



Planning Commission Staff Report

Date: April 27, 2011

Case No.: 5.1249 – PDD 358

Type: Planned Development District (PDD 358) (Conditional Use Permit)

Location: 430 South Cahuilla Road

APN: 513-212-002

Applicant: Michael T. Cartwright, Palm Springs Treatment Centers, LLC

General: Small Hotel (10 du/acre – 15 hotel rooms/acre)

Zone: R-3 (High Density Residential) Section 15/T4/R4 / Resort Combining Zone

From: Craig A. Ewing, AICP, Director of Planning Services

Planner: Ken Lyon, Associate Planner

PROJECT DESCRIPTION:

The project is a Planned Development District (PDD) application seeking approval of an assisted living facility use in an R-3 zone, and modification of the methodology for calculating density for an assisted living facility at this specific site and minor adjustment of other development standards. The applicant received a code violation notice requiring the filing of a Conditional Use Permit (CUP) for operation of an assisted living facility/substance abuse recovery center. The site is a 0.88 acre parcel at 430 Cahuilla Road. The PDD application serves as the mechanism for both the CUP application and the alternative density calculation request. The applicant is seeking both preliminary and final PDD approval at this hearing.

RECOMMENDATION:

That the Planning Commission approves Case 5.1249 – PDD 358 a preliminary and final Planned Development District / Conditional Use Permit to allow an assisted living facility/substance abuse recovery center use in an existing facility at 430 South Cahuilla

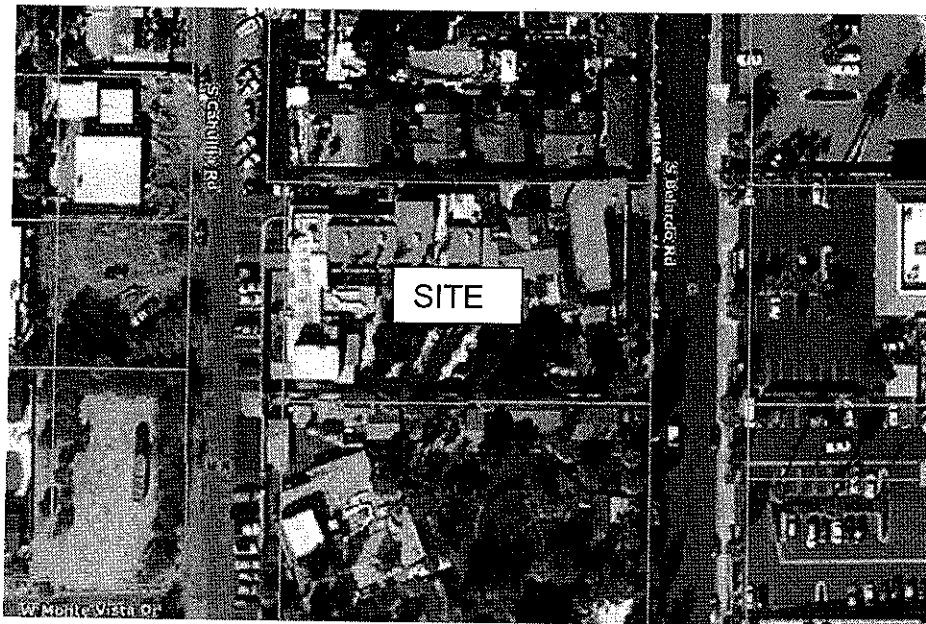
Road in accordance with a revised methodology for calculating density, subject to the attached Conditions of Approval, and recommends approval by the City Council.

PRIOR ACTIONS:

On July 20, 2010 the applicant received a Notice of Code Violation from the City in response to an application to revise their business license increasing the bed count from 24 to 30 beds for a substance abuse recovery treatment center at 430 Cahuilla Road.

BACKGROUND AND SETTING:

The facility at 430 South Cahuilla Road was constructed in 1946 and operated for many years as the Colony Apartments. The facility was designed by renowned architect E. Stewart Williams for internationally known illustrator Earl Somers Cordrey¹.



AERIAL PHOTO OF 430 SOUTH CAHUILLA ROAD

Michael's House, a substance abuse recovery center has operated a 24 bed recovery center at this location for over twenty years. The subject parcel is approximately 38,550 square feet (0.88 acres) in size. Its dimensions are roughly 150 feet x 257 feet and it

¹ Earl Somers Cordrey (1902 - 1977), designed the official seal for the City of Palm Springs. Cordrey's cover and story illustrations appeared in numerous magazines including Cosmopolitan, Redbook, The American Weekly, and Collier's in the 1930s and '40s. He also worked as an art director for Palm Springs Life magazine, designing that magazine's logo, numerous covers and other illustrations for that magazine.

has street frontages on both Cahuilla and Belardo Roads, however the property address is on Cahuilla. The site has bay parking on Cahuilla Road and two bay parking spaces on Belardo Road. Belardo is a collector street on the General Plan Circulation Map and Cahuilla is a local street. The complex is comprised of two structures: the 1946 building noted above on the west part of the lot and a single story building immediately adjacent on the east.

The facility is comprised of nine (9) dwelling units. The units are furnished to accommodate two to five patients per dwelling unit for a total of thirty (30) patients on site. There are also common lounges, eating areas, meeting rooms, and administrative offices. There are two portions of the main building that have a second floor. Two of the patient rooms are located in those second floor spaces and are accessed from separate exterior stairways. The buildings surround a common courtyard area with pool, volleyball court, landscape and other recreational amenities. There is a masonry wall at the perimeter of the complex.

The existing land use, Zone and General Plan land use designation of the surrounding properties are listed in Table 1 below.

TABLE 1: Surrounding General Plan, Zoning and Land Uses

	General Plan	Zone	Land Use
North	Small Hotel	R-3	Hotel/Restaurant (Viceroy)
South	Small Hotel	R-3	Restaurant (Melvyns)
East	CBD	CBD	Commercial/Financial Institution
West	Estate Residential	R-1-A	(Vacant) Residential

ANALYSIS:

General Plan:

The General Plan land use designation for this site is "Small Hotel" (15 hotel rooms per acre or 10 dwelling units per acre). The General Plan description of the Small Hotel Land Use designation states:

"This designation applies to areas with smaller-scale, boutique type hotels that are typically found in the Warm Sands and Tennis Club neighborhoods. It is intended that the tourist resort character of these neighborhoods be preserved; as a result, new residential uses or conversion of small hotels to residential uses are permitted as long as they comply with the conversion requirements outlined within the City's

Zoning Code². Stand-alone retail and commercial uses are not permitted in this land use designation³. Ancillary commercial uses such as a gift shop associated with a small hotel use are allowed.

Relative to the General Plan, the maximum allowable density is 10 du/ac x 0.88 acre = 9 dwelling units. The applicant has nine dwelling units and thus conforms to the General Plan.

The proposed use is in harmony with the General Plan as noted in the following goals and policies from the General Plan Housing Element:

Goal HS1: "Facilitate a broad range of housing types, prices and opportunities to address current and future housing needs in the community."

The project addresses a special type of supportive housing need for persons recovering from alcohol and substance abuse that cannot otherwise be accommodated with conventional housing units. Thus the project contributes to the provision of a broad range of housing types within the City.

Policy HS1.6: "Provide for various regulatory and financial incentives to encourage well designed housing, special needs housing, and housing affordable to households of different income levels."

As a recovery center for those seeking treatment for substance abuse, the facility provides a unique type of special needs housing. The PDD establishes a methodology for calculating density that allows slightly greater bed count than the standard methodology of the zoning code. It does so by linking it to off-street parking capacity. This assures a stable density that does not exceed the capacities of the site while providing a regulatory incentive for providing a unique special need type of housing. The project is therefore supportive of this policy.

Policy HS3.2: "Assist... in the development of emergency, transitional and permanent supportive housing, and the provision of supportive services..."

As a fully staffed facility, the proposed project will provide a source of permanent, but short term housing that provides supportive services for those seeking treatment and recovery from substance abuse and addictions. The project is harmonious with this

² "Conversion requirements" relates to conversion of short term hotel uses to apartment/condominium uses with permanent cooking facilities. In this case, the concern about loss of hotel rooms does not apply because the units were originally constructed as apartments. The cooking facilities were removed many years ago and food service is provided to patients in a common dining room.

³ As noted above, stand alone commercial uses do exist in the Small Hotel land use designation that pre-date the 2007 General Plan Update which created the Small Hotel Land Use designation.

policy.

Zoning:

Conditional Use Permit required:

The facility is used as a drug and substance abuse recovery center with patients in treatment programs lasting anywhere from thirty (30) to ninety (90) days. A similar facility and use is owned and operated by the same applicant under a separate Conditional Use Permit at 2095 North Indian Canyon Drive. An assisted living facility is classified as a residential use within the Palm Springs Zoning Ordinance. Drug and substance abuse recovery centers fall within the definition of "assisted living facilities" uses in PSZO Section 91.00.10 (Definitions) which states:

"Assisted living facility" means a special combination of housing, supportive services; personalized assistance and health care licensed and designed to respond to the individual needs of those who need help with activities of daily living and instrumental activities of daily living. Supportive services are available twenty-four (24) hours a day to meet scheduled and unscheduled needs in a way that promotes maximum dignity and independence for each resident and involves the resident's family, neighbors and friends, and professional caretakers.

Pursuant to Section 92.03.01(A)(2), assisted living facilities are allowed with the approval of a Conditional Use Permit (or PDD) in the R-3 zone. The existing facility was recognized for many years as a "group home" and more recently as simply "multi-family residential", but since the facility provides professional substance abuse treatment services to its resident clients, the use fits the definition of "assisted living facility", and thus the CUP/PDD application is required.

Development Standards:

The following table provides a summary of the development standards for the R-3 zone compared to the parameters of the proposed development.

TABLE 2 - Comparison of development regulations & proposed conditions

R-3	Required/Allowed	Proposed PDD 358
Lot Area	Minimum 20,000 sf	38,550 (conforms)
Lot Width	130 feet	150 feet (conforms)
Lot Depth	150 feet	257 feet (conforms)
Density	General Plan: 10 du/ac = 9 units Zoning Code: 21.78 du/ac x 1.38 persons x 0.88 ac = 26 beds	Nine (9) existing dwelling units and thirty (30) beds (Conforms to the General Plan but does not conform to zoning)

Building Height	24 feet and 2 stories	Existing; roughly 22 feet & 2 stories (conforms)
Set Back Front yard	25 feet	19.25' on Cahuilla; roughly 22 feet at upper level (does not conform)
Interior setback side yard	10 feet or equal to height for bldgs greater than 12 feet	11.75' north and 12.67' south at 22 foot high 2 story elements (does not conform, see note below)⁴
Distance between bldgs.	15 feet	1 foot (does not conform)
Rear Yard Set Back	10 feet	52.75' on Belardo (conforms)
Parking	0.5 space/bed + 1/every 3 staff (30 beds + 8 staff = 18 required spaces)	13 existing + 5 new = 18 spaces proposed (conforms however design standards do not conform)
Height of wall	6 feet side yard	Existing 6 feet (conforms)
Lot Coverage	30% maximum on sites with structure over 18 feet in height	Existing 21.3% (conforms)
Open/usable landscape/recreational Space	40%	Existing 64% (conforms)

Density Analysis pursuant to the Zoning Code

Density calculations in the Zoning Code for assisted living facilities do not directly correlate in a simple way with density calculations in the General Plan. The Zoning Code establishes permitted densities for assisted living facilities based on the permitted density of the zone (dwelling units per acre) multiplied by the latest census figure for the average household size in Palm Springs times the net area of the site. The 2000 census estimates the average household size to be 1.38 persons. This figure (1.38) multiplied by the density of the zone (2,000 square feet per dwelling unit), or 21.78 dwelling units for the R-3 zone per acre, times the lot size of 0.88 acres yields a maximum allowable density for this site of twenty-six (26) beds. The project proposes thirty (30) beds and thus is not consistent with the Zoning Code.

An alternative method for calculating density

The applicant has submitted a Planned Development District (PDD) seeking to revise the methodology for calculating density for an assisted living facility at this specific site, based upon a fixed bed count related to on-site parking rather than average household

⁴ The existing structures, although built with permits do not conform to the contemporary development standards for the zone and are thus deemed "legal non-conforming". The PDD incorporates these setbacks as the proposed setbacks for the parcel, thus they will become "legal conforming" with the approval of the PDD.

PLANNED DEVELOPMENT DISTRICT

size.

The concept of limiting density for assisted living facilities to a fixed number of beds based on the number of off-street parking spaces is a concept that has been approved elsewhere in the City. In 2008, the Planning Commission and City Council approved Case 5.1193 PDD 354, which established a fixed bed count (density) for a proposed new assisted living facility based on the quantity of off-street parking. The same parking and density ratio that was used in that application is being proposed in this application.

The current proposal would eliminate the potential density fluctuation caused by tying density to census figures by fixing the bed count to a fixed ratio of 0.5 parking space for every bed. As a development standard of the proposed PDD, a *fixed* bed count of 30 beds is proposed that relates directly to the 15 off-street parking spaces provided for patients at this particular site, plus 3 spaces based on a 1 to 3 ratio for eight staff members. Staff believes this is a more logical and controlled method of establishing an appropriate density for the proposed facility and should reduce the possibility of overcrowding or potential parking shortages at this facility in the future.

Resort Combining Zone.

The subject site lies within the Resort Combining Overlay Zone. The "R" resort overlay zone is intended primarily to provide for accommodations and services for tourists and visitors while guarding against the intrusion of competing land uses. A finding relating to the Resort Combining Zone is analyzed in the Findings section below.

Building Composition:

The facility is comprised of two existing structures; a one-story stucco-clad structure; and a second building in which there are two portions that are two stories in height. One building, on the north side of the lot, is designed in a modern architectural style and the other in a more traditional Spanish Colonial style.

Landscape:

The site was developed many years ago and thus its landscaping is mature and lush. The project has large areas set aside for recreational use, surrounding a swimming pool and terrace areas.

Off-Street Parking:

Off-street parking is regulated by Section 93.06.00 of the zoning ordinance. Parking for assisted living facilities is calculated at 0.5 space/bed + 1 space/every 3 staff. This project proposes thirty beds and eight staff, thus eighteen (18) spaces are required. Eighteen spaces are provided (13 existing and 5 proposed new spaces) thus the project conforms to the off-street parking requirements in terms of quantity.

Parking on the site is accommodated with a combination of new and existing bay parking. Bay parking is defined as parking spaces that are accessed directly off the

adjacent street. The bay parking on the site is mostly existing. The parking does not conform to the design standards in the following ways:

1. One compact parking space is proposed – compact spaces are permitted only after the first 20 spaces are provided at full size (only 18 total spaces are proposed).
2. No continuous curb for wheelstop has been provided at the front end of any of the parking spaces.
3. No landscape peninsula for every five spaces is provided
4. No shade is provided.
5. No decorative paving is provided
6. The minimum 6 foot landscape space at side lot line is not provided.
7. The two-foot side concrete strip or wider end space is not provided at the end parking stalls.
8. The parking spaces are not located entirely on the property and encroach into the public right-of-way.
9. There is no public sidewalk across the street frontages (no sidewalks exist on this section of Belardo or Cahuilla

A condition of approval has been included requiring an encroachment license for those portions of the bay parking that are partially within the roadway right-of-way. The other deviations to the parking design standards are part of the deviations requested for approval within the PDD application. With the approval of the PDD, the off-street parking as designed will be deemed conforming for this site.

Bicycle Parking:

Section 93.06.00(C)(5) of the PSZO states that bicycle racks or bicycle parking facilities may be required on projects submitted for architectural approval. No bicycle parking facilities are proposed for this project.

Off Street loading, Trash Enclosures and Recycling:

Section 93.07.00 of the PSZO regulates development standards for off-street loading and trash enclosures. Pursuant to 93.07.01(A), every commercial building shall have and maintain loading spaces. The subject project does not have a loading dock. PSZO Section 93.07.01(A)(8) notes that parking areas and drive aisles may be used for the loading space for a project subject to approval of the Planning Commission. Freight entry and garbage removal on this project are handled from the west side of the site. A new relocated trash enclosure is proposed.

Public Benefit Policy for Planned Development Districts

On September 17, 2008, the City Council adopted a policy requiring public benefits be provided with every proposed Planned Development District. The policy states that the public benefit should be proportionate to the deviation or relief sought from the underlying development standards for the zone. In this case, the applicant requests a

different methodology be approved for calculating density for an assisted living facility for this specific site. By approving the PDD the applicant would be permitted 30 beds. Without the PDD, 26 beds would be permitted. The PDD also incorporates existing legal, non-conforming setbacks as the defined, approved setbacks for the parcel.

Staff believes the degree of relief sought by the applicant is minor. Other than reconfiguration of off-street parking to provide 5 additional spaces, there are no substantive modifications proposed to the exterior of the existing structures or the landscaping, and no significant change in the use is being proposed.

The applicant has proposed that the use itself, - that of an assisted living facility providing diagnosis and treatment of substance dependence and secondary diagnosis of mental health concerns - provides a substantial public service and benefit to the community. Furthermore, the applicant notes the "secondary economic effects" of the clients and their families using local restaurants, hotels, and other business establishments adds to the economic vitality of the City of Palm Springs.

REQUIRED FINDINGS:

Resort Combining Overlay Finding

The "R" resort overlay zone is intended primarily to provide for accommodations and services for visitors to Palm Springs, while guarding against the intrusion of competing land uses. Section 92.25.00 requires that all multiple family dwellings require the approval of a conditional use permit (CUP). Approval of the CUP may only be made if the following finding is made:

"...that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."

The proposed use is compatible with its surroundings which include hotels, restaurants, and other commercial uses in the Central Business District. It proposes an adaptive reuse for one of the City's smaller older apartment hotels. In doing so, it retains the density, scale and atmosphere of one of the existing small hotels in the Tennis Club Neighborhood that might otherwise be lost with a newer, denser type of redevelopment possible within the R-3 zone.

Planned Development District Findings.

Findings for a Planned Development District are the same as findings for the Conditional Use Permit. The process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission and the City Council to make a number of findings for approval of the permit. The findings are listed below followed by an evaluation of the project by Staff against these findings.

- 1) *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 Section 92.03.01(A)(2), assisted living facilities are allowed with a Conditional Use Permit in the R-3 zone. The project therefore conforms to this finding.

- 2) *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 proposed use of this site for an assisted living facility is a residential type use which is consistent with the Small Hotel Land Use designation in the General Plan. The site has been used as a substance abuse recovery center for many years and is in harmony with the surrounding existing neighborhood which is a mix of small hotels, restaurants and private residential homes. The proposed site was originally a small apartment-hotel. Often the limited number of rooms in small aging hotels makes them economically unfeasible to operate as a tourist hotel. The applicant has determined that an assisted living facility is an economically viable adaptive reuse for this small, older hotel. Thus the proposed use is desirable for the development of the community not only for the substance abuse recovery services that it provides to the community, but also in keeping an otherwise obsolete facility as a viable economic use. Thus, the proposed use is not detrimental to existing or future uses. The proposed use is in harmony with the general plan as noted in the following goals and policies from the General Plan Housing Element:

Goal HS1: *"Facilitate a broad range of housing types, prices and opportunities to address current and future housing needs in the community."*

The project addresses a special type of supportive housing need for persons recovering from alcohol and substance abuse that cannot otherwise be accommodated with conventional housing units. Thus the project contributes to the provision of a broad range of housing types within the City.

Policy HS1.6: *"Provide for various regulatory and financial incentives to encourage well designed housing, special needs housing, and housing affordable to households of different income levels."*

As a recovery center for those seeking treatment for substance abuse, the facility provides a unique type of special needs housing. The PDD establishes a methodology for calculating density that allows slightly greater bed count than the standard

methodology of the zoning code. It does so by linking it to off-street parking capacity. This assures a stable density that does not exceed the capacities of the site while providing a regulatory incentive for providing a unique special need type of housing. The project is therefore supportive of this policy.

Policy HS3.2: "Assist... in the development of emergency, transitional and permanent supportive housing, and the provision of supportive services..."

As a fully staffed facility, the proposed project will provide a source of permanent, but short term housing that provides supportive services for those seeking treatment and recovery from substance abuse and addictions. The project is harmonious with this policy.

- 3) *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 flat site is roughly 0.88 acres and contains existing structures that were built with permits many years ago. Although some of the existing conditions do not conform to the contemporary zoning code, the conditions are considered "legal non-conforming". Furthermore with the proposed PDD the existing non-conforming conditions can be established as the recognized legal standards within the PDD. The site has existing and proposed parking totaling 18 spaces, as well as mature landscaping, walls and other features that provide privacy and separation between the various uses in the immediate vicinity. The number of dwelling units proposed is nine (9), and the number of patient beds is thirty (30). The design provides the required off-street parking. Therefore, Staff concludes that the site is adequate for the proposed use.

- 4) *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 site fronts a local street (Cahuilla) and a collector street (Belardo). Bay parking on the project is primarily located along Cahuilla Road with two spaces on Belardo Road. The adjacent roadways are developed to carry the type and quantity of traffic generated by the proposed use because the roadway network as shown in the General Plan is capable of accommodating the proposed land use density without adverse impacts or reductions in Level of Service (LOS). Staff has therefore concluded that the site adequately relates to the circulation network of the City.

CONCLUSION:

The proposed Planned Development District provides a means of establishing fixed

density based on parking capacity for an assisted living facility / substance abuse recovery center at this site. The PDD also establishes the existing non-conforming development standards as the new standards for the parcel. Furthermore, the PDD replaces the CUP as the mechanism for approving Assisted Living Facility / substance abuse recovery uses at this site. The project is in harmony with the General Plan and relates well to the surrounding neighborhood, roadway network and general development pattern for this area. The proposed use also represents a successful adaptive reuse while preserving the small hotel character of the site and the neighborhood. The applicant has proposed a public benefit that Staff believes is proportionate to the development standard (density) relief sought via the PDD. Therefore Staff recommends approval of the application as both the preliminary and final PDD, subject to attached conditions of approval.

ENVIRONMENTAL DETERMINATION:

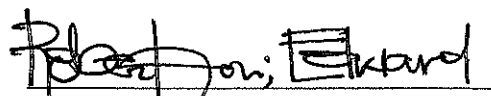
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt as a minor change to an existing structure pursuant to Section 15301 of the CEQA Guidelines.

NOTIFICATION:

A notice was mailed to all property owners within a four hundred foot radius in accordance with state law. As of the writing of this staff report, staff received correspondence from the public which is attached to this report.



Ken Lyon
Associate Planner

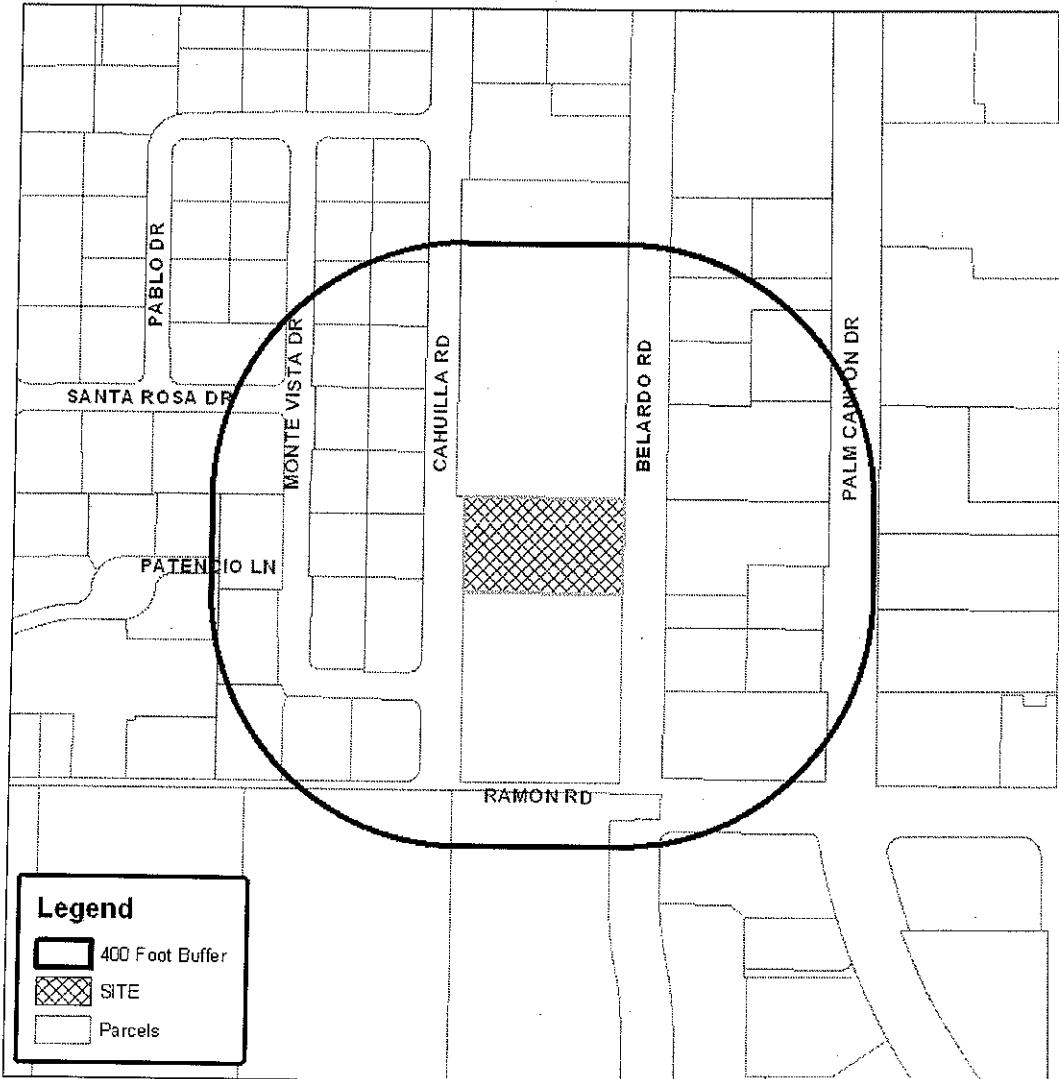

for Craig A. Ewing, AICP
Director of Planning Services

Attachments:




- 400' Radius Vicinity Map
- Draft Resolution and Conditions of Approval
- Site Plan
- Courtesy Notice and letter dated July 20, 2010
- Public Correspondence



Department of Planning Services Vicinity Map



Legend

-  400 Foot Buffer
-  SITE
-  Parcels

CITY OF PALM SPRINGS

CASE NO.: 5.1249 PDD 358

APPLICANT: Palm Springs
Treatment Centers, LLC
"Michaels' House"

DESCRIPTION: A request by Palm Springs
Treatment Centers, LLC for a Planned
Development District for an assisted living
facility on a roughly 0.88 acre parcel at 430
South Cahuilla Road; Zone R-3, Section 15
APN 513-212-002

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1249 PDD 358, A PLANNED DEVELOPMENT DISTRICT APPLICATION SEEKING TO REVISE THE DEVELOPMENT STANDARDS AND THE METHOD FOR CALCULATING DENSITY FOR AN ASSISTED LIVING FACILITY ON A ROUGHLY 0.88 ACRE PARCEL AT 430 CAHUILLA ROAD; ZONE R-3 SECTION 15; APN 513-212-002.

WHEREAS, Palm Springs Treatment Centers, LLC, "applicant", has filed an application with the City pursuant to Sections 94.02.00 (Conditional Use Permit) and 94.03.00 (Planned Development District) of the Zoning Code seeking approval for an assisted living facility use at an existing facility located at 430 South Cahuilla Road and seeking adjustment in the development standards of the R-3 zone and method for calculating density for an assisted living facility at this specific site; and

WHEREAS, a notice of public hearing for Case 5.1249 PDD 358 was given in accordance with applicable law; and

WHEREAS, on April 27, 2011, a public meeting on Case 5.1249 PDD 358 was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") and is determined to be Categorically Exempt pursuant to CEQA guidelines as a Class 1 (Existing Facilities) exemption; and

WHEREAS, 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.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is determined to be a Class 1 (Section 15301) Categorical Exemption (Existing Facilities).

Section 2: Pursuant to PSZC Section 94.02.00 (Conditional Use Permit) and Section 94.03.00 (Planned Development District), the Planning Commission finds as follows:

- 1) *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 Section 92.03.01(A)(2), assisted living facilities are allowed with a Conditional Use Permit in the R-3 zone. The project therefore conforms to this finding.

- 2) *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 proposed use of this site for an assisted living facility is a residential type use which is consistent with the Small Hotel Land Use designation in the General Plan. The site has been used as a substance abuse recovery center for many years and is in harmony with the surrounding existing neighborhood which is a mix of small hotels, restaurants and private residential homes. The proposed site was originally a small apartment-hotel. Often the limited number of rooms in small aging hotels makes them economically unfeasible to operate as a tourist hotel. The applicant has determined that an assisted living facility is viable adaptive reuse for this small, older hotel. Thus the proposed use is desirable for the development of the community not only for the substance abuse recovery services that it provides to the community, but also in keeping an otherwise obsolete facility as a viable economic use. Thus, the proposed use is not detrimental to existing or future uses. The proposed use is in harmony with the general plan as noted in the following goals and policies from the General Plan Housing Element:

Goal HS1: "Facilitate a broad range of housing types, prices and opportunities to address current and future housing needs in the community."

The project addresses a special type of supportive housing need for persons recovering from alcohol and substance abuse that cannot otherwise be accommodated with conventional housing units. Thus the project contributes to the provision of a broad range of housing types within the City.

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As a recovery center for those seeking treatment for substance abuse, the facility provides a unique type of special needs housing. The PDD establishes a methodology for calculating density that allows slightly greater bed count than the standard methodology of the zoning code. It does so by linking it to off-street parking capacity. This assures a stable density that does not exceed the capacities of the site while providing a regulatory incentive for providing a unique special need type of housing. The project is therefore supportive of this policy.

Policy HS3.2: "Assist... in the development of emergency, transitional and permanent supportive housing, and the provision of supportive services..."

As a fully staffed facility, the proposed project will provide a source of permanent, but short term housing that provides supportive services for those seeking treatment and

recovery from substance abuse and addictions. The project is harmonious with this policy.

- 3) *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 flat site is roughly 0.88 acres and contains existing structures that were built with permit many years ago. Although some of the existing conditions do not conform to the contemporary zoning code, the conditions are considered "legal non-conforming". Furthermore with the proposed PDD the existing non-conforming conditions can be established as the recognized legal standards within the PDD. The site has existing and proposed parking totaling 18 spaces, as well as mature landscaping, walls and other features that provide privacy and separation between the various uses in the immediate vicinity. The number of dwelling units proposed is nine (9), and the number of patient beds is thirty (30). The design provides the required off-street parking. Therefore, the site is adequate for the proposed use.

- 4) *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 site fronts a local street (Cahuilla) and a collector street (Belardo). Bay parking on the project is primarily located along Cahuilla Road with two spaces on Belardo Road. The adjacent roadways are developed to carry the type and quantity of traffic generated by the proposed use because the roadway network as shown in the General Plan is capable of accommodating the proposed land use density without adverse impacts or reductions in Level of Service (LOS). The Planning Commission has therefore concluded that the site adequately relates to the circulation network of the City.

A draft set of conditions of approval necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare are proposed and included in Exhibit A.

Section 3: Pursuant to Zoning Code Section 92.25.00 "*Resort Combining Overlay Finding*" The "R" resort overlay zone is intended primarily to provide for accommodations and services for visitors to Palm Springs, while guarding against the intrusion of competing land uses. Section 92.25.00 requires that all multiple family dwellings require the approval of a conditional use permit (CUP). Approval of the CUP may only be made if the following finding is made:

"...that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."

The proposed use is compatible with its surroundings which include hotels, restaurants, and other commercial uses in the Central Business District. It proposes an adaptive reuse for one of the City's smaller older apartment hotels. In doing so, it retains the density, quaintness and atmosphere of one of the existing small hotels in the Tennis Club Neighborhood that might otherwise be lost with a newer, denser type of redevelopment possible within the R-3 zone.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1249 PDD 358 for the establishment of an assisted living facility at 430 South Cahuilla Road and to adopt minor adjustments in the development standards and method for calculating density for an assisted living facility at this specific site.

ADOPTED this ____ day of _____ 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case 5.1249 PDD 358
Palm Springs Treatment Centers LLC "Michaels' House"
430 South Cahuilla Road

April 27, 2011

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 5.1249 PDD 358; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (January 24, 2011), including site plans, architectural elevations, landscaping, on file in the Planning Department 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 5.1249 PDD 358. 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. 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 8. 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 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 9. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems regarding the operation of the establishment; as determined by the Chief of Policy or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.

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.

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 (projects that are Categorically Exempt from CEQA).

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- PLN 2. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 3. 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 4. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 5. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 6. 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.
- PLN 7. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners. Location and design shall be approved by the Director of Planning.

PLN 8. (add any additional conditions imposed by the Planning Commission or City Council here)

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.

ENGINEERING DEPARTMENT CONDITIONS

STREETS

CAHUILLA ROAD"

ENG 1. An application for an Encroachment Agreement shall be submitted to the Engineering Division to allow the existing bay parking along the S. Cahuilla Road frontage of the subject property to be maintained within that portion of the public right-of-way. The Encroachment Agreement shall be executed by the owner(s) and approved by the City prior to approval of the Final Development Plan by the Planning Commission.

BELARDO ROAD:

ENG 2. An application for an Encroachment Agreement shall be submitted to the Engineering Division to allow the bay parking along the Belardo Road frontage of the subject property to be maintained within that portion of the public right-of-way. The Encroachment Agreement shall be executed by the owner(s) and approved by the City prior to approval of the Final Development Plan by the Planning Commission.

FIRE DEPARTMENT CONDITIONS

FID 1. (No Conditions)

END OF CONDITIONS

VICEROY
HOTEL / SPA / RESTAURANT
EXISTING

MELVYN'S
HOTEL / RESTAURANT
EXISTING

PROJECT DATA:

SITE AREA	38366 SQ. FT.	100 %
BUILDING AREA & FOOTPRINT	8230 SQ. FT.	21 %
DRIVEWAYS	3252 SQ. FT.	8 %
OPEN SPACE	27114 SQ. FT.	71 %

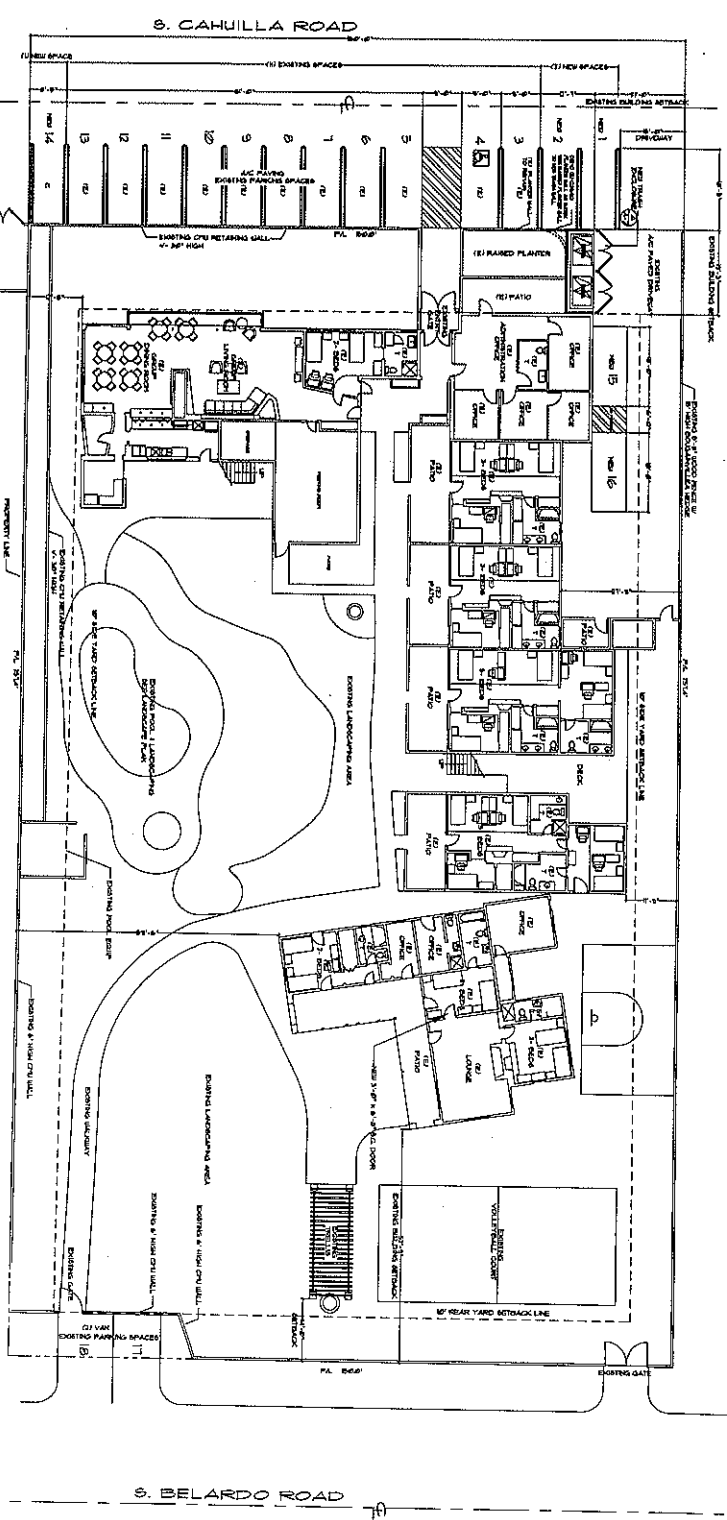
ZONE: R-3
ZONING USE: ASSOCIATED LIVING FACILITY

PARKING

PROVIDED	94 SPACES
REQUIRED	100 SPACES
DEFICIT	6 SPACES
TOTAL PROVIDED	94 SPACES
TOTAL REQUIRED	100 SPACES

SITE PLAN / FLOOR PLAN OF EXISTING BUILDINGS, PARKING, & OPEN SPACE
SCALE: 1" = 10'-0"

8230 SQ. FT.



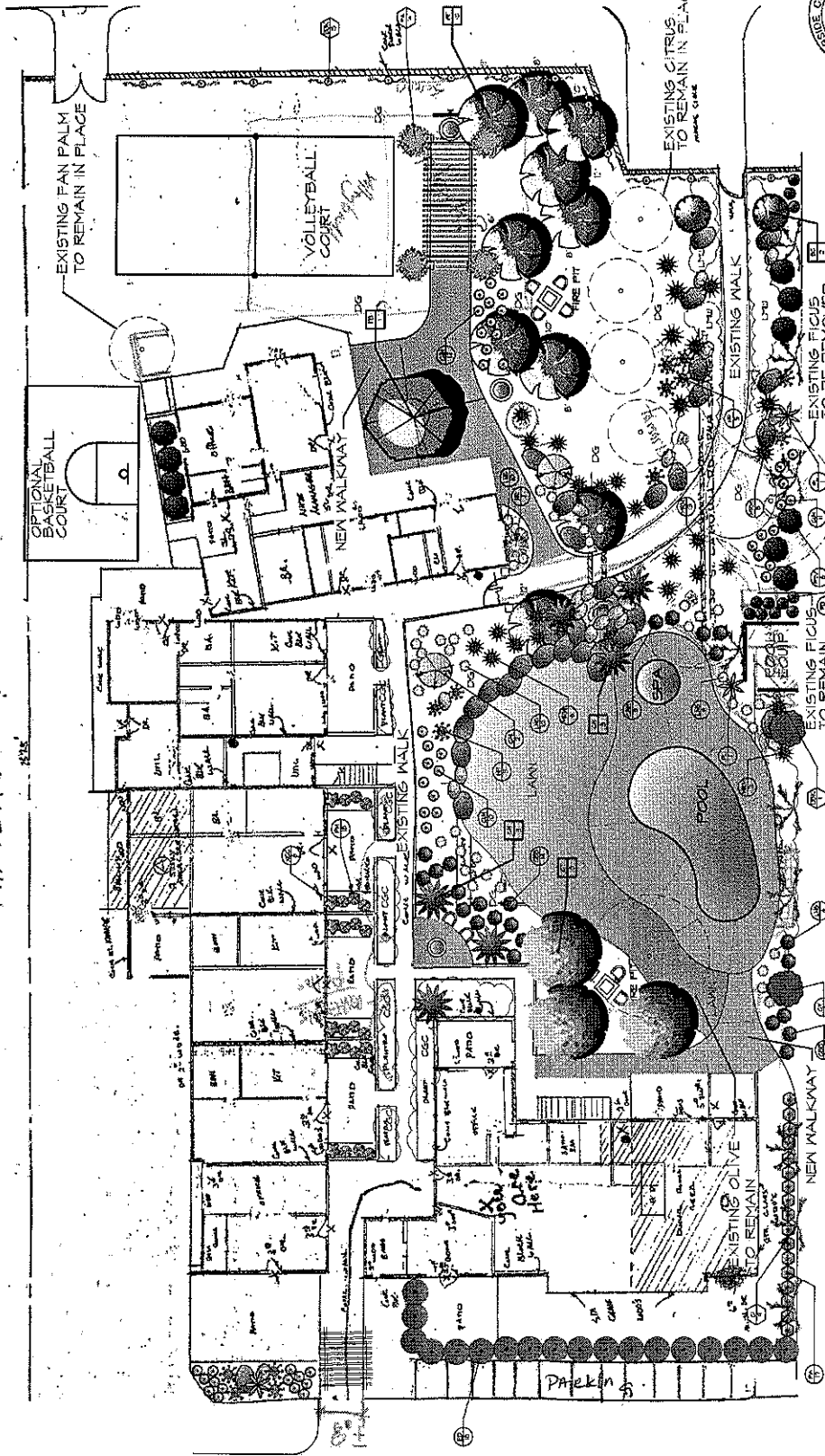
A C.U.P. APPLICATION # 5.1249 CUP &
PLANNED DEVELOPMENT DISTRICT APPLICATION
MICHAELS HOUSE
A.P.N. # 513-212-002
430 SOUTH CAHUILLA ROAD
PALM SPRINGS, CALIFORNIA

Cioffi
ARCHITECT

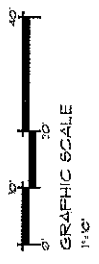


DATE:	10/15/00
SCALE:	1" = 10'-0"
PROJECT NO.:	100
DATE:	10/15/00
SCALE:	1" = 10'-0"
PROJECT NO.:	100
DATE:	10/15/00
SCALE:	1" = 10'-0"
PROJECT NO.:	100

A-1



1-11-08
1-30-08 (Revised)



Planting Schedule

Symbol	Quantity	Scientific Name	Common Name	Planting Size
1	10	Bougainvillea 'B. Keri'	Bougainvillea	20'-Gal. esp.
2	5	California Scaevola	Pink powder puff	5'-Gal. esp.
3	3	2'-3' dia Bougainvillea	To be determined	
4	1	Desert Gold - 2' dia	In all planters	

Structural Planting Schedule

Symbol	Quantity	Scientific Name	Common Name	Planting Size
1	30	Adiantum species	Prickly fern	5'-Gal
2	6	Asplenium platyneuron	Rock fount	5'-Gal
3	7	Cheilanthes nutans	Rock bird of paradise	5'-Gal
4	45	Lantana 'New Gold'	Gold Lantana	5'-Gal
5	25	Muhlenbergia laevis	Vegetative Hook Orange	5'-Gal
6	25	Carissa G. 'Borwick'	Borwick's Natal plum	5'-Gal
7	15	Carissa G. 'Lemon'	Fruit Nectar	5'-Gal
8	4	Thompson's Gaura	Apricot Blueberry	5'-Gal
9	11	Phytolacca aurata	Ornamental Amaranth	5'-Gal
10	6	Phytolacca americana	Ornamental Amaranth	5'-Gal
11	1	Phytolacca americana	Compact Amaranth	5'-Gal

Plant Legend

Symbol	Quantity	Scientific Name	Common Name	Planting Size
1	1	Platanus ssp.	Plum tree	24" Box
2	3	Citrus sp.	Citrus sp.	24" Box
3	10	Callitriche sp.	Common Name	24" Box
4	2	Callitriche sp.	Common Name	24" Box
5	2	Cycas revoluta	Snake palm	24" Box
6	1	Nolina recurvata	Lady's Slipper	24" Box
7	1	Nolina recurvata	Lady's Slipper	24" Box
8	2	Saxifraga sp.	Phlox palm	24" Box
9	4	Phytolacca americana	Hedgehog palm	24" Box

MICHAEL HOUSE
430 SOUTH CAHULLA ROAD
PALM SPRINGS, CA

T.K.D. ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
1000 N. MILPITAS AVENUE
SUITE 100
SANTA CLARA, CALIFORNIA 95050
PHONE: (408) 253-7800

COURTESY NOTICE



**City of Palm Springs
Department of Building & Safety
Code Compliance**

3200 E. Tahquitz Canyon Way, PO Box 2743, Palm Springs, CA 92263

Case Number: 2010 - 0678

Date of Issuance: July 20, 2010

To: Scott Ward, Director of Operations
Michael's House
430 South Cahuilla Road
Palm Springs CA 92262

Palm Springs Treatment Centers
210 Westwood Pl 120
Brentwood TN 37027-7554

You are hereby notified that a Municipal Code violation defined as a Public Nuisance has been determined to exist on the property described below. You are specifically responsible to insure that this violation is corrected in compliance with this notice. Your failure to do so may result in the issuance of an Administrative Citation with fines of \$100.00 per violation, with subsequent citations carrying fines of \$250.00 per violation and \$500.00 per violation, respectively.

If further action by the City is necessary in obtaining compliance with this Notice, you may be charged a fee equal to the actual costs incurred by the City, including, but not limited to, subsequent inspection costs, staff time, overhead and legal expenses, including attorney's fees. Current fees for City costs are as follows: General staff and inspection time @ \$101.00/hour. City Attorney time @ \$170.00/hour.

I. The violations exist on the following property:

Street Address: 430 South Cahuilla Road, Palm Springs, California
Legal Description: LOT 7 BLK 17 MB 009/432 SD MAP OF PALM SPRINGS
APN: 513-212-002

II. A description of the conditions/violations that were found on your property are listed below:

Conditional Use Permit required, see attached letter dated June 24, 2010, from Assistant Planner Glenn Mlaker

Property so maintained is in violation of the City Municipal code and constitutes a public nuisance. These conditions must be corrected by **August 20, 2010**, in the following manner:

- Obtain required Conditional Use Permit



City of Palm Springs

Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
Tel: (760) 323-8245 • Fax: (760) 322-8360 • Web: www.palmspringsca.gov

June 24, 2010

Michael's House
Scott Ward
Director of Operations
430 S. Cahuilla Road
Palm Springs, CA 92262

RE: Business License Request

Dear Mr. Ward,

The Planning Department is in receipt of a business license application for an addiction treatment center at the above address. On August 29, 2006, a letter from the Director of Planning Services was issued stating that the facility is considered as a "group facility" with no medical care offered. Recovery programs occurring on-site which offered non-medical activities would be permitted. The total number of beds at the group quarters would be no more than twenty-four (24).

According to your business license application, Michael's House wishes to increase the total number of beds from twenty-four (24) to thirty (30). In addition, medical treatment will be offered.

These changes to the business operation will require a Conditional Use Permit (CUP). The CUP process will require a public hearing before the Planning Commission. I have attached the CUP application for you to submit with all required documents and plans.

Please submit this application and a fee for \$2,224 on or before July 15, 2010. If you have any questions, please contact me at (760) 323-8245.

Sincerely,

Glenn Mlaker, AICP
Assistant Planner

cc: Code Enforcement
Business License



5-1249

TO: Palm Springs Planning Department
FROM: Frank Tysen, Chair Historic Tennis Club Neighborhood Organization
RE: CUP: Michael's House
DATE: February 8, 2011

At the annual meeting of the Historic Tennis Club Neighborhood Organization held on February 7th, 2011, the issue of Michael's House CUP was discussed.

Neighbors reported problems with Michael's house in two areas:

1. When taking daily exercise, the clients walk shoulder-to-shoulder across Ramon, which is a busy street, and disrupt traffic. Counselors do not encourage them to walk in single file.
2. Neighbors have reported hostile and aggressive behavior from Michael's House clients while passing them on walking trips.

Discussion ensued about the request to legalize via CUP the 30 beds above and beyond their permitted 24, which they installed without permit, the addition of providing medication to clients, which they have been doing without permit and also the addition of female clients.

It was moved, seconded and approved overwhelmingly to oppose the CUP for Michael's House.

Historic Tennis Club Neighborhood Organization
611 S Palm Canyon Dr., Box No. 7220, Palm Springs, CA 92264

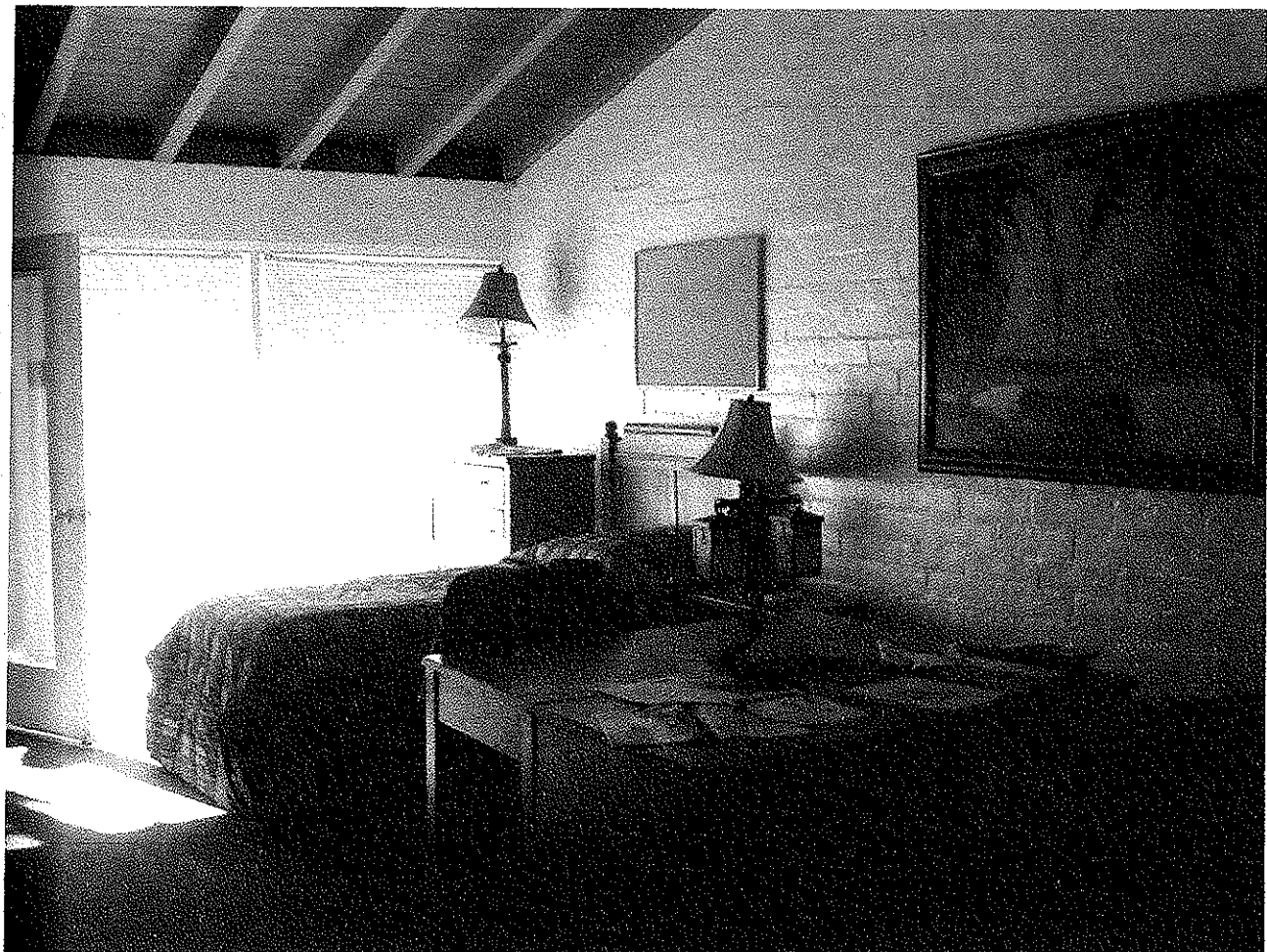
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FEB 10 2011

**PLANNING SERVICES
DEPARTMENT**









April, 2011

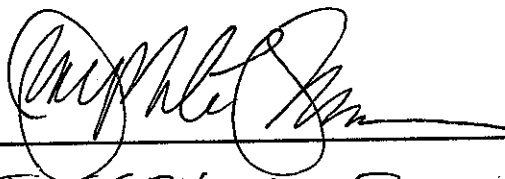
To: City of Palm Springs

RE: Support of Michaels House Services located at 430 South Cahuilla Rd, Palm Springs CA 92262

Dear City of Palm Springs,

I am a concerned citizen and a firm supporter of the treatment program provided by Michael's House at their 430 South Cahuilla Road location. During the 20+years that Michael's House has been operating its program at this location, it has always been a cooperative and collaborative neighbor that has been extremely responsive to any concerns regarding our community needs. Their demonstrated commitment to helping individuals who have co-occurring disorders has brought positive attention, tourism, and clear benefit to our immediate community. My signature below speaks of my support for their services. I encourage the City of Palm Springs to join me in supporting this longstanding community institution.

Signature:



Printed Name:

JOSEPH A. ROMAN

Address:

2825 E. Tahquitz Canyon Way, D1
Palm Springs, CA 92262

April, 2011

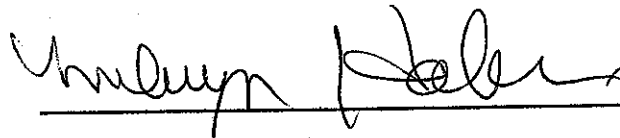
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Signature:



Printed Name:

MELVYN HABER

Address:

INGLESIDE INN

April, 2011

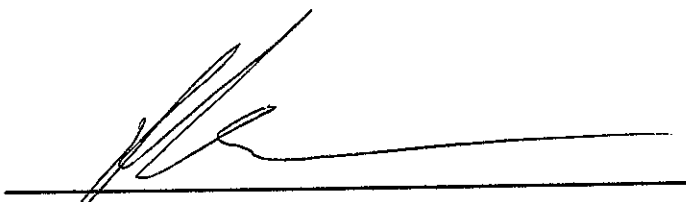
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Signature:



Printed Name:

RICH MEANEY

Address:

NEXUS DEVELOPMENT

April, 2011

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Signature:



Printed Name:

JOHN WESSMAN

Address:

555 S. SUNRISE WAY, # 200
PALM SPRINGS, CA 92264