space as a part of the automobile service station.

*b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The existing gasoline service station was established prior to the enactment of current zoning standards and has remained in continuous operation. The station serves motorists traveling on Highway 111 and residents in the surrounding community. The proposed modification to the floor plan will provide more convenience retail space, which is permitted in the zone and under the General Plan land use designation. Therefore, the proposed modification will be desirable for the community; is in harmony with the general plan; and will not be detrimental to existing and future uses permitted in the C-1 zone.

*c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping, and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood.*

The existing gasoline service station has four double-sided bays – a total of eight gasoline service pumps. Based on the size of the lot, the zoning code permits a total of 12 gasoline service pumps. The modified floor plan exceeds the minimum area for secondary retail of 750 square feet. Parking will be accommodated within the existing parking lot. Approximately 17 percent of the site is landscaping. Therefore, the subject site is adequate in size and shape to accommodate the revised floor plan.

*d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The change in floor plan is expected to create a minor increase in vehicular traffic and have little impact to North Palm Canyon Drive and other adjacent roadways such that further improvements are necessitated. Existing adjacent streets will adequately serve the secondary retail.

*e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone’s property development standards. mitigation measures outlined in an environmental assessment.*

Conditions of Approval are proposed in the attached “Exhibit A” to ensure that the use

operates in a manner which protects the public health, safety and general welfare. These conditions include compliance with the City's noise ordinance, limitations on operating hours and other necessary requirements.

THE PLANNING COMMISSION RESOLVES:

Based upon the foregoing, the Planning Commission hereby approves Case 5.0712 CUP; authorizing a 156-square foot addition and modification of the floor plan to replace automobile servicing with secondary retail at the existing gasoline station located at 2796 North Palm Canyon Drive, subject to the attached conditions set forth in Exhibit A.

ADOPTED this 10th day of June, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Flinn Fagg, AICP  
Director of Planning Services

RESOLUTION NO. \_\_\_\_\_

**EXHIBIT A**

Case 5.0712 CUP  
Automobile Service Station

2796 North Palm canyon Drive

June 10, 2015

**CONDITIONS OF APPROVAL**

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

**ADMINISTRATIVE CONDITIONS**

- ADM 1. Project Description. This approval is for the project described per Case 5.0712 CUP, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans including site plans, architectural elevations, exterior materials and colors and landscaping on file in the Planning Division, except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.0712 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City

of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner / operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution.

ADM 10. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.

ADM 11. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

## **ENVIRONMENTAL ASSESSMENT CONDITIONS**

ENV 1. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid.

## **PLANNING DEPARTMENT CONDITIONS**

PLN 1. Outdoor Lighting Conformance. Lighting shall be in conformance with Sections 93.06.00 and 93.21.00 of the Palm Springs Zoning Code. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping or parking area shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. There shall be no footcandle spill onto adjacent streets or properties from the subject use. No lighting of hillsides is permitted.

PLN 2. Outside Operation. Operations outside permanent structures shall be limited to the dispensing of gasoline, oil, water, air, changing tires, and attaching and detaching trailers. There shall be no outside storage or display of tires, oil or other products and accessories. The sale of liquid propane gas (LPG) may be permitted if approved in connection with the conditional use permit and architectural review. After approval of the conditional use permit, the sale of LPG may be permitted if approved in conjunction with a land use permit.

PLN 3. Noise. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness, and the decibel level measured at property lines shall not exceed street background noise normally occurring at the site location.

PLN 4. Public Restroom. Accessible public restrooms shall be provided.

PLN 5. Accessory Commercial Display and Storage. Display and storage of accessory or secondary non-automotive commercial uses shall be totally within the principal building.



PLN 6. Sale of Beer, Wine, Liquor or Other Alcoholic Beverages.

- a. Such sales must be offered only in conjunction with the secondary retail sale of food, groceries and sundries in which not less than fifty (50) percent by value of the retail sales of all products, other than gasoline and other motor vehicle fuels, comprises sales of products other than beer, wine, liquor and other alcoholic beverages
- b. Video recording surveillance cameras shall be used to record all purchases and attempted purchases of alcoholic beverages. Signs shall be posted, one (1) outside the building at or near the gasoline servicing area and another inside the building near the cash registers notifying the public that "all alcoholic beverage transactions are monitored in cooperation with the Palm Springs Police Department." The videotape equipment used shall be such as to record at least twenty-four (24) hours of operation, the tapes shall be maintained for the prior seventy-two (72) hours, and the film shall be made available to any representative of the Palm Springs Police Department within twenty-four (24) hours of a request. The tapes shall be made available for use in evidence against any person who purchased or attempted to purchase alcoholic beverages as well as for use in any court or administrative proceeding regardless of the type of criminal activity or the party or parties involved.

PLN 7. Smart Controller for landscape irrigation. The applicant is to use "smart controllers" available from the Desert Water Agency for water efficiency in the irrigation system.

PLN 8. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.

PLN 9. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.

PLN 10. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 11. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 12. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.

**POLICE DEPARTMENT CONDITIONS**

POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

**BUILDING DEPARTMENT CONDITIONS**

BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

**END OF CONDITIONS**



## HISTORIC SITE PRESERVATION BOARD STAFF REPORT

DATE: June 9, 2015

NEW BUSINESS

SUBJECT: PALM SPRINGS PLANNING COMMISSION REFERRAL OF A REQUEST BY GERGIS YOUSEF FOR A CONDITIONAL USE PERMIT AMENDMENT TO EXPAND THE EXISTING RETAIL SPACE FOR A WILLIAM F. CODY DESIGNED GAS STATION LOCATED AT 2796 NORTH PALM CANYON DRIVE, ZONE C-1 (CASE 5.0712 CUP).

FROM: Department of Planning Services

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### SUMMARY

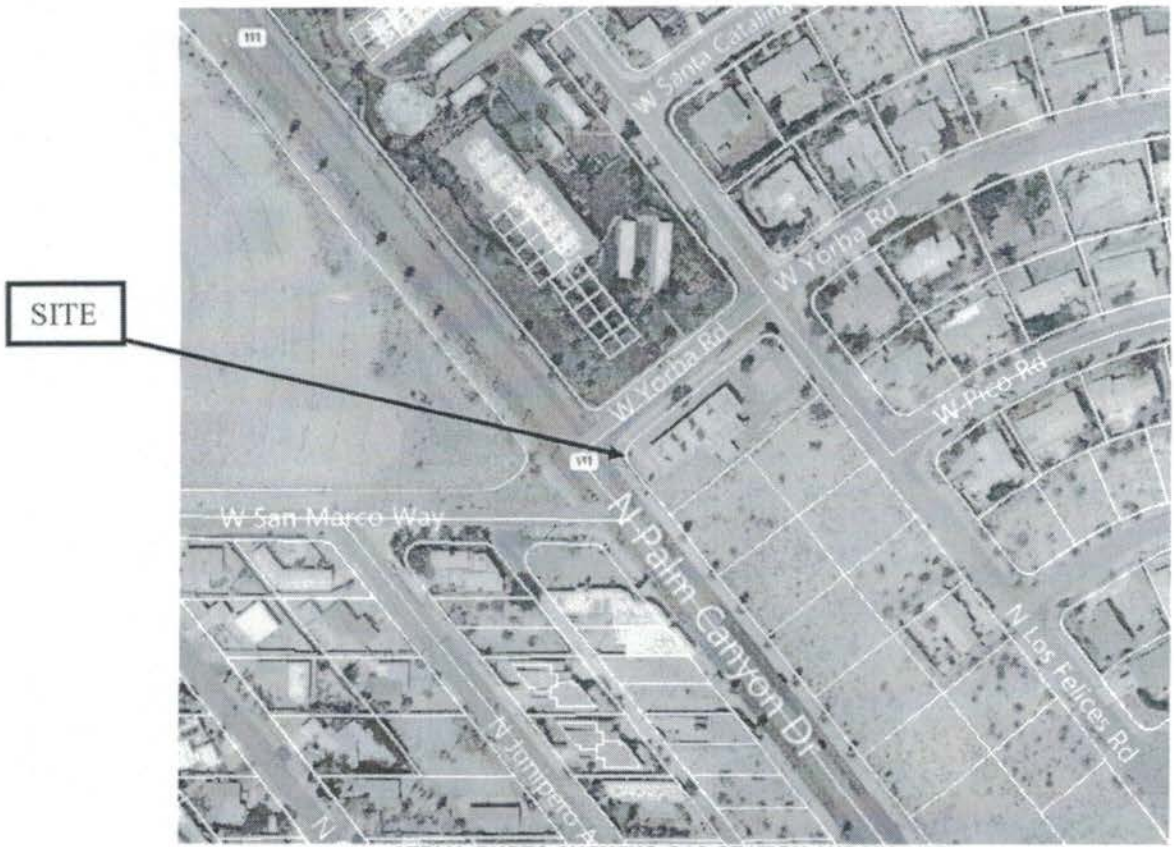
The Planning Department received a Conditional Use Permit request to modify and expand the floor plan of an existing gas station originally designed by architect William F. Cody, classified as a Class 3 historic site and recognized in the 2004 Citywide Historic Resource Survey. On May 13, 2015, the Planning Commission reviewed and continued the project to receive input and recommendations from the Historic Site Preservation Board. Thus, the HSPB will consider exterior changes proposed and provide comments to the Planning Commission for consideration at their June 10, 2015 meeting.

### RECOMMENDATION:

Provide comments to the Planning Commission.

### BACKGROUND:

Originally designed by master architect William F. Cody, the existing automobile service station was built in 1963 under a Conditional Use Permit (CUP) approved by City Council. While the original canopy appears intact, the attendant building below was added to and remodeled in 1984. A number of permits have also been issued over the years for various site improvements (monument price signage, pump replacement, underground storage tanks, propane storage and vapor extraction system).



AERIAL PHOTO SHOWING GAS STATION AND VICINITY



ENLARGED AERIAL PHOTO OF SUBJECT SITE

ANALYSIS:

The subject site is automatically designated a Class 3 historic site due to its construction prior to 1969. Under Chapter 8.05 of the Palm Springs Municipal Code, all Class 3 structures and sites are eligible for a 6-month stay of demolition. However, unlike Class 1 sites, exterior modification can be approved by staff and the Planning Commission. In this case, the Planning Commission requested HSPB review of changes due to significance of architect of record and design sensitivity.

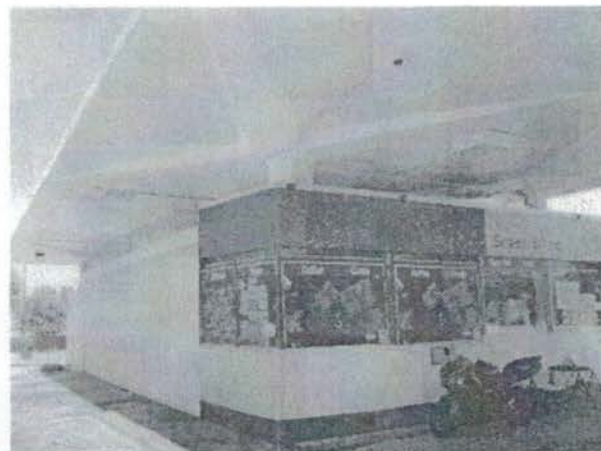
Additionally, the property was recognized in the 2004 Citywide Historic Resources Survey as one of the two hundred sites for which Primary Records were completed. The Record describes this property as “a unique reflection of the Modernist idiom within the context of commercial development in Palm Springs from the 1940s through the 1960s” that “appears to meet the level of significance necessary for individual National Register or California Register of Historical Resources eligibility at the local level.” The Record incorrectly states, “The structure...has not undergone any apparent modifications since construction.” As mentioned in the background above, the site has been modified to some extent, most notably the addition in 1984 which increased floor space by 1,485-square feet, according to building permit records.

The applicant seeks approval to add approximately 149-square feet and modify the floor plan by eliminating the vehicle service bays to create retail space for convenience food and drink items and deli. The addition is proposed at the westerly corner of the attendant building and will consist of metal panels and windows that match the adjacent materials. The height will match the adjacent structure and a gap will remain between the attendant building roof and canopy structure. Existing clerestory windows on other locations of the building are proposed to remain.

Existing



Proposed



Other changes proposed include new drought-tolerant landscape, revised parking layout and relocation of water/air dispenser. Plans and photographs are attached for HSPB review.

CONCLUSION:

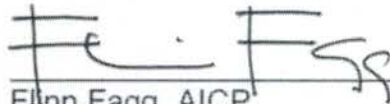
Due to the significant architect of record and the site's architectural design importance, the Planning Commission seeks input from the HSPB on the proposed site modifications. Balancing the possible future designation based on the site's recognition in the 2004 Resource Survey and its current Class 3 status, staff recommends the HSPB evaluate the proposal and provide comments to the Commission, which is set to review the project on June 10, 2015.

ENVIRONMENTAL ASSESSMENT

The proposed demolition is deemed a Project under the guidelines of the California Environmental Quality Act (CEQA). CEQA allows for a Class 1 Categorical Exemption (*Existing Facilities*) for projects involving interior and exterior alterations and additions that do not exceed 50% of the existing floor area. Therefore, staff proposes a Class 1 Categorical Exemption for the proposed project.



David A. Newell  
Associate Planner



Flinn Fagg, AICP  
Director of Planning Services

~~Attachments:~~

- ~~1. Photographs~~
- ~~2. 2004 Historic Resources Survey Primary Record for Shell Company Gas Station~~
- ~~3. Applicant Description~~
- ~~4. 5/13/2015 Planning Commission Staff Report with Attachments~~



## PLANNING COMMISSION STAFF REPORT

DATE: May 13, 2015

SUBJECT: GERGIS YOUSEF FOR A CONDITIONAL USE PERMIT TO EXPAND THE EXISTING RETAIL SPACE FOR AN EXISTING GAS STATION LOCATED AT 2796 NORTH PALM CANYON DRIVE, ZONE C-1 (CASE 5.0712 CUP). (DN)

FROM: Department of Planning Services

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### SUMMARY

The Planning Commission will consider a Conditional Use Permit request to remodel an existing automobile service station located at 2796 North Palm Canyon Drive. The proposal includes the addition of approximately 156-square feet and the reconfiguring of all interior space to retail; no other exterior changes are proposed. Business name: Shell Gas Station.

### RECOMMENDATION:

Approve, subject to conditions.

### BACKGROUND:

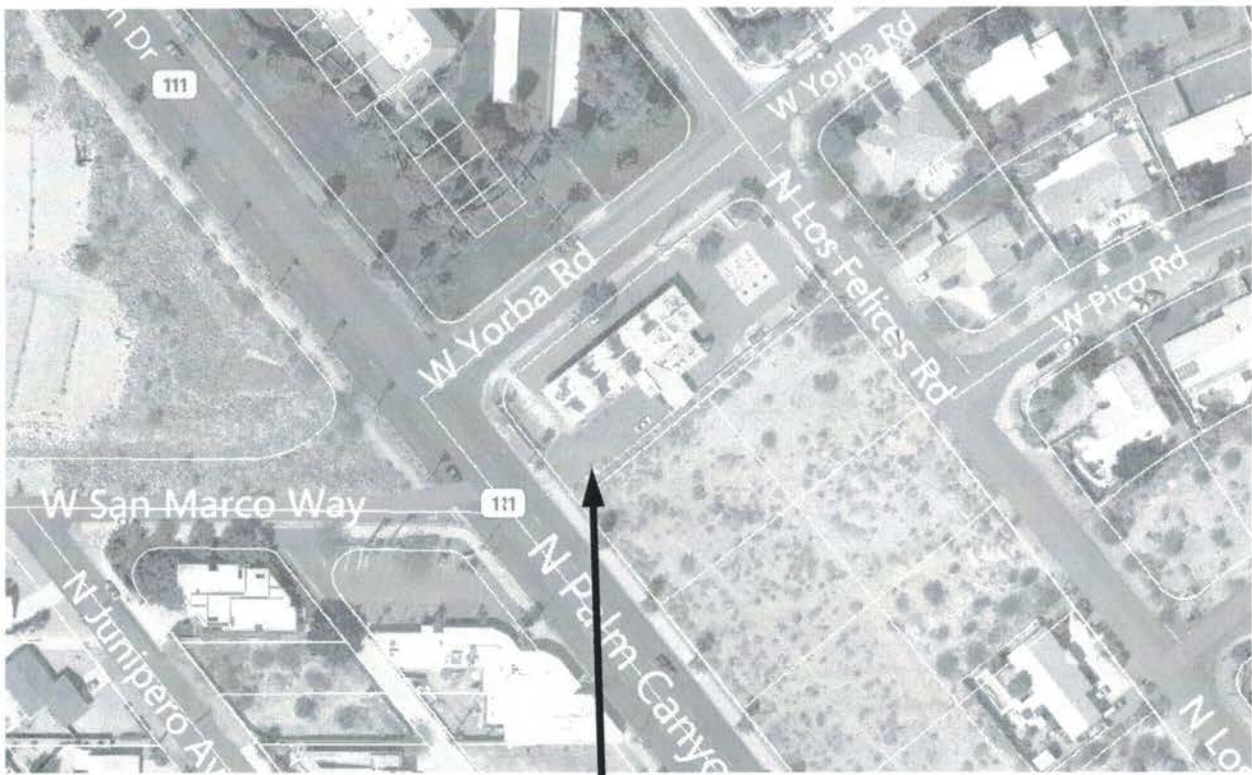
<b>Notification</b>	
4/30/2015	Public hearing notice sent to all property owners and registered occupants within 500 feet of the site.
5/02/2015	Public hearing notice published in local paper.
As of the writing of this report, staff has not received any letters from the public.	

<b>Field Check</b>	
Feb 2015	Staff has visited the site to observe existing conditions

<b>Site Area</b>	
Lot Area	~24,000-square feet
Building Area	Existing: 2,796-square feet Proposed Addition: 156-square feet Total: 2,952-square feet

<b>Related Relevant City Actions by Planning, Fire, Building, etc...</b>	
June 1963	City Council approved CUP for gas station.
Aug. 1963	Building permit issued for construction of gas station.
June 1996	Planning Commission approved revision to CUP for 467-sq. ft. retail space (Planning Commission Resolution 4497).
2004	Building identified in city-wide historic resource survey.

<b>Most Recent Ownership/Business</b>	
2004	Gergis Yousef



**SUBJECT SITE**

<b>Surrounding Property</b>	<b>Existing General Plan Designations</b>	<b>Existing Land Use</b>	<b>Existing Zoning Designations</b>
Subject Property	MU / MU (Mixed Use / Multi-use)	Multi-tenant Commercial	C-1 (Retail Business) & R-G-A(6) (Garden Apt. & Cluster Residential)
North	MDR (Medium Density Residential)	Multi-family Residential	PD-100
South	MU / MU	Vacant	C-1 & R-G-A (6)
East	LDR (Low Density Residential)	Single-family Residential	R-G-A (6)
West	HDR (High Density Residential)	Vacant	R-3 (Multi-family & hotel)



**PROJECT DESCRIPTION:**

Originally designed by architect William F. Cody, the existing automobile service station was built in 1963 under a Conditional Use Permit (CUP) approval. The applicant is requesting approval of amend the existing CUP to remodel the service station building which currently provides automobile service, petroleum dispensing and convenience retail. The remodel includes replacing the existing vehicle service bays with retail space, selling convenience items, sandwiches and beverages. The sale of beer and wine for off-site consumption is also proposed. Floor space will include accessory storage, office and cashier space, as well as a men's and women's restroom.

**ANALYSIS:**

**General Plan**

Element	Request	Compliance
<p><u>Land Use:</u></p> <p><b>Mixed-use/Multi-use (Maximum of 15 dwelling units per acre for residential uses and a maximum 0.50 FAR for nonresidential uses).</b> Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses. Residential development at a maximum density of 15 units per acre is permitted; planned development districts may allow residential densities up to 30 d.u. / acre and also ensure that all proposed uses are properly integrated and allow the implementation of development standards that are customized to each site.</p>	<p>The proposed request is to modify an existing commercial operation, expanding the community-serving retail for surrounding neighborhoods and motorists traveling on Highway 111.</p>	<p>Yes</p>

**Zoning**

**Permitted Uses:**

The subject property is split zoned with the westerly half zoned C-1 (Business Retail) and the easterly half R-G-A(6) (Garden Apartment and Cluster Residential). The service station is primarily located within the C-1 Zone.

Pursuant to Section 92.12.01(D)(5) of the Palm Springs Zoning Code (PSZC), "automobile service stations" are permitted with the approval of a Conditional Use Permit.

**Development Standards:**

Pursuant to Section 93.23.01 of the PSZC, automobile service stations must meet certain requirements. While the subject gasoline station was approved and constructed prior to these current standards, staff has provided an analysis of the proposal against the current ordinance below.

93.23.01	Auto Service Station Requirement	Proposed Project	Conform
<b>A. Location</b>			
1. Major Thoroughfare Frontage	200 feet	100 feet	No (existing)
2. Adjoining properties	The site shall not adjoin an existing hotel or residential use at the time of its establishment	The site does not adjoin an existing hotel or residential use at the time of its establishment	Yes
3. Distance from misc. uses.	The minimum distance from the site to a property containing a school, park, playground, church, museum or similar use shall be two hundred fifty (250) feet. The minimum distance to a residential zone shall be one hundred seventy-five (175) feet.	None of mentioned uses are within 250 feet of subject site.  Residential zone is within 175 feet of site.	Yes  No (existing)
4. Distance from other automobile service stations	The minimum distance between properties containing automobile service stations shall be five hundred (500) feet...	Site located more than 500 feet to nearest gas station.	Yes
<b>B. Site Area</b>	20,000 square feet	20,000 square feet	Yes
<b>C. Access</b>			
	Access drives shall be at least thirty (30) feet from any street corner measured from the intersection of the ultimate right-of-way lines; the city engineer may require a greater distance based upon street and traffic characteristics. All drives shall be designed to provide vehicle queuing in a manner that minimizes possible hazard or slowing of vehicles on adjacent city streets. Reciprocal access/parking arrangements may be with adjacent properties to enhance public convenience and safety.	Palm Canyon entry is ~60 feet from Yorba  Westerly Yorba entry is ~18 feet from Palm Canyon  Easterly Yorba entry is ~90 feet from Los Felices  Los Felices entry to be eliminated	Yes  No (existing)  Yes  Yes
<b>D. Number of Pumps</b>	One (1) gasoline pump shall be permitted per two thousand (2,000) square feet of site area. The number of pumps shall be the same as the number of sale transactions which may be conducted simultaneously at all of the pump stations.	8 pumps exist, whereas 12 would be permitted.	Yes
<b>E. Utility Trailers</b>	Utility trailers, not exceeding ten (10) in number, may be stored for rent on service stations only in the C-2, C-M and M-1 zones;	None proposed.	Yes

	provided, they are screened from view and occupy an area which is in excess of the two thousand (2,000) square feet of site area required per pump.		
<b>F. Walls</b>	A solid masonry wall six (6) feet in height shall be erected on all interior property lines which abut property in a residential zone or wherever else deemed necessary by the planning commission.	Wall ranging in height from 30 inches to 5 feet installed along the southerly property line	No (existing)
<b>G. Paving</b>	The entire ground area shall be paved except that ten (10) percent of the site area shall be reserved for landscaping.	17%	Yes
<b>H. Lighting</b>	Lighting shall conform to the requirements of Section 93.06.00.	Project conditioned to comply	Yes
<b>I. Outside Operation</b>	Operations outside permanent structures shall be limited to the dispensing of gasoline, oil, water, air, changing tires, and attaching and detaching trailers. There shall be no outside storage or display of tires, oil or other products and accessories. The sale of liquid propane gas (LPG) may be permitted if approved in connection with the conditional use permit and architectural review. After approval of the conditional use permit, the sale of LPG may be permitted if approved in conjunction with a land use permit.	Project conditioned to comply	Yes
<b>J. Noise</b>	Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness, and the decibel level measured at property lines shall not exceed street background noise normally occurring at the site location.	Project conditioned to comply	Yes
<b>K. Minimum Building Area</b>	The minimum gross floor area for each automobile service station building, not including the canopy area, shall be seven hundred fifty (750) square feet. Accessible public restrooms shall be provided.	Project conditioned to comply	Yes
<b>L. Accessory Commercial Uses.</b>	Accessory non-automotive commercial uses shall be limited to vending machine sales of soft drinks, coffee and tea, snacks, cigarettes, and maps within a sales area of not greater than twenty-five (25) square feet. Secondary retail sales of food, groceries and sundries, other than those from a vending	Proposed secondary retail space exceeds 750-square feet and will be totally within the principal building.	Yes

	<p>machine, shall be contained within an indoor retail space of not less than seven hundred fifty (750) square feet, except that existing automobile service stations, at the time of the adoption of this Zoning Code, which convert space for such use are not limited by a minimum area requirement. Display and storage of accessory or secondary non-automotive commercial uses shall be totally within the principal building.</p>		
<p><b>M. Sale of Beer, Wine, Liquor or Other Alcoholic Beverages.</b></p>	<p>1. Such sales must be offered only in conjunction with the secondary retail sale of food, groceries and sundries in which not less than fifty (50) percent by value of the retail sales of all products, other than gasoline and other motor vehicle fuels, comprises sales of products other than beer, wine, liquor and other alcoholic beverages.                  2. Video recording surveillance cameras shall be used to record all purchases and attempted purchases of alcoholic beverages. Signs shall be posted, one (1) outside the building at or near the gasoline servicing area and another inside the building near the cash registers notifying the public that "all alcoholic beverage transactions are monitored in cooperation with the Palm Springs Police Department." The videotape equipment used shall be such as to record at least twenty-four (24) hours of operation, the tapes shall be maintained for the prior seventy-two (72) hours, and the film shall be made available to any representative of the Palm Springs Police Department within twenty-four (24) hours of a request. The tapes shall be made available for use in evidence against any person who purchased or attempted to purchase alcoholic beverages as well as for use in any court or administrative proceeding regardless of the type of criminal activity or the party or parties involved.</p>	<p>Project conditioned to comply</p>	<p>Yes</p>
<p><b>N. Signs</b></p>	<p>All signing shall conform to the provisions of 93.20.00.</p>	<p>Project conditioned to comply</p>	<p>Yes</p>

*Parking:* The parking ratio outlined in Section 93.06.00(D) of the Zoning Code requires, “Stations with mini-marts shall provide parking at the rate of one (1) space for every two hundred (200) square feet of gross floor area within enclosed structures plus one (1) space for water/air dispensers, if provided.” The proposed use will have a building that is roughly 2,952-square feet in size and one water / air dispenser. Therefore, 15 parking spaces for the retail floor area are required and one parking space for the water / air dispenser is required. The proposal includes 16 parking spaces, plus an additional parking space around the air / water dispenser.

REQUIRED FINDINGS:

Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

- a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

Pursuant to Zoning Code Section 92.12.01.D.5, “automobile service stations” are permitted in the C-1 zone with the approval of a Conditional Use Permit (CUP). The subject use was established prior to current zoning code and is permitted to remain in operation under the previously approved CUP. The proposed application is to modify the existing accessory / secondary commercial space as a part of the automobile service station.

- b. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The existing gasoline service station was established prior to the enactment of current zoning standards and has remained in continuous operation. The station serves motorists traveling on Highway 111 and residents in the surrounding community. The proposed modification to the floor plan will provide more convenience retail space, which is permitted in the zone and under the General Plan land use designation. Therefore, the proposed modification will be desirable for the community; is in harmony with the general plan; and will not be detrimental to existing and future uses permitted in the C-1 zone.

- c. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The existing gasoline service station has four double-sided bays – a total of eight gasoline service pumps. Based on the size of the lot, the zoning code permits a total of 12 gasoline service pumps. The modified floor plan exceeds the minimum area for secondary retail of 750 square feet. Parking will be accommodated within the existing parking lot. Approximately 17 percent of the site is landscaping. Therefore, the subject site is adequate in size and shape to accommodate the revised floor plan.

*d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The change in floor plan is expected to create a minor increase in vehicular traffic and have little impact to North Palm Canyon Drive and other adjacent roadways such that further improvements are necessitated. Existing adjacent streets will adequately serve the secondary retail.

*e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

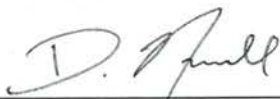
Conditions of Approval are proposed in the attached "Exhibit A" to ensure that the use operates in a manner which protects the public health, safety and general welfare. These conditions include compliance with the City's noise ordinance, limitations on operating hours and other necessary requirements.

CONCLUSION:

The revision and minor addition to the existing gasoline service station is consistent with the land use policies of the General Plan and Zoning Code. Staff is able to recommend findings necessary for approval of the proposed use. On that basis, staff recommends approval of the proposal.

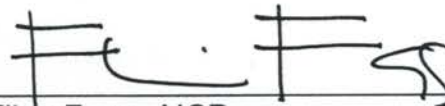
ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be categorically exempt from further environmental review pursuant to Section 15301(e) (Existing Facilities).



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David A. Newell  
Associate Planner



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Flinn Fagg, AICP  
Director of Planning Services

**2E. MICHAEL FRICK FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 497-SQUARE FOOT DETACHED CASITA WITHOUT KITCHEN FACILITIES FOR THE PROPERTY LOCATED AT 2141 EAST CALLE LILETA, ZONE R-1-C (CASE NO. 5.1364 CUP). (DN)**

Associate Planner Newell presented the proposed project to construct a detached casita as outlined in the staff report.

Commissioner Weremiuk asked for clarification on the effective date of the new ordinance.

Chair Hudson opened the public hearing:

STAN POLLAKUSKY, project designer, explained that the casita that will be used for the homeowner guests and does not believe the noise concern is valid.

There being no further speakers the public hearing was closed.

**ACTION:** Approve, subject to conditions, as amended:

1. Add language to conform to the new Ordinance relating to the rental of Accessory Second Dwelling Units for periods of less than 30 days.

**Motion:** Commissioner Weremiuk, seconded by Commissioner Middleton and unanimously carried on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice Chair Klatchko, Chair Hudson

**2F. GERGIS YOUSEF FOR A CONDITIONAL USE PERMIT TO EXPAND THE EXISTING RETAIL SPACE FOR AN EXISTING GAS STATION LOCATED AT 2796 NORTH PALM CANYON DRIVE, ZONE C-1 (CASE 5.0712 CUP). (DN)**

Associate Planner Newell presented the proposed request to expand the retail space for the existing gas station.

The Commission questioned and/or commented on the following issues:

- Significant architecture;
- Review by the Historic Site Preservation Board and Architectural Advisory Committee;
- Enhancement of landscape plan;
- Deteriorating asphalt.

Chair Hudson opened the public hearing:

GERGIS YOUSEF, applicant, explained that no changes would be made to the building or canopy; the only change is to enclose the garage.

STAN POLLAKUSKY, project designer, does not understand why it must go for further review with when no significant changes are being made.

There being no further speakers the public hearing was closed.

Chair Hudson said he is familiar with this building and feels this is a very important building. He spoke in favor of review by the Historic Site Preservation Board.

Commissioner Roberts appreciates the applicant's willingness to improve the building and preserve the character.

Commissioner Middleton thinks it is appropriate for the Historic Site Preservation Board to review this project. This will be beneficial to the preservation of this building and will be a more economically viable building.

**ACTION:** Return to the Historic Site Preservation Board to provide comments on the proposed addition and materials and;

1. The applicant to consider providing a landscape (removal of turf) and asphalt plan.

**Motion:** Commissioner Weremiuk, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

**AYES:** Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko, Chair Hudson



**PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS.**

The Commission commented and/or asked for clarification on the following:

Update on the recent water subcommittee meeting;

1. PDD small lot subcommittee status update;
2. Status report of approved projects;
3. Downtown project status update.



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## **Side addition to the Shell Station at 2796 N Palm Canyon Drive**

The 6' x 26' addition to the left side of the existing gas station structure will have a negligible impact on the overall look and power of the existing canopy. The existing front store area under the canopy was not a part of the original architect's design. Only the rear garage area is original. The front store was designed separately and later by another designer and has no "historical" significance. Therefore we are not changing the intent of the station's original architect.

The proposed addition will have the same height as the existing store and therefore will not touch the underside of the canopy. The same window pattern and metal panels will be duplicated at the front and side of this new corner addition. The red, yellow, and white color scheme will also be duplicated.

The overall change in look will hardly be noticed since the store front is only 6 feet wider, 65 feet of canopy extends out in front of the store, and 9 feet of canopy still extends out over the side.

Any dissenting members of the planning commission need to go out to the site and mentally visualize a 6 foot widening of the store as viewed from the roadway of Palm Canyon. They will immediately recognize that this small addition will have no impact on the canopy or the overall look of the building. The canopy is just too massive! This is not a decision that can be made solely by looking at a paper drawing. Please do a site visit.

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PROPERTY  
EMERGENCY  
CALL 911

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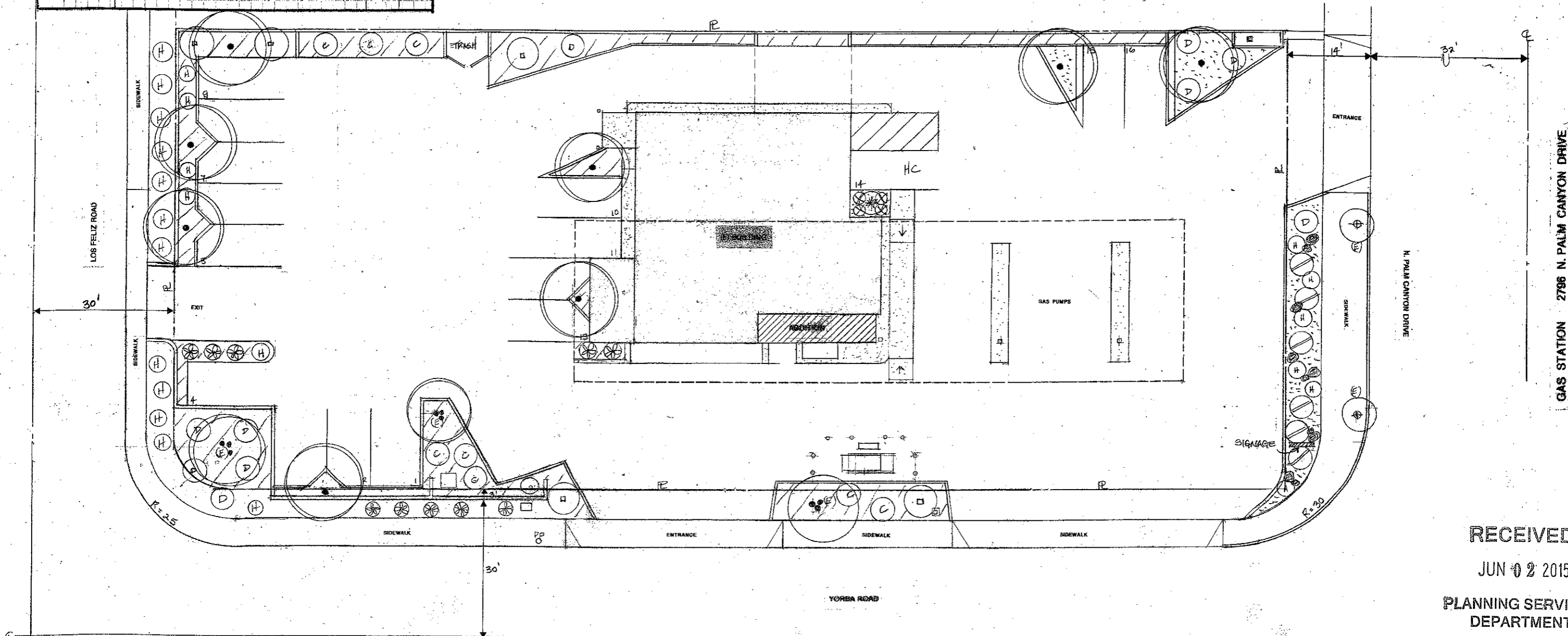
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PLANTING LEGEND			
SYMBOL	NAME	SIZE	QTY
⊙	EXIST'G OLIVES		3
⊙	EXIST'G PALMS		2
⊙	CERATIUM 'DESERT MUSEUM' - Pale Verde	15gall.	8
⊙	BEAUCAIRNEA recurvata - Ponytail Palm	15gall.	1
⊙	CAESALPINIA pulcherrima - Max Bird of Paradise	5gall.	5
⊙	CAESIA nemophila - Fern leafed Cassia (Senna)	5gall.	3
⊙	DASYLIRION wheeleri - Desert Spoon	5gall.	9
⊙	EUPHORBIA millii - Dwarf Crown of Thorns		4
⊙	EVOLVULUS nuttallianus - Blue Eyes		6
⊙	HEBESCAOE parvifolia - Red Yucca		11
⊙	MOE arizonensis - AOE		5
⊙	RED GRANITE BOLLERS		
⊙	3/8" MOSAIC SAND GRANUL		
⊙	3/8" GREY GRANUL		

**PROPOSED LANDSCAPE PLAN**

2796 N. PALM CANYON DR.      SCALE 1" = 10'



GAS STATION 2796 N. PALM CANYON DRIVE

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MAY 2, 2015

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CITY OF PALM SPRINGS  
JAMES THOMPSON  
CITY CLERK  
2015 MAY 14 AM 10:37

MR. JAMES THOMPSON, CITY CLERK  
2200 E. TANQUITZ  
PALM SPRINGS, CA 92262

RE: MEETING MAY 13, 2015 FOR GERGIS YOUSEF TO PROVIDE ADDED SPACE  
(FOR RETAIL ) AT 2796 NORTH PALM CANYON DRIVE ZONED C-1

I AM COMPLETELY AGAINST THE ADDED FT FOR RETAIL AT THIS LOCATION  
FOR THE FOLLOWING REASONS.

- (1) BUSINESS WAS SO BAD FOR PARTY STORES/LIQUOR/ IN THIS WEST  
END OF PALM SPRINGS THAT LARRY'S STORE ACROSS THE STREET  
WAS CLOSED DOWN AND OUT OF BUSINESS FOR THE LAST TWO YEARS
- (2) LARRY'S JUST OPENED UP AND STARTED BACK JUST A FEW MONTHS BACK  
AND IS TRYING TO GET A FOOT HOLD
- (3) ANOTHER SIMILAR STORE AT THE LOCATION ACROSS THE STREET FROM  
LARRY'S WOULD ONLY PUT A FINANCIAL BURDEN ON BOTH STORE'S  
AND I AM SURE WE WOULD NOT WANT TO SEE BOTH STORES GO OUT OF BUSINESS.
- (4) SO I AM AGAINST THE LOCATION AT 2796 NORTH PALM CANYON DRIVE  
FOR ANYTYPE OF RETAIL EXPANSION.
- (5) YOU SHOULD LEAVE ALL AS IS AND NOT GRANT THE EXPANSION.

IF ANY QUESTIONS FEEL FREE TO CALL 734-673-7780

I WAS A RENTER IN VILLA #1 FOR 9 YEARS AND A OWNER FOR THE LAST  
16 YEARS.

SINCERELY YOURS

  
GERALD E. SIEPIERSKI  
2860 N. LOS FELICES--114  
PALM SPRINGS CA. 92262

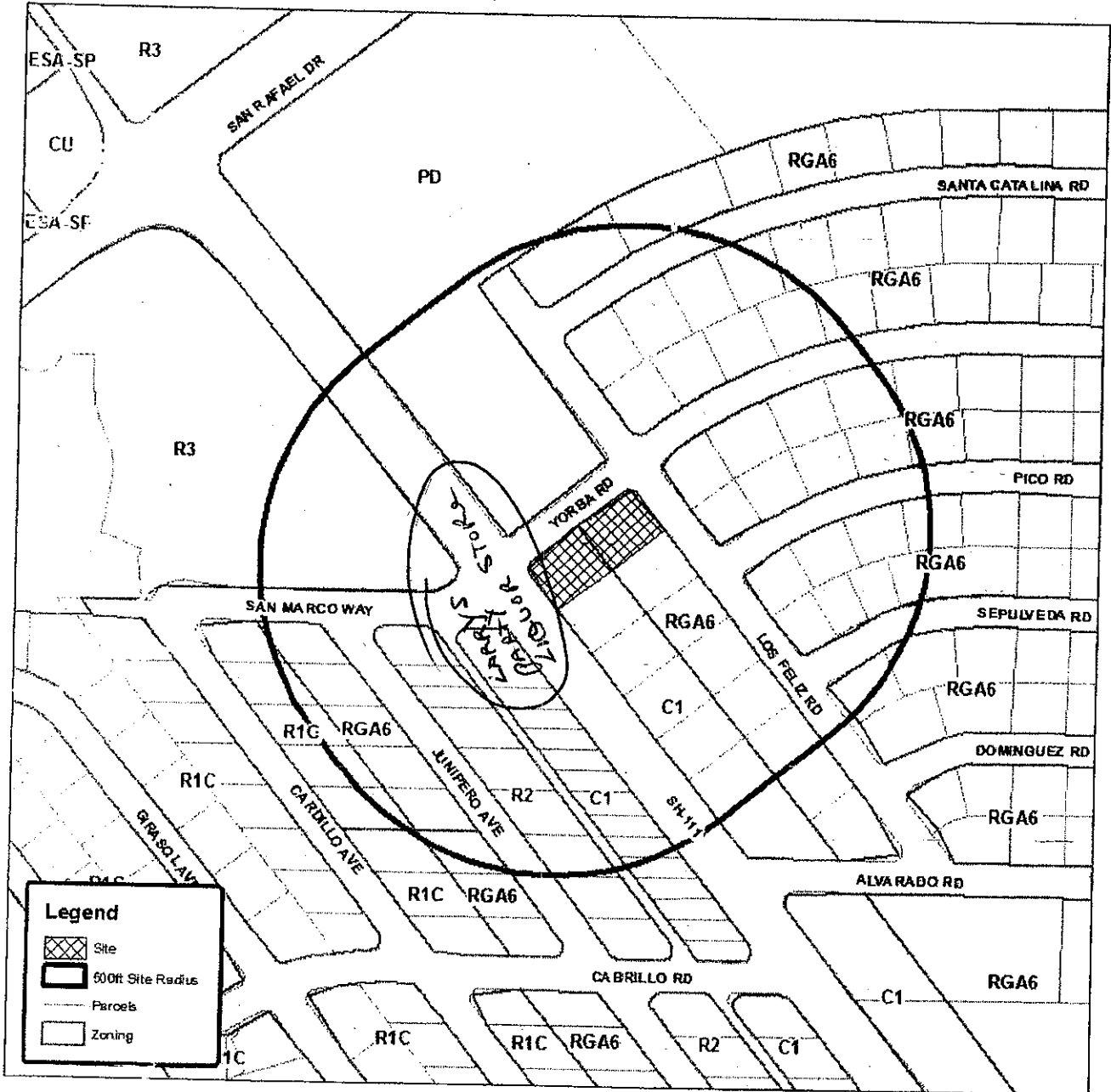
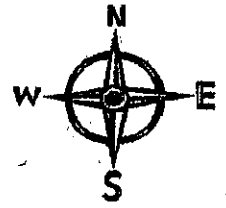
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# Department of Planning Services Vicinity Map



**Legend**

- Site
- 500ft Site Radius
- Parcels
- Zoning

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