

REPORT TO THE PLANNING COMMISSION



DATE: September 11, 2018

TITLE: Conditional Use Permit No. 06-18; an application to relocate a physical therapy business to 13313 Palm Drive, and within the General Commercial (C-G) land-use district (APN 641-214-022). Applicant: Elijah Bishop and Robert Harper.

Prepared by: Patricia Meza, Planning Technician

Reviewed by: Scott Taschner, Senior City Planner

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) A recommendation from staff to 1) Certify a CEQA Exemption pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act, and 2) to approve Conditional Use Permit No. 06-18, an application to relocate a physical therapy and wellness clinic to 13313 Palm Drive, subject to the findings contained herein and the attached conditions of approval. (APN 641-214-022).

EXECUTIVE SUMMARY

On July 26, 2018, the applicant, Elijah Bishop, on behalf of Elite Physical Therapy & Wellness Inc., submitted a Conditional Use Permit application to relocate their existing satellite clinic located at 12561 Palm Drive to 13313 Palm Drive, which is located on the west side of Palm Drive north of Ironwood Drive. The clinic will operate with two (2) employees and will be open Monday thru Friday from 7:30 A.M to 4:30 P.M. The business will provide various services including muscle stretching, myofascial massage, traction and distraction of joints and surrounding tissues.

Site Conditions

The project site contains an existing multi-tenant commercial building with a mix of commercial uses (including the Rancho Grande Carneceria) and with the associated site improvements, and parking. The Elite Physical Therapy & Wellness, Inc will occupy only a small portion (approximately 1200 sq. ft.) of the overall building (approximately 30,000 sq. ft.).



Surrounding Land Uses

The property is within the General Commercial (C-G) land-use district and within a mixed-use commercial development/strip mall. Some of the uses immediately surrounding the tenant space are a small grocery store, a chinses take-out restaurant, a retail store (cricket wireless),

Little Caesar's Pizza, etc. The residential uses to the west are buffered by an alleyway in the back of the property. The properties to the north, and east are all zoned for commercial uses and there is a small hotel on the south side of the site.

Below is a table of the surrounding land-use designations and surrounding land uses:

<u>Direction</u>	<u>Jurisdiction</u>	<u>Zoning & General Plan Designations</u>	<u>Current Land Use</u>
North	City	C-G (Commercial)	Residential
West	City	R-H (Residential)	Commercial
South	City	C-G (Commercial)	Hotel
East	City	C-G (Commercial)	Commercial

CUP ANALYSIS

Section 17.12.01 & .020 of the Desert Hot Springs Zoning Code (hereafter referred to as the DHSZC) , the General Commercial (C-G) land-use district allows for medical services, clinics and labs with discretionary approval of a Conditional Use Permit. The applicant is currently requesting a Conditional Use Permit to relocate their existing satellite physical therapy clinic to the new proposed site located on 13313 Palm Dr for the purpose of providing manual techniques, therapeutic exercise, muscle stretching, myofascial massage, traction and distraction of joints and surrounding tissues.

Zoning and General Plan Consistency

The project proposes to establish a medical service in accordance with Sections 17.12.020 of the DHSMC, which allows this use with approval of a CUP. The proposed tenant improvement does not proposed any exterior modifications and/or expansion of the existing structure and the proposed uses are consistent with the goals & policies of the City's General Plan.

Circulation and Parking

The project is not proposing an expansion of the existing shopping center, they are only proposing to add a physical therapy clinic. The project site has an existing parking lot for the various establishments within the shopping center. The physical therapy clinic will occupy a tenant space of approximately 1,200 square feet and will only require one additional parking space than if it were considered a retail establishment. The existing parking lot should accommodate the needs of the shopping center. Ingress and egress to the project site is accessed from three driveways on the west side of Palm Drive, in addition to an ally way on the west side of the parcel.

Lighting

The existing lighting around the parking lot and the perimeter of the building adequately illuminates all exterior doors, signs, walkways, entrances, as well as the parking area. The lighting is consistent with the development standards of the DHSZC and is orientated facing downwards and shielded within the property to contain illumination within the project site.

Hours of Operation

The facility proposes to operate from 7:00 AM to 4:30 PM Monday thru Friday.

Employment

The Elite Physical Therapy & Wellness, Inc. will employ two (2) employees.

AGENCY & PUBLIC REVIEW

Public Agency Review

The proposed project was routed to all relevant public agencies and departments for review.

Public Hearing Notice

The project was noticed to neighboring owners within a 300-foot radius of the project site (on August 29, 2018) and was advertised in the Desert Star on Friday, August 31, 2018 per state noticing requirements. No public comments have been received as of this writing on Thursday, September 6, 2018.

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. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act.

FISCAL IMPACT

The project has paid all fees for review of the CUP and will be required to pay fees associated with any interior modifications to the building. They will also be required to pay fees for business licensing and/or any future, proposed signage.

REQUIRED FINDINGS

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 the request. Staff has developed recommendations for each finding, as follows:

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

The application is for an Conditional Use Permit to allow for physical therapy which is identified in Section 17.12.020 of the City of Desert Hot Springs Zoning Ordinance, subject to approval of a Conditional Use Permit. The project is proposed to be compliant with applicable provisions of the Zoning Ordinance. Conditions of Approval have been prepared and are recommended to assure the proposed use will comply with applicable Zoning Ordinance provisions. Staff recommends this finding

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 physical therapy clinic will allow for manual techniques, therapeutic exercise, muscle stretching, myofascial massage, traction and distraction of joints and surrounding tissues. The project site currently has an approved Conditional Use Permit. The proposed use 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 developed as a commercial site with an existing commercial building, parking, and other features and amenities appropriate to the zone. The proposed medical services are physically suitable for the General Commercial zoned parcel on which it is proposed. The site is physically organized to provide adequate parking, loading and pedestrian circulation for the proposed use with the recommended Conditions of Approval. Consequently, the site is physically suitable for the type and intensity of the proposed facilities. Staff recommends this finding.

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

The proposed medical services is conditionally allowed use within the Commercial General zoning designation, the existing land uses within the subject property are commercial in nature, with a variety of restaurants and retail uses. The applicant is proposing to relocate their existing location. The proposed relocation of the satellite clinic does not appear to be outside the range of activities typical for a commercial site and appears compatible with surrounding 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 west (residential uses) are commercial uses and commercially zoned land uses. Lands to the east, south and north are developed and zoned for commercial uses. Lands to the west are zoned for high density residential but are developed with single family residential uses, with no direct access to the project site. The site is a self-contained development with all vehicle circulation needs accommodated on-site. Any signage will comply with the Desert Hot Springs Zoning Code. All activities will be contained within the proposed building and the operation will appear as a commercial general use consistent with the intent of the zone. Staff recommends this finding.

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

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

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

The subject site is already developed with vehicular and pedestrian access, both from public rights-of-way as well as within and throughout the site. The site has on-site parking spaces to meet the parking demands of the shopping centers retail uses, in addition to sidewalks, and other provisions. The proposed medical services will not create any additional demand for access than will be provided by the associated parking and drive aisle, subject to the recommended Conditions of Approval. Staff recommends this finding.

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

Desirable neighborhood characteristics include long-range views from existing properties and business of surrounding mountains, and the future development of businesses and surrounding area. The proposed physical service clinic project site is already developed, so there would be no adverse effect on desirable neighborhood. Staff recommends this finding.

9. *That the proposed use is necessary and essential to the community.*

The proposed use can be considered necessary and essential to the community to the extent that it is supported by general/convenience customers that cause it to succeed as a small medical service. The existing building is currently occupied by a variety of commercial uses (e.g. restaurants, retail, etc.). Further, the proposed use must also operate under City regulations and Conditions of Approval so that only the necessary and essential elements of the business – as determined by the City – are expressed over the life of the business. Staff recommends this finding.

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

Staff has identified the following General Plan goals and policies applicable to the application and provides responses to each.

Administration

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

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

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

The proposed project will be located on a developed property within a developed commercial area located within the General Commercial zone. All public improvements are in place.

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

The project was noticed to neighboring owners within 300 feet of the project (on August 29, 2018), and in the Desert Star Weekly on August 31, 2018, per state noticing requirements. No comments have been received at the time of this writing on September 6, 2018 and the Planning Commission will open the public hearing and take public comments and/or testimony on the dais and prior to any action.

Community Design

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

The proposed uses will be within the an existing multi-tenant shopping center with existing associated building/site improvements, including lighting and internal tenant improvements. These improvements will adhere to applicable development standards and guidelines. The existing buildings exterior and onsite improvements are designed with materials, colors, and other design elements that are compatible with the City's desert setting and surrounding commercial development.

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

The site is currently developed with an existing commercial building that conforms to existing buildings in the vicinity. All onsite improvements currently exist on the Project site.

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

All exterior signs shall be subject to approval under the Desert Hot Springs Zoning Code. The city sign regulations do not permit signs to exceed the height of building eave lines which will result in no impacts on scenic viewsheds. Signage will be reviewed under a separate permit.

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

All exterior lighting shall comply with Section 17.40.170 (Outdoor Lighting) to assure that only the minimum level of lighting necessary to provide the needed security and safety is installed. Existing exterior lighting is downward shielded to protect the night skies, no new lighting is proposed. Therefore, the proposed meat/grocery store establishment is taking reasonable steps to preserve the night skies.

Economic Development:

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

The proposed physical therapy and wellness clinic will help strengthen the existing shopping center and City by providing opportunities for new employment and by providing medical services within the City.

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

The proposed facility already provides the community with a larger base and diversity of uses available in the city which in turn creates a broader economic base for the City.

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

The application for a Conditional Use Permit is required by the Desert Hot Springs Zoning Code to assure compatibility with surrounding land uses and to develop project-specific conditions to assure successful operation in concert with the City's development goals. The application was received on July 26, 2018 and has been processed expeditiously.

Fire and Police Protection

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

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

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

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

Policy 2

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

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

Staff recommends this finding.

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

The proposed addition of a physical therapy clinic will not have any significant harmful effects on environmental quality and natural resources. The project site is already developed and currently zoned for commercial uses which include clinics, with approval of a Conditional Use Permit. No significant adverse or harmful effects on the environment or on any natural resources are anticipated. Staff recommends this finding

- 12. 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.

- 13. 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.

RECOMMENDATION

A recommendation from staff to 1) Certify a CEQA Exemption pursuant to Section No. 15301, Class No. 1 (Existing Facilities), of the California Environmental Quality Act, and 2) to approve Conditional Use Permit No. 06-18, an application to relocate a physical therapy and wellness clinic to 13313 Palm Drive, subject to the findings contained herein and the attached conditions of approval. (APN 641-214-022)

EXHIBITS

- No. 1 – Conditions of Approval
- No. 2 – Existing Floor Plan
- No. 3 – Proposed Floor Plan

