



Planning Commission Staff Report

Date: April 24, 2013

Case No.: 5.1293 – PDD 362

Type: Planned Development District in lieu of a change of zone (PDD 362) and Conditional Use Permit

Location: 2150 North Palm Canyon Drive

APN: APN 505-165-002, 003, 007, 009, 011 and 012

Applicant: Joshua Levy, Owner

General: Mixed-Use / Multi-use

Zone: C-1 / R-2 (Commercial / Medium Density Residential - Split zoning on the same parcel) and Resort Combining Overlay Zone

PROJECT DESCRIPTION:

The project is comprised of:

- A planned development in lieu of a change of zone increasing the density for assisted living facilities on this parcel.
- A CUP for the assisted living use.

RECOMMENDATION:

That the Planning Commission approve Case 5.1293 – PDD 362 CUP; a preliminary and final Planned Development District in lieu of a change of zone setting the density of assisted living facilities on the site at forty (40) patient beds and a Conditional Use Permit (CUP) for an assisted living facility use proposing renovation and conversion of an existing twenty-four room hotel to a forty patient bed, assisted living facility, subject to the attached conditions of approval.

PRIOR ACTIONS:

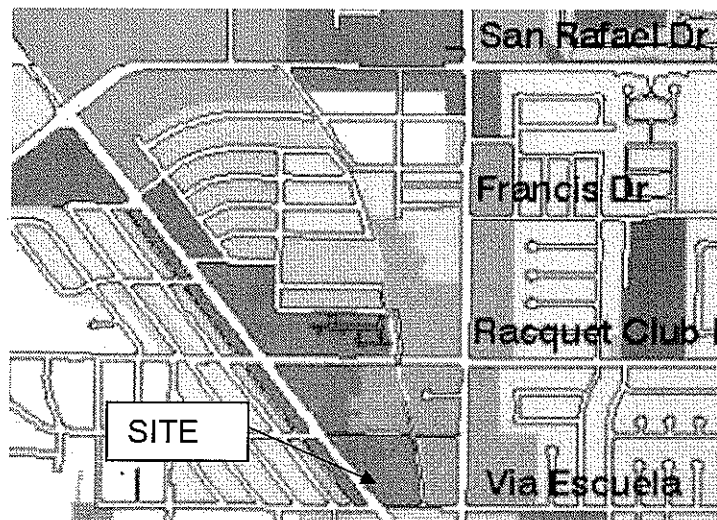
On February 11, 2013, the project was reviewed by the Architectural Advisory

Committee. The Committee voted unanimously to recommend approval of the project.

BACKGROUND AND SETTING:

The site is located on North Palm Canyon Drive, a major thoroughfare that serves as one of the principal entries into Palm Springs from the Interstate 10 freeway. Several signature tourist attractions and community amenities such as the Palm Springs Tram, the Tramway gas station Visitors Center, the historic Racquet Club, and the future College of the Desert's West Valley Campus, comprised of roughly 119 acres lie north of the site by roughly a half mile. Currently, the area suffers a high vacancy factor in the existing commercial centers, depressed rental rates, and low occupancy rates at the small, older hotels along this corridor.

The site lies within the Arts Colony Mixed Use-Multi-use land use designation of the General Plan. This area encompasses North Palm Canyon Drive from Via Escuela on the south to Yorba Road on the north.



PORTION OF THE GENERAL PLAN LAND USE MAP
SHOWING THE ARTS COLONY MIXED USE/MULTI USE AREA
ALONG NORTH PALM CANYON DRIVE

Although the zoning along the frontage of Palm Canyon Drive is nearly entirely commercial, the General Plan describes this area with a suggested mix of 15 to 25% office uses, 20 to 35% retail, and 40 to 60% residential uses. The strategy of the General Plan is to concentrate the Palm Canyon retail/commercial development in a series of nodes at the major cross-street intersections and encourage residential uses in between. (referred to as "Mid-block residential"). Interspersing residential uses in a walkable proximity to the commercial nodes creates opportunities for reduced vehicular trips and traffic (and emissions) and invigorates the corridor with pedestrian activity.

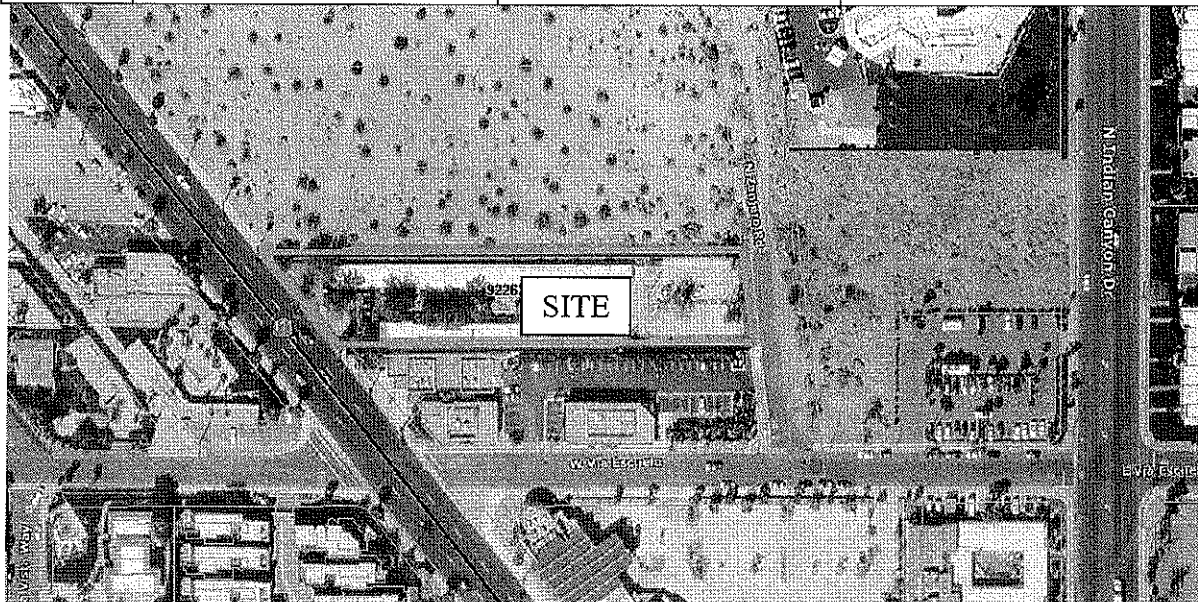
Large areas of residentially zoned land lie in the vicinity of the site, including the

Chino Cone ESA-SP zone, the Palm Springs Classic ("Avalon Country Club") the projects known as Boulders, Crescendo, and Desert Palisades as well as existing residential areas such as the Desert Highlands Gateway neighborhood, Mountain Gate to the north, and the Racquet Club Estates Neighborhood to the east. As these various residential neighborhoods build out over time, the North Palm Canyon Drive corridor will be the major commercial area serving them.

Surrounding Land Uses and Existing Development

Table 1.0: Surrounding land uses, General Plan, Zoning

	Land Use	General Plan	Zoning
North	Vacant	Mixed Use / Multi Use	C-1/R-2
South	Nightclub (Toucans) & Commercial/retail	Mixed Use / Multi Use	C-1/R-2
East	Vacant	Mixed Use / Multi Use	R-2
West	Hotel	Mixed Use / Multi Use	C-1



AERIAL VIEW OF SITE

The project density is proposed at 24 dwelling units (40 patient beds) on a roughly 47,915 square foot (1.1 acre) parcel. The eastern part of the site is R-2 (maximum 15 du/ac). Assisted living facilities are permitted in the R-2 zone subject to a CUP. The western part of the parcel is C-1 a zone in which assisted living facilities are not a permitted use. Approval of the PDD in lieu of a zone change will allow consolidation of the parcel under one PDD zoning classification for purposes of consistency across the entire parcel.

The maximum residential density for the General Plan mixed-use/multi-use land use designation is 30 du/ac with approval of a PDD, however General Plan density for assisted living facilities is determined based on equivalent traffic impacts as

compared to the maximum number of standard residential units. (This is further explained below).

Site

The existing development includes a single story, 24-room hotel, built in 1951 on a site surrounded by several vacant parcels and some commercial development. The site slopes downward several feet from west to east. The hotel is comprised of two long, single story buildings with rooms facing a central landscaped usable open recreation area.

Landscape

The project proposes a desert-appropriate plant palette for shade, color and texture. River rock, boulders, crushed granite, paved terraces and walkways fill out the balance of the landscape. The center courtyard has some mature trees which will be preserved and other areas of new landscape trees, shrubs, groundcovers and recreational areas are proposed. The existing swimming pool will be removed and shade-covered outdoor tables, seating areas, and small raised beds for gardening are proposed in the courtyard.

Architecture.

The applicant is proposing minimal aesthetic changes to the existing buildings. The project scope is to fully renovate the existing building including new infrastructure (roof, windows, a/c, etc.), paint, landscaping and outdoor activity areas for the residents. A dining room for the residents and a commercial kitchen are proposed to be located in the lobby and manager's unit of the former hotel.

ANALYSIS:

General Plan:

The General Plan land use designation for this site is "Mixed-use / Multi-use". Commercial, residential and other zone classifications can be found in this land use designation. In 2011 a general plan amendment (GPA) was approved establishing a methodology for evaluating density for assisted living facilities based on equivalent traffic impacts.¹ The General Plan now provides the following for determining General Plan density requirements for assisted living facilities:

"Assisted Living Facility uses may be permitted in residential land use areas. Maximum permitted number of beds for assisted living facilities (density) shall be based upon calculation of equivalent traffic impacts for assisted living facilities as compared to that of the maximum number of standard dwelling units per acre for each land use area, provided they do not create significant design, parking, traffic, or other impacts to the

¹ Reference Case 5.1293 "Legacy Palm Springs" An Assisted Living Facility at 1000 North Palm Canyon Drive

surrounding neighborhood. This comparison shall be in accordance with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generator Handbook”.

The proposed development has forty (40) patient beds on 1.1 acres. The ITE Trip Generator Handbook, 5th Edition, denotes the following:

Use Type: (620) Nursing Home has a trip generator factor of 2.6/bed, multiplied by 40 beds equals 104.0 trips.

Use Type: (221) Low-Rise Apartments has a trip generator factor of 6.59/dwelling unit. The maximum allowable residential density in the Mixed-Use / Multi-Use land use area with approval of a PDD is 30 du/ac. Thus, 6.59/unit multiplied by 30du/ac equals 198 trips. From this one can conclude that the proposed 40-bed facility will generate roughly half the traffic impacts of the equivalent number of standard dwelling units that could be built on the site.

Zoning:

Analysis of the project against the development standards of the zoning code is provided in the table below.

TABLE 2 - Comparison of development regulations & proposed conditions

	C-1 Required/ Allowed	R-2 Required/ Allowed	Proposed PDD 362
Lot Area	Minimum 20,000 sf	Minimum 20,000 sf	45,202 sf (conforms)
Lot Width	100 feet	130 feet	100 feet at rear of lot, 128 feet along Palm Canyon frontage. (conforms with approval of the PDD) (existing legal non-conforming, conforming with approval of the PDD)
Lot Depth	150 feet	175 feet when fronting a major thoroughfare	475 feet (conforms)
Street frontages			North Palm Canyon Drive (major thoroughfare) at the front and Zanjero Road (local street) at the rear.
Density	No requirements	PSZC: 3000 sf net lot area/du (15du/ac) . Assisted Lvg. Fac: 2.05 persons per household x	24 hotel rooms with 40 patient beds. Equivalent trips 104 for 40 beds; 198 for 30 residential dwelling

		15 du/ac x 1.1 acres = 32 patient beds. General Plan: 30du/ac w/apvl of PDD and equivalent traffic impacts for assisted living uses	units (Conforms to the General Plan and will conform to the Zoning Code with approval of the PDD)
Building Height	30 feet	30 feet max. height over a max. of 50% of the ground floor area of all bldgs.	13 feet at highest point, (conforms)
Set Back Front yard	5 feet average	30 feet on major thoroughfares; 25 feet for local streets	26 feet (existing legal non-conforming, conforming with approval of the PDD)
Interior setback side yard	None	10 feet or equal to height for bldgs greater than 12 feet (Existing buildings 13 feet at highest point; 11 feet average)	10 feet (existing legal non-conforming, conforming with approval of the PDD.)
Distance between bldgs.	None	15 feet	40 feet (conforms)
Rear Yard Set Back	None	10 feet or equal to height for bldgs. greater than 12 feet	116 feet (conforms)
Parking	Based on use	Assisted Living Facilities 1 space per 2 beds = 20 spaces + 1 space for each 3 staff persons = 2 spaces = 22 required	24 spaces provided. Bicycle parking is also proposed in the parking lot area. (conforms)
Parking Shade	Per PSZC 93.06 5-24 spaces requires 30% of spaces to be shaded	Per PSZC 93.06	Shade provided by trees (Chilean Mesquite and Palo Verde) (conforms)
Height of walls	6 feet pursuant PSZC 93.02	6 feet max.	Existing walls (conform)
Trash Enclosure	Per 93.07.00		Masonry enclosure adjacent parking lot (conforms)
Provision for deliveries	Per 93.07.01		Deliveries handled in drive aisles of parking lot and front circular drive (conforms with approval from PC)
Lot	No	No requirement if less than	22% Lot coverage (Bldg is

Coverage	requirement	18 feet in height and 1 story	9,847 square feet) (conforms)
Open / usable landscape / recreational Space	50% of open space created by front setback shall be landscaped, the remainder may be decorative pavement	50% of the site shall be usable landscaped open space. Front 15 feet of the front yard setback is to be landscaped	37% landscaped open space proposed. (16,894 square feet) Front yard is landscaped. (conforms with approval of the PDD)
Minimum Bldg. Area	2,000 gsf per commercial building	No requirement	(Conforms)

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.

The applicant is seeking the following adjustments in the underlying development standards with the PDD:

- Change the split zoning to one PDD in lieu of a zone change, adding assisted living facilities as a permitted use with a CUP within the PDD.
- Increase the density from 32 beds to 40 beds, pursuant to and consistent with the General Plan Mixed-use/Multi-use land use designation, and the General Plan methodology for calculating density for assisted living facilities.
- Establish the existing built conditions as conforming under the PDD. (The following existing "legal non-conforming" conditions could be deemed "conforming" with approval of the PDD):
 - Reduction in usable open space (from 50% to 37%),
 - reduced sided yard setbacks from 13 feet to 10 feet,
 - reduced minimum lot width (from 130 to 100 feet)

The findings for the PDD, including "Public Benefit" are analyzed later in this staff report. The applicant proposes the following public benefits:

- The project itself; providing a specialized type of housing (assisted living).

- The project itself; in terms of blight removal and rehabilitation of a vacant building.
- Sustainability features; improved energy efficiency for an existing building by using high efficiency windows, doors, air conditioning units, hot water heaters, and a new insulated foam roof. (The building will also be wired to install future photo-voltaic panels)

Staff believes the degree of relief sought by the applicant is minimal and that the proposed public benefit is proportionate with the deviations being sought with the PDD.

The Resort Combining zone:

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

"all multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit. Such permit is subject to the planning commission making findings 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 Resort overlay is intended to provide for accommodations and services for visitors to the city while guarding against the intrusion of competing land uses. The Resort Overlay finding is analyzed below.

REQUIRED FINDINGS:

Planned Development District Findings.

Findings for a Planned Development District in lieu of a change of zone are outlined in Chapter 94.07.00 (Zone Change) of the Zoning Code. The process outlined in Section 94.03.00 (Planned Development District) of the Zoning Code requires the Planning Commission and the City Council to make a number of findings for approval of the PDD application. The commission in recommending and the council in reviewing a proposed PDD in lieu of a change of zone, shall consider whether the following conditions exist in reference to the proposed zoning of the subject property:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The General Plan land use designation for this parcel is mixed use / multi use. This

designation is intended to encourage development of commercial uses, such as community-serving retail, professional offices, service businesses, restaurants, day care centers and residential uses at a density of 15 du/ac, or 30 du/ac with approval of a PDD. The proposed PDD in this project is to establish the density for an assisted living facility at 40 patient beds in a former 24-room hotel. The project as proposed is consistent with the General Plan and is consistent with the Zoning Code with approval of the PDD.

2. The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.

The subject parcel is located in an area of both vacant and developed parcels. Existing development in the vicinity includes a night club, restaurants, small hotels, apartment buildings, and various small commercial buildings. To the north at Racquet Club Road and North Palm Canyon is an existing neighborhood shopping center (111 Center). The subject parcel is developed with an existing vacant 24-room hotel, pool, landscaping and parking lot. The lot is currently with split zoning; having C-1 in the front and R-2 in the back roughly half of the parcel. Assisted living facilities are permitted with a CUP in multi-family residential zones. The General Plan encourages mid-block residential in commercial areas such as this. The project relates well to the area in which it is located in terms of vehicular access from Zanjero Road and with the mix of commercial and residential uses in the vicinity. Staff has concluded that the property is suitable for the uses proposed in the PDD.

3. The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.

The proposed PDD is necessary to facilitate approval of an assisted living facility use in an existing obsolete 24-room hotel. It is a relatively quiet use and believed to be of insignificant impact to adjacent developed parcels and future developments. As commercial uses develop along this segment of Palm Canyon Drive in the future, providing commercial amenities in a walkable distance to the proposed assisted living facility would be an asset for residents living at the subject site. Conversely, permitting residential uses in walkable proximity to commercial areas invigorates the area with pedestrian traffic and reduces vehicular trips, and the related traffic and emissions.

One tenant in the adjacent mixed use building south of the project site is a night club. Staff had concerns about potential noise complaints from future residents of the assisted living facility, however the applicant has met with the night club owner who has written a letter of support for the proposed use.

Conditional Use Permit Findings

Findings for a Conditional Use Permit (CUP) are outlined in Chapter 94.02.00 (Conditional Use Permit) and are outlined below

- 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 (R-2 zone), assisted living facility uses are allowed in the R-2 zone subject to approval of a Conditional Use Permit. Approval of the PDD in lieu of a change of zone would eliminate the split zone condition and allow the application of the CUP across the entire project site.

- 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 permissible in land use areas where multi-family residential uses are permitted. The site is located in the Mixed Use / Multi-use land use designation which allows residential uses to a maximum of 30 dwelling units per acre with approval of a Planned Development District (PDD). The Arts Colony Mixed/multi-use area has a suggested residential mix of 40 to 60% of the total land use area.

The proposed use is desirable for the community because it provides a specialized type of housing. The proposed use is not detrimental to existing or future uses because it proposes redevelopment of an existing dilapidated hotel (a residential use) for an assisted living facility (also a residential use). The proposed use is in harmony with the General Plan as noted in the following goals and policies and allowable density for assisted living facilities:

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 who need assistance with the regular routine of daily living. The applicant's data indicates that Palm Springs is currently underserved in the quantity of assisted living facility beds as compared to other valley cities. Thus the project contributes to the provision of a broad range of housing types within the City.

Policy LU 6.1: "Facilitate new residential development on vacant or underutilized properties that have been designated as mixed-use/multi-use areas on the Land Use Plan".

The proposed development would revitalize an aging, vacant hotel with residential uses for persons needing assistance with daily living. Further on page 1-38 of the General Plan, under the description of Mixed use/Multi-use, it states, "*The application of mixed/multi-use strategies are most appropriate for... Existing development that can be redesigned to become more contemporary and function in its use of the land, ... (and) ...Existing development that can be intensified or rehabilitated to become more productive*

Staff believes that the adapting a new use for this aging hotel is consistent with the statements above. It redesigns an existing obsolete building with a contemporary exterior appearance and allows an older development to be rehabilitated and intensified to become a productive and contributing part of the neighborhood.

Goal 20: "*Encourage attractive and well designed midblock corridor residential development along the North Palm Canyon Drive/Indian Canyon Drive corridors...*"

The subject parcel is an interior lot between Via Escuela Road and Racquet Club Road. Encouraging redevelopment of this site for a residential use (assisted living) is consistent with this goal of creating mid-block residential development.

Policy 20.3: "*Encourage alley-loaded or rear parking in areas where they exist.*

The project has a parking lot that is accessed from the local street at the rear of the parcel.

Based on the above, staff concludes that the project is consistent with the General Plan.

- 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 site is roughly 1.1 acres in size. It conforms to the minimum size and shape requirements for the zones in which it is located, except for lot width (which is deemed existing legal non-conforming). The side yard setbacks are ten feet and the required setback is thirteen feet, but the building was constructed with permits and is therefore also legal non-conforming in its side yard setback condition. These conditions are not being reduced or changed. Staff believes the project conforms to this finding.

- 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 has two street frontages; one on North Palm Canyon Drive, which is a major thoroughfare on the City's General Plan Circulation Map and Zanjero Road, which is a local street. The project proposes to take vehicular access off Zanjero Road via existing driveway curb cuts into the parking lot. The project also proposes a drop-off lane off Palm Canyon Drive. Staff believes the project properly relates to streets and the adjacent roads are capable of handling the proposed traffic generated by this project.

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

A set of draft conditions of approval are attached to this staff report as Exhibit A for the Planning Commission's consideration.

Findings for the Resort Combining Zone Overlay

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

"...the planning commission (shall) make findings 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 project is located just north of the Uptown commercial district in a C-1 (general commercial-retail)/R-2 (multifamily residential) zone. It is sparsely developed with a variety of commercial and residential (hotel) uses. Although the existing buildings on the site were built as a hotel many years ago, limited on-site amenities and a relatively remote location from other hotels and tourist-related uses make it a less than desirable location for continuing use as a hotel. This seems to be evidenced in that the hotel has been closed for some time now and previously had been used as long term apartment rentals, not hotel uses. This section of North Palm Canyon Drive serves as a principal commercial corridor between Vista Chino Road and San Rafael Road for the surrounding residential areas to the west, north and east.

Retaining this commercial zone will be important in providing adequate neighborhood serving commercial/restaurant/and retail uses. However, with the update in 2007 of the City's General Plan, the City's vision for this commercial area became one interspersed with "mid-block residential uses" that would help concentrate commercial activity "hubs" around the major street intersections. Up to a 60% mix of residential uses is preferred (but not required) in this the "Artist Colony Mixed-use/Multi-use area". While other "by-right" uses would be possible, there are none that Staff believes is of particularly greater benefit or appropriateness for this parcel.

Therefore staff believes the project conforms to this finding.

CONCLUSION:

The proposed Planned Development District in lieu of a change of zone proposes a 40-patient bed assisted living facility. 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. With approval of the PDD, the proposed density of the project is consistent with both the General Plan and the Zoning Code. The applicant has proposed public benefits that Staff believes are proportionate to the development standard relief sought via the PDD. Therefore Staff recommends approval of the preliminary and final PDD, subject to attached conditions of approval.

ENVIRONMENTAL DETERMINATION:

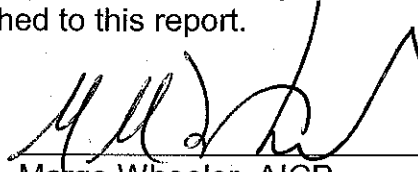
The proposed project has been evaluated pursuant to the guidelines of the California Environmental Quality Act (CEQA) and has been deemed "Categorically Exempt" under CEQA Section 15332 "Existing Facilities".

NOTIFICATION:

A notice was mailed to all listed 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



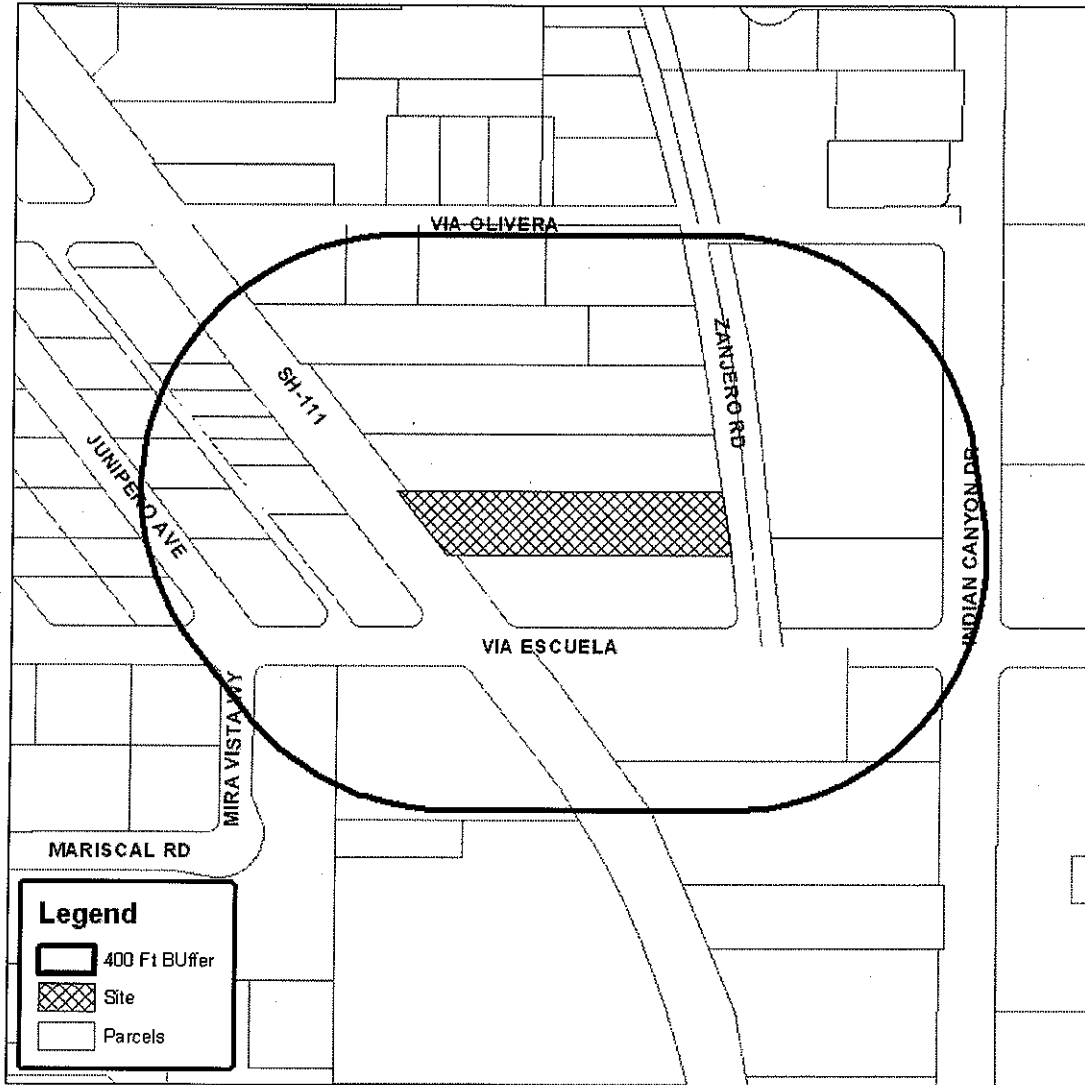
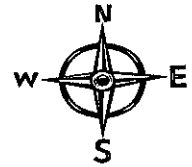
Margo Wheeler, AICP
Director of Planning Services

Attachments:

- 400' Radius Vicinity Map
- Draft Resolution and Conditions of Approval
- Site Plan, elevations, landscape plan and written information from the applicant.
- Public Correspondence



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1293 PDD 362 CUP

APPLICANT: Joshua Levy

DESCRIPTION: An application for a Planned Development District (PDD) in lieu of a change of zone seeking a density for an assisted living facility of 40 patient beds and a Conditional Use Permit to convert an existing 24-room hotel use to an assisted living facility use on a 1.1-acre parcel at 2150 North Palm Canyon Drive; Zone C-1/R-2 Resort Combining Zone. APN 504-270-009

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR APPROVAL OF CASE 5.1293 PDD 362 / CUP, A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE SEEKING TO ADD ASSISTED LIVING FACILITY USES WITH A DENSITY OF 40 PATIENT BEDS AND A CONDITIONAL USE PERMIT SEEKING APPROVAL OF ASSISTED LIVING FACILITY USES ON A ROUGHLY 1.1-ACRE PARCEL AT 2150 NORTH PALM CANYON DRIVE, ZONE C-1 / R-2, RESORT COMBINING ZONE. (APN'S 504-270-009).

WHEREAS, Joshua Levy, "applicant", has filed an application with the City pursuant to Sections 94.02.00 (Conditional Use Permit) and 94.07.00 (Planned Development District in lieu of a change of zone) of the Zoning Code requesting approval of a Planned Development District (PDD) in lieu of a change of zone seeking to add assisted living facility uses with a density of 40 patient beds and a Conditional Use Permit seeking approval of an assisted living facility use on a roughly 1.1-acre parcel at 2150 North Palm Canyon Drive, zone C-1/R-2 Resort Combining Zone overlay; and

WHEREAS, a notice of public hearing for Case 5.1293 PDD 362 CUP was given in accordance with applicable law; and

WHEREAS, on April 24, 2013, a public meeting on Case 5.1293 PDD 362 CUP was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the guidelines of the California Environmental Quality Act ("CEQA") and has been determined to be Categorically Exempt under CEQA Section 15301 "Existing Facilities"; 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 Categorically Exempt under CEQA Section 15301 ("Existing Facilities").

Section 2: *Findings for the Planned Development District in lieu of Change Zone.* Pursuant to PSZC Section 94.07.00 (Planned Development District in lieu of change of zone), the Planning Commission finds as follows:

1. *The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The General Plan land use designation for this parcel is mixed use / multi use. This designation is intended to encourage development of commercial uses, such as community-serving retail, professional offices, service businesses, restaurants, day care centers and residential uses at a density of 15 du/ac, or 30 du/ac with approval of a PDD. The proposed PDD in this project is to establish the density for an assisted living facility at 40 patient beds in a former 24-room hotel. The project as proposed is consistent with the General Plan and is consistent with the Zoning Code with approval of the PDD.

2. *The subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses, and other considerations deemed relevant by the commission and council.*

The subject parcel is located in an area of both vacant and developed parcels. Existing development in the vicinity includes a night club, restaurants, small hotels, apartment buildings, and various small commercial buildings. To the north at Racquet Club Road and North Palm Canyon is an existing neighborhood shopping center (111 Center). The subject parcel is developed with an existing vacant 24-room hotel, pool, landscaping and parking lot. The lot is currently with split zoning; having C-1 in the front and R-2 in the back roughly half of the parcel. Assisted living facilities are permitted with a CUP in multi-family residential zones. The General Plan encourages mid-block residential in commercial areas such as this. The project relates well to the area in which it is located in terms of vehicular access from Zanjero Road and with the mix of commercial and residential uses in the vicinity. The Planning Commission has concluded that the property is suitable for the uses proposed in the PDD.

3. *The proposed change of zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent property or residents.*

The proposed PDD is necessary to facilitate approval of an assisted living facility use in an existing obsolete 24-room hotel. It is a relatively quiet use and believed to be of insignificant impact to adjacent developed parcels and future developments. As commercial uses develop along this segment of Palm Canyon Drive in the future, providing commercial amenities in a walkable distance to the proposed assisted living facility would be an asset for residents living at the subject site. Conversely, permitting residential in walkable proximity to commercial areas reduces vehicular trips, and the

related traffic and emissions.

Section 3: *Conditional Use Permit Findings*

Findings for a Conditional Use Permit (CUP) are outlined in Chapter 94.02.00 (Conditional Use Permit) and are outlined below

- 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 (R-2 zone), assisted living facility uses are allowed in the R-2 zone subject to approval of a Conditional Use Permit. Half of the subject parcel is in the C-1 zone. The PDD in lieu of a change of zone for the entire parcel establishes assisted living facilities as a permitted use with a CUP, within the PDD.

- 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 permissible in land use areas where multi-family residential uses are permitted. The site is located in the Mixed Use / Multi-use land use designation which allows residential uses to a maximum of 30 dwelling units per acre with approval of a Planned Development District (PDD).

The proposed use is desirable for the community because it provides a specialized type of housing. The proposed use is not detrimental to existing or future uses because it proposes redevelopment of an existing dilapidated hotel (a residential use) for an assisted living facility (also a residential use). The proposed use is in harmony with the General Plan as noted in the following goals and policies and allowable density for assisted living facilities:

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 who need assistance with the regular routine of daily living. Thus the project contributes to the provision of a broad range of housing types within the City.

Policy LU 6.1: "Facilitate new residential development on vacant or underutilized properties that have been designated as mixed-use/multi-use areas on the Land Use Plan".

The proposed development would revitalize an aging, obsolete hotel that has been vacant and underutilized for several years with residential uses for persons needing assistance with daily living. Further on page 1-38 of the General Plan, under the description of Mixed use/Multi-use, it states, "*The application of mixed/multi-use strategies are most appropriate for... Existing development that can be redesigned to become more contemporary and function in its use of the land, ... (and) ...Existing development that can be intensified or rehabilitated to become more productive*

The Planning Commission has determined that the adapting a new use for this aging hotel is consistent with the statements above. It redesigns an existing obsolete building with a contemporary exterior appearance and allows the aging development to be rehabilitated and intensified to become a productive and contributing part of the neighborhood.

Goal 20: "*Encourage attractive and well designed midblock corridor residential development along the North Palm Canyon Drive/Indian Canyon Drive corridors...*"

The subject parcel is an interior lot between Via Escuela Road and Racquet Club Road. Encouraging redevelopment of this site for a residential use (assisted living) is consistent with this goal of creating mid-block residential development.

Policy 20.3: "*Encourage alley-loaded or rear parking in areas where they exist.*

The project has a parking lot that is accessed from the local street at the rear of the parcel.

Based on the above, staff concludes that the project is consistent with the General Plan.

- 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 site is roughly 1.1 acres in size. It conforms to the minimum size and shape requirements for the zones in which it is located, except for lot width (which is deemed existing legal non-conforming). The side yard setbacks are ten feet and the required setback is thirteen feet, but the building was constructed with permits and is therefore also legal non-conforming in its side yard setback condition. These conditions are not being reduced or changed. The Planning Commission has determined that the project conforms to this finding.

- 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 has two street frontages; one on North Palm Canyon Drive, which is a major thoroughfare on the City's General Plan Circulation Map and Zanjero Road, which is a local street. The project proposes to take vehicular access off Zanjero Road via existing driveway curb cuts into the parking lot. The project also proposes a drop-off lane off Palm Canyon Drive. The Planning Commission has determined that the project properly relates to streets and the adjacent roads are capable of handling the proposed traffic generated by this project.

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

A set of draft conditions of approval are attached to this resolution as Exhibit A.

Section 4: *Findings for the Resort Combining Zone Overlay*

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

"...the planning commission (shall) make findings 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 project is located just north of the Uptown commercial district in a C-1 (general commercial-retail) zone. It is sparsely developed with a variety of commercial and residential (hotel) uses. Although the existing buildings on the site were built as a hotel many years ago, limited on-site amenities and a relatively remote location from other hotels and tourist-related uses make it a less than desirable location for continuing use as a hotel. This seems to be evidenced in that the hotel has been closed for some time now and previously had been used as long term apartment rentals. This section of North Palm Canyon Drive serves as a principal commercial corridor between Vista Chino Road and San Rafael Road for the surrounding residential areas to the west, north and east.

Retaining this commercial zone will be important in providing adequate neighborhood serving commercial/restaurant/and retail uses. However, with the update in 2007 of the City's General Plan, the City's vision for this commercial area became one interspersed with "mid-block residential uses" that would help concentrate commercial activity "hubs" around the major street intersections. Up to a 60% mix of residential uses is preferred (but not required) in this the "Artist Colony Mixed-use/Multi-use area". While other "by-right" uses would be possible, there are none that the Planning Commission believes are of particularly greater benefit or appropriateness for this parcel. Therefore the

Planning Commission has determined that the project conforms to this finding.

Section 5: Pursuant to City Council Policy on Public Benefit associated with Planned Development Districts dated September 18, 2008, the Planning Commission has considered the proposed public benefits listed below and believes they are proportionate to the degree of deviations in the underlying development standards being sought by the applicant:

The applicant is seeking the following adjustments in the underlying develop standards with the PDD:

- Change the split zoning to one PDD in lieu of a zone change, adding assisted living facilities as a permitted use with a CUP within the PDD.
- Increase the density pursuant to and consistent with the General Plan Mixed-use/Multi-use land use designation, and the General Plan methodology for calculating density for assisted living facilities.
- Establish the existing built conditions as conforming under the PDD. (The following existing "legal non-conforming" conditions could be deemed "conforming" with approval of the PDD):
 - Reduction in usable open space (from 50% to 37%),
 - reduced sided yard setbacks from 13 feet to 10 feet,
 - reduced minimum lot width (from 130 to 100 feet)

The applicant proposes the following public benefits:

- The project itself; providing a specialized type of housing (assisted living).
- The project itself; in terms of blight removal and rehabilitation of a vacant building.
- Sustainability features; improved energy efficiency for an existing building by using high efficiency windows, doors, air conditioning units, hot water heaters, and a new insulated foam roof. (The building will also be wired to install future photo-voltaic panels)

The Planning Commission has determined that the degree of relief sought by the applicant is minimal and that the proposed public benefit is proportionate with the deviations being sought with the PDD.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1293 PDD 362 a preliminary and final Planned Development District (PDD) in lieu of a Change of Zone adding assisted living facilities as a use permitted in the PD subject to approval of a Conditional Use Permit (CUP), establishing a 40 bed density for an assisted living facility at the subject site, and

approving a Conditional Use Permit for an assisted living facility use located at 2150 North Palm Canyon Drive, subject to the attached Conditions of Approval. Furthermore, the Planning Commission recommends that the City Council approves Case 5.1293 PDD 362 CUP, subject to the attached Conditions of Approval .

ADOPTED this 24th day of April, 2013

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Margo Wheeler, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case 5.1293 PDD 362 CUP
2150 North Palm Canyon Drive
April 24, 2013

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 5.1293 PDD 362 CUP; and as follows:

- a. The project is a 40-bed maximum non-medical assisted living facility in an existing 24-room hotel that will be comprehensively renovated and upgraded.
- b. The project is required to maintain 24 off-street parking spaces and bicycle parking.
- c. Primary Care Residents of the facility shall be limited in age from 65 years to end of life. Spouses and/or life partners shall be permitted to live in the same unit as the primary care resident.
- d. The facility shall maintain an open door policy for community members who may wish to volunteer including high school age students who participate in the "adopt-a-grandparent" program.
- e. The facility shall maintain their appropriate state license(s) with the California Department of Social Services Community Care Licensing, covering three categories of clients (Ambulatory, Non ambulatory and Bedridden.)
- f. The facility shall provide transportation for off-site outings, appointments and social events and provide a diverse offering of activities on site as well.
- g. The facility may offer long-term residency for its occupants and a full range of assistance services. For example, a resident may be fully ambulatory needing little assistance with daily activities of living, but may continue to

reside in the facility, selecting increasing amounts of assistance and care as needed throughout the remainder of their life without having to move to other unfamiliar or off-site quarters. The care and assistance services available include "end-of-life" hospice care.

- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped December 13, 2012, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning.
- 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 5.1293 PDD 362 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the

property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.

- ADM 7. Time Limit on Approval. Approval of the (Planned Development District (PDD) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.

- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.

- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 10. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

- ADM 11. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 22. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.
- ADM 23. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) Local Development Mitigation Fee (LDMF) NOT required.
- ENV 2. 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).
- ENV 3. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at www.dfg.ca.gov for more information.
- ENV 4. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 5. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall

be present during all ground-disturbing activities. (check for duplication in engineering conditions)

- ENV 6. a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
- b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 3. 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. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.

- PLN 4. Flat Roof Requirements. Roof materials on flat roofs (less than 2:12) must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 or a minimum SRI of 64 and a three-year aged solar reflectance of 0.55 or greater. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 5. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 6. 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 7. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 8. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 9. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 10. 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 11. 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.
- PLN 12. (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, and the project site shall meet all requirements related to accessibility, subject to the review and approval of the City's Building and Safety Official.

ENGINEERING DEPARTMENT CONDITIONS

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

STREETS

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Applicant shall obtain State permits and approval of plans for any work done on State Highway 111. A copy of an approved Caltrans encroachment permit shall be provided to the City Engineer prior to the issuance of any grading or building permits if there is any work being done in the public right-of-way on State Highway 111.

N. PALM CANYON DRIVE

- ENG 3. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ZANJERO ROAD

- ENG 4. All broken or off grade street improvements along the project frontage shall be repaired or replaced.

ON-SITE

- ENG 5. The minimum pavement section for all on-site pavement (such as drive aisles, parking spaces, etc.) shall be 2-1/2 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

SANITARY SEWER

- ENG 6. All sanitary facilities shall be connected to the public sewer system. The existing sewer service in Zanjero Road, to the property shall be used for this project if possible. New laterals shall not be connected at manholes.

GRADING

ENG 7. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

a. A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that have completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Grading plan.

b. The first submittal of the Grading Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Site Plan; a copy of current Title Report; and a copy of Soils Report.

ENG 8. Prior to approval of a Grading Plan or issuance of any permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

ENG 9. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed if disturbing 5,000 square feet of ground surface or more. Fencing shall have screening that is tan in color; green screening will not be allowed. Temporary dust control perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.

- ENG 10. Temporary dust control perimeter fence screening (if required) shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 11. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 12. Contact Desert Water Agency at (760) 323-4971 Ext. 146 to determine impacts to any existing Whitewater Mutual Water Company water lines and other facilities that may be located within the property if any. Make appropriate arrangements to protect in place or relocate any facilities that are impacted by the development. A letter of approval for relocated or adjusted facilities from Desert Water Agency shall be submitted to the Engineering Division prior to approval of the Grading Plan.
- ENG 13. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 14. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 15. This project requires preparation and implementation of a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.
- ENG 16. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development, if 5,000 square feet or more of ground surface is being disturbed..
- ENG 17. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.

- ENG 18. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided even though there may not be a grading plan for the project. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 19. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 20. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

DRAINAGE

- ENG 21. This project shall be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater and non-stormwater runoff, shall be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat contaminated stormwater and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) if required for the development.
- ENG 22. All stormwater runoff across the property shall be accepted and conveyed in a manner acceptable to the City Engineer and released to an approved drainage system. Stormwater runoff may not be released directly to the adjacent streets

without first intercepting and treating with approved Best Management Practices (BMP's).

GENERAL

- ENG 23. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.
- ENG 24. All proposed utility lines shall be installed underground.
- ENG 25. The applicant shall submit a letter to the City from Southern California Edison stating that the existing overhead power lines crossing over the east end of the north building on the site, is acceptable as it exists.
- ENG 26. All existing utilities shall be shown on the improvement plans if required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 27. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval by the City Engineer.
- ENG 28. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.

- ENG 29. Nothing shall be constructed or planted in the corner cut-off area of any driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 30. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb on Zanjero Road shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

TRAFFIC

- ENG 31. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 32. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 33. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 34. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

FIRE DEPARTMENT CONDITIONS

- FID 1. **Premises Identification (CFC 505.1):** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5".
- FID 2. **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box **shall be flush mount type** and shall contain keys to gain necessary access as required by the fire code official.

Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to

association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.

- FID 3. **Location of Knox boxes:** A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 4. **Portable Fire Extinguisher (CFC 906.1):** Portable fire extinguishers shall be installed. Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Portable fire extinguishers shall not be obstructed or obscured from view. Portable fire extinguishers shall be installed so that the top is not more than 5 feet above the floor.
- FID 5. **Interior Finish, Decorative Materials and Furnishings (CFC 801.1):** The provisions of this chapter shall govern interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Section 803 shall be applicable to existing buildings. Sections 804 through 808 shall be applicable to new and existing buildings.
- FID 6. **Fire Sprinklers Required (CFC 903.2.8):** An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. The contractor should submit fire sprinkler plans as soon as possible. No portion of the fire sprinkler system may be installed prior to plan approval.
- FID 7. **Balconies and Decks (903.3.1.2.1).** Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.
- FID 8. **Audible Water Flow Alarms (CFC 903.4.2 & Appendix K: 4.3):** An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated. A second horn/strobe shall be installed in the interior of the building in a normally occupied location. In multiple suite buildings, additional interior horn/strobes shall be installed in all suites with 50 or more occupant load. Power shall be provided from a fire alarm control unit.
- FID 9. **Valve and Water-Flow Monitoring (CFC 903.4):** All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be

electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.

- FID 10. **Audible Residential Water Flow Alarms (CFC 903.4.2):** An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated.
- FID 11. **Central Station Protective Signaling Service (CFC 903.4.1):** A UL listed and certified Protective Signaling Service (Central Station Service) is required. Provide the Fire Department with proof of listing and current certificate.
- FID 12. **Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 13. **Fire Alarm System (CFC 907.2.10):** Fire alarm system is required and installation shall comply with the requirements of NFPA 72, current Edition.

END OF CONDITIONS

Golden Autumn

CA State License number 336423967

P.O. Box 1268

Rancho Mirage, CA 92270

Czaech@msn.com

To: Josh Levy

Re: Assisted Living Facility Palm Springs

We provide assistance to seniors with special needs in a safe and caring environment. Clients are assisted with dressing, grooming, and bathing, toileting while maintaining an optimal level of independence, dignity and security. A registered nurse evaluates each client upon admission and with the assistance of the client and their families creates a life care plan to meet the individual needs of the client.

Residents and their families are encouraged to participate in a diverse offering of activities including personal trainers, gardening activities, games, zoo to you, movie night, afternoon social events, book clubs etc.

Resident needs may include outings for hair, nail, beauty and spa appointments. Many of our residents have very active social lives and go out to meet friends and family for meals at local restaurant. We arrange excursions to movies, libraries, shopping and community events. We also arrange for transportation to and from medical and dental appointment. Each resident is followed by a registered nurse to maintain the highest level of physical and mental health.

We provide 3 meals a day plus snacks. We monitor all of our clients for adequate hydration and nutrition. We monitor for skin integrity and offer a variety of incontinence products. We have safety monitors for our residents so that we are available to assist them at the push of a button. Our nurse contacts the client's physician and family for any changes. We assist clients with their medications to ensure proper dosing as prescribed by the physician.

Some of our residents have special needs due to cognitive impairment or instability. We have a variety of monitors to alert staff if any of our residents are in need of immediate help or supervision.

We also have an open door policy for community members that would like to volunteer at our facilities. High school students often come in for our "adopt a grandparent" program.

We are licensed for clients 65 years and older by the California State department of Social Services Community Care Licensing. Our license provides for three categories of clients: Ambulatory, Non ambulatory and Bedridden. Ambulatory clients are those individuals that in the event of an emergency are able to vacate the building under their own power with verbal or visual instructions. Non ambulatory clients may be able to walk under their own power but are unable

to vacate the building without assistance. Bedridden clients are not necessarily in bed. They must have assistance to transfer to a wheelchair or other mode of transportation to vacate a building. Our mix of clients will vary depending upon their need. Many clients come to our facilities as ambulatory clients then progress to non-ambulatory and finally bedridden. We do not reject our clients as they become more disabled rather we embrace them for what they bring to our community. We are a non-medical facility in that if our clients have the need for 24 hour skilled care they must go to a skilled care facility. We work closely with hospice for those of our community that have chosen to die at home. Many of our clients are in varying stages of dementia. It ranges from forgetting to turn the bath water off to forgetting the name of their spouse or life partner.

Our visiting policies are very liberal as long as visitation doesn't interfere with other clients, the clients can have visitors as long as they like. We have even had spouses and life partners that live with our clients.

2150 North Palm Canyon Drive, LLC

April 16, 2013

Planning Commission
C/o Department of Planning Services
City of Palm Springs, California
3200 Tahquitz Canyon Way
Palm Springs, CA 92262

Re: 2150 North Palm Canyon Drive
Palm Springs, CA

Dear Planning Commission-

We hope you approve our CPU and PDD request. Not only does this project create a great economic benefit to the City of Palm Springs and helps fill a void for additional senior assisted living beds, but the general plan calls for this type of mid block development/adaptive reuse within the Art Colony district of North Palm Canyon. Moreover, ½ of our parcel is zoned R2 which supports our intended use. There is a huge over supply of vacant commercial property along North Palm Canyon as well as vacant land for future development. This property has been a dilapidated, blighted facility that acted as a catalysis for all kinds of neighborhood crime for many, many years and a drain on law enforcement and City resources. Enclosed as exhibits to this letter please find the corroborating documentation per the foregoing synopsis of details pertaining to our desire to adaptively reuse the dilapidated Desert Moon Motel and reposition it into a senior assisted living facility. Below are some items that might be of interest in bullet format:

- 1) The North Palm Canyon office market has a 27% vacancy factor trending upward in a recovering market. The rental rates for office have also trended downward to about \$1.37 on a gross basis. The desert cities as a whole have a combined 14% vacancy for office product and an average office rental rate of \$1.70 modified gross, meaning that on top of the rent landlords can recover some expenses and the effective rate is slightly higher.
- 2) The North Palm Canyon retail market has about a 10% vacancy factor for storefront retail and with respect to the Northgate Shopping Center it continues to suffer with approximately a 70% vacancy factor, asking \$.80 to \$.90 NNN psf. This even after the demolition of the only other competing mall within the North Palm Canyon trade area. Dinks at 2080 North Palm Canyon after millions of dollars were spent on the building and creation of a destination restaurant remains vacant for over a year. The average rental rate for storefront is \$1.40 modified gross along North Palm Canyon, compared to \$2.50 NNN for South Palm Canyon.
- 3) The newest lease to be signed along North Palm Canyon just to the north of the old Desert Moon on the South side of the street is a marijuana dispensary which had a truck drive through the front of the building and steal the inventory the week after it opened.
- 4) Between San Rafael and West Tahquitz there are +- 51 individual vacant parcels totaling +-29 acres of vacant land fronting North Palm Canyon.

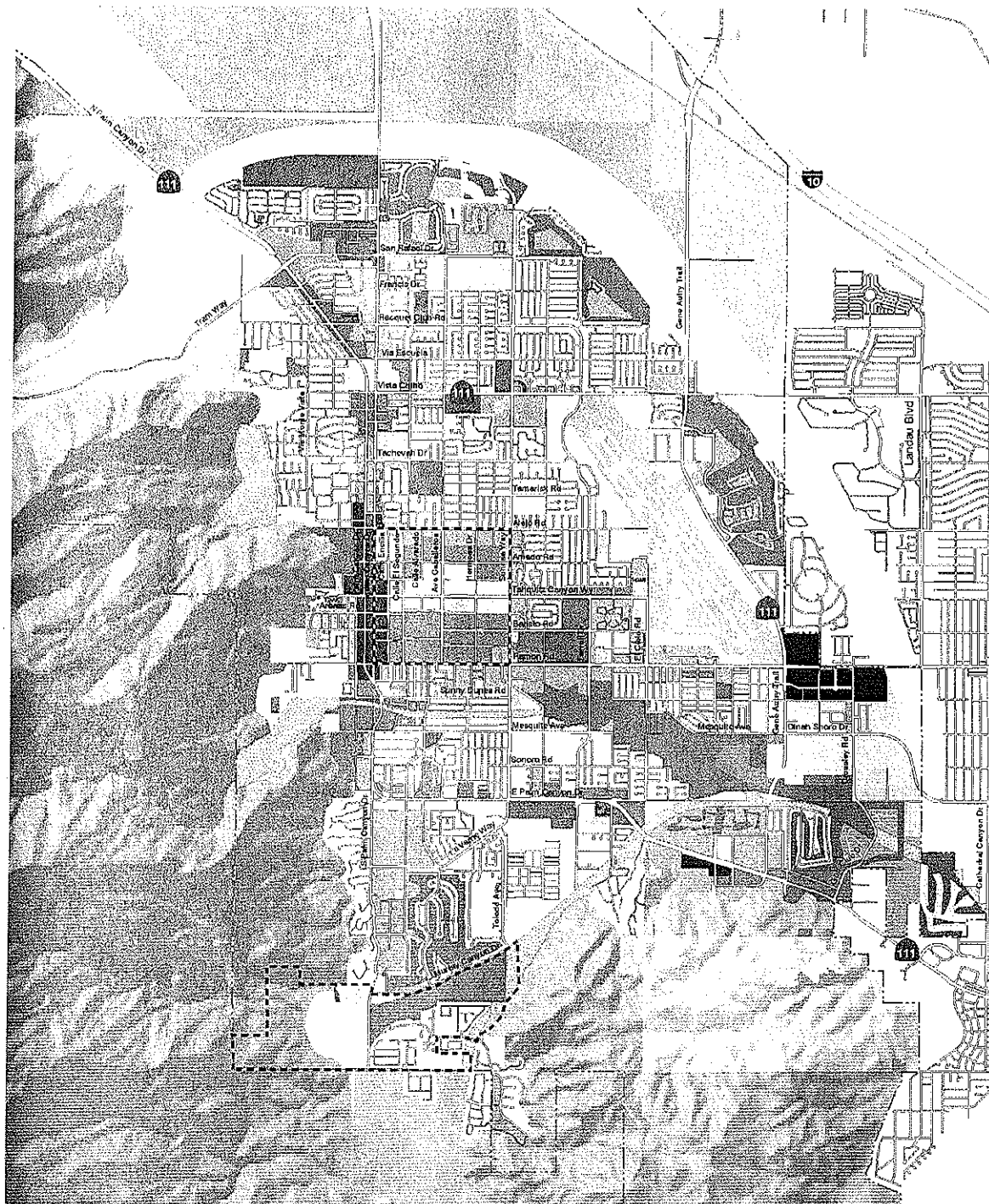
2150 North Palm Canyon Drive, LLC

- 5) Since 2007 the Desert Moon has had 1 homicide, 1 attempted murder on a peace officer, 15 vandalism calls, 14 car break ins, 10 Battery calls, 3 assault on a child calls, 11 drug related calls, 9 domestic violence calls, firearm calls, warrants/arrest calls, and numerous other calls for all kinds of service and disturbances 173 in total.
- 6) KW Commercial Hospitality expert Richard DeCarlo a 30+ year hospitality broker gave a list of hotel properties along North Palm Canyon there are 10 in total with an average occupancy of only 35%-40% and an ADR of \$49-\$59. Of those the Bahamas Hotel, Desert Moon (until now), Palm Grove, Desert Fountain Inn, Palm Springs Inn and the Palm Canyon Motel all operate allowing monthly rentals (an apartment building). Moreover, the new La Fontaine hotel is being operated as a wellness center not as a hotel by normal standards. Palm Springs to the South per PKF consulting for 2012 for hotels under 100 rooms had occupancy of 67% and an ADR of \$96.24.
- 7) Per the 2012 census and Community Care Licensing which is a State of California ran organization, Palm Springs as compared to Palm Desert and Rancho Mirage had the least amount of assisted living beds per capita at 440 beds servicing a population of 42,870 residents vs. Palm Desert at 621 beds for a population of 41,155 residents and Rancho Mirage having 439 beds for a population of 30,458 residents.

These 7 bullets are some of the discussion topics that might help show the viability of our project and why the North Palm Canyon area needs immediate gentrification for any long term viability.

Regards,

2150 North Palm Canyon Drive, LLC



- | | |
|--|---|
| Estate Residential (0 - 2.0 du/ac) | School |
| Very Low Density Residential (2.1 - 4.0 du/ac) | Public/Utilities |
| Low Density Residential (4.1 - 6.0 du/ac) | Airport |
| Medium Density Residential (6.1 - 15.0 du/ac) | Open Space - Mountain (1 du/40 ac) |
| High Density Residential (15.0 - 30.0 du/ac) | Open Space - Conservation (1 du/20 ac) |
| Small Hotel | Open Space - Parks/Recreation |
| Tourist Resort Commercial | Open Space - Water |
| Neighborhood/Community Commercial | Desert (1 du/10 ac) |
| Central Business District | Special Policy Area |
| Regional Commercial | Watercourse Zone |
| Mixed Use/Multi-Use | Wind Energy Overlay |
| Office | City Boundary |
| Industrial | Sphere of Influence |
| Regional Business Center | Potential Future Sphere of Influence Expansion Area |
| Public/Quasi-Public | Specific Plan |

0 4,000'

General Plan Land Use Detail

Land Use Element



Figure 2-3

Artist Colony

The north end of Palm Canyon Drive is characterized by a series of underutilized and vacant commercial centers that, at first glance, provide a deteriorating image of the City as visitors travel toward Downtown. Overall, the northern end of the City lacks distinct gathering places, with residents and businesses relying mainly upon Downtown to serve this need. The Artist Colony provides a prime opportunity to introduce housing along the Palm Canyon Drive corridor and to provide much needed neighborhood-serving commercial uses and gathering spaces.

Preferred mix of uses: 40–60 percent residential, 15–25 percent office, 20–35 percent commercial

Uptown

Immediately north of the Downtown, the Uptown mixed/multi-use area is located along North Palm Canyon Drive and North Indian Canyon Drive, north of Alejo, south of Via Escuela. A collection of art galleries and boutiques are located here, along with medical and professional office uses. A more vibrant retail/commercial area serving the needs of the adjacent desirable residential neighborhoods of Las Palmas, Vista Las Palmas, Movie Colony, and Ruth Hardy Park are needed in this area.

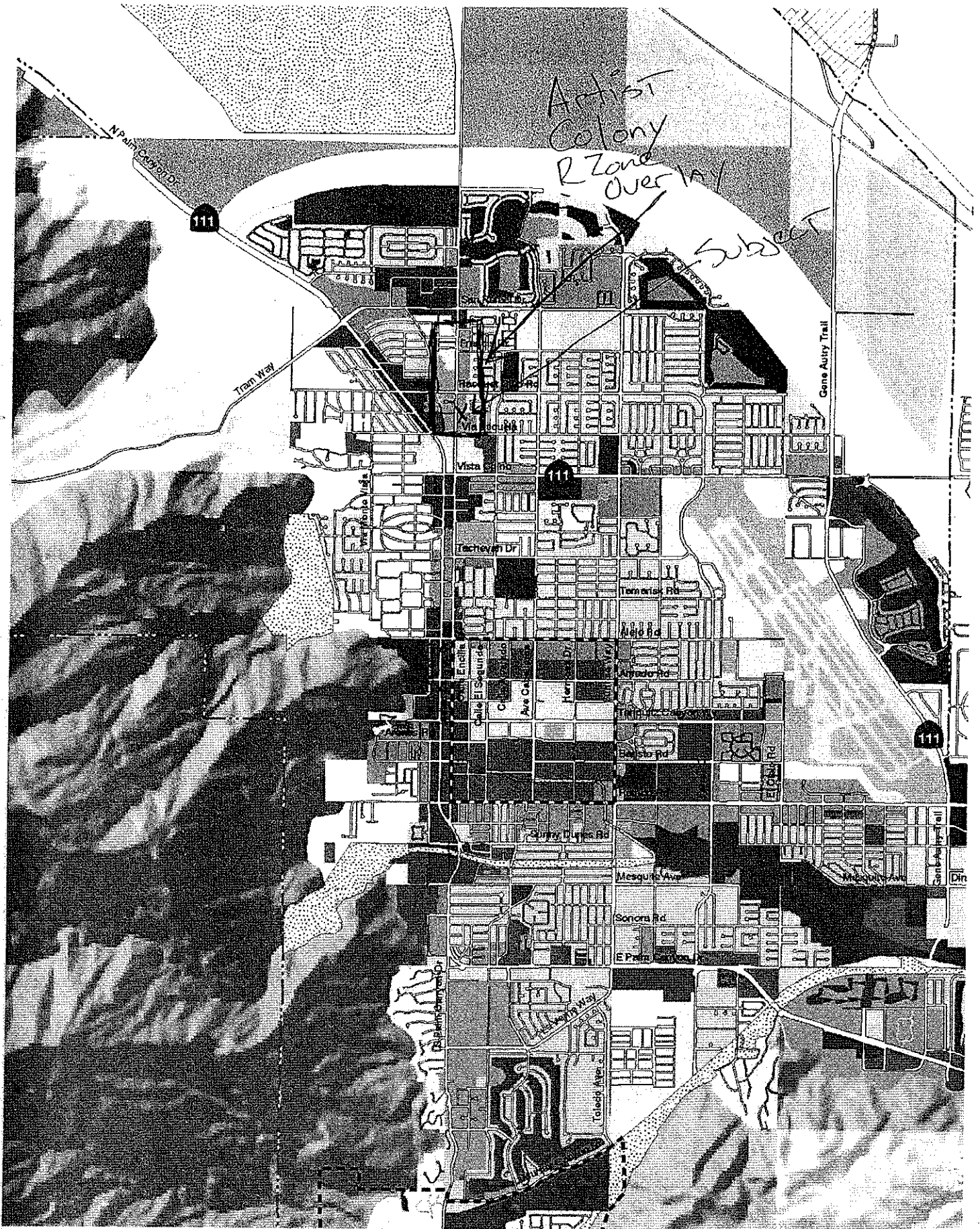
A concentrated mix of uses here could stimulate activity and create a sense of place by connecting new residential uses with the nearby medical offices, including the Desert Resort Regional Medical Center, and specialty shopping in the Heritage District. The primary purpose of a mixed-use center in the Uptown area is to generate a synergy between complementary uses that can ultimately result in a gathering place for residents and businesses in the northern end of the City.

Preferred mix of uses: 30–40 percent residential, 30–40 percent commercial, 20–30 percent office

Vista Chino and Sunrise Way

This corner is surrounded by an established single-family neighborhood to the north and west, and neighborhood commercial uses to the east and south. Smaller-scale, neighborhood-serving, commercial development integrated with a unique residential opportunity is envisioned for this site, providing a gathering place within walking distance for the residents living in the adjacent neighborhoods. The character and scale of this mixed-use area is smaller than those along Palm Canyon Drive; building design should maintain a lower profile consistent with the heights of the adjacent uses.

Preferred mix of uses: 60–70 percent residential, 30–40 percent commercial



Artist Colony
R Zone
Overlaid

Subject

S. T. Williams

N. Palm Canyon Dr

Tam Way

Gene Autry Trail

Vista

Techeverri Dr

Tameras Rd

Aliso Rd

Albino Rd

Enchilla

Calle El Sagrado

Ave C

Ave Ca

Her

Albino Rd

Curry Dupes Rd

Mesquite Ave

Sonora Rd

E Paso

Albino Rd

Albino Rd

Albino Rd

Albino Rd

Albino Rd

Albino Rd

11

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Ken Lyon

From: joshllevy@yahoo.com
Sent: Tuesday, April 09, 2013 10:48 AM
To: Ken Lyon; Ken Lyon; lance@o2arch.com; Jeff Bicknell
Subject: Fw: The Desert Moon Project

Ken pls see below

Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: <mcinque@dc.rr.com>
Date: Tue, 9 Apr 2013 17:39:05
To: joshllevy@yahoo.com<joshllevy@yahoo.com>
Subject: The Desert Moon Project

Dear Josh,

I would like to take this opportunity to let you know that I appreciate you taking the time yesterday to sit down with me and my manager, Ken Jacobi, to discuss your upcoming plans for the Desert Moon property. As I mentioned to you in our previous phone conversations, we/Toucans have had a 13 year history with this property. Around the same time the bar was being built out, the Desert Moon property was also beginning it's first renovation process from a depressed and dilapidated state. We watched it turn into a beautiful and quaint boutique hotel that complimented our business cliental and the area for several years. Unfortunately, we also witnessed the demise of this property over the past few years back into something of it's original, if not worse, distressed state.

It is very encouraging to hear that you will be doing a full scale renovation and upgrade to this property with the plan of it being an assisted living facility for the elderly. When the bar first opened over 12 years ago, the North end of town had not experienced the same level of growth and expansion that we have seen to date. The Tangerine complex, the Dink's property, Dickie O'Neill's Pub, and the renovations of the old Pool House developed in the area several years after Toucans opened for business. It has been very rewarding to see the North end of town start to develop and grow into a destination spot for the locals, as well as visitors to Palm Springs. With the renovation of the Desert Moon property, I believe this property will only add to the growth and desirability of the area for other new business ventures. With the new construction, many of the problems we witness on a daily basis with the vagrants and transient population around the Desert Moon, as well as our property, should become less of a nuisance for us as well as the general neighborhood.

It is our intention to work with you and the future business in any way we can and to be "good neighbors." It will be exciting to watch as the construction begins and the property is transformed and takes on it's new life. Your project is a welcome addition to the North end and we will look forward to a bright and long lasting future for your endeavor.



Hotel Properties

North Palm Canyon

Hotel/Hospitality properties on North Palm Canyon, north of Vista Chino have experienced severe problems in maintaining occupancy, profitability, quality guests which has resulted in financial problems causing some properties to go in to foreclosure or become distressed properties with lower than market sales prices and longer periods of time to find a buyer and close escrow. For example:

The Bahama Hotel 2323 N. Palm Canyon

Operated as an apartment hotel with month to month rentals and a very low quality tenant base and currently in trouble with the City.

The Adriatic Villa 2300 N. Palm Canyon

This hotel is operated as a time share and many time shares that were sold have defaulted on their annual maintenance payments due to the recession but also due to the dissatisfaction of location.

The Pool House 2249 N. Palm Canyon

Sold last year as a foreclosure and only now starting to re-open. Chances of success are not great.

Desert Moon 2150 N. Palm Canyon

Operated for last 3 years as an apartment complex, became a distressed property facing foreclosure for non-payment of property taxes and TOT taxes.

Palm Grove 2135 N. Palm Canyon

Listed for sale at beginning of 2012 for \$950,000, the property sold in January of 2013 for \$500,000.

Americas Best Value Inn 2000 N. Palm Canyon

Listed for sale in early 2012 for \$2,500,000 it sold in February of 2013 for \$1,850,000.

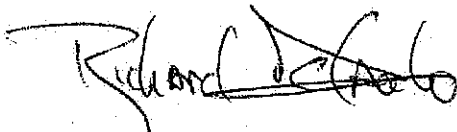
Shilo Inn 1875 N. Palm Canyon

This national franchised property ran in to severe financial difficulty and was sold at auction in July of 2012.

Desert Fountain Inn 1777 N. Palm Canyon

This property has not been operated successfully in several years. It is currently looking for a buyer who can purchase or lease it for use as an alcohol or drug recovery center.

I am a hotel real estate broker with 7 current hotel listings in Palm Springs and have sold several hotels in Palm Springs and am very familiar with this market and with few, if any, exceptions hotels located on Palm Canyon north of Vista Chino have or are currently struggling to attract quality guests and as a result their ADR and RevPar numbers are well below average as is their occupancy and cash flow.



Richard C. DeCarlo V.P.

KW Commercial/ Hotel Properties Group

Cell: 760-578-1466

Golden Autumn

P.O. Box 1268
Rancho Mirage, CA 92270
Czaech@msn.com

4/11/13

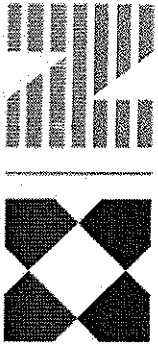
To Josh Levy
From Cyndy Zaech RN

Josh:

The following are the statistics for # of Residential Care beds available vs population for 3 desert cities :

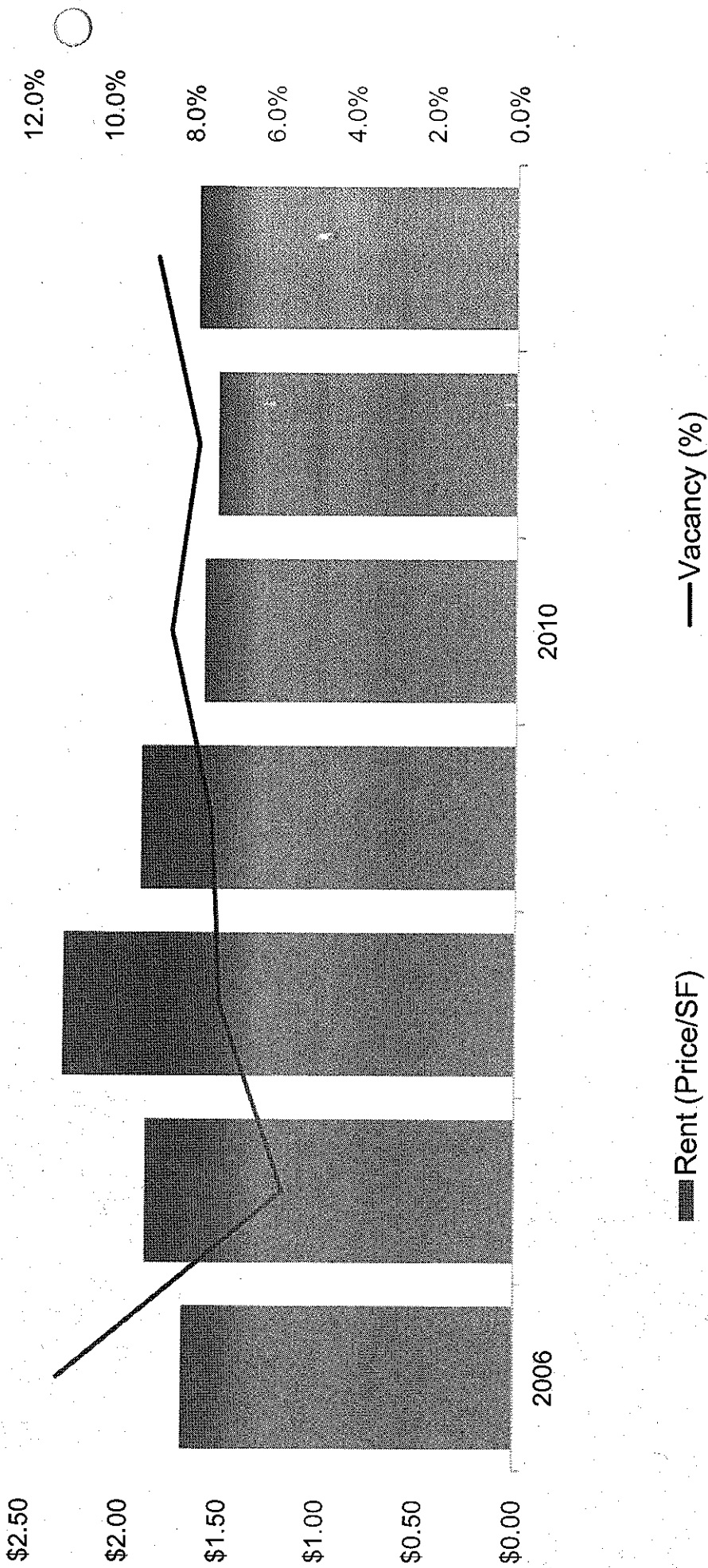
Palm Springs	26 facilities with 440 total beds available Total population according to the 2012 census 42,870 Median age of residents 46.9 Percentage of residents 60 and over 32.62%
Palm Desert	28 facilities with 621 total beds available Total population according to the 2012 census 41,155 Median age of residents 48 Percentage of residents 60 and over 34%
Rancho Mirage	17 facilities with 439 total beds available Total population according to the 2012 census 30,458 (the census lists the total population of RM as 17,180 full time And 13,278 part time) Median age of residents 61 Percentage of residents 60 and over 44%

As you can see Palm Springs has the least beds available in relation to the population.



N. Palm Canyon Dr. Retail Market

Average Asking Rent vs. Vacancy
NNN \$/SF vs. %



Source: Newmark Grubb Knight Frank

Palm Springs PD
200 S. Civic Drive
CA0331100

Address History Detail

Business License

Location Name
Desert Moon

Address
2150 N Palm Canyon Dr

LOCUS

Jurisdiction:

X Street 1: W Via Escuela

X Street 2: W Via Olivera

Beat: **1**

Sector: **T26**

Map: **214**

Side of Street:

Parcel #: **504270009**

Notes:

PHONE #s

Type	Phone#	Comments
Business	(213) 503-2261	New owner - Josh Levy will C/A

CONTACT INFO (No records.)

ALARM INFO (No records.)

ALERTS (No records.)

EVENTS

Event #	Date / Time	Final Type
0704P-4422	04/20/2007 11:12	Vandalism
0704P-4804	04/22/2007 09:41	Vehicle Burglary Past
0705P-0713	05/04/2007 11:34	Vehicle Burglary Past
0705P-1957	05/09/2007 17:52	Follow Up
0705P-2219	05/10/2007 22:02	Attempt Warrant Service
0705P-2227	05/10/2007 22:39	DETAIL
0707P-2486	07/13/2007 11:47	Vandalism
0707P-4551	07/23/2007 16:40	Burglary Hotel Past
0707P-4574	07/23/2007 18:31	Follow Up
0707P-4771	07/24/2007 18:43	Mental Subject
0707P-4895	07/25/2007 12:04	Vehicle Burglary Past
0708P-0022	08/01/2007 02:59	Suspicious Circumstances

Continued

Palm Springs PD
200 S. Civic Drive
CA0331100

Address History Detail

Business License

Location Name
Desert Moon

Address
2150 N Palm Canyon Dr

Address	Date	Time	Description
0708P-0751	08/04/2007	03:44	Battery
0708P-5934	08/29/2007	20:55	Mental Subject
0710P-3383	10/15/2007	01:29	Burglary Hotel Past
0710P-5880	10/26/2007	14:33	Trespassing
0711P-2658	11/13/2007	12:28	Request for officer
0711P-3574	11/18/2007	02:53	Disturbance/Music
0712P-5402	12/28/2007	09:03	Traffic Stop
0801P-0102	01/01/2008	12:05	Vandalism
0802P-5471	02/26/2008	15:29	Vehicle Burglary Past
0804P-2071	04/10/2008	10:17	Vehicle Burglary Past
0804P-4189	04/19/2008	15:15	Vehicle Burglary Past
0805P-4750	05/24/2008	02:51	Disturbance/Other
0806P-1338	06/07/2008	02:35	Disturbance/Physical
0809P-5540	09/28/2008	17:14	Vehicle Burglary Past
0811P-2026	11/10/2008	01:39	Disturbance/Other
0811P-4913	11/23/2008	02:42	Suspicious Circumstances
0812P-1156	12/06/2008	15:27	Bike Stop
0901P-3196	01/15/2009	11:09	Compliance Check
0901P-6137	01/27/2009	10:23	Property Check
0902P-1733	02/08/2009	04:35	Suspicious Circumstances
0902P-1774	02/08/2009	10:11	Animal - Injured
0902P-2061	02/09/2009	12:25	Attempt to Locate
0902P-4282	02/19/2009	08:26	Traffic Stop
0904P-1304	04/05/2009	14:48	Ped Check
0904P-1306	04/05/2009	15:03	Traffic Stop
0904P-5763	04/23/2009	18:10	Grand Theft
0904P-6429	04/26/2009	14:22	Traffic Stop
0905P-1183	05/05/2009	11:56	Residential Burglary Past
0905P-3253	05/14/2009	01:03	Traffic Stop
0905P-7337	05/30/2009	21:07	Extra Patrol Check
0905P-7513	05/31/2009	14:37	Trespassing
0905P-7533	05/31/2009	15:26	Battery
0906P-6379	06/28/2009	21:20	Disturbance Verbal

Palm Springs PD
200 S. Civic Drive
CA0331100

Address History Detail

Address	Location Name	Business License
2150 N Palm Canyon Dr	Desert Moon	
0909P-4122	09/19/2009 19:46	Keep The Peace
0910P-2460	10/12/2009 13:35	Medical Aid
0910P-5948	10/27/2009 10:50	Keep The Peace
0910P-6396	10/29/2009 11:35	Grand Theft
1001P-5743	01/24/2010 17:22	Check the Welfare
1004P-4109	04/18/2010 05:10	DETAIL
1004P-4287	04/19/2010 04:12	Suspicious Person
1006P-4837	06/22/2010 09:26	Trespassing
1008P-5769	08/28/2010 09:15	Ped Check
1008P-5772	08/28/2010 09:20	Property Check
1010P-0353	10/02/2010 15:36	Disturbance Verbal
1010P-0356	10/02/2010 15:54	Extra Patrol Check
1011P-1033	11/06/2010 02:07	Request for officer
1012P-0035	12/01/2010 07:59	Vandalism
1101P-1702	01/08/2011 23:31	Disturbance/Other
1103P-1446	03/08/2011 14:18	Request for officer
1104P-2168	04/10/2011 06:12	Grand Theft
1105P-1184	05/06/2011 21:34	Stolen Vehicle Past
1106P-1739	06/10/2011 11:09	Stolen Vehicle Past
1109P-0082	09/01/2011 12:26	Residential Burglary Past
1109P-0191	09/01/2011 21:32	Battery
1109P-0241	09/02/2011 03:56	Disturbance/Other
1109P-0593	09/03/2011 19:29	Homicide
1109P-0594	09/03/2011 19:32	Medical Aid
1109P-0596	09/03/2011 20:04	Medical Aid
1109P-0764	09/04/2011 17:41	Follow Up
1109P-1098	09/06/2011 14:25	Follow Up
1109P-1282	09/07/2011 14:26	Follow Up
1109P-1318	09/07/2011 18:08	Follow Up
1109P-3161	09/16/2011 22:25	Domestic Violence
1109P-4513	09/24/2011 09:25	PSMC Viol
1111P-0290	11/02/2011 12:35	Suspicious Person
1112P-3389	12/18/2011 15:12	Mental Subject

Continued

Palm Springs PD
200 S. Civic Drive
CA0331100

Address History Detail

Address	2150 N Palm Canyon Dr	Location Name	Business License
1201P-1941	01/10/2012 13:25	Desert Moon	
1201P-4990	01/23/2012 03:01		
1201P-5582	01/26/2012 03:36		
1202P-5039	02/26/2012 02:01		
1203P-1899	03/09/2012 19:18		
1204P-1321	04/07/2012 09:45		
1205P-4327	05/21/2012 16:12		
1206P-0501	06/03/2012 11:37		
1207P-0333	07/02/2012 18:53		
1207P-4940	07/25/2012 01:30		
1208P-0149	08/01/2012 16:10		
1208P-4495	08/23/2012 08:34		
1208P-5707	08/29/2012 17:22		
1209P-0999	09/05/2012 20:04		
1209P-1073	09/06/2012 08:56		
1209P-1164	09/06/2012 17:44		
1209P-3682	09/20/2012 09:17		
1209P-5560	09/29/2012 21:48		
1210P-0316	10/02/2012 20:46		
1210P-1103	10/06/2012 21:18		
1210P-1784	10/10/2012 19:59		
1210P-2993	10/17/2012 09:54		
1210P-3193	10/18/2012 01:31		
1210P-3370	10/18/2012 20:04		
1210P-5525	10/29/2012 12:10		
1211P-1257	11/07/2012 00:19		
1211P-1258	11/07/2012 00:21		
1211P-2749	11/15/2012 09:55		
1211P-4000	11/22/2012 09:54		
1211P-5012	11/28/2012 03:15		
1212P-0378	12/03/2012 09:24		
1212P-0388	12/03/2012 10:24		
1212P-2412	12/14/2012 11:26		

Palm Springs PD
200 S. Civic Drive
CA0331100

Address History Detail

Business License

Location Name
Desert Moon

2150 N Palm Canyon Dr

Case#	Input Date	Crime
1212P-2445	12/14/2012 14:21	Attempt to Locate
1212P-2602	12/15/2012 11:45	Health and Safety
1212P-2798	12/16/2012 18:23	Property Check
1212P-2998	12/18/2012 01:28	Attempt Warrant Service
1301P-0405	01/03/2013 08:37	Grand Theft
1301P-0816	01/05/2013 01:56	Suspicious Circumstances
1301P-1707	01/09/2013 20:30	Medical Aid
1301P-4214	01/23/2013 01:06	Ped Check
1301P-5334	01/28/2013 18:21	Suspicious Circumstances

CASE HISTORY

Case#	Input Date	Crime
0704P-4422	04/20/2007	594(A)(1) - PC; Vandalism:Deface Property
0704P-4804	06/09/2007	459V - PC; Vehicle Burglary -\$400
0705P-0713	08/31/2007	459V - PC; Vehicle Burglary +\$400
0705P-2227	05/11/2007	11359 - HS; Possess Marijuana For Sale
0707P-2486	07/13/2007	594(B)(1) - PC; Vandalism (\$400 or less)
0707P-4551	07/23/2007	11377(A) - HS; Possess Controlled Substance
0707P-4895	07/25/2007	459V - PC; Vehicle Burglary +\$400
0709P-4188	09/19/2007	10851(A) - VC; Take Vehicle W/O Owner'S Consent/Vehicle Theft
0710P-3383	10/15/2007	459 - PC; Burglary:First Degree
0802P-5471	02/27/2008	459V - PC; Vehicle Burglary +\$400
0804P-2071	05/27/2008	459V - PC; Vehicle Burglary -\$400
0804P-4189	05/26/2008	459V - PC; Vehicle Burglary -\$400
0809P-5540	10/05/2008	459V - PC; Vehicle Burglary +\$400
0904P-5763	04/26/2009	487(A) - PC; Grand Theft:Money/Labor/Property Over \$400
0905P-7533	05/31/2009	3056 - PC; Violation Parole:Felony
0906P-0392	06/03/2009	242 - PC; Battery
0910P-6396	10/29/2009	487(A) - PC; Grand Theft:Money/Labor/Property Over \$400
1010P-0353	10/06/2010	B-W-F - Bench Warrant/Failure To Appear On Felony Charge
1012P-0035	12/01/2010	594(A)(1) - PC; Vandalism:Deface Property
1104P-2168	04/18/2011	487(A) - PC; Grand Theft:Money/Labor/Property Over \$400
1105P-1184	05/10/2011	10851(A) - VC; Take Vehicle W/O Owner'S Consent/Vehicle Theft
1106P-2644	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property

Continued

Palm Springs PD

200 S. Civic Drive
CA0331100

Address History Detail

Address	2150 N Palm Canyon Dr	Location Name	Desert Moon
1106P-2646	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property	
1106P-2649	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property	
1106P-2650	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property	
1106P-2651	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property	
1106P-2652	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property	
1106P-2653	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property	
1106P-2654	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property	
1106P-2655	06/15/2011	594(A)(2) - PC; Vandalism:Damage Property	
1109P-0082	09/01/2011	459 - PC; Burglary	
1109P-0191	09/04/2011	242 - PC; Battery With Serious Bodily Injury	
1109P-0593	09/03/2011	664/187(A) - PC; Attempted Murder:Second Degree On Peache Officer	
1112P-3389	12/18/2011	5150 - WI; Detention for Evaluation	
1203P-1899	03/09/2012	243(E)(1) - PC; Battery:Spouse/EX Spouse/Date/Etc	
1204P-1321	04/07/2012	243(E)(1) - PC; Battery:Spouse/EX Spouse/Date/Etc (Misd)	
1205P-4327	05/23/2012	INFO ONLY - Information Only	
1208P-0282	08/09/2012	B-W-M - Bench Warrant/Failure To Appear On Misdemeanor Charge	
1208P-4495	08/23/2012	417(A)(2) - PC; Exhibit Firearm	
1209P-5560	10/03/2012	166(A)(4) - PC; Contempt Of Court:Disobey Court Order/Etc	
1210P-0316	10/02/2012	243(E)(1) - PC; Battery:Spouse/EX Spouse/Date/Etc (Misd)	
1210P-1103	10/07/2012	273 AB (B) - PC; Custody/Care: Assault Child-8: Great Bodily Inj:Perm Injury	
1301P-0405	01/03/2013	487(A) - PC; Grand Theft:Money/Labor/Property Over \$950	