

REPORT TO THE PLANNING COMMISSION



DATE: September 10, 2019

TITLE: Conditional Use Permit No. 04-19 to establish a medical clinic on 14080 Palm Drive within the Commercial Neighborhood (C-N) zone. Applicant: Angelica Rodriguez.

Prepared by: Patricia M. Villagomez, Planning Technician

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 Planning Commission approve Conditional Use Permit No. 04-19 subject to the Conditions of Approval and based on the findings stipulated.

EXECUTIVE SUMMARY

On July 10, 2019, Angelica Rodriguez (the applicant) submitted a Conditional Use Permit (CUP) application to establish a walk-in medical clinic to serve children and adults with primary medical care. The clinic will have between eight (8) and ten (10) employees and will be open Monday through Sunday from 8:00am to 8:00pm. The proposed medical clinic will have four (4) exam rooms, an emergency room, a laboratory facility, and a pharmacy. The pharmacy will not be open to the public. All medications will be pre-packaged and will be locked in a room with employee access only. The Pharmacy will not dispense any narcotics and will have minimal quantities to serve their patients. An alarm and camera system will be installed for added security.

SETTING

The tenant space they are looking to occupy is within the Vons Shopping Center located at the southeast corner of Two Bunch Palms Trail and Palm Drive. No exterior improvements to the tenant space area are proposed, nor will any be required by the City. All improvements will be interior to the building. The Medical Clinic will occupy a portion of the building. Below is a summary of the project site:



Existing Zoning/General Plan Land Use:	Commercial Neighborhood (C-N)
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Existing Use:	Commercial Uses
Total Existing Lot Area:	1.61 Acres
Assessor's Parcel Number:	656-040-029

The property is within the Commercial Neighborhood (C-N) 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	C-N (Commercial)	Parking lot, more Commercial
West	City	C-N (Commercial)	Commercial
South	City	C-N (Commercial)	Commercial - Vacant
East	City	P-S (Public School)	Palm Springs Unified

CUP ANALYSIS

Pursuant to Section 17.12.02 of the Desert Hot Springs Zoning Code (DHSZC) medical services and clinics are allowed as a conditionally permitted use in the Commercial Neighborhood (C-N) zoning districts. The applicant is currently requesting that the Planning Commission grant a Conditional Use Permit to establish a medical clinic for primary care services for children and adults within the proposed tenant space located at 14080 Palm Drive.

General Plan Consistency

The proposed project is located within the C-N (Commercial Neighborhood) General Plan land use district, the intent of which, is *"to provide for neighborhood scale shopping centers conveniently located near residential areas. These developments are typically anchored by supermarkets and super drugstores. A wide range of other uses, including banking, barbers/beauty salons, dry cleaners, restaurants, service businesses, offices and other related activities are typically found in these planned centers. Typical sizes are 8 to 10 acres providing approximately 80,000 to 100,000 square feet of gross leasable floor area"*.

The proposed business is located within one of these larger shopping centers and would provide a convenience to the residents in the community by providing services which are scarce within the City of Desert Hot Springs. Currently there are few resources for medical care to serve the City's population of approximately 29,000 residents. Many residents have to drive 10-20 miles down-valley for their medical care. This business would serve to alleviate some of the need to drive to other cities. Staff believe this project would help to provide a balanced mix of services and commercial uses within the Vons Shopping Center and has determined that the proposed medical clinic is consistent with the intent of the Commercial Neighborhood land use designation.

Zoning Consistency

The project proposes to establish a walk-in medical clinic in accordance with Sections 17.12.020 of the DHSMC, which allows this use with approval of a CUP. The proposed business is not planning to make any exterior changes to the building, with the exception of business signage, which will be submitted under a separate administrative permit, and at a later date. Staff finds that the proposed medical clinic is consistent with the permitted uses and development standards of the City's Zoning Code.

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

Circulation and Parking

The project is not proposing an expansion or change of use. The project site has an existing parking lot for the various commercial tenants within the shopping center. Ingress and egress to the project site is accessed from two driveways on the west side of Palm Drive and two driveways on the north side of Two Bunch Palms Trail, in addition to an alley on the south and east sides of the property behind the existing grocery store.

Lighting

Exterior lighting currently illuminates all exterior doors, signs, walkways, entrances, and parking area. Lighting is orientated downwards and shielded within the property to contain illumination within the project boundary.

Hours of Operation

The facility proposes to operate from Monday through Sunday from 8:00am to 8:00pm.

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 28, 2019 and was advertised in the Desert Star Weekly on Friday, August 30, 2019 per state noticing requirements. No public comments have been received as of the posting of this staff report (September 5, 2019).

ENVIRONMENTAL ANALYSIS

The applicant proposes to occupy a tenant space within an existing building. With the exception of future business tenant signage, no exterior modifications or alterations are proposed to the building. Therefore, staff has determined that 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.

CURRENT EMPLOYMENT

The DHS Medical Clinic, when in operation will employ eight to ten employees including a receptionist, medical assistants, medical doctors, and an office manager.

FISCAL IMPACT

The applicant has paid all fees associated with the CUP submittal, notification and advertising, and staff time for preparation of the project to the Planning Commission. They will also be required to pay all building department application fees and any associated impact fees and ongoing business taxes.

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 project proposes to establish a walk-in medical clinic in accordance with Sections 17.12.020 of the DHSMC, which allows this use with approval of a CUP. The proposed business

is not planning to make any exterior changes to the building, with the exception of business signage, which will be submitted under a separate administrative permit, and at a later date. Staff finds that the proposed medical clinic is consistent with the permitted uses and development standards of the City's Zoning Code. 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 project is located within the C-N (Commercial Neighborhood) General Plan land use district, the intent of which, is to provide for neighborhood scale shopping centers conveniently located near residential areas. These developments are typically anchored by supermarkets and super drugstores. A wide range of other uses, including banking, barbers/beauty salons, dry cleaners, restaurants, service businesses, offices and other related activities are typically found in these planned centers. Typical sizes are 8 to 10 acres providing approximately 80,000 to 100,000 square feet of gross leasable floor area.

The proposed business is located within one of these larger shopping centers and would provide a convenience to the residents in the community by providing services which are scarce within the City of Desert Hot Springs. Currently there are few resources for medical care to serve the City's population of approximately 29,000 residents. Many residents have to drive 10-20 miles down-valley to for their medical care. This business would serve to alleviate some of those needs which result in residents having to drive to other cities, even for basic care. Based on an evaluation of the surrounding businesses and the need for more services in the community, staff has determined that the proposed use would not impair the integrity and character of the C-N land use district. 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 shopping center with an existing anchor along with a bank, fast food drive-through restaurants, sit-down restaurants, retail commercial, service commercial tire shop, a gas station, and other commercial businesses. The property was developed with parking, landscaping lighting and other site improvements with these uses in mind. The proposed medical clinic is located in a commercial center that will provide sufficient parking and will provide a convenience to nearby shoppers and to the community. Based on the analysis of the proposed business, the surrounding businesses and the location of the center along the main commercial street frontage (Palm Drive), staff has determined that the project site is physically suitable for the type and intensity of land use being proposed. Staff recommends this finding.

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

The proposed medical services clinic is conditionally allowed uses within the Commercial Neighborhood zoning designation, the existing land uses within the subject property are commercial in nature, with a variety of restaurants and retail uses. The proposed medical 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 are commercial uses and commercially zoned land uses. Surrounding areas are developed and zoned for commercial uses. 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 center's retail uses, in addition to sidewalks and other provisions. The proposed medical clinic 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 businesses of surrounding mountains, and the future development of businesses and surrounding area. The project site is already developed and occupied with a variety of commercial uses. In analysis of the proposed project staff has determined that granting of the CUP will result in no adverse effects on desirable neighborhood characteristics. 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.). In addition, the proposed medical clinic will provide a convenience to the residents in the community by providing services which are scarce within the City of Desert Hot Springs. Currently there are few resources for medical care to serve the City's population of approximately 29,000 residents. Many residents have to go to 10-20 miles down-valley to gain access to medical care. This business would serve to alleviate some of the need to go to other cities, at least for basic medical services. Staff recommends this finding.

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

Staff has provided an outline of the applicable goals, policies and programs from the City's General Plan in reference to the proposed medical clinic, and has provided a response to each in the following section:

GOALS, POLICIES AND PROGRAMS OF THE CITY'S GENERAL PLAN

Staff has identified the following General Plan goals and policies applicable to the application for the proposed medical clinic and has provided responses to each.

Administrative Goals, Policies & Programs

Policy 5 - The City shall assure that properly filed development applications shall be processed in an expeditious and timely manner.

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 June 18, 2019 and deemed complete on July 23, 2019. The public hearing is scheduled for September 10, 2019. Staff believes that the application has been processed expeditiously.

Policy 6 - All land use development proposals shall be consistent with all applicable land use policies and standards contained in the General Plan.

The proposed project is located within the C-N (Commercial Neighborhood) General Plan land use district, the intent of which, is *"to provide for neighborhood scale shopping centers conveniently located near residential areas. These developments are typically anchored by supermarkets and super drugstores. A wide range of other uses, including banking, barbers/beauty salons, dry cleaners, restaurants, service businesses, offices and other related activities are typically found in these planned centers. Typical sizes are 8 to 10 acres providing approximately 80,000 to 100,000 square feet of gross leasable floor area"*.

The proposed business is located within one of these larger shopping centers and would provide a convenience to the residents in the community by providing services which are scarce within the City of Desert Hot Springs. Currently there are few resources for medical care to serve the City's population of approximately 29,000 residents. Many residents have to drive 10-20 miles down-valley to gain access to medical care. This business would serve to alleviate some of the need to go to other cities, at least for basic medical services. Staff believes this project is consistent with the intent of the General Plan designation.

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 28, 2019, and was advertised in the Desert Star Weekly on Friday, August 30, 2019, per state noticing requirements. No comments have been received at the time of posting of the agenda (on September 5, 2019) and the Planning Commission will open the public hearing and take public comments and/or testimony on the dais and prior to any action.

Commercial Land Use Goals, Policies and Programs

GOAL 1 - A responsive range of commercial land uses conveniently and appropriately distributed throughout the City, meeting the community's needs and taking full advantage of emerging development and economic opportunities.

The proposed medical clinic will be located in the Von's grocery market shopping center located at one of the major intersections in the City, namely Two Bunch Palms Trail and Palm Drive. The shopping center is located in the south end to the downtown area in close

proximity to residential uses. This clinic is located in an area that is under serviced with medical facilities and the business will provide a convenience to the residents on this side of town.

Community Design Goals, Policies and Programs

Policy 4 - Commercial development and mixed use projects shall consist of integrated designs that incorporate safe and convenient vehicular and pedestrian-oriented circulation, safe and convenient ingress and egress, shared parking, screened outdoor storage/loading and other noisy or unsightly areas, and protected outdoor seating areas, lighting, signage and the planting of mature landscaping to provide an immediate effect of permanency and quality.

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 center's retail uses, in addition to sidewalks, and other provisions. The proposed medical clinic 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.

Economic Development Goals, Policies and Programs

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

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

Policy 1 - Establish and maintain the City's role as an important commercial center serving the Desert Hot Springs area and the upper Coachella Valley.

The proposed medical clinic will help to provide the residents of Desert Hot Springs with additional options for medical services and reduce the need for the community to travel 10-20 miles across the valley to other medical facilities, at least for basic medical services.

Program 6 A - Encourage the maintenance and/or rehabilitation of older residential and commercial neighborhoods to enhance the quality of neighborhood character and the general quality of life and level of commercial service in the community.

The proposed medical clinic will take over a currently vacant tenant space enhancing the services provided in the shopping center and improving the quality of life for residents by adding additional access to medical care.

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 June 18, 2019 and deemed complete on July 23, 2019. The public

hearing is scheduled for September 10, 2019. Staff believes that the application has been processed expeditiously.

Fire and Police Protection Goals Policies and Programs

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 fire codes and regulations.

Policy 3 - Potentially hazardous material use and storage shall be regulated by the City and other appropriate agencies.

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

Health Services Goals, Policies and Programs

GOAL 1 - High quality health care facilities and services that are easily accessible to City residents and promote good health and well-being.

The proposed medical clinic will be located in the Von's grocery market shopping center located at one of the major intersections in the City, namely Two Bunch Palms Trail and Palm Drive. The shopping center is located in the south end to the downtown area in close proximity to residential uses. This clinic is located in an area that is under serviced with medical facilities and the business will provide a convenience to the residents on this side of town.

Policy 2 - Cooperate in the continued development of medical and health care facilities in accordance with the changing demographics of the community.

The proposed medical clinic will be located in the Von's grocery market shopping center located at one of the major intersections in the City, namely Two Bunch Palms Trail and Palm Drive. The shopping center is located in the south end to the downtown area in close proximity to residential uses. This clinic is located in an area that is under serviced with medical facilities and the business will provide a convenience to the residents on this side of town.

EXHIBITS

No. 1 – Draft Conditions of Approval

No. 2 – Existing Floor Plan

No. 3 – Proposed Floor Plan