

**CITY OF PALM DESERT
PLANNING COMMISSION
STAFF REPORT**

MEETING DATE: February 20, 2024

PREPARED BY: Nick Melloni, AICP Principal Planner

REQUEST: 03 Planning Commission Staff Report.docx

RECOMMENDATION:

1. Conduct a public hearing and receive public testimony.
2. Adopt Planning Commission Resolution No. 2855 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A NOTICE OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVE A CHANGE OF ZONE FROM DE-O TO DE FOR THE PROPERTIES LOCATED AT 73600 ALESSANDRO DRIVE (ASSESSOR'S PARCEL NUMBERS 627-153-018, AND 627-153-019) CASE NO. CZ24-0001".

EXECUTIVE SUMMARY

The project is a request by Linda C. Biggi (Applicant) to change the zoning designation of a property located at 73600 Alessandro Drive (Assessor's Parcel Number 627-153-018, and 627-153-019) from Downtown Edge Transition Overlay (DE-O) to Downtown Edge (DE). The two parcels total 1.46 acres and are developed with an existing 24,566.7-square-foot commercial building and associated parking lot. The general intent of the zoning change is to enable the property owner to lease the building to additional land uses which are not currently allowed by the DE-O designation.

City Staff has reviewed the request and concludes that the proposed change of zone is consistent with the General Plan and will not result in non-conformities for the existing land uses within the center or development standards for the parcel.

This is a legislative action and Planning Commission is the recommending body to the City Council. Adopting the staff recommendation will result in a recommendation that the City Council adopt a notice of exemption pursuant to CEQA under the General Rule exemption and approve Case No. CZ24-0001

BACKGROUND/ANALYSIS:

A. Property Description:

The project site is a 1.46-acre property located at 73600 Alessandro Drive at the northeast corner of Alessandro Drive and San Carlos Avenue. The property is comprised of two separate assessor's parcel numbers (APNs) with a 24,566-square-foot building. The building was previously occupied by Venus de Fido, a spa for pets and their owners. providing services including spa, esthetician, massage, gym, retail, and café uses, which as approved by Planning Commission Resolution No 2619 for Conditional Use Permit (CUP) 13-358. At the time of approval of CUP 13-358 in March 2014, the zoning of the site was Residential Multifamily (R-3).

On November 10, 2016, the Palm Desert City Council adopted Ordinance 1313, which adopted the Highway 111 Development Code, and applied the Downtown Edge Transition

Overlay (DE-O) to the site. This zoning resulted in land use restrictions which prohibited certain uses such as personal services, massage, gym, retail and restaurant uses. The uses within the building could continue operating provided the CUP remain in continuous use. In 2020, the existing Venus de Fido use ceased operating, and the CUP is no longer in continuous use.

The building is currently occupied by independent tenants and businesses including estheticians, massage technicians, and personal services.

B. Current Zoning & General Plan Land Use Designation:

Table 1 – Adjacent Land Use and Designations

	Existing Uses	General Plan	Zoning
Project Site	Commercial	City Center / Downtown District	Downtown Edge Transition Overlay (DE-O)
North	Coachella Valley Water District Well Site	City Center / Downtown District	DE-O
South	Commercial	City Center / Downtown District	Downtown Edge (DE)
East	Single-family residential	Small Town Neighborhood	Regional Commercial Center (PC-3)
West	Commercial	City Center / Downtown District	District Commercial Center (PC-2)

Project Description/Analysis:

The project is a request to change the zoning designation of the project site by removing the Downtown Edge Transition Overlay and reverting to the Downtown Edge zoning designation. If approved, the change will require the zoning map be altered to reflect the parcel specific change. The applicant has requested the change to enable additional land uses to open within the existing commercial building.

Requests to amend the zoning designation of the parcel require approval by the City Council pursuant to PDMC 25.78.040 upon a recommendation of the Planning Commission. These procedures are consistent with the requirements of Government Code Sections 65853-65857. The PDMC does not establish specific findings for the approval of a change of zone. Staff has analyzed the proposed change based on the following criteria:

1. General Plan Land Use Consistency
2. Conformance of existing site conditions with Zoning Requirements
3. Conformance with SB 330 with regard to downzoning for housing

General Plan Land Use Consistency

The General Plan Land Use Designation for the site is City Center/Downtown District. This designation was adopted for the site in conjunction with the comprehensive 2035 General Plan Update adopted by the Palm Desert City Council in November 2016 under Resolution No. 2016-87. This land use designation is intended to provide a high intensity mixed-use development anchored by civic, cultural, entertainment, retail and dining activity that features a variety of building sizes and housing choices. Allowable uses include multi-family, small-scale retail, and large-scale retail, service and hospitality use.

Under State Law, more specifically Government Code Section 65860, zoning must be consistent with the General Plan for general law cities, and charter cities with a population greater than two million persons. Palm Desert is incorporated as a charter city, and the state requirement for zoning consistency to the general plan (also known as vertical consistency) does not apply (GC 65803). PDMC Section 25.04.020 – Zoning Districts establishes how each general plan land use designation is implemented through zoning and establishes the consistency requirement by local ordinance. Table 25.04-1: Zoning Districts establishes that the Downtown Edge zoning district is consistent with the Downtown (City Center/Downtown District general plan land use designation. Based on the preceding, the proposed zoning designation is consistent with the general plan.

Zoning Consistency

The project site is developed with an existing commercial building, which contains existing tenants. The proposed change of zone must be evaluated to ensure that the new zone will not result in nonconforming land uses or inconsistent development standards. To evaluate this, staff reviewed the existing approved land uses on the parcel for consistency with the allowed land uses established by Table 25.16-1 Use Matrix for Commercial and Industrial Districts. The table below summarizes the land use conformity based on the current and proposed zoning designation:

Table 2 – Land Use Classification Conformance Determination

Existing or Proposed Land Use Classification	Land Use Classification	Regulation under DE-O	Regulation under DE	Conformance (Allowed by Zone)
Massage	Accessory Massage	Not Permitted	Permitted by-right	Yes
Retail	Retail	Not Permitted	Permitted by-right	Yes
Esthetician	Personal Services	Not Permitted	Permitted by-right	Yes
Cosmetologist	Personal Service	Not Permitted	Permitted by-right	Yes
Café	Restaurant	Not Permitted	Permitted by Administrative Use Permit	Yes

Due to the existing improvements on the site, the request must also be evaluated determine that the change will not result in nonconformities with the development standards due to the change. The table below summarizes and evaluates the conformance of the existing site with the current and

proposed zoning designation established by Table 25.18-2 for Downtown District Development Standards:

Table 3 – General Development Standard Conformance Determination

Development Standard	Existing Site Condition	DE-O Requirement	DE Requirement	Conformance under DE
Floor Area Ratio	0.39	2.0	2.0	Yes
Primary Street Setback				Yes
Ground Floor Residential	N/A	10'	10'	
Ground Floor Commercial	5'+	10'	0'	
Street Side Yard Setback				Yes
Residential	N/A	10'	10'	
Non-Residential	10'+	10'	0'	
Side Yard Setback				Yes
Residential	N/A	5'	0'	
Non-Residential	40'+	5'	0'	
Rear Setback				Yes
With alley	N/A	25'	5'	
Without alley	55'+	5'	5'	
Maximum building height	33'-5" (tower)	40'	40'	Yes

As indicated above, the existing project would comply with applicable general development standards under the DE zoning designation.

The parcel is contiguous with other properties within the DE zoning district, located to the southeast of the site along Alessandro Avenue. At the time of application, the existing development is adequately served by existing utilities with adequate sewer, and water lines. No new alterations to the site are proposed at this time in conjunction with the change of zone.

Senate Bill 330/ Housing Crisis Act

The Housing Crisis Act (HCA) otherwise known as SB 330/SB 8 broadly restricts the City from reducing the zoning of a property to a less intensive residential use. The DE-O and DE zone allow for residential land uses and therefore, the HCA is relevant to the project. The proposed change will not increase or decrease the total number of residential allowed on the site, which is permitted at 40 dwelling units per acre.

Public Input:

Public Notification

Public noticing was conducted for the February 20, 2024, Planning Commission meeting per the requirements of PDMC Section 25.60.060 and Government Code Sections 65090 to 65094. A public hearing notice was published a minimum of 10 days before the hearing date in *The Desert Sun* newspaper. Notices were mailed to all property owners within 300 feet of the project site. No comments have been received as of the date of this report.

Environmental Assessment/Environment Review:

Pursuant to CEQA and the State CEQA Guidelines, the project was found to be exempt from further environmental review per Section 15061(b)(3) (General Rule exemption). The project enacts the general plan in accordance with the zoning ordinance by changing the designation of the site to DE. The project site is an existing approved commercial building. No significant impacts on the environment are anticipated.

Findings of Approval:

Findings can be made in support of the project under the City's Municipal Code. Findings in support of this project are contained in Planning Commission Resolution No. 2855, attached to this staff report.

ATTACHMENTS:

1. Draft Resolution No. 2855
2. Public Hearing Notice
3. Reference Only – Site Plan
4. Notice of Exemption