



Planning Commission Staff Report

DATE: October 22, 2014

PUBLIC HEARING

SUBJECT: A REQUEST BY ERIC MCLAUGHLIN OF INTERVENTION 911 FOR APPROVAL OF A CONDITIONAL USE PERMIT (CUP) FOR A SUBSTANCE ABUSE RECOVERY CENTER / ASSISTED LIVING FACILITY USE AT AN EXISTING SIXTEEN-UNIT BUILDING AT 1590 EAST PALM CANYON DRIVE, ZONE R-2/R-3, RESORT COMBINING ZONE (CASE 5.1283 CUP) (KL)

FROM: Department of Planning Services

SUMMARY:

The applicant was cited in 2012 for operating a substance abuse recovery center / assisted living facility at the subject site without first obtaining approval for a Conditional Use Permit (CUP). Substance abuse recovery centers are regulated in the City of Palm Springs pursuant to PSZC Section 93.23.06 (Assisted Living Facilities) and the application has been evaluated for conformance with sections of the zoning code that regulate such uses.

RECOMMENDATION:

1. Open the public hearing and take testimony.
2. Close the public hearing and adopt a Class 3 Categorical Exemption (conversion of small structures) under the guidelines of the California Environmental Quality Act (CEQA) and adopt Resolution No. ____, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS CALIFORNIA APPROVING A CONDITIONAL USE PERMIT FOR A TWENTY-ONE-PATIENT BED SUBSTANCE ABUSE RECOVERY CENTER (ASSISTED LIVING FACILITY) LOCATED IN AN EXISTING SIXTEEN-UNIT BUILDING LOCATED AT 1590 EAST PALM CANYON DRIVE, SUBJECT TO CONDITIONS OF APPROVAL AS NOTED IN EXHIBIT "A", (ZONE R-2 / R-3 / RESORT COMBINING ZONE) (APN 508-454-007)

ISSUES:

- Density requested is greater than allowable for the proposed use at this site.
- The applicant has been operating since 2012 without appropriate use permits.

BACKGROUND & SETTING:

The applicant has submitted an application for a conditional use permit (CUP) for operation of a substance abuse recovery center / assisted living facility with 32 beds and a manager’s unit in an existing sixteen (16) unit building at 1590 East Palm Canyon Drive. The site is a roughly 20,703 square feet (0.48 acre) parcel.

<i>Most Recent Changes in Ownership</i>	
June 19, 2014	Purchase by Eric McLaughlin; The Eric McLaughlin Irrevocable Living Trust
March 20, 2012	Purchase by Intervention 911

<i>Neighborhood Meeting</i>	
	None

<i>Past City Actions</i>	
April 12, 2012	Applicant notified in writing by the Department of Building and Safety that a conditional use permit (CUP) is required for two facilities owned and operated by the applicant; one at 1425 Via Soledad and the other at 1595 East Palm Canyon Drive, at which the applicant was operating without permits or planning approvals. (letter attached)
May 3, 2012	Courtesy Notice sent to the applicant by Certified Mail from the Department of Building and Safety notifying violation of the Municipal Code by operating an assisted living facility / transitional housing at 1590 East Palm Canyon Drive. (notice attached).
September 26, 2012	Applicant withdrew their Conditional Use Permit application for approval of an assisted living facility / substance abuse recovery center and submitted a letter to the Director of Planning asserting that their use was a hotel.
November 1, 2012	Planning Director made a determination that the proposed use was not a hotel.
November 15, 2012	Intervention 911 submitted an appeal of the director’s decision to the Planning Commission.
February 13, 2013	Planning Commission reviewed appeal request by Intervention 911 and voted to uphold the determination of the Planning Director.
February 21, 2013	Intervention 911 submitted an appeal to the City Council of the Planning Commission’s action to uphold the determination of the Planning Director.
April 3, 2013	City Council heard an appeal request by Intervention 911 and voted to uphold the action of the Planning Commission upholding the determination of the Planning Director that the proposed use was not a hotel.

<i>Adjacent General Plan Designations, Zones and Land Uses:</i>			
	Land Use	General Plan	Zoning
North	Single Family Residential	VLDR (Very Low Density Residential (4du/ac)	R-1-C (Single Family Residential)

South	Condominiums	Tourist Resort Commercial	PD 69A
East	Hotel / Apartments	Tourist Resort Commercial	R-2 / R-3 Limited Multi-Family Residential / Multi-Family Residential & Hotel
West	Hotel / Apartments	Tourist Resort Commercial	R-2 / R-3 Limited Multi-Family Residential / Multi-Family Residential & Hotel

PROJECT DESCRIPTION:

The existing 16-unit building at 1590 East Palm Canyon Drive was constructed in 1962. It is at the northeast corner of Calle Rolph and East Palm Canyon Drive. For many years it was operated as the Palm Tee Hotel. The applicant proposes to use the building for a substance abuse recovery center / assisted living facility for persons recovering from alcoholism, drug abuse and other addictions.

The applicant proposes an occupancy of thirty-two (32) patient beds and four (4) staff persons at any time, one of whom would be the resident manager. The applicant proposes on-site therapy and treatment for the patients including on-site individual and group counseling, life skills classes, twelve-step meetings, nursing and nursing or doctor-assisted medication management and medical services. In addition the applicant is requesting the ability to host events that would be open to the community (both the Alcoholics Anonymous community and the greater neighborhood community)

The existing two-story building is roughly 8,379 square feet in area. There are ten (10) existing units on the first floor which totals roughly 5,379 square feet. Two of these are one-bedroom units with full kitchens. There are six (6) units on the second floor, comprising 3,136 square feet. One of the second floor units is configured with two bedrooms and a common bathroom. Most of the units are configured with small kitchenettes. There are seventeen (17) bay parking spaces which take access directly off South Calle Rolph. There is no handicap-complaint parking and no provision for trash enclosure pursuant the Zoning Code. East Palm Canyon Drive is a major thoroughfare on the City's General Plan Circulation Map.

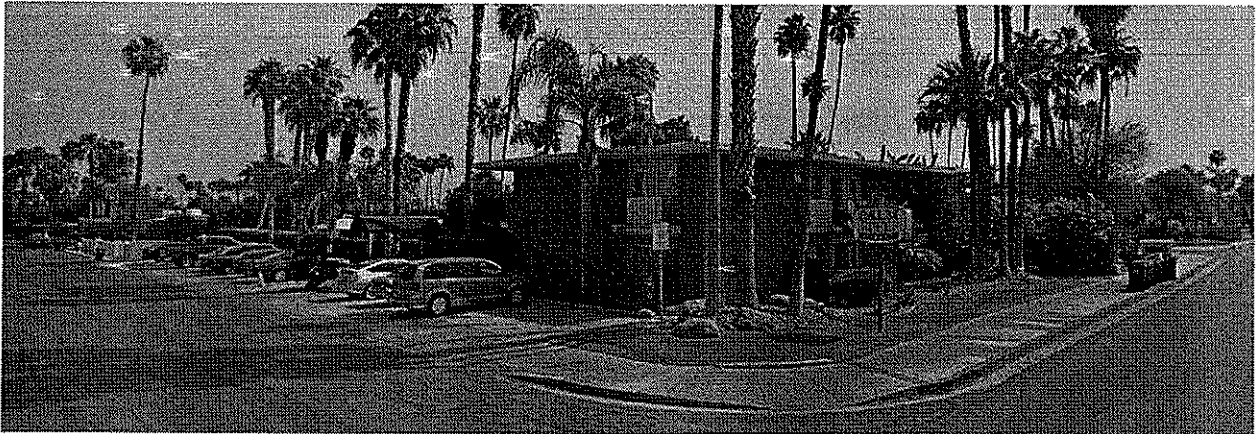


AERIAL PHOTO SHOWING 1590 EAST PALM CANYON DRIVE

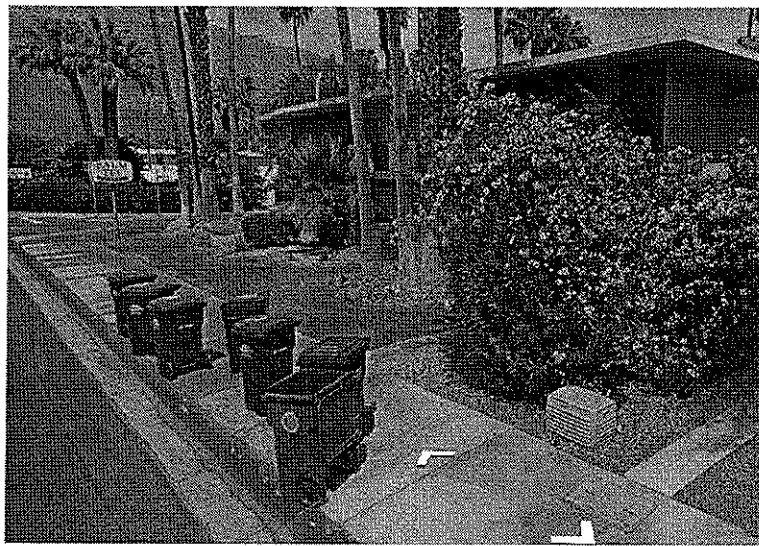
The site is approximately 103 feet in width and 201 feet in depth. For purposes of zoning analysis the East Palm Canyon Drive frontage is considered the front of the lot and the lot is considered a reverse corner lot (meaning it is a corner lot, the side line of which is substantially a continuation of the front lot lines of the lots to its rear). The parcel has split zoning: the southern half of the parcel is in the R-3 zone and the northern half is in the R-2 zone. It also lies within the Resort Combining Zone. For purposes of density analysis, it is noted that the two-story portion of the building lies roughly in the R-3 zone and the one-story portion lies generally in the R-2 zone.



1590 EAST PALM CANYON DRIVE CALLE ROLPH STREET FRONT VIEW



1590 EAST PALM CANYON DRIVE VIEW FROM CORNER OF CALLE ROLPH AND EAST PALM CANYON DRIVE



1590 EAST PALM CANYON DRIVE – MULTIPLE RESIDENTIAL TRASH CONTAINERS

ANALYSIS:

General Plan:

The General Plan land use designation for this site is "Tourist Resort Commercial" (FAR 0.35 for stand-alone commercial uses or 30 du/ac or 43 hotel rooms per acre). The existing building contains sixteen units on roughly 0.48 acres and thus is conforming in its existing condition with respect to density.

The General Plan describes the Tourist Resort Commercial (TRC) land use designation as follows:

This land use designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail and entertainment uses principally serving resort clientele, Commercial recreation and entertainment facilities, such as convention centers,

museums, indoor and outdoor theaters, and water parks are included in this designation, but should be designed to be compatible with neighboring development. TRC facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. It is intended that the primary use in any TRC area shall be hotel/tourist-related uses; if residential uses are proposed within the TRC designation (timeshare, condos, etc) they shall be a secondary use ancillary to the proposed hotel uses and shall not exceed a maximum of 30 du/ac. Permanent residential uses and commercial activities are allowed subject to approval of a PDD.

The proposed use is not tourist-oriented, however as an assisted living facility it could be deemed a commercial use and transient in nature similar to other tourist-related uses and thus could be deemed consistent with the General Plan.

Zoning:

Conditional Use Permit required:

The facility is proposed to be used as a substance abuse recovery center with patients in treatment programs lasting anywhere from thirty (30) to ninety (90) days. Such uses are evaluated under the zoning code definition of an assisted living facility which is defined in PSZO Section 91.00.10 (Definitions) as follows:

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

Pursuant to Section 92.03.01(A)(2), assisted living facilities are allowed with the approval of a Conditional Use Permit in the R-2 and R-3 zones.

Development Standards:

The following table provides a summary of the development standards for the R-2 and R-3 zones compared to the parameters of the proposed development.

TABLE 2 - Comparison of development regulations & proposed conditions

R-2 / R-3	Required/Allowed	Existing at 1590 E. Palm Canyon Drive
Lot Area	Minimum 20,000 sf	20,703 sf (conforming)
Lot Width	Minimum 145 feet for reverse corner lots siding on a local street	106 feet (Legal non-conforming)
Lot Depth	Minimum 170 feet when fronting on a major thoroughfare	201 feet (Legal non-conforming)
Density	<p>General Plan: 43 hotel units/ac; 0.48 acres = 20 hotel units max. or 30 du/ac x .48 = 14 dwelling units</p> <p>Zoning Code: 15 du/ac x 1.91 pph* x 0.24 ac = 7 patient beds (north half of lot) and 30 du/ac x 1.91 pph x .24 ac = 14 patient beds (south half of lot);</p> <p>Total 21 patient beds max. (see below for more detail)</p>	<p>16 existing hotel units; (conforms to GP as hotel, but DOES NOT CONFORM FOR NON-HOTEL RESIDENTIAL USES)</p> <p>32 patient beds plus 4 staff (DOES NOT CONFORM, HOWEVER IF REDUCED TO 21 PATIENT BEDS, THE PROJECT WOULD CONFORM)</p>
Building Height	24 feet and 2 stories	Approximately 24 feet and 2 story (conforms)
Set Back Front yard	30 feet on major thoroughfares	25 feet (Does not conform)
Interior setback side yard	10 feet or equal to height for bldgs greater than 12 feet	11 feet (conforms at one-story portion, legal non-conforming at two story portion)
Side front	20 feet when fronting on a local or collector	27 feet (conforms)
Rear Yard Set Back	15 feet when backing onto R-1 with screening landscaping	25 feet (conforms)
Parking, Loading & Trash Enclosures	<p>0.5 space/bed + 1/every 3 staff (32 beds + 4 staff = 16 spaces for patients + 2 spaces for staff = 18 required spaces.)</p> <p>Parking lots up to 20 spaces require 1 van accessible parking space. No handicapped accessible parking spaces exist on the site. (would require equivalent of 2 standard parking spaces to create van accessible)</p> <p>Trash enclosures required – none exist – could be created by using one of the bay parking spaces.</p>	<p>17 off-street bay parking spaces; none are handicapped compliant</p> <p>(DOES NOT CONFORM, HANDICAP PARKING WOULD REMOVE 1 PARKING SPACE AND CODE-REQUIRED TRASH ENCLOSURE WOULD REMOVE 1; LEAVING 15 SPACES. THUS, IF</p>

		REDUCED TO 21 PATIENT BEDS + 4 STAFF (11 + 2 = 13); THE PROJECT WOULD CONFORM IN TERMS OF QUANTITY)
Height of wall	Maximum 6 feet @ side yard	Existing 5ft side & 6 ft rear (conforms)
Open/usable landscape/recreational space	50% of the site shall be usable landscaped open space.	60% (conforms)

*pph = average number of persons per household per the 2010 census

As noted above, this lot straddles two zones: the north half is R-2 (15du/ac), the south half is R-3 (30du/ac). Thus the census figure (1.91) multiplied by the density of the R-2 zone (15 dwelling unit/acre), times the area of the north half of the lot (0.24 acres) yields a maximum allowable density of seven (7) patient beds, plus 1.91 times the density of the R-3 zone (30du/ac) times the area of the south half of the lot (0.24 acres) equals fourteen (14) patient beds for a total density for the entire lot of 21 patient beds. The project proposes thirty-two (32) patient beds. To be deemed consistent with the zoning code in terms of density, the project could be conditioned to a maximum patient count of twenty-one (21) patient beds with a maximum staff count of six (6) (1 space for every 3 staff).

Building Composition and Architecture.

The building at 1590 East Palm Canyon Drive was constructed as a simple flat-roof modern hotel containing sixteen (16) hotel rooms. As noted above, the existing conditions do not conform to some of the contemporary development standards for the zone; most notably setbacks. Staff believes the structures may have conformed to the zoning code setbacks at the time of its construction (thus most of these would be considered “legal non-conforming” conditions). The building remains essentially unchanged since its construction.

Landscape:

The project site has mature landscaping. No new plant material is proposed. The building is configured with a courtyard area and swimming pool.

Off-Street Parking

Pursuant to Zoning Code Sections 93.06.00 (*off-street parking*) and 93.23.06 (*assisted living facilities*), the proposed substance abuse recovery center use with 32 patient beds and 4 staff persons would require eighteen (18) off-street parking spaces. The site has currently has seventeen (17) spaces, however there are no handicap-compliant parking spaces and no provision for a trash enclosure as required by Zoning Code Section 93.07.00. Re-striping the lot to create a handicap-compliant van accessible parking space would reduce the parking count by one space. To create a code-required trash enclosure one space would likely also be taken, leaving a total off-street parking capacity of 15

spaces. The existing parking lot also does not conform in terms of the minimum shade requirements (30%, or 5 spaces would need to be provided with shade), which can be provided by planting shade trees in peninsula areas in the bay parking). In addition 1 in every 5 spaces must be provided with a landscape peninsula as noted in PSZC 93.06.00.C.15.b.

The maximum allowable density pursuant the zoning code would be twenty-one (21) patient beds with a maximum staff count of six (based on 1 parking space for every 3 staff persons). This configuration would require 13 parking spaces. Staff believes with the modifications required for handicap spaces, trash enclosures, and landscape peninsulas and shade, the lot is capable of being reconfigured to accommodate thirteen (13) spaces.

The applicant proposes on-site treatment for the clients/guests including group counseling, life skills classes, twelve-step meetings, and the ability to host events that would be open to the community (both the Alcoholics Anonymous community and the greater neighborhood community) Pursuant to Section 93.06, meeting rooms and other places of public assembly require one (1) off-street parking space for every three (3) seats if seats are fixed; or one (1) space for each twenty-four (24) square feet of assembly area. There is no provision for parking for these proposed uses and activities at the site and thus staff would recommend a condition of approval that such events be permitted at the subject site only for the patients / guests registered to stay at the facility.

The Resort Combining zone:

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

"The "R" resort overlay zone is intended primarily to provide for accommodations and services for... visitors while guarding against the intrusion of competing land uses. Uses shall be as provided in the underlying zone with which the "R" zone is combined,... 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:

Conditional Use Permit Findings

Findings for a Conditional Use Permit are outlined in Section 94.02.00 of the Zoning Code. The findings are listed below followed by an evaluation of the project by Staff against these findings.

- 1) *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

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

- 2) *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The site at 1590 East Palm Canyon Drive is in the Tourist Resort Commercial (TRC) land use designation of the General Plan. This designation is for hotels and other tourist-related uses. The proposed use of this site is not tourist-oriented, however as an assisted living facility it could be deemed a commercial use, similar to the transient nature of tourism uses, and thus it could be deemed consistent with the General Plan.

The proposed use is consistent with certain General Plan policies as follows:

HS3.2 Increase the supply of affordable and accessible housing suited to the independent and semi-independent living needs of people with disabilities; provide assistance to people with disabilities to maintain and improve their homes.

HS3.5 Prohibit housing discrimination and other related discriminatory actions in all aspects affecting the sale, rental, or occupancy of housing based on status, household size, and/or composition, gender, sexual orientation, age, state of health or other arbitrary classification.

Allowing an assisted living facility / substance abuse recovery center subject to a conditional use permit would be consistent with these policies.

One way of providing a variety of housing options and supportive services to the community is to review and conditionally permit the establishment of assisted living facilities. The subject application proposes a substance abuse recovery center / assisted living facility. The applicant proposed a density of thirty-two (32) patient beds and four (4) staff persons which exceeds the allowable zoning density. The existing facilities on the site including parking and dwelling units allows for a maximum of twenty-one (21) patient beds with up to six staff persons. If conditioned to this occupancy load, the project could be deemed consistent with this finding.

- 3) *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping, and other features required in order to adjust such use to those*

existing or permitted future uses of land in the neighborhood.

The flat site is roughly 0.48 acres and contains an existing structure that was built with permits in the 1960's as a sixteen (16)-unit building with seventeen (17) off-street parking spaces. The project proposes thirty-two (32) patient beds and four (4) staff persons. Pursuant to Zoning Code Section 93.23.06 (*Assisted Living Facilities*), the maximum density of this site for the proposed use is twenty-one (21) patient beds, thus the proposed project does not conform in terms of density. The maximum density of this site for the proposed use is twenty-one (21) patient beds. With the proposed four (4) staff persons, the site would require fifteen (13) off-street parking spaces. The site, reconfigured with handicap-compliant parking, code-required trash enclosures, shade and landscape peninsulas could yield fifteen (13) parking spaces and thus if conditioned in this manner, would be consistent with 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 is located at the northeast corner of South Calle Rolph and East Palm Canyon Drive. East Palm Canyon Drive is a major thoroughfare on the City General Plan Circulation Map. As noted above, the site has seventeen (17) existing off-street bay parking spaces are provided along the Calle Rolph frontage, however required handicap-compliant parking, code required trash enclosures, shade trees and landscape peninsulas would like reduce the total off-street parking to thirteen spaces. By conditioning the proposed use to a maximum of twenty-one (21) patient beds with up to six (6) staff persons, thirteen (13) spaces would be required and thus the site would be in conformance with this finding.

Resort Combining Zone Findings.

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 in an area of the City designated for tourist-related uses such as hotels, condominiums, and tourist-related commercial uses.

The site is immediately adjacent to single family residential units and a scattering of older small hotels, restaurants, and related commercial uses along Palm Canyon Drive. The proposed use is not tourist-oriented, however as an assisted living facility it could be deemed a commercial use similar to the transient nature of tourist-related uses, thus it could be deemed consistent with the General Plan.

CONCLUSION:

The proposed 32-bed assisted living facility / substance abuse recovery center use at 1590 East Palm Canyon Drive is a density that the existing improvements on the site cannot accommodate and be consistent with the General Plan and Zoning Code, however if conditioned to twenty-one (21) patient beds and four to six staff persons, and modifications to provide the code-required handicap-accessible parking, trash enclosures shade and landscaping, the site could be deemed consistent. Therefore Staff recommends approval of the application at twenty-one (21) patient beds and not more than six (6) staff persons as outlined in the draft Conditions of Approval in Exhibit "A" attached herein.

ENVIRONMENTAL DETERMINATION:

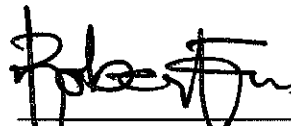
The project has been reviewed under the guidelines of the California Environmental Quality Act (CEQA) and a Type 15303 Categorical Exemption (conversion of small structures) is proposed.

NOTIFICATION:

A notice was mailed to all property owners within a five hundred foot radius in accordance with applicable law. Correspondence from the public has been received and is attached to this report.



Ken Lyon, RA
Associate Planner


For Plinn Fagg, AICP
Director of Planning Services

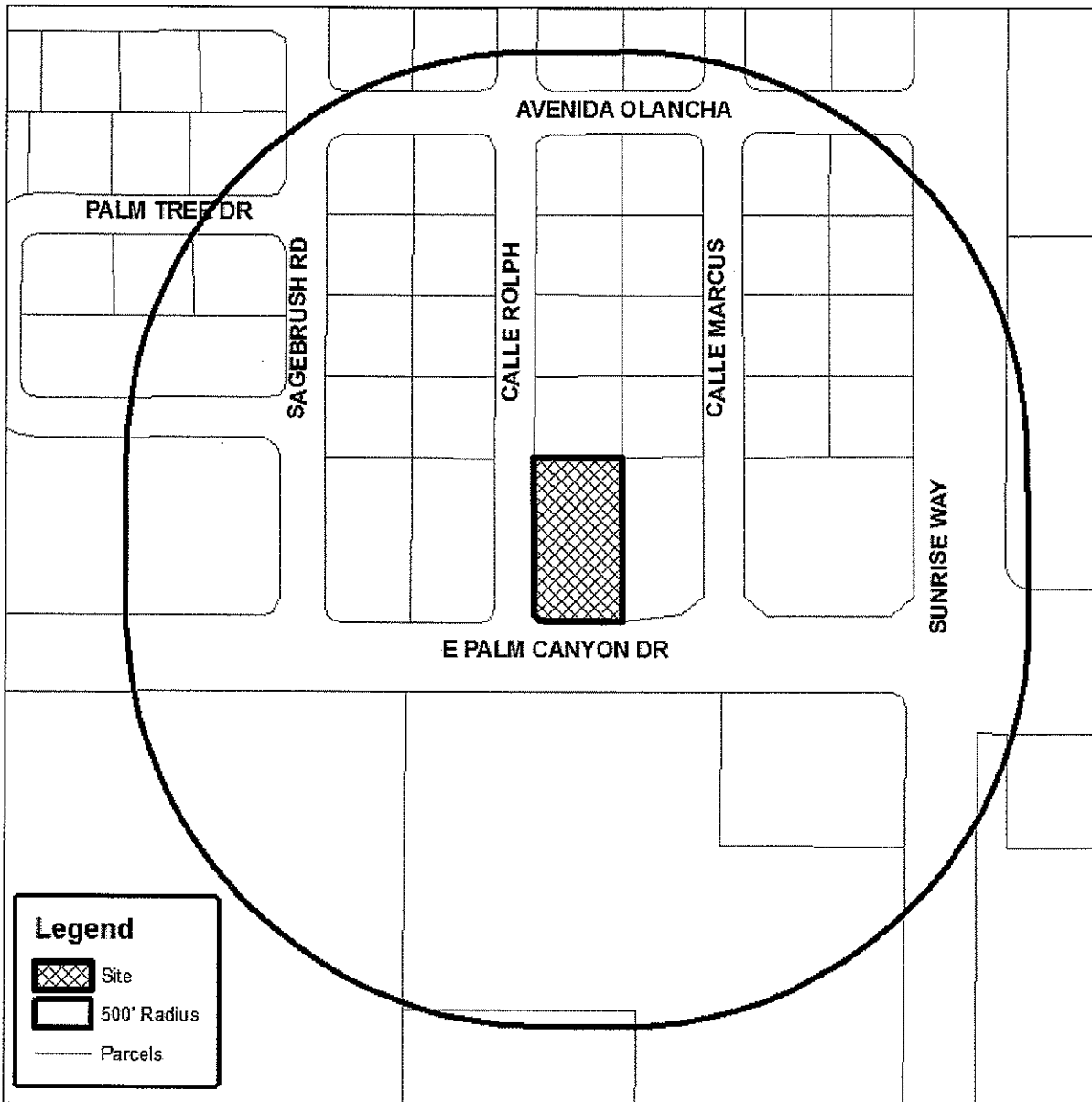
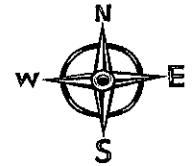
Attachments:

- 500' Radius Vicinity Map
- Vicinity Map
- Draft Resolution with Conditions of Approval attached as Exhibit "A"
- April 12, 2012 Fieger to Seeley letter
- May 3, 2012 Courtesy Notice from Building Department to the Applicant.
- September 26, 2012 Flannery to Lyon letter.
- November 1, 2012 Ewing to Seeley / McLaughlin letter.
- November 15, 2012 Flannery to City Clerk letter of appeal of the Planning Director's determination.
- Miscellaneous pages from the Applicant's original CUP application, website and marketing materials.




- Exhibit A – Additional information referenced for the basis of the Director's determination
- Public Comment letters on the applicant / applicant's original CUP application
- Planning Commission staff report, draft minutes, and resolution dated December 12, 2012
- January 22, 2013 Loeb to Ewing Letter re Reasonable Accommodation
- February 21, 2013 Baron to City Clerk appeal of Planning Commission's Decision.
- City Council staff report of April 3, 2013
- Excerpt of action summary from the April 3, 2013 City Council meeting.
- Public Comment Correspondence



Department of Planning Services Vicinity Map



Legend

-  Site
-  500' Radius
-  Parcels

CITY OF PALM SPRINGS

CASE NO: 5.1283 CUP

APPLICANT: Intervention 911

DESCRIPTION: A Conditional Use Permit (CUP) application by Intervention 911, to operate an assisted living facility / substance abuse recovery center in an existing structure on a roughly 20,703 square foot lot located at 1590 East Palm Canyon Drive; Zone R-2 / R-3 (Multi-Family / High Density Residential); Resort Combining Zone.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA ADOPTING A CLASS 3 CATEGORICAL EXEMPTION PURSUANT TO THE GUIDELINES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING CASE 5.1283 CUP; A CONDITIONAL USE PERMIT FOR OPERATION OF A TWENTY-ONE (21)-PATIENT BED ASSISTED LIVING FACILITY / SUBSTANCE ABUSE RECOVER CENTER IN AN EXISTING SIXTEEN-UNIT BUILDING ON A ROUGHLY 0.48 ACRE PARCEL LOCATED AT 1590 EAST PALM CANYON DRIVE, ZONE R-2 / R-3 / RESORT COMBINING ZONE; SUBJECT TO THE CONDITIONS OF APPROVAL OUTLINED IN EXHIBIT "A".

WHEREAS, on April 12, 2012, the applicant/appellant was notified in writing by the Department of Building and Safety / Code Enforcement that a conditional use permit (CUP) is required at two facilities owned and operated by the applicant, and

WHEREAS, on May 3, 2012 the applicant/appellant was served a Courtesy Notice by certified mail notifying them that they were in violation of the City's Municipal Code by operating the substance abuse recovery centers / assisted living facilities at the subject addresses (1425 Via Soledad and 1590 East Palm Canyon Drive) without approval of Conditional Use Permits, and

WHEREAS, on June 24, 2012, the applicant/appellant submitted CUP applications for each property requesting approval to operate substance abuse recovery centers / assisted living facilities at the two sites, and

WHEREAS, on September 26, 2012, the City received correspondence from the appellant's attorney notifying the City that the applicant was withdrawing their CUP applications and asserting that the two properties were being operated as hotels, not substance abuse recovery centers / assisted living facilities, and

WHEREAS, on November 1, 2012, the Planning Director made a determination pursuant to section 91.00.08 (B) of the Palm Springs Zoning Code (PSZC) that the appellant's current uses at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotels, but rather are substance abuse recovery centers / assisted living facilities and require approval of Conditional Use Permits from the Planning Commission in order to continue to operate, and

WHEREAS, on November 15, 2012, the appellant, Ken Seeley of Intervention 911, filed an appeal of the Planning Director's determination; and

WHEREAS, Sections 91.00.08 (B) of the Palm Springs Zoning Code allows decisions by the Director of Planning Services to be appealed to the Planning Commission, and

WHEREAS, on December 12, 2012, the Planning Commission conducted a public review of the appeal request, including all of the evidence presented in connection with the matter,

including, but not limited to, the staff report prepared on the matter, and all written and oral testimony presented, and continued the matter for four to six weeks and directed staff to work with the applicant on issues related to zoning and building requirements; and directed staff to provide further investigation on the changes made on site, as indicated by the applicant, and

WHEREAS, on January 23, 2013, the Planning Commission continued the application to a date certain of February 13, 2013, and

WHEREAS, On February 13, 2013, the Planning Commission considered the additional information from the work between the applicant and staff regarding zoning and building requirements relating to the appeal by Ken Seeley of Intervention 911 requesting to overturn the decision of the Planning Director. The Planning Commission voted 6-0-1 to uphold the determination of the Planning Director. In making it's decisions, the Planning Commission found:

1. Each of the properties is being operated as an assisted living facility;
2. Sober living is the same or substantially the same, categorically and functionally, as assisted living under the Palm Springs Zoning Code;
3. Such arrangement and the peer-supported environment does not qualify as a "family" for purposes of "Dwelling Unit" or "Rental Unit";
4. Different parking requirements apply because of multiple contracts for occupancy and semi-private rooms;
5. Sober living facilities, and the facilities as used on the sites, require a Conditional Use Permit; and
6. Intervention 911 must cease operations or file applications for Conditional Use Permit or Planned Development District; and

WHEREAS, on February 21, 2013, the applicant submitted an appeal to the City Council of the Planning Commission's action to uphold the determination of the Planning Director, and

WHEREAS, pursuant to Section 2.05 of the Municipal Code allows actions of the Planning Commission to be appealed to the City Council, and

WHEREAS, a notice of public hearing of the City Council to consider the appeal by the applicant was given in accordance with applicable law, and

WHEREAS, on April 3, 2013, the City Council conducted a public hearing to consider an appeal of the Planning Commission's action to uphold the determination of the Planning Director, and voted 4-0 (Hutcheson absent) to uphold the action of the Planning Commission upholding the determination of the Planning Director that the uses at the two sites were not hotels, and

WHEREAS, in discussion with the City Attorney, the applicant agreed to reactivate their Conditional Use Permit applications requesting approval to operate assisted living facility / substance abuse recovery centers at 1425 Via Soledad and 1590 East Palm Canyon Drive, and

WHEREAS, notice of a public hearing of the Planning Commission to consider Case 5.1282 CUP and Case 5.1283 CUP was given in accordance with applicable law, and

WHEREAS, on October 22, 2014 the Planning Commission conducted a public hearing on the CUP applications, including all of the evidence presented in connection with the matter, including, but not limited to, the staff report prepared on the matter, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: The project is Categorically Exempt from further analysis under the Guidelines of the California Environmental Quality Act (CEQA) as a type 3 exemption (conversion of small structures).

Section 2: *Conditional Use Permit Findings*

Findings for a Conditional Use Permit are outlined in Section 94.02.00 of the Zoning Code. The findings are listed below followed by an evaluation of the project against these findings.

- 1) *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code.*

Pursuant to Section 92.03.01(A)(2), assisted living facilities are allowed with a Conditional Use Permit in the R-2 and R-3 zone. The project is located in the R-2 / R-3 zones and therefore conforms to this finding.

- 2) *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located.*

The site at 1590 East Palm Canyon Drive is in the Tourist Resort Commercial (TRC) land use designation of the General Plan. This designation is for hotels and other tourist-related uses. The proposed use of this site is not tourist-oriented, however as an assisted living facility it is deemed a commercial use, similar to the transient nature of tourism uses, and thus it is consistent with the General Plan.

The proposed use is consistent with certain General Plan policies as follows:

HS3.2 Increase the supply of affordable and accessible housing suited to the independent and semi-independent living needs of people with disabilities; provide assistance to people with disabilities to maintain and improve their homes.

HS3.5 Prohibit housing discrimination and other related discriminatory actions in

all aspects affecting the sale, rental, or occupancy of housing based on status, household size, and/or composition, gender, sexual orientation, age, state of health or other arbitrary classification.

Allowing an assisted living facility / substance abuse recovery center subject to a conditional use permit would be consistent with these policies.

One way of providing a variety of housing options and supportive services to the community is to review and conditionally permit the establishment of assisted living facilities. The subject application proposes a substance abuse recovery center / assisted living facility. The applicant proposed a density of thirty-two (32) patient beds and four (4) staff persons which exceeds the allowable zoning density and parking capacity at this site. The existing facilities on the site including parking and dwelling units allows for a maximum of twenty-one (21) patient beds with up to six staff persons. The project is conditioned to this occupancy load, and therefore, the project is deemed consistent with this finding.

- 3) *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping, and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood.*

The flat site is roughly 0.48 acres and contains an existing structure that was built with permits in the 1960's as a sixteen (16)-unit building with seventeen (17) off-street parking spaces. The project proposes thirty-two (32) patient beds and four (4) staff persons. Pursuant to Zoning Code Section 93.23.06 (*Assisted Living Facilities*), the maximum density of this site for the proposed use is twenty-one (21) patient beds, thus the proposed project does not conform in terms of density. The maximum density of this site for the proposed use is twenty-one (21) patient beds. With the proposed four (4) staff persons, the site would require thirteen (13) off-street parking spaces. The site, reconfigured with handicap-compliant parking and code-required trash enclosures and landscaping could yield thirteen (13) parking spaces and has been conditioned in this manner, and therefore is deemed consistent with 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 is located at the northeast corner of South Calle Rolph and East Palm Canyon Drive. East Palm Canyon Drive is a major thoroughfare on the City General Plan Circulation Map. As noted above, the site has seventeen (17) existing off-street bay parking spaces are provided along the Calle Rolph frontage, however required handicap-compliant parking and code required trash enclosures and landscaping would like reduce the total off-street parking to thirteen (13) spaces. The proposed use is hereby conditioned to a maximum of 21 patient beds with not more than six staff persons, thirteen (13) off-street spaces would be required, including handicap compliant parking, trash enclosure, shade provision and landscaping and thus the site and the proposed use is deemed in conformance with this finding.

Section 3. Resort Combining Zone Findings.

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 in an area of the City designated for tourist-related uses such as hotels, condominiums, and tourist-related commercial uses.

The site is immediately adjacent to single family residential units and a scattering of other older small hotels, restaurants, and related commercial uses along Palm Canyon Drive. The proposed use is not tourist-oriented, however as an assisted living facility it is deemed a commercial use similar to the transient nature of tourist-related uses, thus it is deemed consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission of the City of Palm Springs, California hereby approves Case 5.1283 CUP; a Conditional Use Permit to operate an assisted living facility / substance abuse recovery center with twenty-one (21) patient beds and not more than six staff persons on a 0.48-acre site located at 1590 East Palm Canyon Drive, Zone R-2 / R-3 / Resort Combining Zone, subject to the Conditions of Approval attached as Exhibit "A".

ADOPTED this 22rd day of October, 2014.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Flinn Fagg, AICP
Director of Planning Services

RESOLUTION NO. _____

EXHIBIT A

Case 5.1283 CUP
Intervention 911
Assisted Living Facility / Substance Abuse Recovery Center

1590 East Palm Canyon Drive

October 22, 2014

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 (5.1283 CUP); except as modified with the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped (August 12, 2012), including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 5.1283 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 this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once enacted, 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. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at the end of each day, the premises are clean, quiet, free of litter. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution

- ADM 10. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to noise, disturbances, loitering, etc) regarding the operation of the establishment; as determined by the Chief of Policy or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.
- ADM 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 12. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers (conditional use permits only)

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 \$50 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 Categorical Exempt from CEQA).

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Outdoor Lighting Conformance. Exterior lighting shall conform with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, If lights are proposed to be mounted on buildings, down-lights shall be utilized.
- PLN 2. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.
- PLN 3. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.

- PLN 4. 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 5. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 6. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 7. 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 8. Maximum Patient Density. The approval of this CUP is for a maximum of twenty-one (21) patient beds and not more than six (6) on-site staff persons.
- PLN 9. Treatment services limited to on-site patients. Any treatment program, group meetings, or services related to the substance abuse recovery center / assisted living facility use at this site are limited to the twenty-one (21) patients living at the site.
- PLN 10. Provide Masonry Trash Enclosure. Pursuant to Zoning Code Section 93.07.
- PLN 11. Provide handicap-compliant off-street parking space. As required by Zoning Code Section 93.06.
- PLN 12. Provide shade and landscaping, for the bay parking area pursuant to Zoning Code 93.06.
- PLN 13. (add any additional conditions imposed by the Planning Commission or City Council here)

POLICE DEPARTMENT CONDITIONS

- POL 1. Applicant shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.
- POL 2. Except as otherwise noted below, all conditions herein are effective immediately upon approval of this Conditional Use Permit (CUP) and shall be continuously implemented while this CUP is in effect.
- POL 3. Staff Training: All members of the staff shall be trained to the management's policies, procedures and standards.
- POL 4. Applicant shall establish and post a security training protocol to include the security-related conditions of this permit and protocols for contacting the Palm

Springs Police Department in the event of an emergency or observance of illicit activity.

- POL 5. All management, security personnel and employees serving or distributing alcohol shall attend the LEADS alcohol training class sponsored by the Department of Alcoholic Beverage Control (ABC). Each year, a designee of the management will enroll in and attend the LEADS alcohol and drug training class to maintain proficiency in alcohol and drug-related issues.
- POL 6. Applicant shall assure that all on-duty personnel are provided with flashlights and that at least one member of the staff is equipped with a cellular telephone in order to communicate with the Palm Springs Police Department.
- POL 7. Applicant shall install and maintain exterior lighting which illuminates the parking lot area of the business consistent with the City's Outdoor Lighting Ordinance.

BUILDING DEPARTMENT CONDITIONS

- BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

ENGINEERING DEPARTMENT CONDITIONS

- ENG 1. Prior to any construction on-site, all appropriate permits must be secured.

FIRE DEPARTMENT CONDITIONS

These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.

- FID1 These conditions are subject to final plan check and review. Additional requirements may be required at that time based on the received plans.

- FID2 Fire Department Conditions were based on the *2013 California Fire Code* as adopted by City of Palm Springs, Palm Springs Municipal Code and latest adopted NFPA Standards. Four (4) complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.

FID3 PLANS AND PERMITS

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain one set.

Plans shall be submitted to:

City of Palm Springs
Building and Safety Department
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Counter Hours: 8:00 AM – 6:00 PM, Monday – Thursday

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. Inspection fees are charged at the fully burdened hourly rate of the fire inspector. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

FID4

Change of Use or Occupancy (CFC 102.3): No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the *California Building Code*. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code and the *California Building Code* for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

FID 5

NFPA 13R Fire Sprinklers Required: An automatic fire sprinkler system is required. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA standard 13R, 2013 Edition, as modified by local ordinance.

FID 6

Single- and Multiple-Station Smoke Alarms (CFC 907.2.11): Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.4 and NFPA 72.

Exception: For Group R occupancies. A fire alarm system with smoke detectors located in accordance with this section may be installed in lieu of smoke alarms. Upon actuation of the detector, only those notification appliances in the dwelling unit or guest room where the detector is actuated shall activate.

- FID 7 **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 8 **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 9 **Gates (CFC 1008.2):** Gates serving the means of egress system shall comply with the requirements of this section. Gates used as a component in a means of egress shall conform to the applicable requirements for doors.
- FID 10 **Key Box Required (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.

END OF CONDITIONS

CITY COUNCIL ACTION SUMMARY
WEDNESDAY, APRIL 3, 2013

CALL TO ORDER: 6:08 p.m.

ROLL CALL: All Present.

REPORT OF CLOSED SESSION: No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Mayor Pro Tem Mills noted his abstention on Item 2.B. and requested Items 2.D. and 2.I. be removed from the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

1. PUBLIC HEARINGS:

Councilmember Hutcheson stated he has a property ownership related conflict of interest with respect to Item 1.A., would not participate in the discussion or the vote and left Council Chamber.

1.A. APPEAL OF THE PLANNING COMMISSION DECISION BY KEN SEELEY OF INTERVENTION 911 PERTAINING TO THE USES OF THE PALM TEE HOTEL AT 1590 EAST PALM CANYON DRIVE AND THE ALEXANDER APARTMENTS AT 1425 VIA SOLEDAD AS SUBSTANCE ABUSE RECOVERY CENTERS/ASSISTED LIVING FACILITIES REQUIRING CONDITIONAL USE PERMITS (CASES 5.1282 / 5.1283):

ACTION: 1) Adopt Resolution No. **23620**, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE APPEAL BY KEN SEELEY OF INTERVENTION 911 AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO UPHOLD A DETERMINATION MADE BY THE DIRECTOR OF PLANNING SERVICES THAT USES AT 1590 EAST PALM CANYON DRIVE AND 1425 VIA SOLEDAD ARE NOT HOTELS (CASES 5.1282 / 5.1283);" and 2) Initiate a Zone Text Amendment for sober living facilities pursuant to Palm Springs Zoning Code Section 94.07.01(A)(1)(b) and refer to the Planning Commission. **Motion Mayor Pro Tem Mills, seconded by Mayor Pougnet and carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Lewin, Mayor Pro Tem Mills, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Hutcheson.

Councilmember Hutcheson returned to the dais.

1.B. GARNET SOLAR POWER GENERATION STATION 1, LLC. FOR AN AMENDMENT TO THE TEXT OF "D" (DESERT) GENERAL PLAN LAND USE DESIGNATION AND A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A 5.0-MEGAWATT SOLAR ENERGY

Ronald S. Cooperman, M.D.

15555 Collina Strada
Bel Air, California 90077
U.S.A.

RECEIVED
CITY OF PALM SPRINGS

2014 OCT 15 AM 10:59

JAMES THOMPSON
CITY CLERK

Facsimile 310/476-8000

11 October 2014

Mr. James Thompson
City Clerk
3200 E. Tahquitz Canyon Way
Palm springs, CA 92262

Dear Mr. Thompson:

I own Unit 802 at The Smoke Tree Racket Club which is the corner unit that is close to East Palm Canyon and the father of two small children. This puts me close to the proposed Drug and Alcohol Rehabilitation center and unnecessarily exposes my young children to elements that do not provide positive influences for these children, as well as making my wife fearful of taking the children for walks or bike rides.

This is not a half way house and you must understand that people who are admitted to these centers are active hard core drug and alcohol abusers suffering from all the maladies experienced by such addicts such as hallucinations, delirium tremors, aggressive behavior, uncontrollable superior strength requiring extraordinary means for subduing, all of this most likely necessitating restraining devices and most likely police supervision as all have been involved in criminal activities, the obtaining of illegal drugs speaks for itself. It exposes those of us living a quite family life to the probability of assaults, robberies and burglaries and the worry of rape and murder. Such violence or even the threat of such violence can scar children for life. What can you possibly be thinking. Granting this request for the conversion of the Palm Tree Hotel at 1590 East Palm Canyon Drive into a recovery and rehabilitation center for drug and alcohol dependence will make you directly and morally responsible and legally accountable for any resulting outcome.

We are talking crack cocaine; methamphetamines; heroine; Ecstasy; also called MDMA; Marijuana; Methadone; PCP-phencyclidine (also known as angel dust, crystal, hog, squeeze, elephant or horse tranquilizer, wack, zoot, rocket fuel, ozone, leno (when combined in dried parsley cigarettes), killer joints or sherms (when combined with marijuana cigarettes), space base (when combined with crack cocaine); and LSD, (also know as acid, twenty-five, Sid, Bart Simpsons, barrels, tabs, blotter, heavenly blue, L, liquid, Liquid A, microdots, mind detergent, orange cubes, hits, paper acid, sugar, sugar lumps, sunshine, ticket, wedding bells, and windowpane. Under the influence of such hallucinogens, the senses seem to be enhanced, and brilliant hallucinations occur which appear to be real to those experiencing them and make them prone to destructive behavior both to property and persons. Flashbacks can occur, as destructive as the original episode, even if the drug had not been recently taken.

Also frequently used drugs are Rohypnol the "date rape" drug used to anaesthetize victims also called roofies, roopies, rope, ropies, R2, or roaches. GHB also has a reputation as a "date rape" drug. It is a particularly dangerous drug because it depresses breathing and is easily overdosed. Street names for GHB include G, Liquid Ecstasy, somatomax, scoop, Georgia Home Boy, and Grievous Bodily Harm.

And what about the abuse of inhalants and solvents which is most common among adolescents and younger children, especially between the ages of 13 to 15, such addicts are sure to be in the center and will introduce into the neighborhood these "gateway drugs" which include glues, gasoline, rubber cement, aerosols, antifreeze, gasoline, correcting fluid, room deodorizers, paint thinners, nail polish removers, shoe polish, cooking sprays, and household cleaners and waxes.

These addicts do not live in a social vacuum and their presence will bring elements and persons of a similar nature who may be just as bad or worse. Unquestionably all such elements these inmates and their visitors bring with them are not conducive to a child friendly and family neighborhood.

As a result such drugs will undoubtedly be introduced into the area of this treatment facility by associates of the inmates and will attract others to this area looking for such drugs and drug deals will occur on every street corner in my neighborhood as a result.

This is not the Betty Ford Center where well respected and financed community members with minor addictions are kept in their own seclusion and away from the community at large, not for the communities' protection but for their own privacy and comfort. We are not talking about a Luxury Rehabilitation Center but a dilapidated Motel with No Organized Treatment Facilities and only beds for the inmates. Where is therapy provided, of what kind and by whom? What are the credentials of those staffing the facility? Where are their Medical, California and Treatment Licenses?

A California State Document entitled Residential Care Facilities in the Neighborhood Prepared by Lisa K. Foster, MSW, MPA, at the request of Senator Charles S. Poochigian states that "Seventy-two cities (in California) responding to a 1999 League of California Cities survey had received one or more complaints ranging from increased traffic, noise, and other neighborhood disturbances -to code violations - TO CRIMINAL ACTIVITIES SUCH AS ASSAULTS AND BURGLARIES. THE MAJORITY OF COMPLAINTS INVOLVED FACILITIES THAT SERVE YOUTH, INDIVIDUALS WITH MENTAL ILLNESS, AND INDIVIDUALS WITH ALCOHOL OR DRUG ADDICTIONS." Drug addiction and mental illness go hand in hand.

And what does all of this deleterious exposure to others provide for those treated? The British drug treatment and recovery community recently published annual figures by the National Treatment Agency showing that "Just 3.6 % of those in treatment were discharged free of illegal drugs." Andrew Brown, a writer who covers addiction and substance abuse, cited studies showing relapse rates of 80 % or more and "the fact is

that the expected outcome from most people who enter a treatment centre remains—relapse.”

And what therapeutic tools are being used in such addiction treatment facilities? The answer, according to Begley, (Sharon Begley a science writer in *Newsweek*) is likely to be “**chaotic meditation therapy, facilitated communication, dolphin-assisted therapy, eye-movement desensitization....**” sacral cranial therapy, electric acupuncture, and a host of other questionable practices. In other words these are money generating facilities with no success rate, using questionable methods that have their patients return continuously to generate more income, while exposing others to risk of bodily harm or worse.

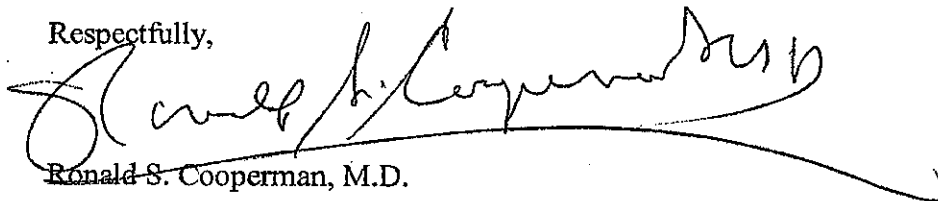
In summary:

We have a poorly organized, staffed and arranged facility with poor results, (what if just 3.6% of hospitalized patients returned home?), using questionable methods, motivated by financial gain, bringing drug dealing with the potential for personal and property harm (assault, robberies, burglaries) to a family neighborhood, the presence of which will make property values, mine and those at the local Ralphs precipitously drop. **LET US NOT FORGET THAT SUCH REHABILITATION CENTERS OUT OF NECESSITY ARE TREATING THE MENTALLY ILL AS BOTH CONDITIONS ARE INTER-RELATED.**

LOOK ELSEWHERE FOR THIS FACILITY. WHY NOT PUT A WING ON THE BETTY FORD CENTER AND HAVE THESE PEOPLE ADMITTED THERE. Locations on the many local mountains with wide open spaces and a more natural environment, away from a congested city would provide far better surroundings for treatment than a family oriented neighborhood and a confined Motel.

I URGE YOU AND ALL THE MEMBERS OF THE CITY PLANNING COMMISSION TO DISAPPROVE OF THE CONVERSION OF THE PALM TREE HOTEL AT 1590 EAST PALM CANYON DRIVE INTO A RECOVERY AND REHABILITATION CENTER FOR DRUG AND ALCOHOL DEPENDENCE. Although the initial requested is for at most 32 beds, be assured that **requests for expanding this facility will continue to grow**, and be assured that the presence of **this facility will breed the coming of more such facilities.**

Respectfully,



Ronald S. Cooperman, M.D.



CITY COUNCIL STAFF REPORT

DATE: April 3, 2013

PUBLIC HEARING

SUBJECT: APPEALS BY KEN SEELEY OF INTERVENTION 911 PERTAINING TO THE USES OF THE PALM TEE HOTEL (1590 EAST PALM CANYON DRIVE; APN 508-454-007) AND THE ALEXANDER APARTMENTS (1425 VIA SOLEDAD; 508-344-001) AS SUBSTANCE ABUSE RECOVERY CENTERS/ASSISTED LIVING FACILITIES REQUIRING A CONDITIONAL USE PERMIT

CASE: 5.1282 / 5.1283 APPEAL

FROM: David H. Ready, City Manager

BY: Ken Lyon, RA, Associate Planner
Douglas Holland, City Attorney

SUMMARY

The appellant and applicant ("applicant"), Ken Seeley on behalf of Intervention 911 ("Intervention 911"), has filed appeals of decisions of the Planning Commission upholding a determination made by the Director of Planning that the current uses maintained by Intervention 911 at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotel uses but are substance abuse recovery centers/assisted living facilities that require conditional use permits.

RECOMMENDATION:

Deny the appeals and uphold the decision of the Planning Commission.

BACKGROUND:

The two properties subject to these appeals were developed roughly fifty years ago: The Palm Tee (1590 East Palm Canyon Drive) as a sixteen-unit hotel, and the Alexander Apartments (1425 Via Soledad) as a five-unit apartment building. Each property is briefly described below.

The Palm Tee Hotel

The existing 16-unit hotel at 1590 East Palm Canyon Drive was constructed in 1962. It is at the northeast corner of Calle Rolph and East Palm Canyon Drive. For many years it was operated as the Palm Tee Hotel.

ITEM NO. 1A

The existing two-story building is roughly 8,379 square feet in area. There are ten (10) existing hotel rooms on the first floor which totals roughly 5,379 square feet. Two of these are one-bedroom units with full kitchens. There are six (6) hotel rooms on the second floor, comprising 3,136 square feet. One of the second floor rooms is configured with two bedrooms and a common bathroom. Most of the rooms are configured with small kitchenettes. There are seventeen (17) bay parking spaces which take access directly off South Calle Rolph. East Palm Canyon Drive is a major thoroughfare on the City's General Plan Circulation Map.

Surrounding Land Uses and Existing Development

The Palm Tee is located on the south side of the city immediately adjacent to the Deepwell neighborhood, in a fully developed area of multi-family units, small hotels and single family homes. The table below denotes the zoning, general plan and surrounding existing land uses.

	Land Use	General Plan	Zoning
North	Single Family Residential	VLDR (Very Low Density Residential (4du/ac))	R-1-C (Single Family Residential)
South	Condominiums	Tourist Resort Commercial	PD 69A
East	Hotel / Apartments	Tourist Resort Commercial	R-2 / R-3
West	Hotel / Apartments	Tourist Resort Commercial	R-2 / R-3



AERIAL PHOTO SHOWING 1590 EAST PALM CANYON DRIVE

The site of the Palm Tee Hotel is approximately 103 feet in width and 201 feet in depth. For purposes of zoning analysis, the East Palm Canyon Drive frontage is considered the front of the lot and the lot is considered a reverse corner lot (meaning it is a corner lot, the side line of which is substantially a continuation of the front lot lines of the lots to its rear). The parcel has split zoning: the southern half of the parcel is in the R-3 zone and the northern half is in the R-2 zone. It also lies within the Resort Combining Zone. For purposes of density analysis, it is noted that the two-story portion of the building lies roughly in the R-3 zone and the one-story portion lies generally in the R-2 zone.

In its original CUP application, the applicant proposed an occupancy at the Palm Tee of thirty-two (32) patient beds and four (4) staff persons at any time, one of whom would be the resident manager. The applicant proposed on-site therapy and treatment for the clients/guests including on-site individual and group counseling, life skills classes, twelve-step meetings, nursing or doctor-assisted medication management and medical services. In addition, the applicant requested the ability to host events that would be open to the community (both the Alcoholics Anonymous community and the greater neighborhood community).

This facility is currently being operated without planning approval, business licenses, or any other permits.

Alexander Apartments

The existing five unit apartment building at 1425 Via Soledad was constructed in 1957. It is at the southwest corner of Sonora Road and Via Soledad. For many years it was operated as the Alexander Inn, a vacation rental. The existing building is roughly 4,895 square feet in area. There are eight (8) bay parking spaces which take access directly off Sonora Road. This segment of Sonora Road is a two-lane local collector street on the City's General Plan Circulation Map.

Surrounding Land Uses and Existing Development

The Alexander Apartments are located on the south side of the city, in a fully developed area of multi-family units, small hotels and single family homes. The table below denotes the zoning, general plan and surrounding existing land uses.

	Land Use	General Plan	Zoning
North	Single Family Residential	VLDR (Very Low Density Residential (4du/ac)	R-1-C (Single Family Residential)
South	Hotel / Apartments	Tourist Resort Commercial	R-2 (Multi-Family Residential)
East	Single Family Residential	VLDR (Very Low Density Residential: 4du/ac)	R-1-C
West	Hotel / Apartments	Tourist Resort Commercial	R-2



AERIAL PHOTO SHOWING 1425 VIA SOLEDAD

The site is approximately 105.6 feet in width and 136 feet in depth. For purposes of zoning analysis the Sonora frontage is considered the front of the lot.

The applicant's CUP application proposed to change the use from an apartment building to a substance abuse recovery center for persons recovering from alcoholism, drug abuse and other addictions. The current facility is comprised of four, two-bedroom apartments and one, three-bedroom apartment.

The applicant proposed an occupancy of seventeen (17) patient beds and two (2) persons occupying the resident manager's unit. The applicant proposed on-site treatment for the clients/guests including on-site individual and group counseling, life skills classes, twelve-step meetings, nursing or doctor-assisted medication management and medical services. In addition the applicant requested the ability to host events that would be open to the community (both the Alcoholics Anonymous community and the greater neighborhood community).

The applicant initiated the current non-permitted use at the Alexander Apartment under an office use business license, not as a sober living facility or substance abuse recovery center.

LAND USE OVERVIEW

The R-2 zone is "intended to provide for the development of medium-density multiple-family residential." The R-3 zone "is intended to provide for the development of high density apartments, hotels and similar permanent and resort housing and certain limited commercial uses directly related to the housing facilities." The General Plan land use designation for both properties is Tourist Resort Commercial, which provides that the primary use should be that of hotel and tourist-related uses. Residential uses are to be a second use ancillary to the hotel uses.

RELATED PRIOR ACTIONS:

On April 12, 2012, the Department of Building and Safety/Code Enforcement notified the applicant in writing that a conditional use permit (CUP) is required for the two facilities. The applicant was also advised that the facility at 1590 East Palm Canyon Drive was operating without permits, appropriate business licenses, or planning approvals.

On May 3, 2012, the City served the applicant a Courtesy Notice via certified mail notifying them that it was in violation of the City's Municipal Code by operating substance abuse recovery centers / assisted living facilities without approval of a Conditional Use Permit at the subject sites.

On June 25, 2012, the applicant submitted CUP applications for both properties requesting approval to operate them as substance abuse recovery centers / assisted living facilities.

On September 26, 2012, the City received correspondence from the applicant's attorney notifying the City that the applicant was withdrawing its CUP applications and asserting that the two properties were being operated as hotels, not substance abuse recovery centers / assisted living facilities.

On November 1, 2012, the Director of Planning Services sent correspondence to the applicant, advising it that upon review of the uses, its marketing literature, and internet presence, the Director had determined that the uses are not hotels, but rather substance abuse recovery centers / assisted living facilities which require the approval of Conditional Use Permits from the Planning Commission in order to continue to operate.

On November 15, 2012, the applicant submitted an appeal of the Director's decision to the Planning Commission.

On February 13, 2013, the Planning Commission considered an appeal by Ken Seeley of Intervention 911 requesting to overturn the decision of the Planning Director. The Planning Commission voted 6-0-1 to uphold the determination of the Planning Director. In making its decisions, the Planning Commission found:

- a. Each of the properties is being operated as an assisted living facility;
- b. Sober living is the same or substantially the same, categorically and

- c. functionally, as assisted living under the Palm Springs Zoning Code;
- c. Such arrangement and the peer-supported environment does not qualify as a "family" for purposes of "Dwelling Unit" or "Rental Unit";
- d. Different parking requirements apply because of multiple contracts for occupancy and semi-private rooms;
- e. Sober living facilities, and the facilities as used on the sites, require a Conditional Use Permit; and
- f. Intervention 911 must cease operations or file applications for Conditional Use Permit or Planned Development District.

On February 21, 2013, the applicant submitted an appeal to the City Council of the Planning Commission's action to uphold the determination of the Planning Director.

OVERVIEW OF APPEAL AND STAFF RESPONSE

Staff reviewed the applicant's letter of February 21, 2013, appealing the Planning Commission's decision and its letter dated November 15, 2013, appealing the Planning Director's determination and the reasons for the appeal.

It is difficult to address Intervention 911's position because it is ever-changing and a moving target. Intervention 911 initially stated its proposed use of the properties was as hotels; it now claims in its appeal that the uses are multi-family uses. Intervention 911 claims the use is not assisted living under the City's Zoning Code, yet the CUP application initially submitted by Intervention 911 and now withdrawn, proposed "onsite therapy, Life Skills classes, 12-step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center." Notwithstanding this assertion in its CUP application, Intervention 911 now contends it does not provide assisted living services and further that the City's classification of the use as an alcohol or drug abuse recovery facility is not just "erroneous", but "illegal stereotyping on the basis of disability." Nevertheless, Intervention 911's own description of the services it provides and its statement that it will provide services "that would be found at a drug and alcohol treatment center" fits precisely within the City Zoning Code's definition of assisted living facility. It also appears that some of the services that are being proposed may even require state licensing, which Intervention 911 states it does not possess. It is unclear how Intervention 911 can accuse the City of "illegal stereotyping," when the Planning Director and the Planning Commission analysis is based on quotes from Intervention 911's own CUP application and advertising.

The applicant's reasons for its appeals are listed below followed by staff's response.

1. *"The determinations are not supported factually or legally..."*

The Planning Director's determinations which were upheld by the Planning Commission were based on many factors, including the applicant's conditional use permit application, marketing brochures, information on the applicant's website, and meetings with the applicant at the time it received its Building Department / Code Compliance Courtesy Notice. The applicant's marketing materials describe a facility for customers to seek treatment from substance

abuse, and to learn various life skills to aid in re-entering the workplace, among other things. (Copies of the CUP application, marketing material and website information are attached.) Staff believes the determination was supported by review of facts, and the legal authority of the Planning Director to make such determinations is established in the City's Zoning Code.

2. *The determinations "violate state and federal fair housing laws and the City's General Plan..."*

The applicant has not provided information to support the above assertion, and therefore it is unclear how the Director's determination violates these laws. The City permits assisted living facilities in many zones subject to a conditional use permit. Furthermore, pursuant to the Palm Springs Zoning Code (PSZC) Section 92.03.01 and 92.04.01 (Uses Permitted in the R-2 and R-3 zones) the City also allows hotels with less than 10% of the rooms having cooking facilities to be permitted "by right" in the R-2 and R-3 zones. Furthermore, hotels in which more than 10% of the rooms contain kitchens (which is the case for both of these properties) are permitted in both zones subject to a CUP. Thus a CUP is required regardless whether the sites are operated as Hotels or some form of Assisted Living Facilities. It is not clear where any fair housing laws have been violated.

No reference to any specific General Plan policy that the applicant believes had been violated was offered. Staff notes that the General Plan land use designation for both parcels is Tourist Resort Commercial. This land use designation notes that the primary use should be that of hotel and tourist-related uses. Residential uses are to be a secondary use ancillary to the hotel uses. Both hotels with more than 10% of the rooms containing kitchens and assisted living facilities are conditionally permitted in the R-2 and R-3 zones, thus it is not clear how the Director's determination that the use at the two sites are assisted living facilities – not hotels – violates any fair housing laws.

3. *The determinations "are discriminatory and based on bad social policy..."*

The Planning Commission upheld the Planning Director's determination that based upon review of all the information available at the time, the proposed use was not a hotel, but rather a substance abuse recovery center / assisted living facility. These facilities are permitted in many multiple family residential zones throughout the City of Palm Springs subject to a CUP. Sober living facilities are not defined in the PSZC nor are they listed as a permitted use in any zone in Palm Springs. The State of California regulations protect the establishment of sober living facilities of six beds or less in residential zones and encourages cities and counties to permit operators to establish such facilities as a means of integrating this population back into the community at large. Neither of the subject properties fall under the regulatory guidelines of the State for sober living facilities of six beds or less: the Palm Tee facility is proposed to have 32 patient beds and the Alexander is proposed to have 17 patient beds. Staff believes the applicant has not provided information to support the assertion of "discrimination" or "bad social policy".

4. *The determinations "are based on misunderstandings, assumptions and speculation..."*

The applicant does not identify or explain where or how it believes “misunderstandings, assumptions or speculation” has occurred. The Director’s determination which was upheld by the Planning Commission is based on written material provided by the applicant both in its original CUP applications and its promotional material, as well as the definitions for hotels and assisted living facilities in the Palm Springs Zoning Code. Additional information that was the basis of the Director’s determination is described in the Exhibit attached to this staff report.

5. *The determinations “are made pursuant to inapplicable provisions of the City’s Zoning Code.”*

The Director identified PSZC Section 91.00.08(B) “*Conflicting or Ambiguous Provisions*” as the provision for the review and identification of the proposed use. This section states that “*where there may be conflicting or ambiguous provisions within this zoning code, the director of planning and building, or his authorized representative, shall determine the applicability of such provisions.*” The applicant has asserted that its proposed uses of the two sites are “hotels.” The Director, however, determined that the proposed uses of the facilities were most similar to “assisted living facilities” as that use is defined in the Code. Based in large measure on the material presented by the applicant, the Director has determined the proposed uses to be substance abuse recovery centers, which are classified in Palm Springs as “assisted living facilities.” The Planning Commission upheld the Director’s determination as an appropriate application of the Zoning Code. Staff believes this is an appropriate application of the relevant provisions of the Zoning Code. The applicant has not explained or described why this is an “inapplicable provision” except that it disagrees with the outcome.

6. *“No ‘assisted living’ services are occurring on site.”*

The examples noted above as well as the description of the proposed use in the CUP application suggest that “assisted living” services are indeed provided on the sites. From its CUP application, the applicant states, “*We would like the CUP application to allow for and include the following: Onsite therapy (individual and group), Life Skills classes, 12-step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center.*” From these statements, the Planning Commission upheld the Director’s determination that assisted living services are indeed being offered, thus the facilities are not being operated as “hotels”.

7. *“The financial burden upon the applicant if deemed “assisted living” is in excess of \$200,000, far out of line in light of the preferred public policy in favor of sober living and affordable housing.”*

Analysis of the “financial burden” or conducting due diligence of the viability of a “business model” or of adapting any site to a particular proposed use, is solely the responsibility of applicants and business owners. “Financial viability” is not a finding or requirement of approval, or a factor used in determining whether a proposed use is permitted use in a particular zone. Financial burden was also not a factor that the Director used in making the

determination that the proposed uses are not “hotels”.

The applicant’s brochure notes that the monthly rate for a “shared occupancy room” is \$2,800 per month per patient. Thus a typical room with two beds may rent for roughly \$5,600 per month. Staff assumes a single occupancy room would have a higher monthly rate. Pursuant to Table 3-8 of the City’s Housing Element in the General Plan (which was updated in 2010); maximum affordable rents for extremely low to moderate income households is between \$500 and \$1,860 per month in Palm Springs. The monthly rate for the subject properties well exceeds the typical monthly rental for affordable housing. In comparison, the average rate for a monthly hotel stay in Palm Springs is roughly \$115 per night or about \$3,450 per month¹; thus the subject properties also generate income greater than the average 30-day hotel stay in Palm Springs. Staff does not believe the subject properties are providing affordable housing for the community.

8. *“At the subject properties, Intervention 911 provides sober living environments – not services or treatment to individuals recovering from the disease of addiction”*

On the applicant’s website “welcome page” it states, “*Intervention 911 offers a wide range of **services** in addition to alcohol intervention and drug intervention*”. On the applicant’s website under “philosophy” it notes “*From the beginning of the **treatment process**, we assess the need of the individual with a clear focus on accountability*”. This information seems to contradict the above assertion in the applicant’s appeal letter. Furthermore, sober living facilities of seven patient beds or more are not a listed permitted use in any zone in Palm Springs.

9. *“Residents... rely on each other as a family for peer-support in sober living, but participation in any group meeting is purely voluntary and there is no oversight by Intervention 911.”*

A written narrative provided by the applicant’s representative (dated June 24, 2012), it is noted that the applicant “would like its CUP application to include onsite therapy (individual and group) Life Skill classes, 12-step meetings, nursing or doctor-assisted medication management and services that would be found at a drug and alcohol treatment center”. Another set of response to questions from Planning staff received August 8, 2012 notes, “There would be 2 house check in’s each day”, and “In the first 30 days, many of the residents will attend IOP at MH from 8:30 to 11:30 am” and “During that time we will begin to hold classes on topics such as 12 step in house guidance...” and “There would also be afternoon session classes” and “As people attain a certain length of time in the facility, their involvement in the classes would stop, provided they have work, volunteer, or recovery activities in place of the classes”.

Within its “Welcome Packet” for its patients, the following is noted under “code of ethics”: “Submit to random drug testing at the request of the Sober Living Head of Household or

1. Pursuant Aftab Dada of the Palm Springs Hotel Association, from a sampling of 3,900 rooms, the average nightly rate is \$115/night.

owner". Furthermore, in the "General Agreement" that patients must sign is the following: "I agree to work a Twelve-step program and obtain a sponsor, which is suggested for continued sobriety. AGREE to attend all house meetings." Further in this "agreement" it is noted that "I agree to drug/alcohol testing and/or room and/or property search at any time by staff..." and "I agree that if I violate any part of this agreement, I am subject to discharge..." These statements appear contrary to the assertion that participation in group meetings is "purely voluntary".

10. *"Simply stated, no change of use has occurred, and no conditional use permit is required."*

Upon review of the materials and information in the appellant's CUP application, as well as marketing material and its website, the uses occurring at the two sites does not appear to be that of a hotel. Rather they appear to be some sort of assisted living facility which requires a Conditional Use Permit. Furthermore, in some of the material from the applicant, the applicant asserts they are a "sober living facility". Sober living facilities of 7 patient beds or more are not a permitted use in any zone in the City of Palm Springs. (Those of 6 patient beds or less are deemed residential uses under state law and are permitted in residential zones anywhere in the State, without special permits, fees, and the like).

11. *"Intervention 911 made a reasonable accommodation request to the City of Palm Springs related to (its) use of structures located at 1425 Via Soledad and 1590 East Palm Canyon Drive".*

Intervention 911 seeks "reasonable accommodation" from a number of the City's regulations. First and foremost, it seeks to be relieved of the requirement for a conditional use permit ("CUP"). The basis of this request appears to be the contention that the use of the property is "akin to a family living in a multi-family dwelling" and the contention that "these residences are not assisted living facilities, group homes, boarding houses or halfway houses." If the City were to view Intervention 911's use as multi-family, Intervention 911 would not need a CUP because multi-family is a permitted use under the City's Zoning Code.

Second, Intervention 911 seeks relief from the Fire Code requirements based on the contention that the City's decision to classify the residences as an "alcohol or drug abuse recovery or treatment facility" is erroneous. Intervention 911 is essentially stating that requiring Intervention 911 to comply with requirements of the State Building Code to an already existing structure would interfere with the normal use of the residences and would cause unreasonable hardships and unnecessary inconvenience, and would not result in an increase in fire safety.

A. *The CUP Requirement*

Intervention 911 states that its use is equivalent to a multi-family use and the City Zoning Code's definition of family, which is defined as "an individual or two (2) or more persons living together as a single housekeeping unit in a single dwelling unit." A "dwelling unit" is further defined by the City's Zoning Code as "one (1) or more rooms and single kitchen in a single-

family dwelling, apartment house or hotel designed as a unit for occupancy by one (1) family for living and sleeping purposes." "Dwelling" is further defined to mean a building "designed exclusively for residential occupancy, including one-family and multiple-family dwellings, but not including hotels, boarding or lodging houses....".

Based on the evidence before the City, it does not appear that the use constitutes a single housekeeping unit as defined in the City's Zoning Code or by its commonly understood meaning. Definitions of single housekeeping unit similar to the City's were received favorably in a 2003 California Attorney General Opinion. While Intervention 911's use has some indicia of a single housekeeping unit, the dissimilarities significantly outweigh the similarities. A single housekeeping unit is one in which the occupants are living and functioning together as a family. The members typically have established ties and familiarity with each other and interact with each other. They share meals, household activities, expenses, and responsibilities. Membership is fairly stable as opposed to transient and the members have control over who becomes a member of the single housekeeping unit.

While Intervention 911's tenants may share some of these traits, i.e., they interact with each other and may engage in household activities and share meals, they otherwise do not function as a single housekeeping unit. Based on Staff's understanding of Intervention 911's operations, the tenants do not have established ties or familiarity with each other, i.e., they typically do not know each other until the day they move in and generally are not related to each other in any way. While they may share meals, each is responsible for buying his or her own food. It does not appear that they share any expenses. Each tenant is under a separate month-to-month rental agreement with no obligations whatsoever to share in the rent expense of another tenant. Rent is assessed on a per bed basis and not per dwelling unit. The decision as to who becomes a member of the housekeeping unit is made by Intervention 911, which has no family ties to the tenants. Significantly this decision is not made by the members of the housekeeping unit themselves. In this regard, the properties are operated in much the same way as a boarding house.

While not transient in the sense of a hotel or as defined by building and fire codes, the tenancy is also not stable. It is unknown precisely what the average length of stay is at either location, but at \$2,800 a month—to share a room—it could be anticipated that tenants will not choose to stay any longer than they believe necessary. A July 2005 UCLA study which reviewed the impact of the California Substance Abuse and Crime Prevention Act of 2000 stated that as much as 65%-70% of persons who enter drug treatment programs overall do not finish the program. A study of participants in Oxford House, a two year drug treatment program, found that participants spent an average of 256 days in this setting. Of the participants studied, only 5% stayed the entire 24 months of the program and few, if any, of the participants chose to live together after leaving.

Thus, based on the information that has been provided, the tenants do not function as a single-housekeeping unit and do not fit the definition of family.

Nor the does the proposed use fit within the parameters of a hotel use. As noted previously in Intervention 911's prior CUP application, the proposed use offers a number of services that

are not indicative of a hotel. Indeed the mission statement is to "provide those who suffer from addiction...with the necessary resources, services, guidance and support...to live a life free from the bondage of their addiction." In addition, unlike a normal hotel use, Intervention 911's tenants who share a room pay separate rents; they typically do not know each other until they are placed together; who they share a room with is ultimately decided by the operator of the properties and not the occupants; they do not share expenses and typically have separate transportation. Intervention 911 is proposing 32 patient beds in what was a 16-unit hotel and 17 patient beds in what was a 5 unit apartment building. The parking spaces for each property are, respectively, 17 and 8. Each tenant will be of adult age and will presumably drive and own a car, which would overwhelm the on-site parking and cause parking to spill out onto the surrounding residential streets. In addition, in the CUP application submitted by Intervention 911, a number of other services may be provided on site, which would also create parking demand. The potential parking demand of the use would likely exceed what would normally be anticipated for either a hotel or multi-family use.

As has been noted in previous staff reports, the occupancy also does not fit within the parameters of a hotel or apartment use due to the large degree of control exercised by Intervention 911 on the daily lives of the occupants and the various services that are provided. The cost of occupancy is significantly greater than what is typical for a similarly-situated apartment.

Intervention 911 states its residences are clearly not "assisted living facilities, group homes, boarding homes or halfway houses." Staff disagrees. As Intervention 911 noted, the City's definition of an assisted living facility under Section 91.00.01 of the Zoning Code is "a special combination of housing, supportive services, personalized assistance and health care licensed and designed to respond to the individual needs of those who need help with activities of daily living and instrumental activities of daily living. Supportive services are available 24 hours a day to meet ... needs in a way that promotes maximum dignity and independence for each resident and involves the resident's family, neighbors and friends, and professional caretakers."

Intervention 911's website advertises the two properties as "sober living housing" and "Sober Hotels." It advertises services which include "hypnosis, random drug testing, medication oversight, equine therapy, recovery coaches and 12-Step recovery programs." Intervention 911's mission statement is to "provide those who suffer from addiction ... with the necessary resources, services, guidance and support ... to live a life free from the bondage of their addiction." It is a recognized fact that round the clock support is a key ingredient to successful recovery from a drug or alcohol addiction. The above description appears to fit squarely within the City Zoning Code's definition of an assisted living facility.

In addition, while Intervention 911 contends the use is not a boarding house use, the fact that rent is on a per bed basis by occupants who typically have no previous social or family ties is analogous to the manner in which boarding and rooming houses operate. The degree of supervision exercised over the occupants, while perhaps necessary to success, is also unlike any hotel or multi-family use and is more closely aligned to that of a college dormitory or boarding school. The mission statement of Intervention 911 also fits within the definition of a

halfway house, which essentially is housing where services are provided to transition the occupant to be in a position to successfully live on their own. Halfway houses can be voluntary or mandatory. It is also often the case with facilities such as Intervention 911 that its occupants are there to fulfill a condition of probation and thus, the extent to which residency is voluntary is limited. The City does not have any information as to the number of Intervention 911's tenants who are fulfilling conditions of probation. It should be noted that boarding houses, rooming houses and dormitories, uses for the non-disabled which are similar to Intervention 911's use, are not even permitted in the R-2 and R-3 zones. Because the City has indicated its willingness to review the possible use under a CUP, in this regard the City and its Zoning Code actually grant preferential treatment to the disabled over the non-disabled.

Based on the above, it appears that the Staff's conclusions as to the use and the requirement for a CUP are reasonable. The use being proposed is fundamentally different than those permitted as a matter of right under the City's Zoning Code and Intervention has not provided any facts which would substantiate how complying with the City's CUP requirement imposes an undue hardship or would otherwise preclude the disabled from having an equal opportunity to use and enjoy a dwelling. And has been noted in City staff reports, the City has approved a number of CUPs for facilities similar to Intervention 911's throughout the City.

B. *Fire Code Requirements*

Intervention 911 mischaracterizes the requirement by claiming it only applies because of the occupants' status as being disabled. Initially, it is not facially discriminatory under the FHA and ADA to relate fire safety measures to a person's disability. It is beyond question that facilities designed specifically to house individuals whose capability to escape fire dangers is limited due to disabilities need to have enhanced fire safety measures in order to protect their health and safety in a manner similar to the non-disabled. Indeed, license group homes, hospitals and similar uses have enhanced Fire Code requirements based on the recognition that persons housed in these facilities due to disabilities or short-term conditions, are limited in their ability to escape fire. To ignore this reality would be negligent.

In any event, Intervention 911 is wrong when it contends that it is being made to retro-fit the properties to meet today's standards solely because its tenants are disabled. Under the 2010 California Fire Code, the fire code official must make a determination as to whether there is a change in use of the properties that would place the use in a different division or the same group or occupancy or in a different group of occupancies. This determination is not ultimately made based on whether the occupants are disabled (although it could be if such disability was relevant to the occupant's ability to escape) but rather whether there has been a change in the use and its intensity. If so, then the structure must be brought up to the fire standards that would be required as if it was being built new. Thus, the focus is on the change in use, and not the "status of the residents as individuals recovering from the disease of addiction." Retro-fitting to meet existing building and fire codes is not unusual and applies in a number of situations and uses having nothing to do with whether a person is disabled. The focus of the City Fire Marshall's determination was that there was a change in the intensity of the use of the properties that triggered the retro-fit requirement.

As noted above, Intervention 911's use seems to fit squarely within the City Zoning Code definition of an assisted living facility and the use is also more analogous to a group home, boarding home, rooming house or halfway house, than a hotel or multi-family use. All of these uses would have triggered essentially the same retro-fit requirements, whether the occupants were disabled or not and it should be noted that these requirements are the same as would be required of new hotel or multi-family construction. As has been previously noted, this determination is consistent with how the City has historically classified such uses. Given the above, the Fire Marshall's determination that Intervention 911's use resulted in a change in use or occupancy that placed it in a different division or different group of occupancies which require the structures to be brought up to current fire codes appears infinitely reasonable and correct.

It is unclear how requiring Intervention 911 to bring the properties up to existing fire code standards would "interfere with the normal use of the residences and would cause unreasonable hardships and unnecessary inconvenience, and would not result in an increase in fire safety." There are no facts presented to support these contentions and the contention that it would not increase fire safety is directly contradictory to the determination of fire experts that these measures do in fact increase fire safety and the very purpose for which the requirements were enacted. While Staff agrees that financial hardship to Intervention 911 can be a factor in considering whether to make a reasonable accommodation under the ADA or FHA, Intervention 911 has presented no evidence to suggest that it is financially incapable of making the modifications or why it should be exempted from Fire Codes which will make its occupants safer. In fact, based on the rents Intervention 911 charges, which are anywhere from nearly double to 10 times the amount that would be charged for an apartment or hotel, it appears that Intervention 911 is in a much better financial position to make these changes than would a person who was proposing some other, but similar change in use for the non-disabled.

To the extent that these requirements may temporarily interfere with Intervention 911's existing use, Intervention 911 only has itself to blame. Intervention 911 chose to occupy the properties without seeking the City's approval and with respect to the Via Soledad property, actually misrepresenting the use as "offices for rehab intervention" on its business license application. It was only after the City discovered the use being made of the properties did Intervention 911 seek approvals from the City, but even then it abandoned its application for a CUP, which CUP was required by the City based on Intervention 911's own written description, albeit changing, of its use. Courts have consistently held that the refusal of a sober living facility to give a City a chance to accommodate the facility through the City's established procedures is "fatal" to a reasonable accommodation claim. Neither the ADA nor FHA exempts disabled individuals from having to seek approvals that would be required of similarly-situated uses involving the non-disabled. The CUP process serves the purpose of enabling the City to make a reasonable accommodation in its rules, policies and practices and to impose reasonable conditions to ensure that the use does not detrimentally impact the surrounding land uses.

Notwithstanding the state's definition of assisted living facilities or sober living facilities, what is paramount in the CUP context is the definition of assisted living facility in the City's Zoning Code, into which Intervention 911's use squarely falls. It is the City and not the state, which possesses the constitutional authority to enact zoning laws and to define the uses that are permitted, permitted with a CUP and prohibited. Except in limited circumstances involving 6 or fewer residents which are not applicable here, state law definitions do not preempt the City's Zoning Code.

The City recognizes that it is obligated under state and federal law to make a reasonable accommodation from its generally applicable regulations when such an accommodation is reasonably necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling and that recovering addicts, who are not current users, are considered disabled. However, this is tempered by the proviso that the accommodation does not create a fundamental alteration in the City's zoning scheme. The use being proposed is fundamentally different than those permitted as a matter of right under the City's zoning scheme. The proposed use, however, is similar to an assisted living facility use as defined by the City's Zoning Code, which is permitted with a conditional use permit.

Based on the evidence currently before the City, the City has not violated either the ADA or FHA. The City is treating Intervention 911 in the same manner as it would treat a similar use housing the non-disabled. Staff is recommending the Council consider the proposed use as a use that is permitted subject to consideration and approval through the CUP process.


CONCLUSION:

Staff believes that the applicant has not submitted material in its appeal letter that would support an argument for overturning the Planning Commission's decision to uphold the Planning Director's determination. Staff recommends the City Council uphold the decision of the Planning Commission, upholding the determination of the Planning Director, that the current uses at the two subject sites are not hotels, but are a form of assisted living facility (substance abuse recovery treatment) for which submission and approval of a Conditional Use Permit is required.

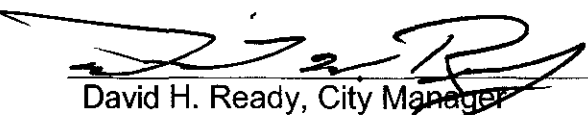
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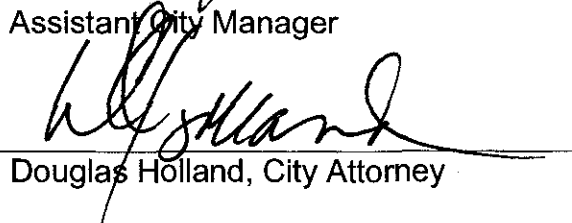
Edward O. Robertson, Principal Planner
For the Director of Planning Services



Thomas J. Wilson
Assistant City Manager



David H. Ready, City Manager



Douglas Holland, City Attorney

Attachments:

1. Vicinity Maps
2. Vicinity Map
3. Draft Resolution
4. April 12, 2012 Fieger to Seeley letter
5. May 3, 2012 Courtesy Notice from Building Department to the Applicant.
6. September 26, 2012 Flannery to Lyon letter.
7. November 1, 2012 Ewing to Seeley / McLaughlin letter.
8. November 15, 2012 Flannery to City Clerk letter of appeal of the Planning Director's determination.
9. Miscellaneous pages from the Applicant's original CUP application, website and marketing materials.
10. Exhibit A – Additional information referenced for the basis of the Director's determination
11. Public Comment letters on the applicant / applicant's original CUP application
12. Planning Commission staff report, draft minutes, and resolution dated December 12, 2012
13. January 22, 2013 Loeb to Ewing Letter re Reasonable Accommodation
14. February 21, 2013 Baron to City Clerk appeal of Planning Commission's Decision.

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**

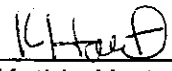


Date: April 3, 2013
Subject: Cases 5.1282 & 5.1283
Palm Tree Hotel and The Alexander Apartments

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on March 23, 2013.

I declare under penalty of perjury that the foregoing is true and correct.




Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on March 21, 2013.

I declare under penalty of perjury that the foregoing is true and correct.




Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on March 22, 2013, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (165 notices)

I declare under penalty of perjury that the foregoing is true and correct.



Kathie Hart, CMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1282
PALM TEE HOTEL AT 1590 EAST PALM CANYON DRIVE

CASE 5.1283
THE ALEXANDER APARTMENTS AT 1425 VIA SOLEDAD

APPEALS BY KEN SEELEY OF INTERVENTION 911
PERTAINING TO THE USES OF THE SUBJECT PROPERTIES AS SUBSTANCE
ABUSE RECOVERY CENTERS/ASSISTED LIVING FACILITIES
REQUIRING A CONDITIONAL USE PERMIT

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of April 3, 2013. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider two appeals by Ken Seeley of Intervention 911, appealing the Planning Commission determination upholding the decision of the Director of Planning Services that the uses of the property located at 1590 East Palm Canyon Drive and 1425 Via Soledad, are substance abuse recovery centers/assisted living facilities requiring a Conditional Use Permit to operate. [Zone R-2/R-3].

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this project are also available for public review at City Hall between the hours of 8:00 a.m. to 11:00 a.m. and 2 p.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the public hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009(b)(2)).

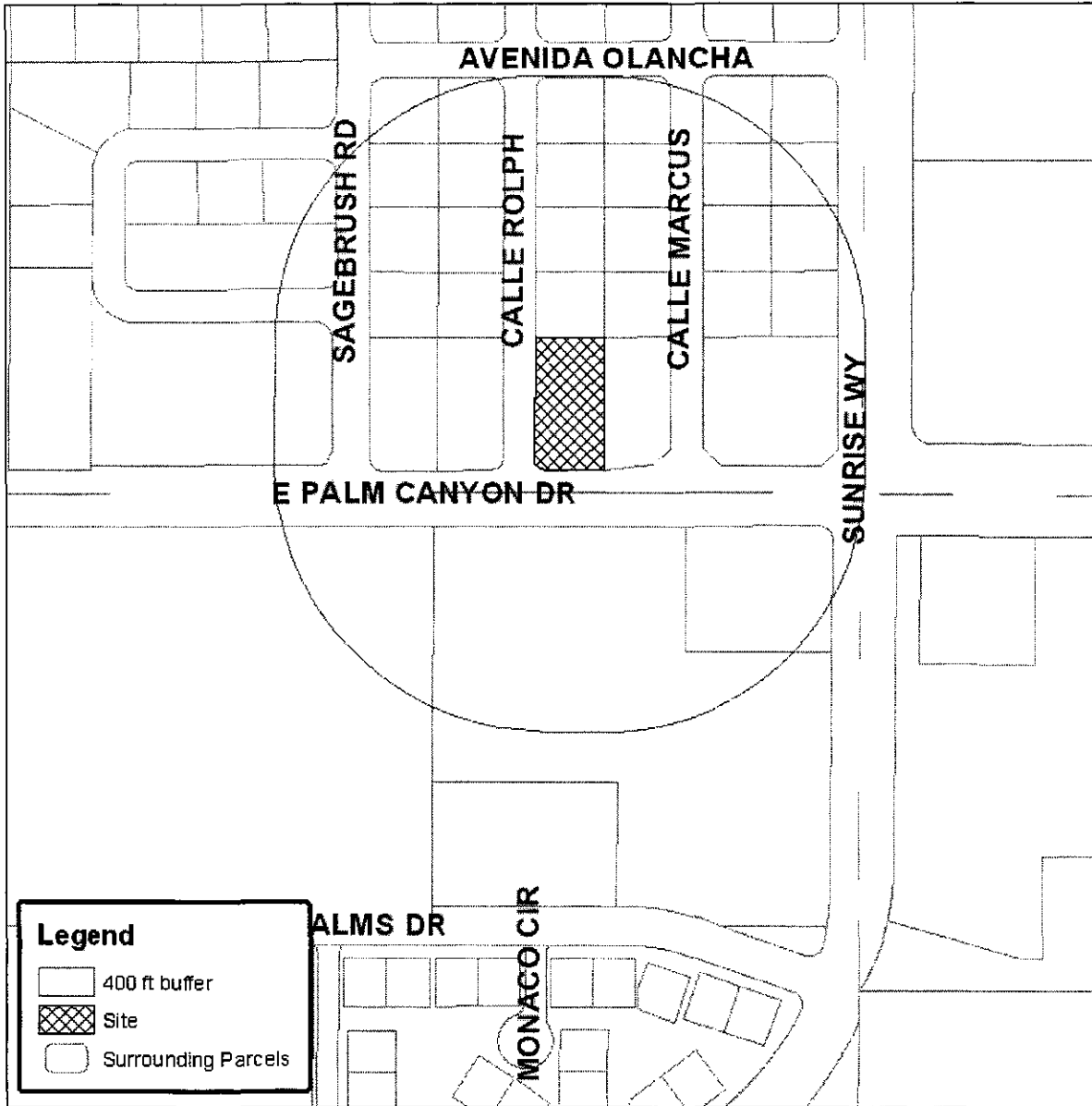
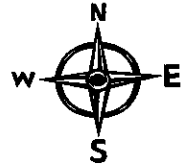
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, RA, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-824.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

- 400 ft buffer
- Site
- Surrounding Parcels

CITY OF PALM SPRINGS

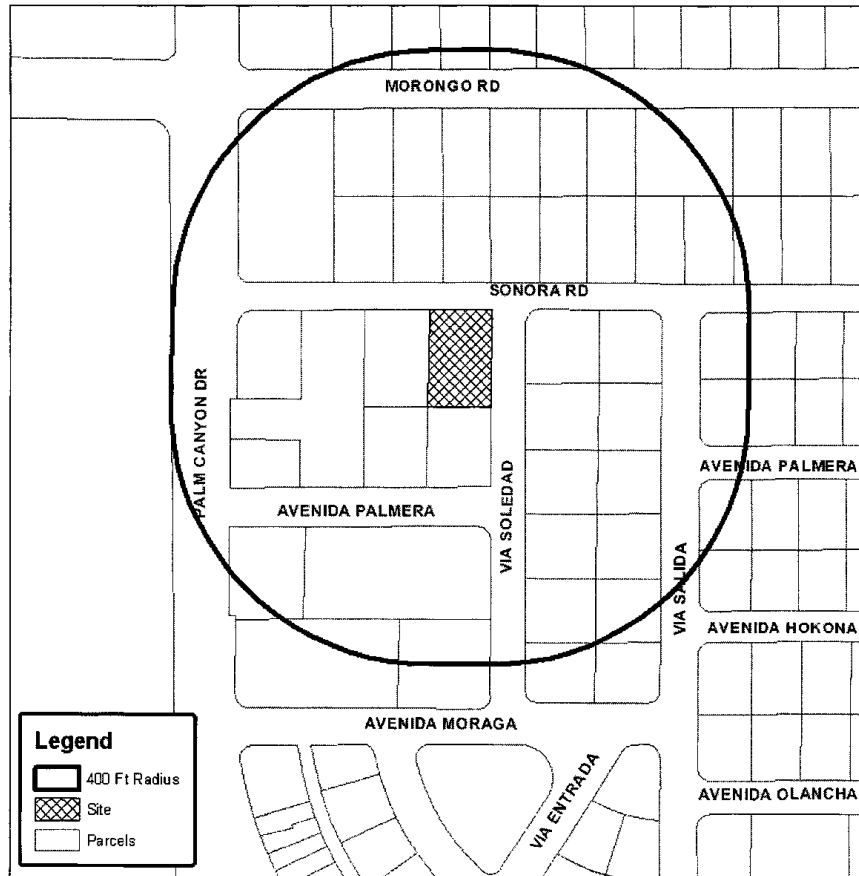
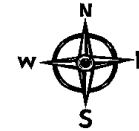
CASE NO: 5.1282 CUP Appeal
Palm Tee Hotel

APPLICANT: Ken Seeley
Intervention 911

DESCRIPTION: Appeal pertaining to the uses of the subject property as a substance abuse recovery centers/assisted living facility requiring a conditional use permit located at 1590 East Palm Canyon Drive, Zone R-2/R-3.



**Department of Planning Services
Vicinity Map**



Legend

-  400 Ft Radius
-  Site
-  Parcels

CITY OF PALM SPRINGS

CASE NO: 5.1283 CUP Appeal
Alexander Apartments

APPLICANT: Ken Seeley
Intervention 911

DESCRIPTION: Appeal pertaining to the uses of the subject property as a substance abuse recovery centers/assisted living facility requiring a conditional use permit located at 1425 Via Soledad, Zone R-2/R-3.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO UPHOLD A DETERMINATION MADE BY THE DIRECTOR OF PLANNING SERVICES THAT THE APPELLANTS' USES AT 1590 EAST PALM CANYON DRIVE AND 1425 VIA SOLEDAD ARE NOT HOTELS.

WHEREAS, on April 12, 2012, the applicant/appellant was notified in writing by the Department of Building and Safety / Code Enforcement that a conditional use permit (CUP) is required at two facilities owned and operated by the applicant, and

WHEREAS, on May 3, 2012 the applicant/appellant was served a Courtesy Notice by certified mail notifying them that they were in violation of the City's Municipal Code by operating the substance abuse recovery centers / assisted living facilities at the subject addresses without approval of Conditional Use Permits.

WHEREAS, on June 24, 2012, the applicant/appellant submitted CUP applications for both properties requesting approval to operate them as substance abuse recovery centers / assisted living facilities, and

WHEREAS, on September 26, 2012, the City received correspondence from the appellant's attorney notifying the City that the applicant was withdrawing their CUP applications and asserting that the two properties were being operated as hotels, not substance abuse recovery centers / assisted living facilities, and

WHEREAS, on November 1, 2012, the Planning Director made a determination pursuant to section 91.00.08 (B) of the Palm Springs Zoning Code (PSZC) that the appellant's current uses at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotels, but rather are substance abuse recovery centers / assisted living facilities and require approval of Conditional Use Permits from the Planning Commission in order to continue to operate, and

WHEREAS, on November 15, 2012, the appellant, Ken Seeley of Intervention 911, filed an appeal of the Planning Director's determination; and

WHEREAS, Sections 91.00.08 (B) of the Palm Springs Zoning Code allows decisions by the Director of Planning Services to be appealed to the Planning Commission; and

WHEREAS, on December 12, 2012, the Planning Commission conducted a public review of the appeal request, including all of the evidence presented in connection with the matter, including, but not limited to, the staff report prepared on the matter, and all

written and oral testimony presented, and whereas the matter was continued to a date certain of January 23, 2013, and

WHEREAS,

THE CITY COUNCIL HEREBY FINDS AS FOLLOWS:

Section 1: That the decision by the Planning Commission to uphold the determination of Director of Planning was justified based on the following:

1. The Planning Commission's decision to uphold the Planning Director's determinations were based on many factors, including the applicant / appellant's conditional use permit application, marketing brochures, information on the appellant's website, and meetings with the appellant at the time they received their Building Department / Code Compliance Courtesy Notice. The appellants' marketing materials describe a facility for customers to seek treatment from substance abuse, and to learn various life skills to aid in re-entering the workplace, among other things. The determination was supported by review of facts, and the legal authority of the Planning Director to make such determinations is established in the City's Zoning Code.
2. The Planning Commission's decision to uphold the Planning Director's determination did not violate state or federal fair housing law nor was their decision in conflict with the City's General Plan. The City permits assisted living facilities in many zones subject to a conditional use permit. Furthermore, pursuant to the Palm Springs Zoning Code (PSZC) Section 92.03.01 and 92.04.01(Uses Permitted in the R-2 and R-3 zones) the city also allows hotels with less than 10% of the rooms having cooking facilities to be permitted "by right" in the R-2 and R-3 zones. Furthermore, hotels in which more than 10% of the rooms contain kitchens (which is the case for both of these properties) are permitted in both zones subject to a CUP. The City Council upholds the Planning Commission's determination that no fair housing laws were violated by the Planning Director in making his determination.
3. The General Plan land use designation for both parcels is Tourist Resort Commercial. This land use designation notes that the primary use should be that of hotel and tourist-related uses. Residential uses are to be a secondary use ancillary to the hotel uses. Both hotels with more than 10% of the rooms containing kitchens and assisted living facilities are conditionally permitted in the R-2 and R-3 zones. Thus, the Planning Commission's decision upholding the Planning Director's determination was not in conflict with the City's General Plan.
4. The Planning Commission's decision to uphold the Planning Director's determination was not discriminatory nor was it bad social policy. The Planning Director's determination was based upon review of all the information available at the time, that the proposed use was not a hotel, but rather a substance abuse

recovery center / assisted living facility. These facilities are permitted in many multiple family residential zones throughout the City of Palm Springs subject to a CUP. Sober living facilities are not defined in the PSZC nor are they listed as a permitted use in any zone in Palm Springs. The State of California regulations protect the establishment of sober living facilities of six beds or less in residential zones and encourages cities and counties to permit operators to establish such facilities as a means of integrating this population back into the community at large. Neither of the subject properties fall under the regulatory guidelines of the State for sober living facilities of six beds or less: the Palm Tee facility is proposed to have 32 patient beds and the Alexander is proposed to have 17 patient beds.

5. The director identified appropriate sections of the zoning code in making his determination, including PSZC Section 91.00.08(B) "*Conflicting or Ambiguous Provisions*". This section states that "*where there may be conflicting or ambiguous provisions within this zoning code, the director of planning and building, or his authorized representative, shall determine the applicability of such provisions.*" The appellant has asserted that its proposed use at the two sites are "hotels;" however, based on the material presented by the appellant, the director has determined the uses to be substance abuse recovery centers, which are classified in Palm Springs as "assisted living facilities". The City Council upholds the decision of the Planning Commission in determining that the Director made an appropriate application of the relevant provisions of the Zoning Code.
6. The uses at the two sites are not hotels. The appellants' CUP application, states, "*We would like the CUP application to allow for and include the following: Onsite therapy (individual and group), Life Skills classes, 12-step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center*". From these statements, the City Council upholds the decision of the Planning Commission in concluding that the facilities are not being operated as "hotels".
7. The City Council upholds the Planning Commission's determination that financial burden was not a factor that the director used in making the determination that the proposed uses are not "hotels". The "financial burden" or conducting due diligence of the viability of a "business model" or of adapting any site to a particular proposed use, is solely the responsibility of applicants and business owners. "Financial viability" is not a finding or requirement of approval, nor was it a factor used in the Planning Directors' determination that the uses at the two sites are not hotels.
8. The subject properties are not providing affordable housing for the community. The appellant's brochure notes that the monthly rate for a "shared occupancy room" is \$2,800 per month per patient. Thus a typical room with two beds may rent for roughly \$5,600 per month. Pursuant to Table 3-8 of the City's Housing

Element in the General Plan (which was updated in 2010); maximum affordable rents for extremely low to moderate income households is between \$500 and \$1,860 per month in Palm Springs. The monthly rate for the subject properties well exceeds the typical monthly rental for affordable housing. In comparison, the average rate for a monthly hotel stay in Palm Springs is roughly \$115 per night or about \$3,450 per month; thus the subject properties also generate income greater than the average 30-day hotel stay in Palm Springs. The City Council does not believe the subject properties are providing affordable housing for the community.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council of the City of Palm Springs, California hereby rejects the appeal and upholds the decision of the Planning Commission in upholding the determination of the Director of Planning Services that the appellant's uses at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotels, but rather are substance abuse recovery centers / assisted living facilities requiring the approval of a Conditional Use Permit by the Planning Commission to operate.

ADOPTED this 3rd day of April, 2013.

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF PALM SPRINGS, CALIFORNIA

MAYOR

ATTEST:

City Clerk

CERTIFICATION:

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Resolution No. _____ is a full, true, and correct copy, and was adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California \

4



City of Palm Springs

Department of Building & Safety

3200 East Tahquitz Canyon Way, Palm Springs CA 92262

PO Box 2743, Palm Springs CA 92263

Nadine T. Fieger

Tel 760.322-8364 x8758 ■ Cell 760.285.1139

Fax 760.322.8360 ■ TDD 760.864.9527

E-mail: Nadine.Fieger@palmspringsca.gov

www.palmspringsca.gov

April 12, 2012

Kenneth Seeley
Eric McLaughlin
Intervention 911
1425 South Via Soledad
Palm Springs CA 92264

Dear Mr. Seeley and Mr. McLaughlin:

Thank you for taking the time to talk with me earlier this week about your two properties here in Palm Springs. I have reviewed the brochure that you provided to me and it appears that The Ken Seeley Recovery Community operating at 1425 South Via Soledad has five two-bedroom suites and that each suite can accommodate four beds. The facility at 1590 East Palm Canyon Drive is not yet open, but you told me that you plan to have about twenty beds.

A transitional house, such as the facility operating at 1425 South Via Soledad, is classified by the City of Palm Springs as an assisted living facility and a Conditional Use Permit is required where there are seven or more beds. Please submit a completed application for a Conditional Use Permit for this location as soon as possible, but no later than **May 1, 2012**.

Similarly, a Conditional Use Permit will be required when you open the facility at 1590 East Palm Canyon Drive. Please submit a completed application for a Conditional Use Permit for this location as soon as possible so that the Conditional Use Permit may be in place when you open for business.

Thank you in advance for your cooperation. Please contact me at (760)322-8364 x8758 if there are any questions or if further information is needed.

Sincerely,

Nadine T. Fieger

Code Compliance Officer

c.c. Douglas C. Holland, City Attorney
Craig Ewing, Director of Planning Services

III. The codes that pertain to the violations listed in Section II are:

Palm Springs Municipal Code, PSMC, 11.72.080, Zoning Code Violation; Section 92.03.01.C.2

As the owner of the property at issue or as the individual or entity responsible for the violation, you are individually responsible for correcting the violation.

If you have any questions, you can reach me at (760)322-8364 x8758. If I am not in, please leave a detailed message and I will return your call. You may E-mail me at: Nadine.Fieger@palmspringsca.gov

Thank you in advance for your compliance.

Nadine T. Fieger
Code Compliance Officer

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Nick Jansen</i></p> <p>C. Date of Delivery <i>5/9/12</i></p>
1. Article Addressed to: Kenneth Seeley; Eric McLaughlin Intervention 911 1425 South Via Soledad Palm Springs CA 92264	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number <i>7008 3230 0000 2962 1195</i>	3. <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise 4. <input type="checkbox"/> Extra Fee <input type="checkbox"/> Yes

COURTESY NOTICE



City of Palm Springs
Department of Building
Code Compliance

3200 E. Tahquitz Canyon Way, PO Box 1000

Case Number: CE120140

Date of Issuance: May 3, 2012

To: Kenneth Seeley
Eric McLaughlin
Intervention 911
1425 South Via Soledad
Palm Springs CA 92264

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage	Kenneth Seeley; Eric McLaughlin Intervention 911 1425 South Via Soledad Palm Springs CA 92264	
Sent To		
Street, Apt. No. or PO Box No		
City, State, Zi		

7008 3230 0000 2962 1145

PS Form 3800 August 2006 See Reverse for Instructions

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

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

I. The violations exist on the following property:

Street Address: 1425 South Via Soledad, Palm Springs
Legal Description: POR LOT 33 MB 014/652 SD PALM VALLEY COLONY LANDS
APN: 508-344-001

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

An assisted living facility, transition house, is operating at this location without the Conditional Use Permit required for such a facility with seven or more beds.

Property so maintained is in violation of the City Municipal code and constitutes a public nuisance. These conditions must be corrected by **May 17, 2012**, in the following manner:

- Please obtain the required Conditional Use Permit.

Call me at (760)322-8364 x8758 to schedule an inspection when all the corrections have been made.

III. The codes that pertain to the violations listed in Section II are:

Palm Springs Municipal Code, PSMC, 11.72.080, Zoning Code Violation; Section 92.03.01.C.2

As the owner of the property at issue or as the individual or entity responsible for the violation, you are individually responsible for correcting the violation.

If you have any questions, you can reach me at (760)322-8364 x8758. If I am not in, please leave a detailed message and I will return your call. You may E-mail me at: Nadine.Fieger@palm Springsca.gov

Thank you in advance for your compliance.

Nadine T. Fieger
Code Compliance Officer

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Nick Sauter</i></p>	
<p>1. Article Addressed to:</p> <p>Kenneth Seeley; Eric McLaughlin Intervention 911 1425 South Via Soledad Palm Springs CA 92264</p>	<p>B. Received by (Printed Name) <i>Nick Sauter</i></p>	<p>C. Date of Delivery <i>5/4/12</i></p>
<p>2. Article Number <i>(transfer from source label)</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured over \$500.00 <input type="checkbox"/> P.O.D.</p> <p>4. Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>7008 3230 0000 2962 1195</p>		

6

SLOVAK BARON & EMPEY LLP

ATTORNEYS AT LAW

PALM SPRINGS ORANGE COUNTY PRINCETON

Maureen P. Flannery

ATTORNEY

SLOVAK BARON & EMPEY LLP

1800 E. TAHQUITZ CANYON WAY

PALM SPRINGS, CALIFORNIA 92262

PHONE (760) 322-2275 FAX (760) 322-2107

flannery@belawyers.com

ADMITTED IN CA AND WA

September 26, 2012

Copy via email: Ken.Lyon@palmsprings-ca.gov

Ken Lyon, RA
Associate Planner
City of Palm Springs
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

RECEIVED

SEP 27 2012

PLANNING SERVICES
DEPARTMENT

Re: Intervention911 and Application Nos.: 5.1282 and 5.1283

Dear Mr. Lyon:

This is in response to your request for additional information set out in your email to Dave Baron and Eric McLaughlin.

At the outset, we would like to thank you for the opportunity to continue this discussion. Intervention911 is seeking to provide reasonably priced lodging options to individuals who are recovering alcohol or substance abusers, and who want and need to be in a sober environment to maintain the work they have accomplished in prior treatment. No treatment is provided. The lodging provided is merely alcohol and drug free.

Palm Tee has been operated for years as a hotel, and Alexander (1425 S. Via Soledad) was originally permitted as apartments, and recently operated as a vacation rental property. No change of use has occurred, whether by the imposition of sober living property rules, nor by virtue of affiliation with Intervention 911. Accordingly, our client wishes to withdraw its CUP applications for the properties, but will proceed with appropriate business licensing and TOT registration.

In light of the foregoing, and in anticipation of future discussion, we need to clarify a couple of definitions and assumptions that have been used in communications to date:

1. Occupants of the two properties are not "patients" but are "clients" of Intervention911 and "guests" in the two properties. This is a crucial distinction, as no medical, psychological, personal or other care services are provided. No guest is non-

ambulatory. Initially, certain control provisions were implemented such as locked medicine drawers. However, such practice will no longer occur.

2. As with any hotel, apartment or other guest accommodation, pricing at each property is set on the basis of beds per room (capacity). Thus, more than one bed in the room results in a higher price per room (e.g., pricing for a 2-bed room is based on double occupancy). For the convenience of our client's guests, who are almost as a rule in need of affordability, our accommodations usually provide shared occupancy. Any guest requesting privacy may pay the full price for a multi-bed room.
3. No business activities are occurring on-site for either property with the exception of property managers. This arrangement is not uncommon for hotels and other rental or transient accommodations, and merely ensures that the property is being maintained and guest rules are followed—in this case, rules include sobriety. In order to address certain neighbor comments regarding business phone calls, it is important to note that mobile phones have to some extent made it impossible to restrict the conduct of business to a physical office. Business occurs where the phone is. The property manager, much like any hotel or apartment manager, will continue to receive and make calls of a business nature and there is nothing improper with such activity.
4. Neither property is or meets the qualifications for classification as an "assisted living facility" as defined by the Palm Springs Zoning Code, or the California Building Code ("CBC").

The Zoning Code defines Assisted Living Facility in Section 91.00.10:

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

The CBC defines R-4 residential occupancies to "include buildings arranged for occupancy as residential care/assisted living facilities including more than six ambulatory clients, excluding staff." Examples give include community treatment programs and alcoholism or drug abuse recovery or treatment facilities. The term "Care and Supervision" is used to describe "activities provided by a person or facility to meet the needs of the clients" with the following list:

Assistance in dressing, grooming, bathing and other personal hygiene.
Assistance with taking medication.

Central storing and/or distribution of medications.
Arrangement of and assistance with medical and dental care.
Maintenance of house rules for the protection of clients.
Supervision of client schedules and activities.
Maintenance and/or supervision of client cash resources or property.
Monitoring food intake or special diets.
Providing basic services required by applicable law and regulation to be provided by the licensee to be provided by the licensee in order to obtain and maintain a community-care facility license.

In short, none of the foregoing applies to either of the properties at issue:

- a. No 24-hour supervision is provided except as to normal property management and enforcement of property rules and policies, as might exist in any guest accommodation or hotel.
- b. No treatment or counseling is provided, and no state licensing is held or required for the properties.
- c. No "care and supervision" is provided. The guests receive no assistance by virtue of being a guest with personal hygiene and other matters, medications, medical care, scheduling, cash/property management, food intake or any other basic services required by regulation to be provided by a community-care facility licensee. It is conceivable that a guest may receive such services by a third-party provider, but no such services are provided by or on behalf of our client.
- d. Minimally invasive property rules exist, as with any other guest property, to ensure the quiet enjoyment of other guests as well as protection of the property. The guests in these properties voluntarily choose a sober environment, and property rules ensure that such an environment is maintained. This rule is no different than a pet-free or adult-only policy, or gay hotel, or nudist properties. Each guest is free to choose accommodations that create their preferred environment. A voluntary "sober living" environment does not equate to care, supervision, rehabilitation, treatment or the like.

While no treatment or personal care services occur on the premises of these properties, the guests are in most case disabled by their alcohol and/or drug addiction, and require a sober environment for a time. Please take note of the Housing Element in the City's General plan (2006-2014) which notes as follows:

... [Government Code (§65008)] requires local governments to analyze potential and actual constraints on housing for people with disabilities, demonstrate efforts to remove governmental constraints, and include programs to accommodate people with disabilities. H&S Code 1500 et seq requires that group homes serving six or fewer persons be treated the same as any other residential use, allowed by right in all residential zones and be

subject to the same development standards, fees, taxes, and permit procedures as those imposed on the same type of housing in the same zone. The City desires to develop an ordinance that mirrors protections in state law for both small and larger group homes and a program is included in the Housing Plan.

The standard is set by the city to treat housing for people with disabilities as any other housing.

We recognize that "sober living" is not the norm for apartments, hotels, vacation rentals. But being different does not make it "assisted living." The City has been working on an ordinance to acknowledge and facilitate the development of sober living properties, and actual treatment and recovery centers, for some time. No such ordinance exists at this time. The City should not artificially create a barrier to fair housing choices for our client's guests, whose disability requires and who choose sober living. We urge the City to consider that our client's adoption of a sober living approach to guest accommodation, with management enforcing this rule, is good policy, is a matter of necessity for the guests, and is consistent with free choice that the City permits in other guest accommodations in the City (e.g., gay, gender specific, adult only).

The City must acknowledge such rights. Simply stated, sober living accommodations do not equate to an "assisted living facility." No activity at either property rises to the level of "assisted living." No land use permitting is required to maintain a sober environment at either property.

With respect to parking requirements, as Dave Baron indicated to you in his email earlier today, this condition is satisfied for Alexander (1425 S. Via Soledad), and more than satisfied for the Palm Tee Hotel. Alexander requires eight (8) spaces based on apartment configurations: one (1) 1BR, three (3) 2BR, and one (1) 3BR. The zoning for the hotel is split between R2 and R3, resulting in a maximum density of 15 units, but 14 constructed. At one space per guest room, fourteen (14) spaces are required which is exceeded with seventeen (17) spaces provided.

The foregoing should address the City's concerns. As you are aware, the financial burden imposed following our client's cooperative approach to imposition of CUP requirements is extreme. In the face of such prohibitive expense, our client has elected to modify its business model in order to continue use of the properties in the manner existing for years, with the exception of sobriety rules.

Very truly yours,

SLOVAK BARON & EMPEY LLP


Maureen P. Flannery

cc: Client



City of Palm Springs

Department of Planning Services
3200 East Tahquitz Canyon Way • Palm Springs, CA 92262
Tel: 760-323-8245 • Fax: 760-322-8360

November 1, 2012

Mr. Ken Seeley and Eric McLaughlin
Intervention 911
501 N Cantera Circle
Palm Springs, CA 92262

Subject: Case 5.1282 CUP 1590 East Palm Canyon Drive "The Palm Tee Inn Hotel"
Case 5.1283 CUP 1425 Via Soledad "The Alexander Apartments"

Dear Mr. Seeley and Mr. McLaughlin,

On September 26, 2012, the City received a letter and e-mail from your attorneys (Flannery to Lyon dated September 26, 2012), and (Baron to Lyon dated September 26, 2012), to claim that your operations at the subject properties are that of a "hotel" and allowed in the subject zones 'by right'. Further, these communications notified the City that applications for conditional use permits to operate assisted living facilities / substance abuse recovery centers at both addresses were being withdrawn.

I have reviewed the operation described in your CUP application, the marketing brochures for Intervention 911, your website and the assertion by your attorneys about your "hotel" operation. As detailed below, I have determined that the uses occurring at both locations do not qualify as hotels. In fact, the uses you are pursuing do fit the definition of a substance abuse recovery centers or sober living facilities and that a Conditional Use Permit for each site must be approved prior to initiating the use.

While it is clear to me that the properties are not being operated as hotels, as defined, there may be ambiguity in your minds about the application of the code to your use of these properties. When such ambiguities exist, the Palm Springs Zoning Code Section 91.00.08.B grants authority to the Planning Director to determine the applicability of the code¹ This letter is that determination.

¹ Palm Springs Zoning Code Section 91.00.08(B), "Conflicting or Ambiguous Provisions" In any case where there may be conflicting or ambiguous provisions within this Zoning Code, the director of planning and building, or his authorized representative, shall determine the applicability of such provisions. Such determination may be appealed to the planning commission."

First, the City evaluates all business license applications and other zoning clearances to determine whether a particular use is allowed in the underlying zone, and what permits may be necessary to establish such use. It has been the City's long-standing determination that substance abuse recovery centers are classified as "assisted living facilities" and therefore subject to a Conditional Use Permit in the underlying R-2 and R-3 zones that apply to your properties.

The Zoning Code provides the following definition for "assisted living facility":

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

In contrast to this definition, the zoning code defines "hotel" and "resort hotel", as follows:

"Hotel" means any building or portion thereof containing six (6) or more guest rooms used by six (6) or more guests, for compensation (excepting jails and hospitals), where provision for cooking may be made in a limited number of individual suites, and which rooms are designed and intended as temporary or overnight accommodations. Also see "Hotel, Resort."

Hotel, Resort. "Resort hotel" means a full-service hotel containing one hundred (100) or more guest rooms. Such hotel may have accessory commercial and recreational uses operated primarily for the convenience of the guests thereof, in accordance with the provision of Section 92.05.01(A)(2) of this Zoning Code.

Finally, "dwelling unit", which is also part of how the City characterizes hotel rooms for purposes of determining off-street parking requirements is defined in the Zoning Code:

"Dwelling unit" means one (1) or more rooms and a single kitchen in a single-family dwelling, apartment house or hotel designed as a unit for occupancy by one (1) family for living and sleeping purposes. Also see "Rental unit."

Based on the information we have accumulated, your facilities are operated as a collection of semi-private rooms with multiple contracts per room (beds individually rented within a room) held by unrelated persons with accommodations, programming, counseling, and services for treating addiction recovery. Your facilities are clearly operated in a manner that is inconsistent with the City's definition of a hotel. Although it

is common for unrelated persons to rent a single hotel room under a single contract for a concurrent time and duration, having separate contracts with unrelated persons for the same room with differing occupancy terms and durations is not.

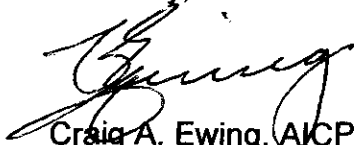
In addition, the Palm Springs Zoning Code off-site parking requirement for hotels is one parking space per hotel room. With multiple contracts and semi-private rooms with multiple occupants per room, there is the potential for nearly double the off-street parking demand which would not be met by the hotel standard.

As noted above, the City has long regulated sober living / recovery centers as "assisted living facilities", and required approval of a Conditional Use Permit (or Planned Development Permit, as necessary) from the Planning Commission.

Presently, you are operating non-permitted sober living facilities / substance abuse recovery centers in violation of the Palm Springs Zoning Code. You must either cease operation immediately or re-file your applications for a Conditional Use Permit or Planned Development District. You must also obtain a City of Palm Springs Business License correctly listing the business type for each property as a substance abuse recovery center / sober living facility². Failure to do so may result in initiation of legal action against you to cease the currently unapproved use.

You may appeal this determination to the Planning Commission pursuant to Section 2.05.040 of the Municipal Code. Such notice must be filed in writing and include the required fee, within ten (10) days following the mailing of this letter and no later than November 15, 2012.

Sincerely,



Craig A. Ewing, AICP
Director of Planning Services
City Of Palm Springs

Cc: Maureen P. Flannery, Attorney, Slovak, Baron & Empey

Attachments:

- Copy of Intervention 911 brochure, website and conditional use permit application.
- Flannery to Lyon letter dated September 26, 2012
- Baron to Lyon e mail dated September 26, 2012

² Currently there is no business license on file for the Palm Canyon address, and the Via Soledad address is listed on your business license as "offices for rehab intervention".



MAUREEN P. FLANNERY

flannery@sbemp.com
ADMITTED IN CA AND WA

November 15, 2012

Hand Delivered

Office of the City Clerk
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Case 5.1282 CUP 1590 East Palm Canyon Drive "The Palm Tee Hotel"
Case 5.1283 CUP 1425 Via Soledad "The Alexander Apartments"

To the City Clerk:

Please consider this letter a request on behalf of our client Intervention911 to appeal the following determination of the Planning Department, by letter dated November 1, 2012, with respect to the above matters:

- a. That each of the properties is not being operated as a hotel;
- b. That each of the properties is being operated as an assisted living facility;
- c. That sober living is the same or substantially the same, categorically and functionally, as assisted living under the Palm Springs Zoning Code;
- d. That hotel rooms may not be rented on a per bed or semi-private basis to unrelated persons;
- e. That such arrangement and the peer-support environment does not qualify as a "family" for purposes of the definition of "Dwelling Unit" or "Rental Unit";
- f. That a hotel room may be rented to multiple individuals, provided the persons are related and under a single contract for a concurrent time and duration;
- g. That different parking requirements apply because of multiple contracts and semi-private rooms;
- h. That sober living facilities, and the facilities at issue, require a Conditional Use Permit; and
- i. That our client must cease operation or file applications for Conditional Use Permit or Planned Development District.

RECEIVED

NOV 19 2012

PLANNING SERVICES
DEPARTMENT

The foregoing determinations are not supported factually or legally, violate state and federal fair housing laws and the City's General Plan, are discriminatory and based on bad social policy, are based on misunderstandings, assumptions and speculation, and are made pursuant to inapplicable provisions of the City's Zoning Code. Simply stated, no "assisted living" is occurring on site. Additionally, the financial burden upon the applicant if deemed "assisted living" is in excess of \$200,000, far out of line in light of the preferred public policy in favor of sober living and affordable housing.

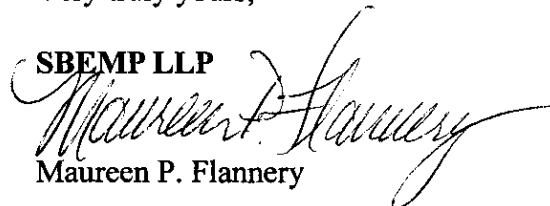
Intervention911 is a provider of treatment for alcohol and drug dependency. However, Intervention911 also provides sober living environments. The two functions are naturally related but are in fact independent. Some overlap may initially have occurred, but steps are being taken to revise marketing and other documentation to clarify the separation of functions. Accordingly, we respectfully request on behalf of Intervention911 that the Planning Commission make a determination that the properties at issue are operated as hotels and not assisted living facilities as each use is defined under the presently existing City Zoning Code, and that no additional land use approvals are required to continue such operation. Our client will, prior to hearing, submit supplemental facts and legal authority to support such determination, as well as a set of house rules which govern occupancy to minimize negative impact upon the neighborhoods and to preserve the environment of sobriety.

Upon a finding, our client will immediately obtain the appropriate business license and TOT registration for such operations. While no "assisted living" or similar services are now provided at the properties, our client will further segregate its substance abuse programs from sober living by implementing existing plans to move offsite all business operations unrelated to hotel and occupancy matters. Work will continue to clarify the separate operations in the web presence, marketing materials and other matters.

Finally, our client is more than willing to participate and cooperate in discussions related to development of a City zoning category which accurately describes sober living environments and a set of conditions applicable to sober living housing.

Enclosed please find a check in the amount of \$610.00 for the appeal fee and duplication costs for each case. In the event it is determined that this appeal is subject to publication and notice requirements, additional fees will be submitted for that purpose. Thank you for your consideration.

Very truly yours,

SBEMP LLP

Maureen P. Flannery

cc: Craig A. Ewing, AICP – via email
Client

1208 0116
ALEXANDER



Office Use Only

Date Submitted: 6/25/2012
Case No. 5.1282 CUP
Planner:

CITY OF PALM SPRINGS
Department of Planning Services

**CONDITIONAL USE PERMIT AND
ENVIRONMENTAL ASSESSMENT APPLICATION
(CUP / EA)**

TO THE APPLICANT:

Your cooperation in completing this application and supplying the information requested will expedite City review of your application pursuant to local procedures, State Law, and the California Environmental Quality Act (CEQA). The City is required to make an environmental assessment on all projects over which it exercises discretionary approval. Applications submitted will not be considered complete until all information necessary to make the environmental assessment is complete. If necessary, attach additional sheets referencing your responses. Also, if your response to one question is applicable to others in this form, please feel free to reference the appropriate question.

Please submit this completed application and subsequent material to the Department of Planning Services at 3200 East Tahquitz Canyon Way, Palm Springs, CA 92262 ~ Phone: 760-323-8245 ~ Fax: 760-322-8380

Project Address: 1425 S. VIA SOLEDAD Zip

Applicant's Name: INTERVENTION 911

(Applicant must be the owner of the property in question, or the lessee having leasehold interest of not less than twenty-five (25) years. Lessees must fill out the written authorization form contained in this application.)

Check One: Owner Lessee Authorized Agent

Owner's Name (Please print): ERIC McLAUGHLIN

Owner's Signature: [Signature]

Mailing Address: 501 N Cantera Circle
(Number and Street Name or P.O. Box)

PALM SPRINGS CA 92262
City State Zip

Telephone Number: 323 401 3660 Fax Number: 323 933 0078 E-mail: eric@intervention911.com

TO THE PLANNING COMMISSION:

I, (We) the undersigned applicant(s) for the property described below, hereby request that you grant an approval of this Conditional Use Permit to allow the use described as follows: (Include statement of purpose for the project and specify type of use.)

A SOBER LIVING FACILITY

The proposed use will be constructed and/or operated on the property situated on:

VIA SOLEDAD (Street, Drive, Road, etc.) between SONORA ROAD

to the north AVENIDA PALMERA to the south VIA SOLEDAD

to the east and SOUTH PALM CANYON DRIVE to the west.

Zone: R-2 Section: 23

Legal description (Lot, Block, Tract, Section, Township, Range) of the property is: (If the legal description is by metes and bounds, it must have a point of beginning that can be identified on the City Engineering department maps.)

FOR LOT 33 MB 014/652 SD

PALM VALLEY COLONY LOTS

Assessor's Parcel Number(s) 508 - 344 - 001

GENERAL INFORMATION:

1. Expanded statement of project: (This statement should reflect in detail the use being applied for and/or in the case of new development, the statement should reflect the architectural and environmental characteristics important to the project, type of environment being created, unique aspects, landscape, concepts, etc.)

SEE ATTACHED NARRATIVE

2. Common Name of project (if any):

INTERVENTION 911

3. What original deed restriction(s), if any, concerning the type of improvements and class of uses permitted were placed on the property involved? You may attach copy of original printed restrictions in answer to this question after properly underscoring those features governing the type of improvements and class of uses permitted thereby.

N/A

What date do restrictions expire?:

N/A

(Month - Day - Year)

4. When did present owner acquire the property?

11 23 11

(Month - Day - Year)

5. Relationship to a larger project or series of projects. Describe how this project relates to other activities, phases, and developments planned or now underway:

N/A

6. List and describe any other related permits and other public approvals required for this project to proceed, including those required by the City, Regional, State, and Federal agencies. Indicate subsequent approval agency name and type approval required:

N/A

7. Does your project abut a State Highway 111 or I-10? Yes No If yes, please attach two (2) additional site plans for Caltrans review. Describe proposed access to the State Highway and indicate reasoning behind your proposal:

8. Is your project located on Agua Caliente Band of Cahuilla Indian Reservation land? Yes No If yes, please attach a copy of the lease.

9. Does your project fall within the noise impact combining zone as shown on the City's Official Zoning Map? Yes No If yes, a signed Airspace and Avigation Easement Deed must be submitted prior to issuance of building permits.

EXISTING CONDITIONS:

1. Project Site Area: 14,256 SF / .33 AC (square feet and acreage)

10. Describe accessibility of proposal site to the following utilities: gas, water, sewer, and electricity. If proposal site does not have immediate access, further describe necessary extension of sewers and provide a graphic display, 8-1/2"x11" that indicates their present location in relation to the proposal site.

N/A

11. Does the proposal necessitate the installation of individual sewage disposal systems? (septic tanks and absorption fields) Yes No If yes, respond to the following under separate cover and attach four (4) copies to this application:

- A. Provide name, address, phone and fax numbers, and place of residence of person who will sign report of waste discharge form
- B. Origin of wastewater being discharged within proposal site. Include each type, such as sewage, swimming pool backwash, self-service laundry, etc
- C. Present and design flow in gallons-per-operating day of each type of wastewater
- D. Source of water supply
- E. Location of nearest well within 200 lineal feet of proposed site
- F. Proposed type of treatment and disposal of wastewater
- G. For subsurface disposal systems, submit an 8-1/2" x 11" site plan (to scale) with borders (1-1/2" top and 1-1/2" bottom) showing existing and proposed restrooms, recreation vehicle spaces, swimming pools, septic tanks, seepage pits or leach fields. Also indicate areas reserved for 100% replacement of seepage pits or leach fields in case of failure.
- H. Percolation test rate of soil
- I. Depth of groundwater at disposal site
- J. Describe whether the development will be fully occupied throughout the year. If not, what will be:
 - 1. Peak occupancy and time of year? _____
 - 2. Low occupancy and time of year? _____

(Please continue to the next page)

Are the following items applicable to the project or its effects? Discuss all items checked "Yes" or "Maybe" on a separate sheet.

- 1. Change in existing features of hillsides or substantial alteration of ground contours. Yes No Maybe
- 2. Change in the dust, ash, smoke, fumes, or odors in the project vicinity. Yes No Maybe
- 3. Subject to or resulting in soil erosion by wind or flooding. Yes No Maybe
- 4. Change in ground water quality or quantity, or alteration of existing drainage patterns. Yes No Maybe
- 5. Change in existing noise or vibration level in the vicinity. Subject to roadway or airport noise (has the required acoustical report been submitted?) Yes No Maybe
- 6. Involves the use or disposal of potentially hazardous materials, such as toxic substances, flammable or explosives. Yes No Maybe
- 7. Involves the use of substantial amounts of fuel or energy. Yes No Maybe
- 8. Changes the demand for municipal services (police, fire, sewage, etc.) Yes No Maybe
- 9. Changes the demand for utility services, beyond those presently available or planned in the near future. Yes No Maybe
- 10. Significantly affects any unique or natural features, including mature trees. Yes No Maybe
- 11. Change in scenic views or vistas from existing residential areas or public land/roads. Yes No Maybe
- 12. Results in the dislocation or relocation of people. Yes No Maybe
- 13. Generates controversy based on aesthetics or other features of the project. Yes No Maybe

Additional explanation of "Yes" and "Maybe" answers are attached

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

JAMES COFFI
Please Type or Print Name


Signature

INTERVENTION 911
For

6/25/12
Date

2. Existing use of the project site: HOTEL
3. Existing uses of adjacent properties (Example - North, shopping center; South, single-family dwellings; East, vacant, etc.):

NORTH: SFR EAST: SFR
SOUTH: HOTEL WEST: HOTEL

4. Site topography description. (If any portion of the site exceeds one percent (1%) slope, attach a topographic display of the proposal site or incorporate into plot plan; if less than one percent (1%) slope, please provide elevation at each corner of the site on the plot plan:

N/A

5. Grading (estimate number of cubic yards of dirt being moved): Cut N/A Fill _____
6. Are there any natural or man-made drainage channel areas through or adjacent to the property: Yes No If yes, submit a display of such drainage channel areas. Describe the disposition of these channels/areas should the proposal be implemented.

7. Are there any known archaeological finds near or within the proposed site? Yes No

(An archaeological survey may be requested should it be determined that the proposal site has the potential for archaeological finds.)

8. Describe any cultural or scenic aspects of the project site:

N/A

9. Describe existing site vegetation and its proposed disposition should the proposal be approved:

EXISTING LANDSCAPE TO REMAIN

(If any significant plant materials, e.g. mature trees, exist on the site, please prepare a site plan that illustrates their number, type, size, and location.)

The following information is required for the City to process your application properly:

Name, Full Address, Telephone/Fax numbers of Officers and titles should project sponsor be a corporation, company or partnership.

Company Name: INTERVENTION 911
Address: 170 N. VISTA STREET LOS ANGELES, CA 90036
Telephone Number: 866.888.4911 Fax Number: 323.932.0078

OFFICERS

Name: ERIK McLAUGHLIN Title: COO/CFO

Address: 501 N. CANTERA CIRCLE PALM SPRINGS, CA 92262

Telephone #: ^{323.}401.3660 FAX #: ^{323.}932.0078 E-mail: erikm@intervention911.com

Name: KEN SEELEY Title: FOUNDER

Address: 501 N. CANTERA CIRCLE PALM SPRINGS CA 92262

Telephone #: ^{323.}401.3660 FAX #: ^{323.}932.0078 E-mail: ken@intervention911.com

Name: _____ Title: _____

Address: _____

Telephone #: _____ FAX #: _____ E-mail: _____

ARCHITECT

Name: JAMES CIOFFI

Address: 2121 TAHQUITZ CYN WY #3 PALM SPRINGS CA 92262

Telephone #: ⁷⁶⁰325.1557 FAX #: ⁷⁶⁰327.8214 E-mail: james@cioffiarchitect.com

ENGINEER

Name: —

Address: _____

Telephone #: _____ FAX #: _____ E-mail: _____

LANDSCAPE ARCHITECT

Name: —

Address: _____

Telephone #: _____ FAX #: _____ E-mail: _____

The following forms must be completed in the presence of a Notary Public.
Select the form best fitting the type of authorization required

OWNER AFFIDAVIT

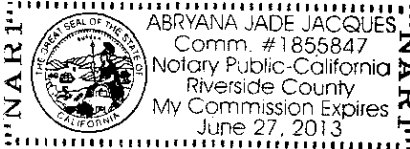
State of California }
County: Riverside }ss.

On June 25 2012 before me, Abryana Jade Jacques, Notary Public
Date Name and Title of Officer

personally appeared Eric McLaughlin
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal

Abryana Jade Jacques
Signature of Notary Public

LESSEE OR AGENT AUTHORIZATION

State of California }
County: _____ }ss.

On _____ before me, _____
Date Name and Title of Officer

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature of Notary Public

LESSEE AFFIDAVIT - Not Less Than 25-Year Leasehold

State of California }
County: _____ }ss.

On _____ before me, _____
Date Name and Title of Officer

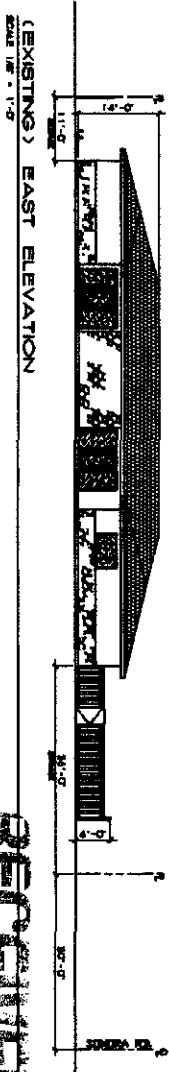
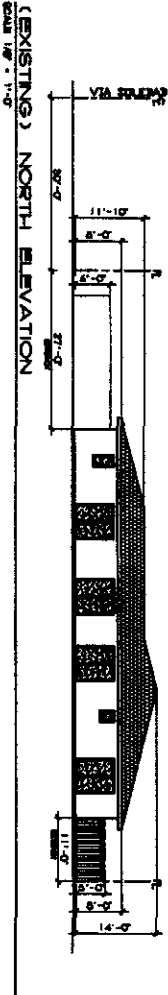
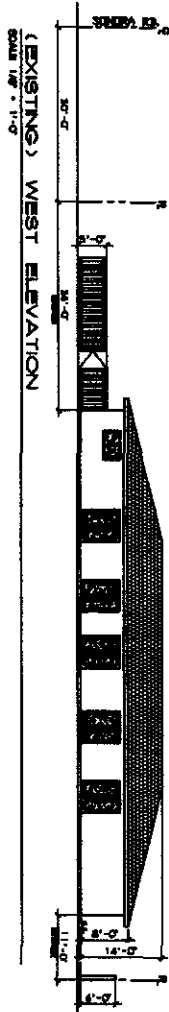
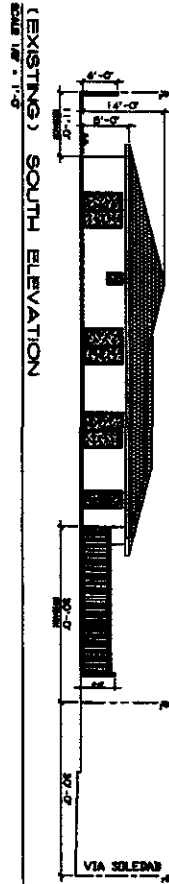
personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature of Notary Public



RECEIVED

7/19/98

5.1282

ANNING SERVICES

Cioffi ARCHITECT

C.U.P. 5.1282 APPLICATION FOR A.P.N. # 508-344-001 INTERVENTION 911 1425 S. VIA SOLEDAD



NO.	REVISION
1	ISSUED
2	REVISED
3	REVISED
4	REVISED
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99	REVISED
100	REVISED

PROJECT DATA

LEGAL DESCRIPTION:
FOR LOT 33 MB 24/682
50 PALM VALLEY COLONY LANDS
A.P.N. 608-344-001
CITY OF PALM SPRINGS
CASE # 5.1282 CUP

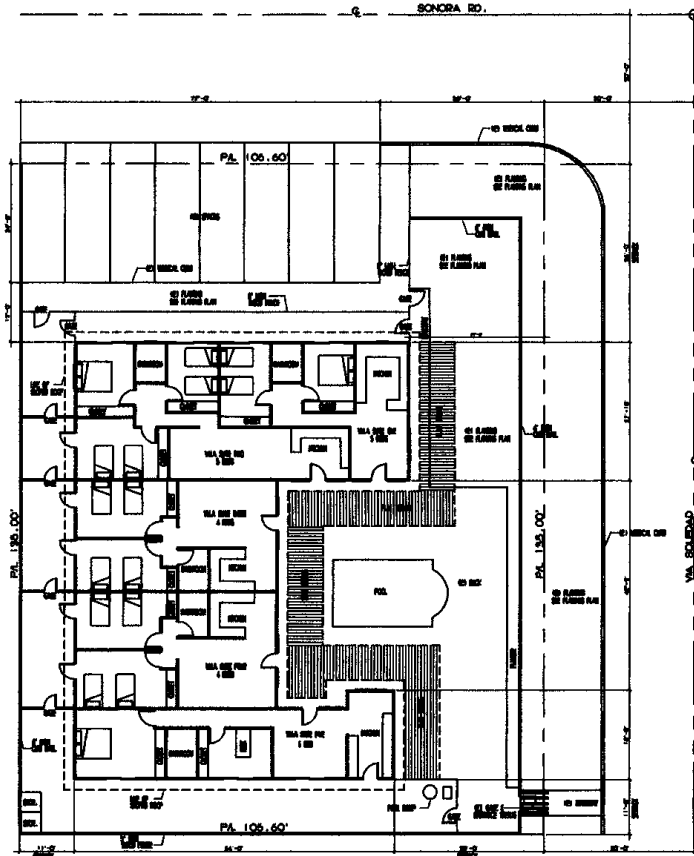
ZONING & OCCUPANCY
ZONE: R-2
(E) OCCUPANCY : R-1, B
PROPOSED
OCCUPANCY : R-4, B
17 BEDS - INCL. MANAGER
PARKING : 8 SPACES

SITE AREA DATA

	AREA	% OF COVERAGE
LOT	14,771 SQ. FT.	100%
BLDG FOOTPRINT	4,895 SQ. FT.	34.5%
PARKING & DRIVES	1,714 SQ. FT.	12.5%
OPEN SPACE	1,568 SQ. FT.	13%

BUILDING DATA

CONSTRUCTION TYPE: V B NON-RATED
HEIGHT 1 - STORY : 14'-0"
HABITABLE AREA : 4,895 SQ.FT.



EXISTING SITE PLAN
SCALE 1/8" = 1'-0"

RECEIVED

AUG 08 2012

5.1282

PLANNINGSERVICES

James Cioffi

From: Eric McLaughlin [emclaughlin@intervention911.com]
Sent: Monday, June 25, 2012 4:09 PM
To: James Cioffi
Cc: Ken Seeley
Subject: FW: Partial narrative.

PLEASE BELOW FOR NEW NARRATIVE

1590 E Palm Canyon

At the Ken Seeley Recovery Community, our intention was and we hope to continue to do the following: Provide a highly structured environment for people to help continue the recovery process in a safe place post acute treatment. We will accomplish this by holding clients to a standard of behavior that includes: remaining drug and alcohol free for the duration of their stay, treating themselves, other residents, neighbors and the community with courtesy and respect at all times, engage in their recovery community and work an active program of recovery at home and in the sober Palm Springs community, give back to the community through volunteer engagements in and around Palm Springs and lastly, develop the life skills need to become contributing members of whatever community they become a part of. Our roles is to see that the residents remain accountable to this level of behavior and if they can't, help move them to a higher level of care or out of the community so as not to expose the community to any risk.

The current facility is a 16 unit hotel. 6 of the rooms feature two rooms that share a bathroom and feature no more than 3 beds per room. There are 10 rooms that feature one room and those feature one or two beds. On site, there are two common areas - one is being utilized as a TV/Rec Room. The other is being utilized as an area where residents can prepare their meals (there is an existing kitchen with a stove and a refrigerator). One of the one room units is currently being used as an office. There are currently 26 beds on property. We would add no more than an additional 6 beds for a grand total of 32 beds although this is highly unlikely. We have a policy of no cars for the first (30) days of sober living. After that, we limit the number of cars to no more than (8) people. There will be (4) staff on site at a time, one of these being the house manager who may or may not have a car.

We would like the CUP application to allow for and include the following: Onsite therapy (individual and group), Life Skills classes, 12 step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center. We recognize that additional licensing requirements with the state may need to be met to conduct those services and will determine at a later date if we so choose. As we are being classified as an assisted living, we feel that we should take advantage of the opportunity the city has given us to be able to offer services we had not previously considered offering as a sober living. We also would like to have the ability to host events for the community (both AA and PS) such as a weekly barbeque during the day.

1425 S Via Soledad

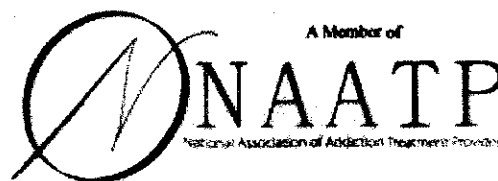
At the Ken Seeley Recovery Community, our intention was and we hope to continue to do the following: Provide a highly structured environment for people to help continue the recovery process in a safe place post acute treatment. We will accomplish this by holding clients to a standard of behavior that includes: remaining drug and alcohol free for the duration of their stay, treating themselves, other residents, neighbors and the community with courtesy and respect at all times, engage in their recovery

community and work an active program of recovery at home and in the sober Palm Springs community, give back to the community through volunteer engagements in and around Palm Springs and lastly, develop the life skills need to become contributing members of whatever community they become a part of. Our roles is to see that the residents remain accountable to this level of behavior and if they can't, help move them to a higher level of care or out of the community so as not to expose the community to any risk.

The current facility is a 5 unit apartment complex. There are (4) 2- bedroom apartments and (1) 3 bedroom apartment. Currently, there are 17 beds. The maximum number of beds that we would have is 19. Each (2) bedroom unit features no more than 4 people and the (3) bedroom unit would have no more than 6 people, although it is currently set for 5 people. We have a policy of no cars for the first (30) days of sober living. After that, we limit the number of cars to no more than 4 people. There will be (2) staff on site at a time, one of these being the house manager who may or may not have a car.

We would like the CUP application to allow for and include the following: Onsite therapy (individual and group), Life Skills classes, 12 step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center. We recognize that additional licensing requirements with the state may need to be met to conduct those services and will determine at a later date if we so choose. As we are being classified as an assisted living, we feel that we should take advantage of the opportunity the city has given us to be able to offer services we had not previously considered offering as a sober living. We also would like to have the ability to host events for the community (both AA and PS) such as a weekly barbeque during the day.

Eric McLaughlin
 CEO
 Intervention 911
www.intervention911.com
 323-401-3660 Direct
 866-888-4911
 323-932-0077 Office
 323-932-0078 Fax



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KENSEELEY **RECOVERY** **COMMUNITY** **BLUE PRINT TO RECOVERY**

THE ALEXANDER
1425 SOUTH VIA SOLEDAD
PALM SPRINGS, CA 92264

&

THE PALM
1590 EAST PALM CANYON
PALM SPRINGS, CA 92264

Welcome Packet

5.1282

RECEIVED

AUG 08 2012

PLANNING SERVICES

Table of Contents

Description	Page #	Initial Received
Definition of Terms	3	_____
Code of Ethics	4	_____
Grievance Policy	5	_____
Application/Agreement	6	_____
House Rules	11	_____
Meeting Card	14	_____
Test Log	15	_____
Contribution Tracking Sheet	16	_____

Definition of Terms

Sober Living Home: Sober living homes are affordable, alcohol and drug free environments that provide a positive place for peer-group-recovery support. Sober housing promotes individual recovery by providing an environment that allows the guests to develop individual recovery programs and become self-supporting.

Contribution: The money given is donation. Please be sure you understand that you do not pay rent and therefore have no “renter’s rights.” Utilize a contribution log in lieu of receipts.

Head of Household: The person who is designated to oversee daily function of the home. They provide a safe environment, resolve minor conflicts within the house, administer any drug or alcohol tests, enforce curfew and collect meeting slips.

Guest: The women and/or men that join our house are considered guests in the home. As such, you agree not to have any “renter’s rights” and may be removed at anytime for violating the contract/agreement, dirty test, refusing to test, etc.

House Meetings: A meeting with all guests in the house facilitated by Head of House to resolve house issues.

Meeting Cards: Used to track the NA/AA meetings that you attend. This can be shown to officials (code enforcement, etc.) upon request.

Test Log: Used for tracking the results of the drug and/or alcohol testing of you participate. This can be shown to officials (code enforcement, etc.) upon request.

KENSEELEY RECOVERY COMMUNITY BLUE PRINT TO RECOVERY

CODE OF ETHICS

The Code of Ethics must be signed and abided by all sober living code of ethics. This statement commits the signer to adhere to this code of ethics and to maintain a vital concern for the lives and well-being of all persons.

1. Be dedicated to recognizing the dignity and worth of all human beings.
2. Maintain an alcohol and illicit drug free environment.
3. Maintain quality cleanliness of personal space. Demonstrate activities that benefit not only other guests, but neighbors and community.
4. Remain abstinent from all alcohol, drugs or mood altering substances.
5. Submit to random drug testing at the request of the Sober Living Head of household or owner.
6. No physical violence or threats of violence in the home.
7. Guests should **never** become romantically or sexually involved with other guests or anyone the sober living home is assisting.
8. Guests should **never** become involved with other guests financial affairs. This covers borrowing or lending money, buying or selling property, or other financial transactions.
9. Guest should respect the privacy and personal rights of all other guests.
10. Assure that no weapons are brought on sober living premise, home, or property.

PERSONAL STATEMENT

I commit myself to strive at all times to maintain the highest standards. In the event that I violate any of the above ethics, I understand that my ability to continue to stay at the house will be terminated.

My signature below indicates my agreement to abide by this code of ethics.

NAME _____

Date _____

NAME SL HOME: Ken Seeley Recovery Community

CITY: Palm Springs, CA

SIGNATURE _____

Riverside County Sober Living Coalition

Grievance Policies

Sober Living Guests have the right to file a written grievance with the Riverside Sober Living Coalition if they have a legitimate issue.

1. If the grievance is with another guest in your house, the grievance must be in writing and given to the Head of Houses.
2. If the grievance is with the Head of House, the written grievance must be given to the owner.
3. If the grievance is with the owner of the house, or you feel your written grievance has been ignored by the Head of Houses, and/or the owner of the house, you may file a written grievance with the Sober Living Coalition.

When the Sober Living Coalition receives the grievance, they will assign it to the Standards and Ethics Committee of the Field Inspector. They will then investigate the complaint as follows:

1. Make contact with both parties involved and interview them separately.
2. Bring their findings and recommendations to the Next Sober Living Coalition meeting for action to be taken if any.
3. The Coalition will take a member vote on action to be taken if any.

KENSEELEY RECOVERY COMMUNITY

BLUE PRINT TO RECOVERY

1425 SOUTH VIA SOLEDAD

PALM SPRINGS, CA 92264

GUEST APPLICATION/AGREEMENT

(Please Print)

NAME: _____

PRESENT ADDRESS: _____

D.O.B.: _____ **DRIVERS LICENSE #:** _____ **SSN#:** _____

PHONE # WHERE YOU MAY BE REACHED: _____

REFERRED BY: _____

MOVE IN DATE: _____ **LENGTH OF STAY:** _____

ARE YOU EMPLOYED? _____ **IF YES, WHERE?** _____

EMPLOYER NAME? _____ **EMPLOYER CONTACT #?** _____

EDUCATION, TRAINING, OR PERSONAL SKILLS: _____

I understand that the statements made in this application/agreement are true and complete to the best of my knowledge and understand that if accepted as a guest, falsified statements on this application shall be grounds for contract/agreement termination. I also understand and agree that it is my responsibility to provide any updated information.

Signature

Date

GENERAL AGREEMENT

Print Full Name

Date

INITIAL THE FOLLOWING

1. _____ AGREE that I am a recovering addict and will completely abstain from using drugs and alcohol and report any such use to staff.
2. _____ AGREE to work a Twelve-Step Program and obtain a sponsor, which is suggested for continued sobriety. AGREE to attend all house meetings.
3. _____ AGREE to drug/alcohol testing and/or room and/or property search at any time by staff. Failure to comply could result in my immediate discharge. If a test needs to be administered that is beyond the scope of a test we can conduct on site, client will be financially responsible
4. _____ AGREE and understand that a condition of being a guest at Ken Seeley Treatment Community is to be gainfully employed, actively seeking employment, in treatment, attending school, or other activities to enhance my future. (Probation Status - First 30 Days)
5. _____ AGREE to only leave the house with a buddy for the first seven days. A buddy is a senior guest of the house
6. _____ AGREE to rise at a reasonable time based upon work/school schedule, be dressed, make bed, clean my immediate area, and to have house/yard chores completed as scheduled.
7. _____ AGREE to no threats of/ or physical violence, possession of weapons, possession of non-prescription drugs or alcohol, tattooing, possession of pornography, stealing or vandalism of house or guest property, and will not use vulgarity. Not to wear, possess, "sign" any gang or drug/alcohol related clothing or paraphernalia.
8. _____ AGREE to a 11:00 pm curfew Sunday through Thursday and a 12:00 am curfew on Friday and Saturday, and will give staff **advanced** notice of any changes or overnight stays. (Curfew will be at the discretion of staff for the first 30 days)
9. _____ AGREE that if I violate any part of this agreement, I am subject to discharge and my personal belongings will be held five days (excluding food) then discarded or donated.
10. _____ AGREE to drive with only a valid driver's license, current registration, current minimum auto insurance, park in my assigned space, and be flexible due to space limitation. No car for the first 30 days and then only with staff approval after 30 days.
11. _____ AGREE to notify staff of all visitations. No visitors under the age of 18. Visiting hours are from 5pm-curfew M-F and 12pm-Curfew Sat & Sun. Visitors are not allowed in any bedroom. No sexual activities. Visitors will be sober. **I am responsible for their actions.**
12. _____ AGREE not to alter or repair house property without staff permission.
13. _____ AGREE to respect the rights, views, & property of other guests & staff. To be supportive of my fellow guests, the staff, and to contribute to a safe, sober, and comfortable family environment.
14. _____ AGREE that I have read and understand all house rules and will abide by each.

CONTRIBUTION AGREEMENT:

I, _____, agree that my contributions will be paid monthly on the entry day and on the same day of the month for every month thereafter.

RELEASE OF INFORMATION:

I, _____, give permission to Owner/Head of Household for release of any and all information having to do with my accountability and responsibility, in all my behaviors and activities during my stay at Ken Seeley Treatment Community. By signing this agreement, I understand that anything I say or do may be given to those on a need to know basis (e.g. Family, Emergency Contacts, Parole or Probation Officers, DPSS, Law Enforcement, Medical Teams, Emergency Contacts, etc...)

TERMINATION OR LEAVING AGREEMENT:

I, _____, agree that for whatever reason, I am asked to leave, I will leave the premises willingly and immediately, taking all personal possessions. In the event I leave without notice, or am asked to leave because of being under the influence or violating any part of this agreement, my contributions paid are immediately forfeited. In the event of agreement termination or leaving without notice, my personal property left on the premises after five days will be discarded or donated.

HOLD HARMLESS AGREEMENT:

I, _____, agree to absolve Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, of liability for accident, injury, or loss of personal property.

I, _____, agree to hold harmless Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, for any action taken by any other Guest.

I, _____, agree to accept responsibility for my own actions and will not hold Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, liable for any suits or charges brought against me while a guest at Ken Seeley Treatment Community

GENERAL AGREEMENT:

Ken Seeley Treatment Community agrees to provide a safe, secure, clean, and sober family environment to recovering adult addicts and alcoholics. Each sober living environment will have an on-site Head of House to insure security, stability, and provide a positive role model whose purpose is to stay sober and help the guests in their recovery.

Guest Signature

Date

Owner/Head of House

Date

CONTRIBUTION PAYMENT AGREEMENT

Guests are asked to contribute funds on time.. Guest agrees to pay \$2,800.00 for a shared room or \$5,600.00 for a single room per month at Ken Seeley Recovery Community. No deposit is required and agreement begins _____. Electric, gas, water, trash, and cable services are all included in the contribution amount.

If guest is not the financially responsible party, please indicate who the financially responsible person will be:

Financially Responsible Person

Phone #/ Email

Each guest will maintain sobriety while living on the premises. They are subject to drug and alcohol testing at the discretion of the house. Anyone failing the drug/alcohol testing or refusing to test must agree to immediate removal from the premises.

Immediate termination for violating any part of this agreement is understood to be removal of all belongings from the property within one hour of any termination. After 24 hours, any remaining property will be discarded or donated. There will be no refund of contributed money or property.

Guest agrees that this is a legal and binding agreement and agrees that any "renter's rights" to formal eviction processes are not applicable because they are a guest and not a renter.

Guest Signature

Date

Office Use Only

DATE GUEST LEFT: _____

LEFT IN GOOD STANDING? YES NO

CONTRIBUTIONS OWED: \$ _____ NOTES: _____

ITEMS LOANED

TOWEL: YES NO

SHEET(S): _____

PILLOW: YES NO

PILLOW CASE: YES NO

BLANKET: YES NO

KEY DEPOSIT: YES NO

RETURNED? YES NO

OFFICE USE ONLY
CONFIDENTIALITY WAIVER

NAME OF GUEST: _____ **DATE:** _____

PERSONAL NOTES:

Are you currently on Probation? Yes _____ No _____ Parole? Yes _____ No _____

Name of agent: _____ Office: _____

Office phone #: _____ ext. _____ Cell phone #: _____

FAMILY MEMBER:

Name: _____ Relation: _____

E-Mail: _____ Phone: _____

IN CASE OF EMERGENCY, PLEASE CONTACT:

Name: _____ Name: _____

Phone: _____ Phone: _____

SPONSOR:

Name: _____ Phone: _____

Drug(s) of choice: _____ Last used: _____

MEDICATIONS: _____

MEDICAL CONDITIONS/ALLERGIES TO MEDICATION: _____

I understand that the statements made in this Confidentiality Waiver are true and complete to the best of my knowledge and understand that if accepted as a guest, falsified statements waiver shall be grounds for agreement termination. I also understand and agree that it is my responsibility to provide any updated information.

Signature

Date

KENSEELEY

RECOVERY

COMMUNITY

BLUE PRINT TO RECOVERY

1425 SOUTH VIA SOLEDAD & 1590 EAST PALM CANYON
PALM SPRINGS, CA 92264

GENERAL HOUSE RULES

KITCHEN

- Buy your own food. Refrigerator & dry foods space are assigned.
- Cleanup area immediately and put all leftover food away.
- Wash **ALL** dishes and cooking utensils immediately upon completion of your meal. **DO NOT** leave items soaking in the sink.
- Meals are to be eaten in the kitchen or dining room **only**. Light snacks are permitted in the TV room.
- House dishes are not to be taken outside.
- **DO NOT** pour grease or oil in the sinks.

BEDROOMS

- Bedrooms are to be clean and organized at all times.
- Beds will be made each morning.
- No Food is to be stored or eaten in bedrooms
- Bedroom doors are to remain unlocked.
- Visitors are not allowed in bedrooms at any time. This includes those from other houses, units or bedrooms.

LIVING/TV ROOM

- Please be considerate of people watching TV.
- No eating meals in the living/TV room. Light snack & beverage are OK. Please clean the area when you leave.
- The house TV will be turned off at the time designated by the Head of House.

LAUNDRY

- Those currently employed or in school have laundry priority after work & the weekends
- Laundry hours are 8 am to 9 pm. Please do not start your laundry after 7:30 pm.
- Make sure your load is adjusted in the washer to avoid unbalancing.
- Check to see if anyone is showering prior to starting your laundry.
- Use warm/cold or cold/cold water temperatures **ONLY**.
- Please remove your laundry promptly. If laundry is left longer than 15 minutes after ending

cycle, please place wet clothes in the dryer or dry clothes on top of the dryer. Respect others laundry as you would want yours respected.

- Only dry one load from the washer at a time.
- Empty the lint trap in the dryer after each load. Please put the lint in the trash can.

DRESS CODE

- No gang or drug/alcohol related, or outlandish clothing or paraphernalia.
- Unless in the pool area, shoes and shirt must be worn at all times.

BATHROOMS

- Please limit showers from 5 to 8 minutes and overall use to 15 minutes (especially during the morning hours). Dry off before getting out of the shower. Visitors may not use the showers.
- Do not wash clothes in the showers.
- Do not leave items hanging to dry on knobs or towel racks. No personal items left out.
- Clean shower, tub, and sink immediately after each use.

VEHICLES & PARKING

- One vehicle per licensed guest. Cars are only after 30 days and with staff approval.
- No motorcycles or cars with modified engines
- Vehicle must be in good operating condition, currently registered, and insured.
- You must have a valid drivers license.
- Park in assigned space. Be courteous to others as space is limited. If there is not adequate space, you will have to wait until a parking space becomes available to have a car.

SMOKING

- Smoking, candles, or incense are not allowed inside ANY building or bedroom patio.
- Ashes and butts must be put in designated containers in designated smoking area.
- A \$500 cleaning fee will be charged for any room that needs to be cleaned as a result of smoking.

MUSIC/TV

- Loud music or TV's at any time is unacceptable. Please be considerate of others.
- Content of music and TV is subject to review by Staff for acceptability.
- No Personal TV's will be allowed.

VISITORS

- No one under 18 years of age.
- You are responsible for your visitors.
- Visitors must be sober at all times.
- Visitors may not arrive before 5pm and must leave by curfew on M-F and from 11am-curfew on Saturday and Sunday.
- Visitors are not allowed in any bedroom.
- Visitors from outside may go in the kitchen, living/dining room, and bathroom (they may not use the showers).
- No sexual activities.
- Guests from other units must remain in the kitchen, living and/or dining room only. (Knock

- and wait for someone to answer the door. If no one is home, do not go inside.)
- Visitors must respect the house and those living there.

MISCELLANEOUS

- Respect for others is paramount at Our House. If it's not yours, don't touch it. Ask!
- Contribute to a clean, safe, and sober family environment.
- Please respect our neighbors at all times. Do not cut through their yard, smoke in the parking lot, swear or cures in a loud voice, park in front of, in or on their property.
- Alcohol, non-prescription drugs and pornography are not allowed.
- Please do not come to the office outside of posted hours unless it is an emergency.
- Those not employed or in school, will leave The House each weekday from 8:30 am to 4:30 pm to look for a job orr you are to check-in with the head of house by 8:00 am daily.
- Turn off all lights and appliances when leaving a room.
- Please shower, brush your teeth, and wash your clothes often.

RECEIVED

Questions for which more information was requested.

5. Identify the average number of Staff Persons on site during a typical shift. 11/08/2012

There will always be (1) person on site overnight from 11pm-7am. During the ~~day~~ **WITH SERVICES** size of staff could vary from 1 to 5 staff. Currently, the house manager will reside overnight. An onsite clerical person may work from the facility and an onsite supervisor will be onsite roughly M-F 7a-4pm. On occasion, other staff from the other facility may come on site to meet with the supervisor. People who provide specialized services (lifeskills classes, recovery support) may be on site at pre determined times to conduct these services.

6. Provide information regarding proposed on site treatment programs and activities (size of classes, frequency, typical time of day courses are offered. Location, format, etc)

We do not seek to do drug and alcohol treatment on site. We aim to provide a structured environment where residents can continue to learn how to live sober in every day practice. To that end, we will structure a program in which many of the components of the current schedule are in place. There will be 2 house check ins each day. In the first 30 days, many of the residents will attend IOP at MH from 8:30am-11:30am. During that time, we will begin hold classes on topics such as 12 step in house guidance, Life Skills Development, Job Proficiencies, Fitness and Nutrition classes, volunteer & fellowship activities, young adult development and parent or family support.

There would also be afternoon session classes. These classes would be conducted inside either the TV room (Room 103) or the Kitchen/Dining Area (Room 109) or the office (Room 105). During the evenings there might be onsite meetings for residents, offsite meetings, sober outings and free time. Classes would be offered M-F with a potential for additional classes on weekends. The classes would most likely be 10-20 people in the AM and 10-20. As people attain a certain length of time in the facility, their involvement in the classes would stop provided they have work, volunteer or recovery activities in place of the classes.

7. Please provide more information about the characteristics and backgrounds of your prospective clients and what operational procedures you have in place for notification of clients and neighbors when clients with sensitive backgrounds are enrolled.

95% of our clients are referred from 30, 60 and 90 day treatment programs. These people have completed successfully a prior treatment program and have been recommended. We do receive some clinical information. We work with only reputable treatment centers such as the BFC and Michael's House. We typically receive a biography that includes length of use, legal issues, progress and level of appropriateness. Our plan with the CUP is to conduct a full assessment upon admissions (we can't currently do that as a sober living) to be able to get a more comprehensive background on the clients we take. We

will encounter clients who may have legal issues pending or have had legal issues in the past. When we do, we screen and determine if they could potentially be a danger to the community and would not admit if we thought there was a likelihood of repeating that behavior. If a client were to admit who had a sensitive background, we would not be able to share specifically about that client due to HIPPA lawas.

8Provide information on the rules and regulations that apply to clients and staff regarding conduct on and around the properties (gathering, smoking, outdoor music, etc)

I have attached the welcome packet that is currently reviewed and signed by each resident upon admission to the facility. Please see rules and regulations.

Smoking is only in a designated area (Between the pool and Jacuzzi). Smoking is not allowed in their rooms, balconies, behind the building or in parking lot.

Music is to be on between 9am-7pm only (if at all). Volume of the music shall be limited.

Residents are not to congregate in the parking lots or outside areas except the smoking area. The “gathering” spots are limited to the shared dining area (interior room with patio), the “TV” room (interior room with patio) and laundry room (interior room)

On Site supervisory people are expected to follow these rules as well.

MISC NOTES: We will plan to repaint the exterior of the facility after Oct 1.

Ken Lyon

From: Ken Lyon
Sent: Tuesday, September 04, 2012 10:16 AM
To: Eric McLaughlin (emclaughlin@intervention911.com)
Cc: Craig Ewing
Subject: Case 5.1282 CUP 1425 Via Soledad

Importance: High

Dear Eric,

I am continuing to analyze your CUP application against the development standards of the Zoning Code and the General Plan. Of immediate concern is that the proposed density and parking do not conform to the requirements for assisted living facilities and do not appear to be consistent with the Tourist Resort Commercial land use designation in the General Plan for this area of the City. Under these circumstances, city staff cannot forward the project to the Planning Commission with a recommendation for approval.

The General Plan describes the Tourist Resort Commercial (TRC) land use designation as follows:

This land use designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail and entertainment uses principally serving resort clientele, Commercial recreation and entertainment facilities, such as convention centers, museums, indoor and outdoor theaters, and water parks are included in this designation, but should be designed to be compatible with neighboring development. TRC facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. It is intended that the primary use in any TRC area shall be hotel/tourist-related uses; if residential uses are proposed within the TRC designation (timeshare, condos, etc) they shall be a secondary use ancillary to the proposed hotel uses and shall not exceed a maximum of 30 du/ac. Permanent residential uses and commercial activities are allowed subject to approval of a PDD.

The proposed use is not consistent with the General Plan since it is not a hotel/tourist-related use.

In addition, the proposed occupancy exceeds the allowable density and does not provide adequate off-street parking as required by the Zoning Code. Based on the lot size and maximum allowable density for assisted living facilities, the maximum allowable patient/bed count at this site is 9 patients or beds; your proposed density is 17 patients or beds and 2 staff persons. With 17 patient beds and two staff; the site would require 10 off-street parking spaces; your site has only 8.

Please contact me to discuss the implications of this with respect to your CUP application and what options you have available to go forward with your application (i.e. possible conversion of the CUP app to a Planned Development app). Thank you.

Ken Lyon, RA

Associate Planner
Department of Planning Services
City of Palm Springs, California
3200 Tahquitz Canyon Way
Palm Springs, California 92263
T 760 323 8245 F 760 322 8364

"Make no little plans,

They have no magic to stir men's blood
And probably won't be realized.

Make big plans

Aim high in work and in hope,
Let your watchword be order,
And your beacon beauty"

Daniel Burnham, Architect and Planner

9

1209 ORLG
PALM TSS



Office Use Only

Date Submitted: 6/25/2012
Case No. 5.1283 WP
Planner:

CITY OF PALM SPRINGS
Department of Planning Services

**CONDITIONAL USE PERMIT AND
ENVIRONMENTAL ASSESSMENT APPLICATION
(CUP / EA)**

TO THE APPLICANT:

Your cooperation in completing this application and supplying the information requested will expedite City review of your application pursuant to local procedures, State Law, and the California Environmental Quality Act (CEQA). The City is required to make an environmental assessment on all projects over which it exercises discretionary approval. Applications submitted will not be considered complete until all information necessary to make the environmental assessment is complete. If necessary, attach additional sheets referencing your responses. Also, if your response to one question is applicable to others in this form, please feel free to reference the appropriate question.

Please submit this completed application and subsequent material to the Department of Planning Services at 3200 East Tahquitz Canyon Way, Palm Springs, CA 92262 ~ Phone: 760-323-8245 ~ Fax: 760-322-8380

Project Address: 1590 E. Palm Canyon Drive Zip _____

Applicant's Name: INTERVENTION 911

(Applicant must be the owner of the property in question, or the lessee having leasehold interest of not less than twenty-five (25) years. Lessees must fill out the written authorization form contained in this application.)

Check One: Owner Lessee Authorized Agent

Owner's Name (Please print): ERIC McLaughlin

Owner's Signature: [Handwritten Signature]

Mailing Address: 501 N Cantero Circle
(Number and Street Name or P.O. Box)

Palm Springs CA 92262
City State Zip

Telephone Number: 323 401 3660 Fax Number: 323 932 0078 E-mail: eric@intervention911.ca

2. Existing use of the project site: HOTEL

3. Existing uses of adjacent properties (Example - North, shopping center; South, single-family dwellings; East, vacant, etc.):

NORTH - SFR SOUTH - E. PALMCANYON DRIVE
EAST - HOTEL WEST - HOTEL

4. Site topography description. (If any portion of the site exceeds one percent (1%) slope, attach a topographic display of the proposal site or incorporate into plot plan; if less than one percent (1%) slope, please provide elevation at each corner of the site on the plot plan:

N/A

5. Grading (estimate number of cubic yards of dirt being moved): Cut N/A Fill

6. Are there any natural or man-made drainage channel areas through or adjacent to the property: Yes No If yes, submit a display of such drainage channel areas. Describe the disposition of these channels/areas should the proposal be implemented.

7. Are there any known archaeological finds near or within the proposed site? Yes No

(An archaeological survey may be requested should it be determined that the proposal site has the potential for archaeological finds.)

8. Describe any cultural or scenic aspects of the project site:

N/A

9. Describe existing site vegetation and its proposed disposition should the proposal be approved:

N/A

(If any significant plant materials, e.g. mature trees, exist on the site, please prepare a site plan that illustrates their number, type, size, and location.)

RESIDENTIAL PROJECTS: DO NOT answer if the project is not residential.

1. Number and type of dwelling units (specify number of bedrooms):
5 units 3-2BR, 2-1BR
2. Schedule of unit sizes: SEE NARRATIVE
3. Number of stories: 1 Height: 10'-0" +/-
4. Largest single building (sq. ft.): 5210 Height: "
5. Square footage of each building and of the uses in each building:

6. Type of household size expected and population projection for the entire project:
19 BEDS MAXIMUM

7. Describe the number and types of recreational facilities:
POOL / SPA

8. Is there any night lighting of the project: Yes No If yes, what type? LANDSCAPE

9. Range of sales prices or rents: \$ 800⁰⁰ per bed

10. Area and percent of total project devoted to:

Building	<u>5210</u>	ft.	<u>37</u>	%
Paving, including streets or drives, etc.	<u>1775</u>	ft.	<u>12</u>	%
Landscaping, Open, Recreation Area	<u>7271</u>	ft.	<u>61</u>	%

11. Parking spaces required: _____ Number provided: 7

12. Number of parking spaces covered: _____ Number open: 7

13. Is the proposal site affected by a roadway noise contour or airport noise contour? Yes No
 If yes, please fill in the following where applicable:

<u>Existing Roadway Contour</u>		<u>2010 Roadway Contour</u>	
70db _____	feet from centerline _____	_____	feet from centerline _____
65db _____	feet from centerline _____	_____	feet from centerline _____
60db _____	feet from centerline _____	_____	feet from centerline _____
55db _____	feet from centerline _____	_____	feet from centerline _____

Airport

Existing 65 CNEL Contour _____ Projected 65 CNEL Contour _____

If your proposal facilitates a residential development which is impacted by any of the above noise situations, you may be required to submit an acoustical report indicating the noise impact as it affects the proposal site and development and mitigation measure to reduce the impact to an acceptable level prior to approval of the proposal. Please refer to the attached sheets, page _____, for more information on acoustical reports. All evaluation work must be performed by a registered professional acoustical consultant. Please feel free to contact the Department of Planning Services should you have any questions regarding the above.

COMMERCIAL, INDUSTRIAL, INSTITUTIONAL OR OTHER: DO NOT answer if project is residential. 69

10. Describe accessibility of proposal site to the following utilities: gas, water, sewer, and electricity. If proposal site does not have immediate access, further describe necessary extension of sewers and provide a graphic display, 8-1/2"x11" that indicates their present location in relation to the proposal site.

N/A

11. Does the proposal necessitate the installation of individual sewage disposal systems? (septic tanks and absorption fields) Yes No If yes, respond to the following under separate cover and attach four (4) copies to this application:

- A. Provide name, address, phone and fax numbers, and place of residence of person who will sign report of waste discharge form
- B. Origin of wastewater being discharged within proposal site. Include each type, such as sewage, swimming pool backwash, self-service laundry, etc
- C. Present and design flow in gallons-per-operating day of each type of wastewater
- D. Source of water supply
- E. Location of nearest well within 200 lineal feet of proposed site
- F. Proposed type of treatment and disposal of wastewater
- G. For subsurface disposal systems, submit an 8-1/2" x 11" site plan (to scale) with borders (1-1/2" top and 1-1/2" bottom) showing existing and proposed restrooms, recreation vehicle spaces, swimming pools, septic tanks, seepage pits or leach fields. Also indicate areas reserved for 100% replacement of seepage pits or leach fields in case of failure.
- H. Percolation test rate of soil
- I. Depth of groundwater at disposal site
- J. Describe whether the development will be fully occupied throughout the year. If not, what will be:
 - 1. Peak occupancy and time of year? _____
 - 2. Low occupancy and time of year? _____

(Please continue to the next page)

The following information is required for the City to process your application properly:

Name, Full Address, Telephone/Fax numbers of Officers and titles should project sponsor be a corporation, company or partnership.

Company Name: INTERVENTION 911

Address: 170 N. VISTA STREET LOS ANGELES, CA 90036

Telephone Number: 866.888.4911 Fax Number: 323.932.0078

OFFICERS

Name: ERIK McLAUGHLIN Title: COO/CFO

Address: 501 N. CANTERA CIRCLE PALM SPRINGS, CA 92262

Telephone #: 323.401.3660 FAX #: 323.932.0078 E-mail: ERIKM@intervention911.com

Name: KEN SEELEY Title: FOUNDER

Address: 501 N. CANTERA CIRCLE PALM SPRINGS CA 92262

Telephone #: 323.401.3660 FAX #: 323.932.0078 E-mail: KEN@intervention911.com

Name: _____ Title: _____

Address: _____

Telephone #: _____ FAX #: _____ E-mail: _____

ARCHITECT

Name: JAMES CIERI

Address: 2121 TAHQUITZ CYN WAY #3 PALM SPRINGS CA 92262

Telephone #: 760.325.1557 FAX #: 760.327.8214 E-mail: JAMES@CieriArchitect.com

ENGINEER

Name: —

Address: _____

Telephone #: _____ FAX #: _____ E-mail: _____

LANDSCAPE ARCHITECT

Name: —

Address: _____

Telephone #: _____ FAX #: _____ E-mail: _____

APPLICANT'S REQUIRED MATERIAL CHECKLIST CONDITIONAL USE PERMIT

Please read carefully to ensure a complete application. Incomplete applications may be rejected

The following items must be completed before a Conditional Use Permit application will be accepted. Please check off each item to ensure completeness. Refer to the **REQUIRED MATERIALS** list of this application for more details of each item:

	Applicant Only	City Use Only
Conceptual Plan:		
1. Application & Environmental Assessment (original & three (3 copies))	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Detailed Site Plan:		
2. Minimum 24" x 36" (5 copies, 1 colored)	<input type="checkbox"/>	<input checked="" type="checkbox"/> (1)
3. Reduced copies 8-1/2" x 11" (3 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Architectural Elevations (all sides of each building):		
4. Minimum 24" x 36" (3 copies, 1 colored)	<input type="checkbox"/>	<input type="checkbox"/>
5. Reduced copies to 8-1/2" x 11" (3 copies)	<input type="checkbox"/>	<input type="checkbox"/>
Colors and Materials Exhibits:		
6. Colors and Materials Sample Board with manufacturers names and product numbers (maximum 8" x 13" x 3/8" thick)	<input type="checkbox"/>	<input type="checkbox"/>
Miscellaneous Exhibits:		
7. Landscape Development Plan (2 copies, 1 color) On Site Plan	<input type="checkbox"/>	<input type="checkbox"/>
8. Floor Plans & Roof Plans (2 copies)	<input type="checkbox"/>	<input type="checkbox"/>
9. Site Cross-Sections (2 copies)	<input type="checkbox"/>	<input type="checkbox"/>
10. Drainage Map (2 copies) On Site Plan	<input type="checkbox"/>	<input type="checkbox"/>
11. Topographic Map (2 copies) On Site Plan	<input type="checkbox"/>	<input type="checkbox"/>
11. Preliminary Grading Plan (2 copies) No Grading	<input type="checkbox"/>	<input type="checkbox"/>
12. Public Hearing Labels (3 sets)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Project Sponsors Labels (4 sets, if any)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Existing Site Photographs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Preliminary Title Report (2 copies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Planning Services, checked by: D. J. Arrell

Date: 6/25/2012

The following forms must be completed in the presence of a Notary Public.
Select the form best fitting the type of authorization required

OWNER AFFIDAVIT

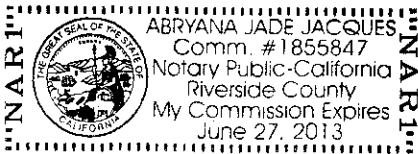
State of California }
County: Riverside }ss.

On June 25 2012 before me, Abryana Jade Jacques Notary Public
Date Name and Title of Officer

personally appeared ERIC McLaughlin
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal

Abryana Jade Jacques
Signature of Notary Public

LESSEE OR AGENT AUTHORIZATION

State of California }
County: _____ }ss.

On _____ before me, _____
Date Name and Title of Officer

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature of Notary Public

LESSEE AFFIDAVIT - Not Less Than 25-Year Leasehold

State of California }
County: _____ }ss.

On _____ before me, _____
Date Name and Title of Officer

personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature of Notary Public

James Cioffi

From: Eric McLaughlin [emclaughlin@intervention911.com]

Sent: Monday, June 25, 2012 4:09 PM

To: James Cioffi

Cc: Ken Seeley

Subject: FW: Partial narrative.

PLEASE BELOW FOR NEW NARRATIVE

1590 E Palm Canyon

At the Ken Seeley Recovery Community, our intention was and we hope to continue to do the following: Provide a highly structured environment for people to help continue the recovery process in a safe place post acute treatment. We will accomplish this by holding clients to a standard of behavior that includes: remaining drug and alcohol free for the duration of their stay, treating themselves, other residents, neighbors and the community with courtesy and respect at all times, engage in their recovery community and work an active program of recovery at home and in the sober Palm Springs community, give back to the community through volunteer engagements in and around Palm Springs and lastly, develop the life skills need to become contributing members of whatever community they become a part of. Our roles is to see that the residents remain accountable to this level of behavior and if they can't, help move them to a higher level of care or out of the community so as not to expose the community to any risk.

The current facility is a 16 unit hotel. 6 of the rooms feature two rooms that share a bathroom and feature no more than 3 beds per room. There are 10 rooms that feature one room and those feature one or two beds. On site, there are two common areas - one is being utilized as a TV/Rec Room. The other is being utilized as an area where residents can prepare their meals (there is an existing kitchen with a stove and a refrigerator). One of the one room units is currently being used as an office. There are currently 26 beds on property. We would add no more than an additional 6 beds for a grand total of 32 beds although this is highly unlikely. We have a policy of no cars for the first (30) days of sober living. After that, we limit the number of cars to no more than (8) people. There will be (4) staff on site at a time, one of these being the house manager who may or may not have a car.

We would like the CUP application to allow for and include the following: Onsite therapy (individual and group), Life Skills classes, 12 step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center. We recognize that additional licensing requirements with the state may need to be met to conduct those services and will determine at a later date if we so choose. As we are being classified as an assisted living, we feel that we should take advantage of the opportunity the city has given us to be able to offer services we had not previously considered offering as a sober living. We also would like to have the ability to host events for the community (both AA and PS) such as a weekly barbeque during the day.

1425 S Via Soledad

At the Ken Seeley Recovery Community, our intention was and we hope to continue to do the following: Provide a highly structured environment for people to help continue the recovery process in a safe place post acute treatment. We will accomplish this by holding clients to a standard of behavior that includes: remaining drug and alcohol free for the duration of their stay, treating themselves, other residents, neighbors and the community with courtesy and respect at all times, engage in their recovery


community and work an active program of recovery at home and in the sober Palm Springs community, give back to the community through volunteer engagements in and around Palm Springs and lastly, develop the life skills need to become contributing members of whatever community they become a part of. Our roles is to see that the residents remain accountable to this level of behavior and if they can't, help move them to a higher level of care or out of the community so as not to expose the community to any risk.

The current facility is a 5 unit apartment complex. There are (4) 2- bedroom apartments and (1) 3 bedroom apartment. Currently, there are 17 beds. The maximum number of beds that we would have is 19. Each (2) bedroom unit features no more than 4 people and the (3) bedroom unit would have no more than 6 people, although it is currently set for 5 people. We have a policy of no cars for the first (30) days of sober living. After that, we limit the number of cars to no more than 4 people. There will be (2) staff on site at a time, one of these being the house manager who may or may not have a car.

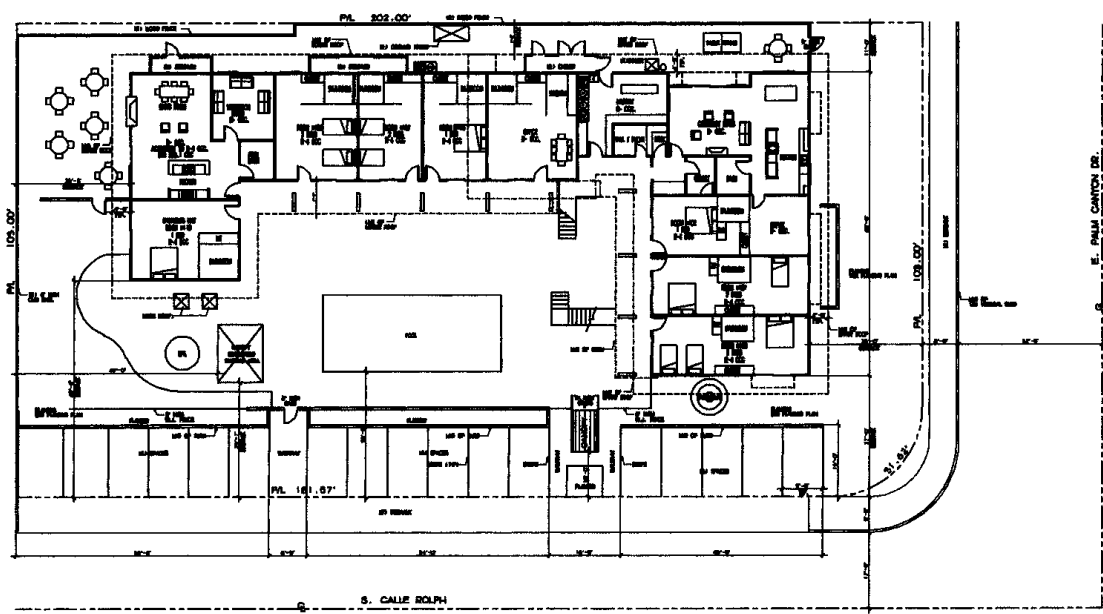
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Eric McLaughlin
 CEO
 Intervention 911
www.intervention911.com
 323-401-3660 Direct
 866-888-4911
 323-932-0077 Office
 323-932-0078 Fax



 **Go Green!** Please do not print this e-mail unless it is completely necessary.

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EXISTING SITE PLAN
SCALE 1/8" = 1'-0"

PLAT MAP

SCALE: 1/8" = 1'-0"

PROJECT NO. 1288

FILE:

DATE:

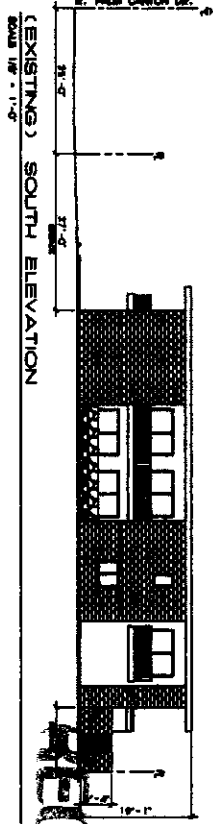
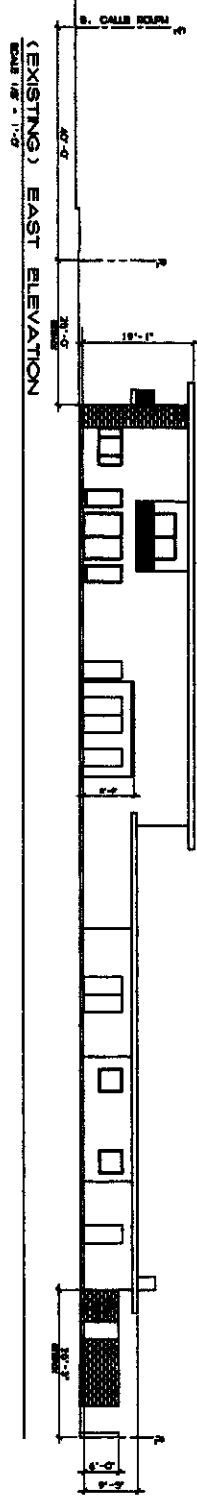
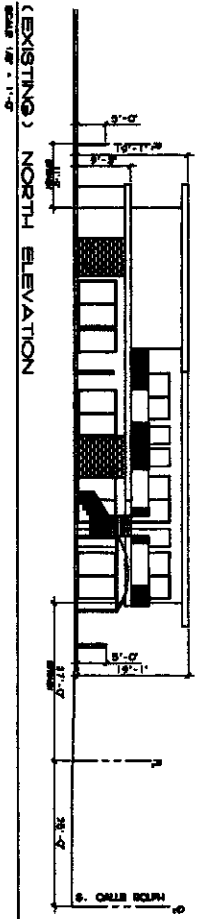
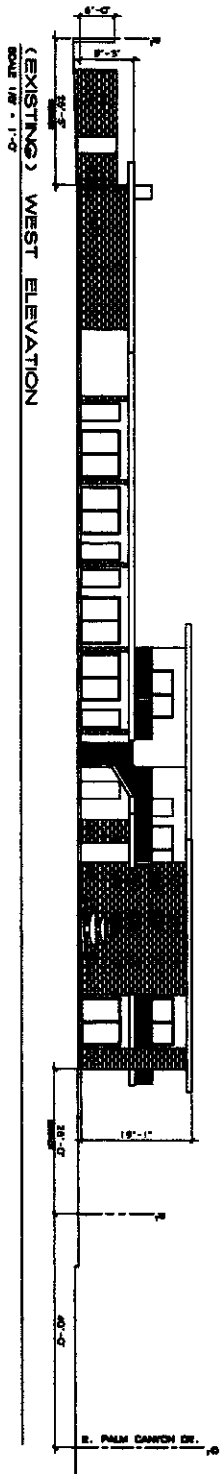
A-1

PROJECT DATA		SITE AREA DATA		BUILDING DATA
LEGAL DESCRIPTION: PDR LOT 22 (PDR 898196) RANCHO ROYALE TR 2 APN 500-84-001 CUP CITY OF PALM SPRINGS CASE # 5.1288 CUP	ZONING & OCCUPANCY ZONING: R-2 (R) OCCUPANCY: R-1, B PROPOSED OCCUPANCY: R-4, B 26 BEDS - INCL. MANAGER PARKING: 11 SPACES	LOT BLDG FOOTPRINT PARKING & DRIVES OPEN SPACE	FLOOR AREA 26,784 SQ. FT. 3,329 SQ. FT. 2,850 SQ. FT. 2,434 SQ. FT.	% OF COVERAGE 100% 26.2% 10.6% 9.1%
				<p>CONTRIBUTION FROM PLAT MAP</p> <p>RECEIVED</p> <p>TOTAL: 6378 SQ. FT.</p> <p>AUG 0 8 2012</p>

76

ANNING SERVICES

1288




RECEIVED

7/19/08 2012

ANNING SERVICES

5.1283

22



 JOHN SCOTT ANNING

 ARCHITECT

 No. 10000

 State of Florida

 Exp. 12/31/12

 PROJECT NO.

 DATE 1/10/08

 TITLE

 A-3

 ©

C.U.P. 5.1283 APPLICATION FOR

INTERVENTION 911

 1590 E. PALM CANYON DR.

Cioffi

 ARCHITECT

KENSEELEY **RECOVERY** **COMMUNITY** **BLUE PRINT TO RECOVERY**

THE ALEXANDER
1425 SOUTH VIA SOLEDAD
PALM SPRINGS, CA 92264

&

THE PALM
1590 EAST PALM CANYON
PALM SPRINGS, CA 92264

Welcome Packet

5.1282

RECEIVED

AUG 08 2012

PLANNING SERVICES

Table of Contents

Description	Page #	Initial Received
Definition of Terms	3	_____
Code of Ethics	4	_____
Grievance Policy	5	_____
Application/Agreement	6	_____
House Rules	11	_____
Meeting Card	14	_____
Test Log	15	_____
Contribution Tracking Sheet	16	_____

Definition of Terms

Sober Living Home: Sober living homes are affordable, alcohol and drug free environments that provide a positive place for peer-group-recovery support. Sober housing promotes individual recovery by providing an environment that allows the guests to develop individual recovery programs and become self-supporting.

Contribution: The money given is donation. Please be sure you understand that you do not pay rent and therefore have no “renter’s rights.” Utilize a contribution log in lieu of receipts.

Head of Household: The person who is designated to oversee daily function of the home. They provide a safe environment, resolve minor conflicts within the house, administer any drug or alcohol tests, enforce curfew and collect meeting slips.

Guest: The women and/or men that join our house are considered guests in the home. As such, you agree not to have any “renter’s rights” and may be removed at anytime for violating the contract/agreement, dirty test, refusing to test, etc.

House Meetings: A meeting with all guests in the house facilitated by Head of House to resolve house issues.

Meeting Cards: Used to track the NA/AA meetings that you attend. This can be shown to officials (code enforcement, etc.) upon request.

Test Log: Used for tracking the results of the drug and/or alcohol testing of you participate. This can be shown to officials (code enforcement, etc.) upon request.

KENSEELEY RECOVERY COMMUNITY BLUE PRINT TO RECOVERY

CODE OF ETHICS

The Code of Ethics must be signed and abided by all sober living code of ethics. This statement commits the signer to adhere to this code of ethics and to maintain a vital concern for the lives and well-being of all persons.

1. Be dedicated to recognizing the dignity and worth of all human beings.
2. Maintain an alcohol and illicit drug free environment.
3. Maintain quality cleanliness of personal space. Demonstrate activities that benefit not only other guests, but neighbors and community.
4. Remain abstinent from all alcohol, drugs or mood altering substances.
5. Submit to random drug testing at the request of the Sober Living Head of household or owner.
6. No physical violence or threats of violence in the home.
7. Guests should **never** become romantically or sexually involved with other guests or anyone the sober living home is assisting.
8. Guests should **never** become involved with other guests financial affairs. This covers borrowing or lending money, buying or selling property, or other financial transactions.
9. Guest should respect the privacy and personal rights of all other guests.
10. Assure that no weapons are brought on sober living premise, home, or property.

PERSONAL STATEMENT

I commit myself to strive at all times to maintain the highest standards. In the event that I violate any of the above ethics, I understand that my ability to continue to stay at the house will be terminated.

My signature below indicates my agreement to abide by this code of ethics.

NAME _____

Date _____

NAME SL HOME: Ken Seeley Recovery Community

CITY: Palm Springs, CA

SIGNATURE _____

Riverside County Sober Living Coalition

Grievance Policies

Sober Living Guests have the right to file a written grievance with the Riverside Sober Living Coalition if they have a legitimate issue.

1. If the grievance is with another guest in your house, the grievance must be in writing and given to the Head of Houses.
2. If the grievance is with the Head of House, the written grievance must be given to the owner.
3. If the grievance is with the owner of the house, or you feel your written grievance has been ignored by the Head of Houses, and/or the owner of the house, you may file a written grievance with the Sober Living Coalition.

When the Sober Living Coalition receives the grievance, they will assign it to the Standards and Ethics Committee of the Field Inspector. They will then investigate the complaint as follows:

1. Make contact with both parties involved and interview them separately.
2. Bring their findings and recommendations to the Next Sober Living Coalition meeting for action to be taken if any.
3. The Coalition will take a member vote on action to be taken if any.

KENSEELEY RECOVERY COMMUNITY

BLUE PRINT TO RECOVERY

1425 SOUTH VIA SOLEDAD

PALM SPRINGS, CA 92264

GUEST APPLICATION/AGREEMENT

(Please Print)

NAME: _____

PRESENT ADDRESS: _____

D.O.B.: _____ **DRIVERS LICENSE #:** _____ **SSN#:** _____

PHONE # WHERE YOU MAY BE REACHED: _____

REFERRED BY: _____

MOVE IN DATE: _____ **LENGTH OF STAY:** _____

ARE YOU EMPLOYED? _____ **IF YES, WHERE?** _____

EMPLOYER NAME? _____ **EMPLOYER CONTACT #?** _____

EDUCATION, TRAINING, OR PERSONAL SKILLS: _____

I understand that the statements made in this application/agreement are true and complete to the best of my knowledge and understand that if accepted as a guest, falsified statements on this application shall be grounds for contract/agreement termination. I also understand and agree that it is my responsibility to provide any updated information.

Signature

Date

GENERAL AGREEMENT

Print Full Name

Date

INITIAL THE FOLLOWING

1. _____ AGREE that I am a recovering addict and will completely abstain from using drugs and alcohol and report any such use to staff.
2. _____ AGREE to work a Twelve-Step Program and obtain a sponsor, which is suggested for continued sobriety. AGREE to attend all house meetings.
3. _____ AGREE to drug/alcohol testing and/or room and/or property search at any time by staff. Failure to comply could result in my immediate discharge. If a test needs to be administered that is beyond the scope of a test we can conduct on site, client will be financially responsible
4. _____ AGREE and understand that a condition of being a guest at Ken Seeley Treatment Community is to be gainfully employed, actively seeking employment, in treatment, attending school, or other activities to enhance my future. (Probation Status - First 30 Days)
5. _____ AGREE to only leave the house with a buddy for the first seven days. A buddy is a senior guest of the house
6. _____ AGREE to rise at a reasonable time based upon work/school schedule, be dressed, make bed, clean my immediate area, and to have house/yard chores completed as scheduled.
7. _____ AGREE to no threats of/physical violence, possession of weapons, possession of non-prescription drugs or alcohol, tattooing, possession of pornography, stealing or vandalism of house or guest property, and will not use vulgarity. Not to wear, possess, "sign" any gang or drug/alcohol related clothing or paraphernalia.
8. _____ AGREE to a 11:00 pm curfew Sunday through Thursday and a 12:00 am curfew on Friday and Saturday, and will give staff **advanced** notice of any changes or overnight stays. (Curfew will be at the discretion of staff for the first 30 days)
9. _____ AGREE that if I violate any part of this agreement, I am subject to discharge and my personal belongings will be held five days (excluding food) then discarded or donated.
10. _____ AGREE to drive with only a valid driver's license, current registration, current minimum auto insurance, park in my assigned space, and be flexible due to space limitation. No car for the first 30 days and then only with staff approval after 30 days.
11. _____ AGREE to notify staff of all visitations. No visitors under the age of 18. Visiting hours are from 5pm-curfew M-F and 12pm-Curfew Sat & Sun. Visitors are not allowed in any bedroom. No sexual activities. Visitors will be sober. **I am responsible for their actions.**
12. _____ AGREE not to alter or repair house property without staff permission.
13. _____ AGREE to respect the rights, views, & property of other guests & staff. To be supportive of my fellow guests, the staff, and to contribute to a safe, sober, and comfortable family environment.
14. _____ AGREE that I have read and understand all house rules and will abide by each.

CONTRIBUTION AGREEMENT:

I, _____, agree that my contributions will be paid monthly on the entry day and on the same day of the month for every month thereafter.

RELEASE OF INFORMATION:

I, _____, give permission to Owner/Head of Household for release of any and all information having to do with my accountability and responsibility, in all my behaviors and activities during my stay at Ken Seeley Treatment Community. By signing this agreement, I understand that anything I say or do may be given to those on a need to know basis (e.g. Family, Emergency Contacts, Parole or Probation Officers, DPSS, Law Enforcement, Medical Teams, Emergency Contacts, etc...)

TERMINATION OR LEAVING AGREEMENT:

I, _____, agree that for whatever reason, I am asked to leave, I will leave the premises willingly and immediately, taking all personal possessions. In the event I leave without notice, or am asked to leave because of being under the influence or violating any part of this agreement, my contributions paid are immediately forfeited. In the event of agreement termination or leaving without notice, my personal property left on the premises after five days will be discarded or donated.

HOLD HARMLESS AGREEMENT:

I, _____, agree to absolve Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, of liability for accident, injury, or loss of personal property.

I, _____, agree to hold harmless Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, for any action taken by any other Guest.

I, _____, agree to accept responsibility for my own actions and will not hold Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, liable for any suits or charges brought against me while a guest at Ken Seeley Treatment Community

GENERAL AGREEMENT:

Ken Seeley Treatment Community agrees to provide a safe, secure, clean, and sober family environment to recovering adult addicts and alcoholics. Each sober living environment will have an on-site Head of House to insure security, stability, and provide a positive role model whose purpose is to stay sober and help the guests in their recovery.

Date

Date

CONTRIBUTION PAYMENT AGREEMENT

Guests are asked to contribute funds on time.. Guest agrees to pay \$2,800.00 for a shared room or \$5,600.00 for a single room per month at Ken Seeley Recovery Community. No deposit is required and agreement begins _____. Electric, gas, water, trash, and cable services are all included in the contribution amount.

If guest is not the financially responsible party, please indicate who the financially responsible person will be:

_____ Phone #/ Email
Financially Responsible Person

Each guest will maintain sobriety while living on the premises. They are subject to drug and alcohol testing at the discretion of the house. Anyone failing the drug/alcohol testing or refusing to test must agree to immediate removal from the premises.

Immediate termination for violating any part of this agreement is understood to be removal of all belongings from the property within one hour of any termination. After 24 hours, any remaining property will be discarded or donated. There will be no refund of contributed money or property.

Guest agrees that this is a legal and binding agreement and agrees that any "renter's rights" to formal eviction processes are not applicable because they are a guest and not a renter.

_____ Date
Guest Signature

Office Use Only

DATE GUEST LEFT: _____ LEFT IN GOOD STANDING? YES NO

CONTRIBUTIONS OWED: \$ _____ NOTES: _____

ITEMS LOANED

TOWEL: YES NO SHEET(S): _____ PILLOW: YES NO PILLOW CASE: YES NO

BLANKET: YES NO KEY DEPOSIT: YES NO RETURNED? YES NO

OFFICE USE ONLY
CONFIDENTIALITY WAIVER

NAME OF GUEST: _____ **DATE:** _____

PERSONAL NOTES:

Are you currently on Probation? Yes _____ No _____ Parole? Yes _____ No _____

Name of agent: _____ Office: _____

Office phone #: _____ ext. _____ Cell phone #: _____

FAMILY MEMBER:

Name: _____ Relation: _____

E-Mail: _____ Phone: _____

IN CASE OF EMERGENCY, PLEASE CONTACT:

Name: _____ Name: _____

Phone: _____ Phone: _____

SPONSOR:

Name: _____ Phone: _____

Drug(s) of choice: _____ Last used: _____

MEDICATIONS: _____

MEDICAL CONDITIONS/ALLERGIES TO MEDICATION: _____

I understand that the statements made in this Confidentiality Waiver are true and complete to the best of my knowledge and understand that if accepted as a guest, falsified statements waiver shall be grounds for agreement termination. I also understand and agree that it is my responsibility to provide any updated information.

Signature

Date

KENSEELEY

RECOVERY

COMMUNITY

BLUE PRINT TO RECOVERY

1425 SOUTH VIA SOLEDAD & 1590 EAST PALM CANYON
PALM SPRINGS, CA 92264

GENERAL HOUSE RULES

KITCHEN

- Buy your own food. Refrigerator & dry foods space are assigned.
- Cleanup area immediately and put all leftover food away.
- Wash **ALL** dishes and cooking utensils immediately upon completion of your meal. **DO NOT** leave items soaking in the sink.
- Meals are to be eaten in the kitchen or dining room **only**. Light snacks are permitted in the TV room.
- House dishes are not to be taken outside.
- **DO NOT** pour grease or oil in the sinks.

BEDROOMS

- Bedrooms are to be clean and organized at all times.
- Beds will be made each morning.
- No Food is to be stored or eaten in bedrooms
- Bedroom doors are to remain unlocked.
- Visitors are not allowed in bedrooms at any time. This includes those from other houses, units or bedrooms.

LIVING/TV ROOM

- Please be considerate of people watching TV.
- No eating meals in the living/TV room. Light snack & beverage are OK. Please clean the area when you leave.
- The house TV will be turned off at the time designated by the Head of House.

LAUNDRY

- Those currently employed or in school have laundry priority after work & the weekends
- Laundry hours are 8 am to 9 pm. Please do not start your laundry after 7:30 pm.
- Make sure your load is adjusted in the washer to avoid unbalancing.
- Check to see if anyone is showering prior to starting your laundry.
- Use warm/cold or cold/cold water temperatures **ONLY**.
- Please remove your laundry promptly. If laundry is left longer than 15 minutes after ending

cycle, please place wet clothes in the dryer or dry clothes on top of the dryer. Respect others laundry as you would want yours respected.

- Only dry one load from the washer at a time.
- Empty the lint trap in the dryer after each load. Please put the lint in the trash can.

DRESS CODE

- No gang or drug/alcohol related, or outlandish clothing or paraphernalia.
- Unless in the pool area, shoes and shirt must be worn at all times.

BATHROOMS

- Please limit showers from 5 to 8 minutes and overall use to 15 minutes (especially during the morning hours). Dry off before getting out of the shower. Visitors may not use the showers.
- Do not wash clothes in the showers.
- Do not leave items hanging to dry on knobs or towel racks. No personal items left out.
- Clean shower, tub, and sink immediately after each use.

VEHICLES & PARKING

- One vehicle per licensed guest. Cars are only after 30 days and with staff approval.
- No motorcycles or cars with modified engines
- Vehicle must be in good operating condition, currently registered, and insured.
- You must have a valid drivers license.
- Park in assigned space. Be courteous to others as space is limited. If there is not adequate space, you will have to wait until a parking space becomes available to have a car.

SMOKING

- Smoking, candles, or incense are not allowed inside ANY building or bedroom patio.
- Ashes and butts must be put in designated containers in designated smoking area.
- A \$500 cleaning fee will be charged for any room that needs to be cleaned as a result of smoking.

MUSIC/TV

- Loud music or TV's at any time is unacceptable. Please be considerate of others.
- Content of music and TV is subject to review by Staff for acceptability.
- No Personal TV's will be allowed.

VISITORS

- No one under 18 years of age.
- You are responsible for your visitors.
- Visitors must be sober at all times.
- Visitors may not arrive before 5pm and must leave by curfew on M-F and from 11am-curfew on Saturday and Sunday.
- Visitors are not allowed in any bedroom.
- Visitors from outside may go in the kitchen, living/dining room, and bathroom (they may not use the showers).
- No sexual activities.
- Guests from other units must remain in the kitchen, living and/or dining room only. (Knock

- and wait for someone to answer the door. If no one is home, do not go inside.)
- Visitors must respect the house and those living there.

MISCELLANEOUS

- Respect for others is paramount at Our House. If it's not yours, don't touch it. Ask!
- Contribute to a clean, safe, and sober family environment.
- **Please respect our neighbors at all times. Do not cut through their yard, smoke in the parking lot, swear or cures in a loud voice, park in front of, in or on their property.**
- Alcohol, non-prescription drugs and pornography are not allowed.
- Please do not come to the office outside of posted hours unless it is an emergency.
- Those not employed or in school, will leave The House each weekday from 8:30 am to 4:30 pm to look for a job or you are to check-in with the head of house by 8:00 am daily.
- Turn off all lights and appliances when leaving a room.
- Please shower, brush your teeth, and wash your clothes often.

KENSEELEY **RECOVERY** **COMMUNITY** BLUE PRINT TO RECOVERY

THE ALEXANDER
1425 SOUTH VIA SOLEDAD
PALM SPRINGS, CA 92264

&

THE PALM
1590 EAST PALM CANYON
PALM SPRINGS, CA 92264

Welcome Packet

5.11283

RECEIVED

AUG 08 2012

PLANNINGSERVICES

Table of Contents

Description	Page #	Initial Received
Definition of Terms	3	_____
Code of Ethics	4	_____
Grievance Policy	5	_____
Application/Agreement	6	_____
House Rules	11	_____
Meeting Card	14	_____
Test Log	15	_____
Contribution Tracking Sheet	16	_____

Definition of Terms

Sober Living Home: Sober living homes are affordable, alcohol and drug free environments that provide a positive place for peer-group-recovery support. Sober housing promotes individual recovery by providing an environment that allows the guests to develop individual recovery programs and become self-supporting.

Contribution: The money given is donation. Please be sure you understand that you do not pay rent and therefore have no “renter’s rights.” Utilize a contribution log in lieu of receipts.

Head of Household: The person who is designated to oversee daily function of the home. They provide a safe environment, resolve minor conflicts within the house, administer any drug or alcohol tests, enforce curfew and collect meeting slips.

Guest: The women and/or men that join our house are considered guests in the home. As such, you agree not to have any “renter’s rights” and may be removed at anytime for violating the contract/agreement, dirty test, refusing to test, etc.

House Meetings: A meeting with all guests in the house facilitated by Head of House to resolve house issues.

Meeting Cards: Used to track the NA/AA meetings that you attend. This can be shown to officials (code enforcement, etc.) upon request.

Test Log: Used for tracking the results of the drug and/or alcohol testing of you participate. This can be shown to officials (code enforcement, etc.) upon request.

KENSEELEY RECOVERY COMMUNITY BLUE PRINT TO RECOVERY

CODE OF ETHICS

The Code of Ethics must be signed and abided by all sober living code of ethics. This statement commits the signer to adhere to this code of ethics and to maintain a vital concern for the lives and well-being of all persons.

1. Be dedicated to recognizing the dignity and worth of all human beings.
2. Maintain an alcohol and illicit drug free environment.
3. Maintain quality cleanliness of personal space. Demonstrate activities that benefit not only other guests, but neighbors and community.
4. Remain abstinent from all alcohol, drugs or mood altering substances.
5. Submit to random drug testing at the request of the Sober Living Head of household or owner.
6. No physical violence or threats of violence in the home.
7. Guests should **never** become romantically or sexually involved with other guests or anyone the sober living home is assisting.
8. Guests should **never** become involved with other guests financial affairs. This covers borrowing or lending money, buying or selling property, or other financial transactions.
9. Guest should respect the privacy and personal rights of all other guests.
10. Assure that no weapons are brought on sober living premise, home, or property.

PERSONAL STATEMENT

I commit myself to strive at all times to maintain the highest standards. In the event that I violate any of the above ethics, I understand that my ability to continue to stay at the house will be terminated.

My signature below indicates my agreement to abide by this code of ethics.

NAME _____

Date _____

NAME SL HOME: Ken Seeley Recovery Community

CITY: Palm Springs, CA

SIGNATURE _____

Riverside County Sober Living Coalition

Grievance Policies

Sober Living Guests have the right to file a written grievance with the Riverside Sober Living Coalition if they have a legitimate issue.

1. If the grievance is with another guest in your house, the grievance must be in writing and given to the Head of Houses.
2. If the grievance is with the Head of House, the written grievance must be given to the owner.
3. If the grievance is with the owner of the house, or you feel your written grievance has been ignored by the Head of Houses, and/or the owner of the house, you may file a written grievance with the Sober Living Coalition.

When the Sober Living Coalition receives the grievance, they will assign it to the Standards and Ethics Committee of the Field Inspector. They will then investigate the complaint as follows:

1. Make contact with both parties involved and interview them separately.
2. Bring their findings and recommendations to the Next Sober Living Coalition meeting for action to be taken if any.
3. The Coalition will take a member vote on action to be taken if any.

KENSEELEY RECOVERY COMMUNITY

BLUE PRINT TO RECOVERY

1425 SOUTH VIA SOLEDAD

PALM SPRINGS, CA 92264

GUEST APPLICATION/AGREEMENT

(Please Print)

NAME: _____

PRESENT ADDRESS: _____

D.O.B.: _____ **DRIVERS LICENSE #:** _____ **SSN#:** _____

PHONE # WHERE YOU MAY BE REACHED: _____

REFERRED BY: _____

MOVE IN DATE: _____ **LENGTH OF STAY:** _____

ARE YOU EMPLOYED? _____ **IF YES, WHERE?** _____

EMPLOYER NAME? _____ **EMPLOYER CONTACT #?** _____

EDUCATION, TRAINING, OR PERSONAL SKILLS: _____

I understand that the statements made in this application/agreement are true and complete to the best of my knowledge and understand that if accepted as a guest, falsified statements on this application shall be grounds for contract/agreement termination. I also understand and agree that it is my responsibility to provide any updated information.

Signature

Date

GENERAL AGREEMENT

Print Full Name

Date

INITIAL THE FOLLOWING

1. _____ AGREE that I am a recovering addict and will completely abstain from using drugs and alcohol and report any such use to staff.
2. _____ AGREE to work a Twelve-Step Program and obtain a sponsor, which is suggested for continued sobriety. AGREE to attend all house meetings.
3. _____ AGREE to drug/alcohol testing and/or room and/or property search at any time by staff. Failure to comply could result in my immediate discharge. If a test needs to be administered that is beyond the scope of a test we can conduct on site, client will be financially responsible
4. _____ AGREE and understand that a condition of being a guest at Ken Seeley Treatment Community is to be gainfully employed, actively seeking employment, in treatment, attending school, or other activities to enhance my future. (Probation Status - First 30 Days)
5. _____ AGREE to only leave the house with a buddy for the first seven days. A buddy is a senior guest of the house
6. _____ AGREE to rise at a reasonable time based upon work/school schedule, be dressed, make bed, clean my immediate area, and to have house/yard chores completed as scheduled.
7. _____ AGREE to no threats of/or physical violence, possession of weapons, possession of non-prescription drugs or alcohol, tattooing, possession of pornography, stealing or vandalism of house or guest property, and will not use vulgarity. Not to wear, possess, "sign" any gang or drug/alcohol related clothing or paraphernalia.
8. _____ AGREE to a 11:00 pm curfew Sunday through Thursday and a 12:00 am curfew on Friday and Saturday, and will give staff **advanced** notice of any changes or overnight stays. (Curfew will be at the discretion of staff for the first 30 days)
9. _____ AGREE that if I violate any part of this agreement, I am subject to discharge and my personal belongings will be held five days (excluding food) then discarded or donated.
10. _____ AGREE to drive with only a valid driver's license, current registration, current minimum auto insurance, park in my assigned space, and be flexible due to space limitation. No car for the first 30 days and then only with staff approval after 30 days.
11. _____ AGREE to notify staff of all visitations. No visitors under the age of 18. Visiting hours are from 5pm-curfew M-F and 12pm-Curfew Sat & Sun. Visitors are not allowed in any bedroom. No sexual activities. Visitors will be sober. **I am responsible for their actions.**
12. _____ AGREE not to alter or repair house property without staff permission.
13. _____ AGREE to respect the rights, views, & property of other guests & staff. To be supportive of my fellow guests, the staff, and to contribute to a safe, sober, and comfortable family environment.
14. _____ AGREE that I have read and understand all house rules and will abide by each.

CONTRIBUTION AGREEMENT:

I, _____, agree that my contributions will be paid monthly on the entry day and on the same day of the month for every month thereafter.

RELEASE OF INFORMATION:

I, _____, give permission to Owner/Head of Household for release of any and all information having to do with my accountability and responsibility, in all my behaviors and activities during my stay at Ken Seeley Treatment Community. By signing this agreement, I understand that anything I say or do may be given to those on a need to know basis (e.g. Family, Emergency Contacts, Parole or Probation Officers, DPSS, Law Enforcement, Medical Teams, Emergency Contacts, etc...)

TERMINATION OR LEAVING AGREEMENT:

I, _____, agree that for whatever reason, I am asked to leave, I will leave the premises willingly and immediately, taking all personal possessions. In the event I leave without notice, or am asked to leave because of being under the influence or violating any part of this agreement, my contributions paid are immediately forfeited. In the event of agreement termination or leaving without notice, my personal property left on the premises after five days will be discarded or donated.

HOLD HARMLESS AGREEMENT:

I, _____, agree to absolve Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, of liability for accident, injury, or loss of personal property.

I, _____, agree to hold harmless Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, for any action taken by any other Guest.

I, _____, agree to accept responsibility for my own actions and will not hold Ken Seeley Treatment Community, its owners, staff, affiliates, and any employees, liable for any suits or charges brought against me while a guest at Ken Seeley Treatment Community

GENERAL AGREEMENT:

Ken Seeley Treatment Community agrees to provide a safe, secure, clean, and sober family environment to recovering adult addicts and alcoholics. Each sober living environment will have an on-site Head of House to insure security, stability, and provide a positive role model whose purpose is to stay sober and help the guests in their recovery.

Guest Signature

Date

Owner/Head of House

Date

CONTRIBUTION PAYMENT AGREEMENT

Guests are asked to contribute funds on time.. Guest agrees to pay \$2,800.00 for a shared room or \$5,600.00 for a single room per month at Ken Seeley Recovery Community. No deposit is required and agreement begins _____. Electric, gas, water, trash, and cable services are all included in the contribution amount.

If guest is not the financially responsible party, please indicate who the financially responsible person will be:

Each guest will maintain sobriety while living on the premises. They are subject to drug and alcohol testing at the discretion of the house. Anyone failing the drug/alcohol testing or refusing to test must agree to immediate removal from the premises.

Immediate termination for violating any part of this agreement is understood to be removal of all belongings from the property within one hour of any termination. After 24 hours, any remaining property will be discarded or donated. There will be no refund of contributed money or property.

Guest agrees that this is a legal and binding agreement and agrees that any "renter's rights" to formal eviction processes are not applicable because they are a guest and not a renter.

Office Use Only

DATE GUEST LEFT: _____

LEFT IN GOOD STANDING? YES NO

CONTRIBUTIONS OWED: \$ _____ NOTES: _____

ITEMS LOANED

TOWEL: YES NO

SHEET(s): _____

PILLOW: YES NO

PILLOW CASE: YES NO

BLANKET: YES NO

KEY DEPOSIT: YES NO

RETURNED? YES NO

OFFICE USE ONLY
CONFIDENTIALITY WAIVER

NAME OF GUEST: _____ **DATE:** _____

PERSONAL NOTES:

Are you currently on Probation? Yes _____ No _____ Parole? Yes _____ No _____

Name of agent: _____ Office: _____

Office phone #: _____ ext. _____ Cell phone #: _____

FAMILY MEMBER:

Name: _____ Relation: _____

E-Mail: _____ Phone: _____

IN CASE OF EMERGENCY, PLEASE CONTACT:

Name: _____ Name: _____

Phone: _____ Phone: _____

SPONSOR:

Name: _____ Phone: _____

Drug(s) of choice: _____ Last used: _____

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Date

KENSEELEY

RECOVERY

COMMUNITY

BLUE PRINT TO RECOVERY

1425 SOUTH VIA SOLEDAD & 1590 EAST PALM CANYON
PALM SPRINGS, CA 92264

GENERAL HOUSE RULES

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- Smoking, candles, or incense are not allowed inside ANY building or bedroom patio.
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- Loud music or TV's at any time is unacceptable. Please be considerate of others.
- Content of music and TV is subject to review by Staff for acceptability.
- No Personal TV's will be allowed.

VISITORS

- No one under 18 years of age.
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- Turn off all lights and appliances when leaving a room.
- Please shower, brush your teeth, and wash your clothes often.

Alcohol / Drug Testing Log

Name	Date	Test Type	Results

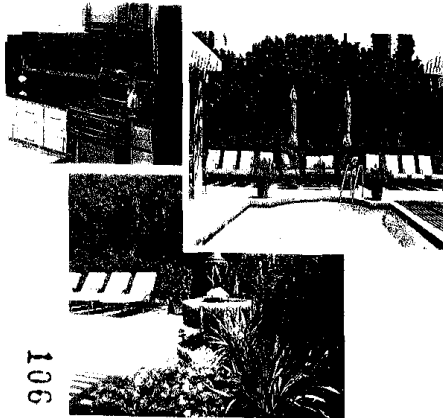
**KENSEELEY
RECOVERY
COMMUNITY**
BLUE PRINT TO RECOVERY



Ken Seeley BRILLIANT
Co-Founder

Ken's passion for helping addicts and their families achieve success comes deep from within. He's not only the founder of Intervention911 and The Ken Seeley Recovery Community, he's a recovering addict that wants to share hope worldwide. Clean and sober since July 14, 1989, Ken has been professionally and personally involved in the recovery community for many years. His experience and enthusiasm is reflected throughout this sober living environment.

"There is nothing more rewarding than helping to bring the health I cherish to others."



106

Pass on the hope.

If you know someone who could use our help, please pass on this brochure.

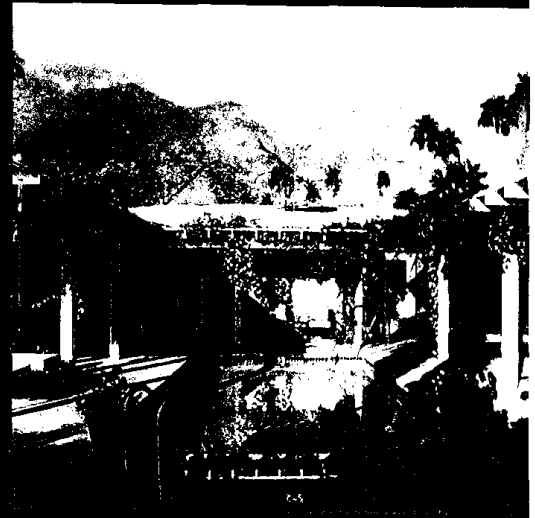
**KENSEELEY
RECOVERY
COMMUNITY**
BLUE PRINT TO RECOVERY

KenSeeleyRecoveryCommunity.com
Toll-Free 866-888-4911

Caring
Compassionate
Confidential



**KENSEELEY
RECOVERY
COMMUNITY**
BLUE PRINT TO RECOVERY

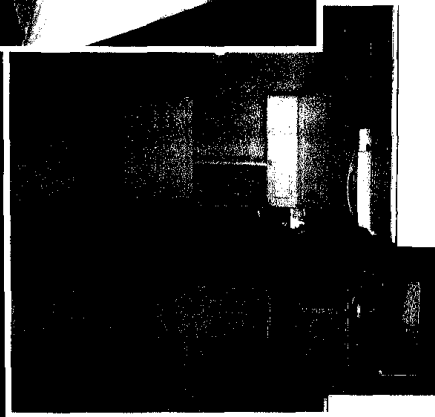
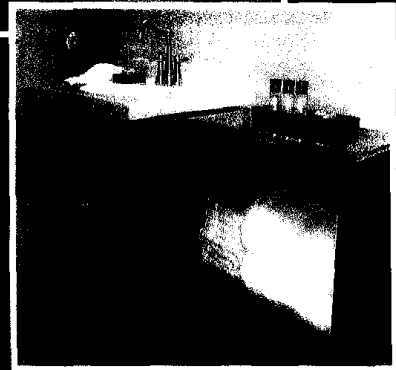


**The Solution
Starts Here**

KenSeeleyRecoveryCommunity.com
Toll-Free 866-888-4911



Spacious Living Room / TV
Full Kitchen / Bath
Dining Area
2 Bedroom Suites (4 person max occupancy)
Washer & Dryer in each Suite



The Ken Seeley Recovery Community helps design the blueprint for a successful and fulfilling life. We will show you how to live in recovery in our community and then bring that with you and live in recovery anywhere you call home.

The Sober Living is directly across Hwy 111 from Sunny Dunes Club House and under 2 miles from The 559 Club House in Downtown Palm Springs, CA. Each Club House has over 4 twelve step meetings a day.

With 5 Upscale, 2 Bedroom Suites, The Ken Seeley Recovery Community is the perfect place to strengthen and continue your recovery program.

Shared Bedroom \$2800.00
Single Rooms Available
Limited Partial Scholarships Available

107

Enjoy Fellowship on Palm Canyon Blvd in downtown Palm Springs

Call 24/7 for More info or to Schedule a Tour



KEN SEELEY COMMUNITIES WEEKLY SCHEDULE

programs and services weekly schedule costs the alexander the palm

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
6:15 AM	Wake Up	Wake Up	Wake Up	Wake Up	Wake Up	Wake Up	
6:30am-7:00am	Breakfast Or Meeting	Breakfast Or Meeting	Breakfast Or Meeting	Breakfast Or Meeting	Breakfast Or Meeting	Breakfast Or Meeting	Wake Up
7:00 - 7:30am	Daily Reflections / Meditation	Daily Reflections / Meditation	Daily Reflections / Meditation	Daily Reflections / Meditation	Daily Reflections / Meditation	Daily Reflections / Meditation	Daily Reflections / Meditation
7:30-7:45 am	Goals Daily Schedule	Goals Daily Schedule	Goals Daily Schedule	Goals Daily Schedule	Goals Daily Schedule	Goals Daily Schedule	Goals Daily Schedule
7:30-7:45 am	Clean Up/Chore List	Clean Up/Chore List	Clean Up/Chore List	Clean Up/Chore List	Clean Up/Chore List	Clean Up/Chore List	Clean Up/Chore List
8:00 - 9:00am	Office Open	Office Open	Office Open	Office Open	Office Open	Office Open	Office Open
8:30am-8:00	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	Morning Meeting (8:30-Palm)	Sunny Dunes (Required-10am)
9:00-12:00pm	Lunch/Clean Up	Lunch/Clean Up	Lunch/Clean Up	Lunch/Clean Up	Lunch/Clean Up	Dill Scrub 10-12 Lunch/Clean Up	Lunch/Clean Up
12:00-1:00pm	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer	IOP-Work-School-Volunteer
1:00-2:00pm	Gym	Gym	Gym	Gym	Gym	Gym	Gym
2:00-4:00pm	Evening Check In	Evening Check In	Evening Check In	Evening Check In	Evening Check In	Evening Check In	Evening Check In
4:30 PM				Street Fair - 4:30-5:30pm (5-30-6-30 from July-Sept)			
5-5:30pm							
5:30pm							
5:45-8:00pm	12 step meetings Fellowship	12 step meetings Fellowship	12 step meetings Fellowship	7:30pm In-house Required Both Houses	CORNFIELD 7pm - Required	12 step meetings Fellowship	12 step meetings Fellowship
6:00-11:00pm	Curfew	Curfew	Curfew	Curfew			Curfew
11:00pm	Lights Out/TV Off	Lights Out/TV Off	Lights Out/TV Off	Lights Out/TV Off	Curfew	Curfew	Lights Out/TV Off
12:00Midnight	Bedtime	Bedtime	Bedtime	Bedtime	Lights Out/TV Off	Lights Out/TV Off	Bedtime
1:00am							

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Website Design by Joseph Allen Agencies.

Addiction Professional Services

APSCal.org

Home
Job Board

Job Board Postings

EMPLOYERS: To have us post your job notice, FREE of charge, please select this link: [Job Board](#)

POSTED APR 18, 2012

Company Name: Ken Seeley Recovery Community

Company Address: 1425 Via Soledad

City: Palm Springs

State: California

ZIP Code: 92262

Company Website: www.KenSeeleyRecoveryCommunity.com

Contact Person: Steven Richitt

Contact Title: Executive Assistant

E-mail: srichitt@intervention911.com

Telephone: 240-398-8191

Position Title: House Manager

Position Description:

House Manager Responsibilities:

(Free Rent/ \$100 A Week Stipend via Food/Gas/Visa Card)

At Ken Seeley Recovery Community we strive to go above and beyond in our work with residents to help them achieve happiness, success, and serenity. A house manager at Ken Seeley Recovery Community should be not only a resource for our residents in relation to daily issues, but also an example of an individual living a life in recovery. The house manager should be willing to always participate with residents in community activities when he or she is not otherwise engaged (meetings or work). At KSRC, we believe leading by example is the most effective way to ensure residents active participation in the program. (Attraction Not Promotion)

Monday-Friday Schedule:

- 8:10 on site, HM signature for room check required to sign out for morning activities
- HM opens med. drawer for all residents after the 7:30am House Meeting.
- Night-time medication will be dispersed after the 5:30pm House Meeting.
- If the HM is on property, it is mandatory that he or she attends any House Meetings.
- Two nights a week, the HM is on site to attend the evening House check-in, and to participate with the community. (Ex. meeting, community dinner, volunteering, movie, etc.)

Saturday Schedule:

- 9:00am House Meeting run by HM
- 9:30am Med. Drawer is open for all residents
- 10:00am-12:00pm (?) Double scrub facilitated by HM, beginning at 10am-?, once double scrub is completed it is the responsibility of the HM to sign residents out and confirm they have completed this weekly task.
- 12:00pm (?) After double scrub is complete med. drawer is open for residents.
- 12:00am (curfew) HM is on site to check residents in.

Sunday Schedule:

- 8:30am House Meeting run by HM
- 9:00am med drawer is open for residents
- Proceeding the morning house meeting, HM facilitates the residents are preparing to set up for the barbecue.
- 9:40am, everyone leaves the property to attend the mandatory Sunday 10am meeting, it is recommended you leave early to reserve a seat and fellowship before the meeting.
- 11:00am Barbecue, HM is responsible to help facilitate the Community BBQ, including to make sure the

109

House Rules

Kitchen

- Buy your own food. Refrigerator & dry foods space are assigned.
- Cleanup area immediately and put all leftover food away.
- Wash **ALL** dishes and cooking utensils immediately upon completion of your meal. **DO NOT** leave items soaking in the sink.
- Meals are to be eaten in the kitchen or dining room **only**. Light snacks are permitted in the TV room.
- House dishes are not to be taken outside.
- **DO NOT** pour grease or oil in the sinks.

Bedrooms

- Bedrooms are to be clean and organized at all times.
- Beds will be made each morning.
- No Food is to be stored or eaten in bedrooms
- Bedroom doors are to remain unlocked.
- Visitors are not allowed in bedrooms at any time. This includes those from other houses, units or bedrooms.

LIVING/TV Room

- Please be considerate of people watching TV.
- No eating meals in the living/TV room. Light snack & beverage are OK. Please clean the area when you leave.
- The house TV will be turned off at the time designated by the Head of House.

Laundry

- Those currently employed or in school have laundry priority after work & the weekends
- Laundry hours are 8 am to 9 pm. Please do not start your laundry after 7:30 pm.
- Make sure your load is adjusted in the washer to avoid unbalancing.
- Check to see if anyone is showering prior to starting your laundry.
- Use warm/cold or cold/cold water temperatures **ONLY**.
- Please remove your laundry promptly. If laundry is left longer than 15 minutes after ending cycle, please place wet clothes in the dryer or dry clothes on top of the dryer. Respect others laundry as you would want yours respected.
- Only dry one load from the washer at a time.
- Empty the lint trap in the dryer after each load. Please put the lint in the trash can.

Dress Code

- No gang or drug/alcohol related, or outlandish clothing or

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House Rules | Ken Sealey Recovery Community - Microsoft Internet Explorer

http://thetreatmentcommunity.com/sober-living/house-rules/

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Statistics

Current News

Addictions

Volunteer

Dress Code

- No gang or drug/alcohol related, or outlandish clothing or paraphernalia.
- Unless in the pool area, shoes and shirt must be worn at all times.

Bathrooms

- Please limit showers from 5 to 8 minutes, and overall use to 15 minutes (especially during the morning hours). Dry off before getting out of the shower. Visitors may not use the showers.
- Do not wash clothes in the showers.
- Do not leave items hanging to dry on knobs or towel racks. No personal items left out.
- Clean shower, tub, and sink immediately after each use.

Vehicles & parking

- One vehicle per licensed guest.
- Vehicle must be in good operating condition, currently registered, and insured.
- Park in assigned space. Be courteous to others as space is limited.

Smoking

- Smoking, candles, or incense are not allowed inside ANY building or bedroom/patio.
- Ashes and butts must be put in designated containers in designated smoking area.
- A \$500 cleaning fee will be charged for any room that needs to be cleaned as a result of smoking.

Music/TV

- Loud music or TV's at any time is unacceptable. Please be considerate of others.
- Content of music and TV is subject to review by Staff for acceptability.
- No Personal TV's will be allowed.

Internet | 100%

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Statistics

Current News

Addictions

Volunteer

Summary

- Live in our house at any time is free of charge. Please be responsible.
- Courtesy of Alcohol TV to give information and accountability.
- No Personality can be allowed.

Visitors

- No minimum or maximum age.
- No smoking or drinking in the house.
- No pets allowed in the house.
- No drugs, alcohol, or anything that can be used for illegal purposes.
- No weapons or anything that can be used for violence.
- No loud music or anything that can be heard outside the house.
- No smoking or drinking in the house.
- No smoking or drinking in the house.
- No smoking or drinking in the house.

Miscellaneous

- Respect the rules of our house. If you don't, don't live here.
- Don't drink or use drugs in the house.
- Don't drink or use drugs in the house.
- Don't drink or use drugs in the house.
- Don't drink or use drugs in the house.
- Don't drink or use drugs in the house.
- Don't drink or use drugs in the house.
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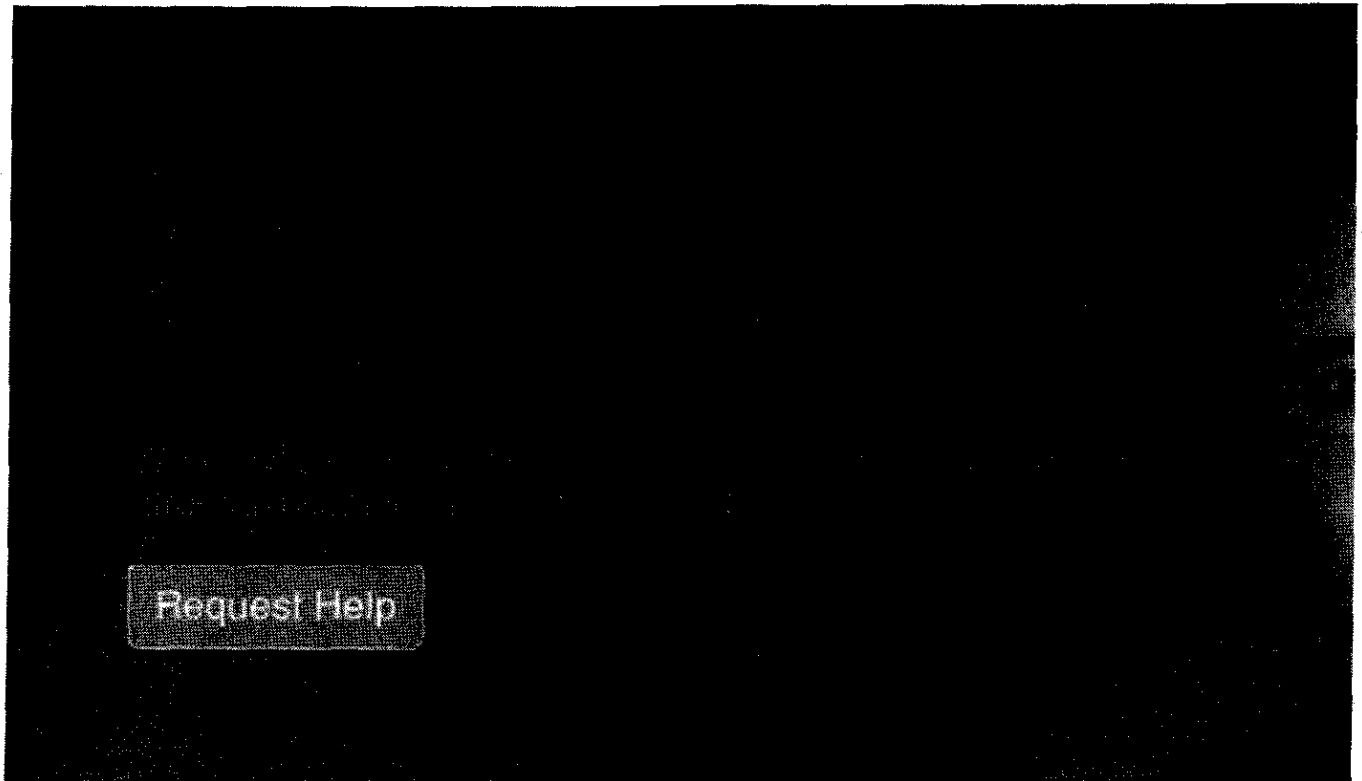
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Welcome to Intervention911

Intervention 911 offers a wide range of services in addition to [alcohol intervention](#) and [drug intervention](#). Look to our [intervention interventions](#), [family intervention](#) and additional alcohol and [drug intervention programs](#). Watching a family member, friend or

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- home
- about us
- mission
- philosophy
- the properties
- resources
- self evaluation
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"In a chronically leaking boat, energy devoted to changing vessels is more productive than energy devoted to patching leaks."

-Warren Buffett

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At Ken Seeley Communities, we refuse to be mired in the old ways of sobriety management. Rather, we've adopted a proven fundamental and philosophical model that incorporates a FIVE YEAR PLAN to ensure FAR greater success than traditional recovery modalities.

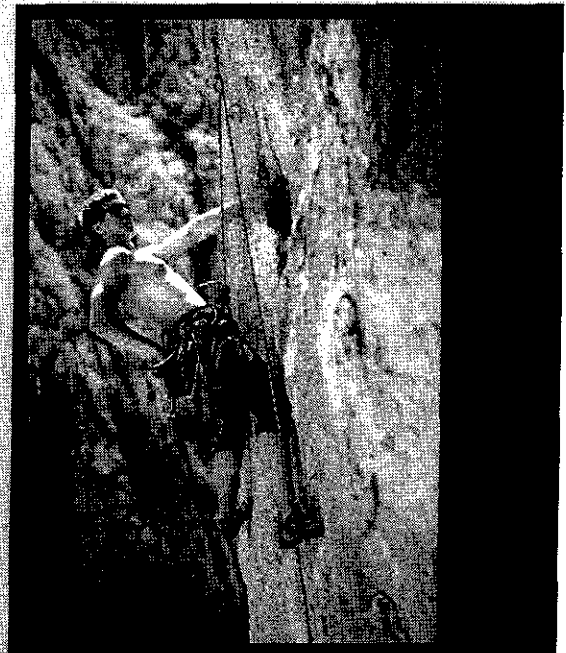
Ken Seeley Communities believe in the achievable goal of life long sobriety. Addiction is a chronic, progressive and fatal disease...and even with a one-year treatment program, relapse, jail and even untimely death are still possible. So we've created a protocol of treatment for long-term sobriety that imposes greater accountability on the individual, the family and other treatment professional. By shifting the focus from 30 days to long-term, we provide goals that reach into the future and create a continuing care plan.



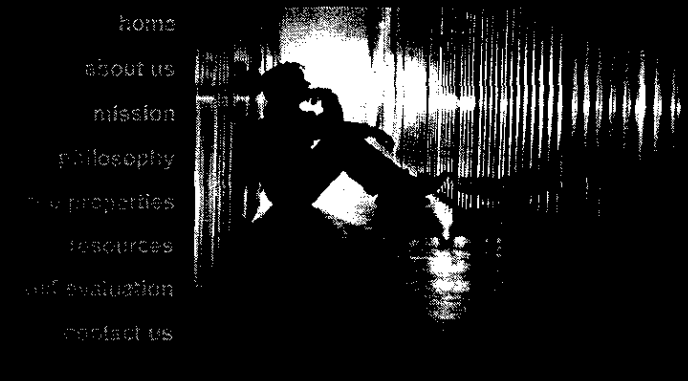
From the beginning of the treatment process we assess the need of the individual with a clear focus on accountability. Learning how to cope with the desire to relapse and getting to the root of the problem is where true recovery begins and is what our Recovery Communities are most successful at. Individuals that have a 5-year continuum of care have an 80-95% success rate. Individuals that do not have a 5-year plan have a much lower chance of staying sober after the first year.



At Ken Seeley Communities, we help provide the plan AND the tools to make life-long sobriety achievable.



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- mission
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"All great changes are preceded by chaos."

-Deepak Chopra

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OUR MISSION

"To provide those who suffer from addiction, their family and friends with the necessary resources, services, guidance and support to encourage and foster a mental, physical, social and spiritual environment that will enable the individual to live a full life free from the bondage of their addiction."



At Ken Seeley Recovery Communities, we understand that all too often, a person can see their life crumbling before their very eyes as a result of their addictions and not know how to find a way out. We help alleviate the feelings of isolation so common in individuals and their families suffering from the detrimental effects of addiction. That's where we step in and shed a little light on the darkest of days. And if we can't help, we'll find someone who can.

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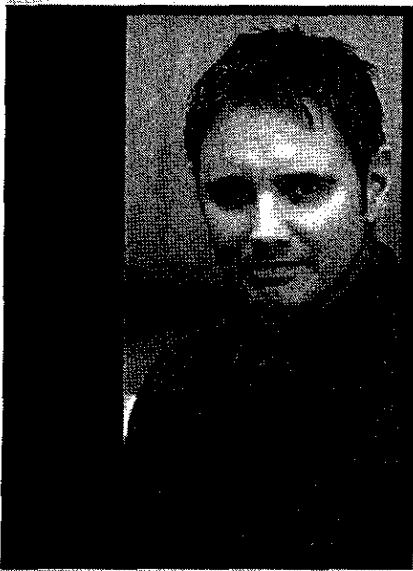


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resources
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"Nobody can go back and start a new beginning, but anyone can start today and make a new ending."

-Maria Robinson

Call Now: 877-800-6911



Such an idea resonates infinitely with Mr. Ken Seeley, founder and CEO of Ken Seeley Recovery Communities and Intervention 911, whose new ending began the day he entered drug and alcohol treatment on July 14th, 1989.

After battling the demons of his own personal addictions, Ken Seeley he has not only remained clean and sober, but has gone on to become one of the foremost experts in the treatment and recovery process for addictions of all kinds.

Ken was a featured interventionist on the hit A&E television series Intervention for the first eight seasons, from 2005-2009, during which time he formed his own intervention service organization, Intervention 911.

From there, his vision for a full-spectrum continuum of care for individuals afflicted with addiction seeking treatment that progresses into long-term sobriety spawned the formation of Ken Seeley Recovery Communities.

Ken Seeley Communities focus on care and recovery planning after leaving treatment and provides sober living homes and hotels which offer services to help a person regain confidence in all aspects of everyday life, such as work, education, and independence.

Let us help you figure out how to create your new ending! Give us a call to get started today. [click here to email Ken](#)

Eric McLaughlin

The business of Intervention 911 is to bring the light of recovery into the dark world of the drinker and substance abuser through the thoughtful guidance of highly trained interventionists. With so much emphasis on human service it can be easy to forget that the organization requires management and structure. Thankfully our Chief Financial Officer Eric McLaughlin is here to keep things running smoothly even when our interventionists are on the front lines traveling across the country.

Eric brings over 15 years of management skills to Intervention 911 and has had a positive impact to the service level of the company on all levels. A well run organization always has background players and Eric is one of the often unseen players who maintains the reputation of Intervention 911 as we continue to grow.

Though his background and skills are heavily financial Eric is much more than a number cruncher. He has worked for several service organizations and retail businesses where customer attention and support is always a high priority.

It is this commitment to excellent customer service that makes Eric an outstanding fit with Intervention 911. As Eric says in his own words, I am excited to be able to use my talents to help Intervention 911 to provide services to those in need. This means working with clients and often their families who are facing making additional investments in the recovery of their loved one. Eric understands the challenges some families face and sincerely hopes he has the opportunity to help anyone who reaches out to Intervention 911. [click here to email Eric](#)

Bryan Wilmoth

Bryan has over 20 years of experience working with chemically dependent populations. Bryan's commitment to serving and

bettering the recovery community is substantiated by vigorous advocacy and lobbying for funding and education at both the city, county and state jurisdictions. He's had the privilege to serve on the Sacramento Ryan White Planning Council and panels for AIDS Project Los Angeles & the City of West Hollywood's Alternative Meth Treatment Forum. In 2007 he was honored with The Paul Stark Warrior Award from the City of West Hollywood for service to the HIV community. He's presented for the California Department of Education's "Positively Speaking" program and was a Certification Educator for the County Office of AIDS Programs and Policy. He's successfully advocated on behalf of those who are not living with HIV but are in equal need of the same substance abuse treatment programs which are being offered restrictively to the HIV community.

Bryan is certified by the State of California through the California Association for Alcohol/Drug Educators (CAADE) and has earned his degree in Social work from Cal State LA. He's also earned degrees in Human Services and Psychology from Los Angeles City College.

He is excited to be part of Ken Seeley Community as they share his passion for bringing out the best in those seeking recovery from this debilitating disease. Ellen Burstyn put it best; "If you do not bring forth that which you have inside of you, you deny the whole world of what only you can give." [click here to email Bryan](#)

Steven Richitt

Steven joined the Intervention 911 Team in early 2012. Having been in recovery before, Steven started over again in September of 2011. Working with addicts and their families have made Steven realize that recovery isn't just a "state of mind," but rather a "way of life." Steven embraces this road to recovery with complete passion, and aspires to someday be a Case Manager working one on one with addicts and their loved ones. [click here to email Steven](#)

Nicholas Schiesler

After spending the majority of his adult life as a functional addict, Nicholas has now recognized that, along with helping others, giving back to the community so richly supports him in his own recovery. Nicholas currently has over eighteen months of continuous sobriety, and is currently employed by the Intervention 911 Company in Palm Springs, California performing the duties as the House Manager of The Alexander Transitional Living Facility. He is also engaged with clients as a life coach and recovery aide in addition to his management responsibilities.

Kirby Pert

Kirby Pert has been in recovery for almost four years. Kirby enjoys working with other addicts and understands their struggles. Kirby is performing the duty of House Manager at the Palm Tee Transitional Living Facility while enrolled in College of the Desert's HSAD Program to attain his CAADAC Certification.

Linda Del Bianco

Linda Del Bianco has been in recovery from drugs and alcohol for over 19 years. She is an Intervention 911 Coordinator, as well as a Certified Recovery Coach and Certified Life Coach. Linda joined the incredible staff of Intervention 911 in 2012. Linda enjoys helping individuals who suffer from addiction, as well as their families who have been affected by the disease, find their path to recovery and begin living a joyous and prosperous life!

Bette Schwartz

Bette Schwartz officially began her recovery in 2010, having previous knowledge of all 12-step programs. It wasn't until Bette completely surrendered that she was able to begin to realize how her life was completely unmanageable. Today, Bette supports individuals during their process of recovery while guiding them on their path to attain their hopes and aspirations.

Mark Worthington

Mark became quickly entrenched in the battle of life-addiction and remained at war with himself for over 32 years. With the help of a judge Mark was introduced to recovery in 2007 and has been deeply involved ever since. Mark has continued to work in recovery as a Case Manager, Detox Manager, and is certified for Drug & Alcohol Studies. Mark's true passion is to help individuals and families that are suffering through the insanity of addiction. Mark is genuine, empathetic, and helpful in directing those who are afflicted by the traumas of addiction to a greater way of life.

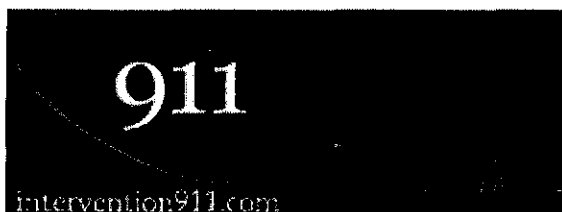
Samantha Etzlony

Samantha has been working in the Chemical Dependency field for 12 years. She spent a majority of her career as a Therapist at Betty Ford Center working in several departments: Inpatient, Outpatient, Family Program, Stabilization Unit and Residential Day

Treatment Following many years of working in treatment centers, Samantha became a Certified Life Coach specializing in Recovery Coaching and Career Management. She holds a Bachelor's Degree in Psychology from the University of North Carolina, and Vocational/Occupational Coaching.

RECOVERY COACHING

Working with clients who are struggling with addiction, recovery, and mental health issues.

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Treatment

Drug Intervention Programs

The Process

Intervention is a process that is 98% successful in confronting (with love and compassion), the alcohol or drug dependent individual on the severity of their disease. Family intervention involves members, who exert an influence on the dependent's life, and a Counselor gather together and present facts and data related to the chemically dependent's problem and consequences. Professional drug interventions are designed to smash through the dependent's rigid denial defense mechanisms and break through to reality]

The Reality

The reality- that they are dying of a disease that is chronic, progressive, fatal, incurable, and, if left untreated, that can result in premature death. This disease is called chemical dependence.

especially when they do not seem to understand the severity of their disease. Often they think they can handle the problem & need help identifying a problem, please use our [online assessment](#).

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- Home
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- About Us
- Info
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- Treatment
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- About Us
- In The Media
- Info
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Drug Intervention Programs

Denial

The number one symptom for the chemically or behaviorally dependent person is denial. How can you blame your loved one for not asking for help? They don't believe that they need help. Out of 23 million Americans that suffer from this disease, only one to two percent of them hit their "bottom" and go to treatment. THIS is why it is so important that TODAY you hit your bottom and take the necessary action - so you and your family (with the assistance of a professional) can come together to create your loved ones' bottom. This way, it doesn't have to become any worse then it already is. You've watched it spiral down and not get better. It will continue until YOU do something. You have the power to break down those walls of denial and help get your loved one into treatment TODAY... but it takes someone who really loves and cares about the addict to take that action. It only takes one person; we can help you figure out who the others will be to help you do this. Give us a call to start the process of breaking though the walls of denial and get your loved one to treatment. Way too often, we have watched people wait for it to happen naturally... and things become far too devastating. Do it today before that time comes for you, your family and your loved one. We are here to help.

Our intervention process is 98% successful in confronting (with love and compassion), the chemically or behaviorally dependent individual on the severity of their disease. Family intervention involves members who exert an influence on the dependent's life, along with a Counselor. Together, they gather and present facts and data related to the chemically or behaviorally dependent's problem and consequences. Interventions are designed to smash through the dependent's rigid denial defense mechanisms and break through to reality

The reality - They are suffering from a disease that is chronic, progressive, incurable, and, if left untreated, can result in premature death. This disease is called chemical dependence (or behavioral dependence).

Overcoming Denial

The greatest obstacle in treatment for the chemically dependent person is denial. One way to overcome denial is through [drug intervention programs](#). Guided by [intervention specialists](#) at Intervention 911, family members, friends, employers, and significant others learn how to deal with the person and the disease by breaking through denial. They learn how to shift the emphasis from blame on the dependent person to positive methods of responding to the individual's addiction. Working together, the interventionist and the significant others help the dependent person view his or her illness through the devastating effect it is having on others. It is then that a decision is usually made to seek treatment. The [drug interventions](#) and [alcohol family intervention](#) process works. Most chemically dependent people who see a [crisis interventionist](#) like [Ken Seeley](#) make the decision to enter [treatment](#). That is their first step toward recovery.

We Can Help Your Loved One

We provide interventions, treatment referral, sober escorts, aftercare solutions and much more.



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Intervention

A properly orchestrated [alcohol intervention](#), [drug intervention](#), or behavioral [intervention](#) with Intervention911 is a proven way to start the healing process and get your loved one or coworker the help they need. Through the loving [testimonials](#) of friends, family, and the people who care, the individual is shown the detrimental impact of their behavior on themselves and on those around them. Intervention 911 and [Ken Seeley](#) have a method of compassionate drug and alcohol interventions has a 98% success rate of getting addicted individuals into high quality [intervention programs](#). With the help of a highly qualified [interventionist](#), family members and loved ones are given the tools necessary to help the addict in a compassionate and effective way.

Family Intervention

Dealing with a loved one who is abusing alcohol, drugs, food, behaviors such as gambling, sex and shopping can be frustrating and painful. While we know them to be good people, their actions can hurt and cause shame in the people who love them. In most cases, the addict is unaware of how much control the substance or behavior has over them and is defensive when faced with an intervention. This is the disease of addiction, and it is a very difficult situation for friends and family who are forced to sit by and watch as the addict slowly destroys themselves and the lives of the people around them. People who are not addicts have no way of understanding. Addiction is a disease and those who are addicts are in desperate need of help. Without help they cannot and will not stop until the substance or behavior completely destroys their lives and/or kills them. There is hope however. A professional intervention carried out by friends, family and one of our intervention specialists will open the door to recovery and spare much suffering for all involved. If your loved one has an addiction problem and you would like to discuss how Intervention911 can help, call us today. The call is toll free.

Executive Intervention

Missed work, lack of creativity, reduced productivity, poor decisions, and expensive mistakes can often be the result of an addiction in a key employee. Letting a key executive go, and finding a replacement can be very expensive and an executive intervention can be very cost effective not to mention humane. Often times these addicts are friends and valued employees who have served the company well for many years. In many cases the compassionate and appropriate solution is to correct the problem and keep the employee. Interventions orchestrated in a corporate or other professional environment are very effective, however circumstances unique to the workplace make it imperative that the intervention is conducted in a delicate, confidential, and professional manner.

Intervention 911 has highly qualified [intervention specialists](#) who can show you how. If you think a valued employee in your work place has a problem and you would like to discuss how Intervention 911 can help, call us today. The call is free.

Call now for a free drug intervention consultation
TOLL FREE 1-866-888-4911

We Can Help Your Loved One

We provide interventions, treatment referral, sober escorts, aftercare solutions and much more.

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Associates

Welcome to Intervention 911

There is no place for blame, judgment, criticism, or anger in a drug or alcohol intervention. We know that "ambush" style interventions do not work. The remarkable success rates of our [intervention](#) specialists are the result of our well-grounded belief/philosophy that the only way to reach and addict and permeate their unrelenting denial is through compassion, love and overwhelming support by those who are most important to them.

Our [family intervention](#) specialists are some of the best and most compassionate in the industry. We have a 98% success rate in getting addicts into our highly effective [treatment centers](#). Please click on an image below to read more about the members of the Intervention911 team.



Ken Seeley, BRI II, RAS
Founder

Ken Seeley has remained involved, professionally and personally, in recovery since 1989. He applies his relevant experience and boundless enthusiasm to profoundly change the lives ... [more »](#)



Eric McLaughlin, RASi
Chief Executive Officer

The business of Intervention 911 is to bring the light of recovery into the dark world of the drinker and substance abuser through the thoughtful guidance of highly trained interve... [more »](#)



Kathy Oyler, BRI I, CATC
Interventionist

Kathy is a Board Registered Interventionist, and a Certified Alcohol Treatment Counselor. She has been working in the field of addiction recovery for over ten years. She has the... [more »](#)



Donna Chavous, BRI-I
Interventionist

Donna Chavous entered the recovery community in 1995 kicking and screaming not wanting to change her life. She was introduced to recovery through an Intervention by friends, fam... [more »](#)



Danny Jenkins
Intervention Specialist

At the heart of Intervention 911 are the interventionists. These are the men and women on the front lines making a difference face to face. An interventionist is the person in char... [more »](#)



Chris Becker
Interventionist

Chris Becker comes to Intervention 911 with extensive experience as a Sober Companion. Chris began his own journey with recovery in 2009 and soon found his calling in helping add... [more »](#)

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Employment Opportunities

Do you have a desire to help others in your area and across the country? Join us at Intervention 911. Intervention 911 is one of the most visible intervention organizations in the country! We are seeking energetic, positive people who have a sincere interest in helping others. We are currently seeking candidates for the position of Interventionist

Requirements: (must possess at least one of the following)

1. Board Registered Interventionist
2. Licensed Alcohol and Drug Counselor
3. Social Worker/Family Therapist licensure or equivalent.

Intervention Specific education/training/certification and actual intervention experience strongly desired. Familiarity with the recovery community and 12-step programs is a must, as is willingness to travel. Email your resume today to be considered for this special, unique career path.

jobs@intervention911.com

JOB OPPORTUNITIES - Coordinator

We are looking for individuals with previous experience working with families in crisis who have a proven track record to be able to bring the family the solution and guide them to engage our services.

This is an opportunity to work from home, over the phone, with families who are suffering from addiction. Phone Sales or Admission Center experience, Familiarity with Substance Abuse, Recovery community, 12 step programs and Family dynamics surrounding addiction strongly desired.



[Home](#) | [Contact](#) | [Online](#)

Get Help

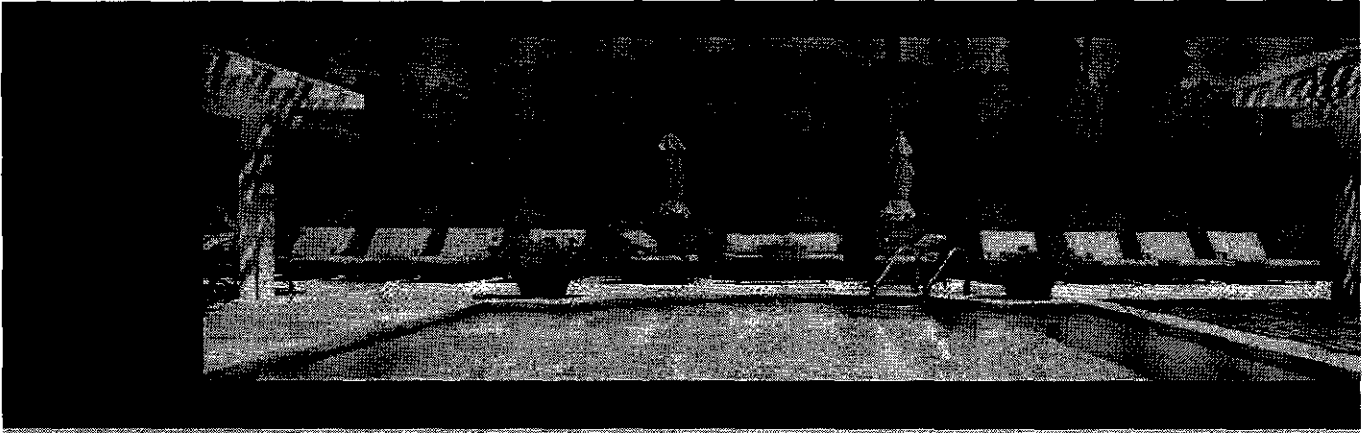
[Home](#) [Services](#) [Treatment](#) [Recovery](#) [About Us](#) [In The F](#)

[Home](#) / [About Us](#) / [Financing](#)

Financing

→ Intervention 911 has partnered* with a financial services company to help you find resources for funds towards your intervention and treatment costs. Please contact us on our 24 hour hotline at 888-866-4911 to find out how to apply. The application process is very quick and you can get approval in under an hour in most cases.

*Intervention 911 only offers this information as a referral source for a loan for costs related to the intervention or treatment. 911 has no say in approval or denial of funds and is not liable for any money loaned by the lending agent.

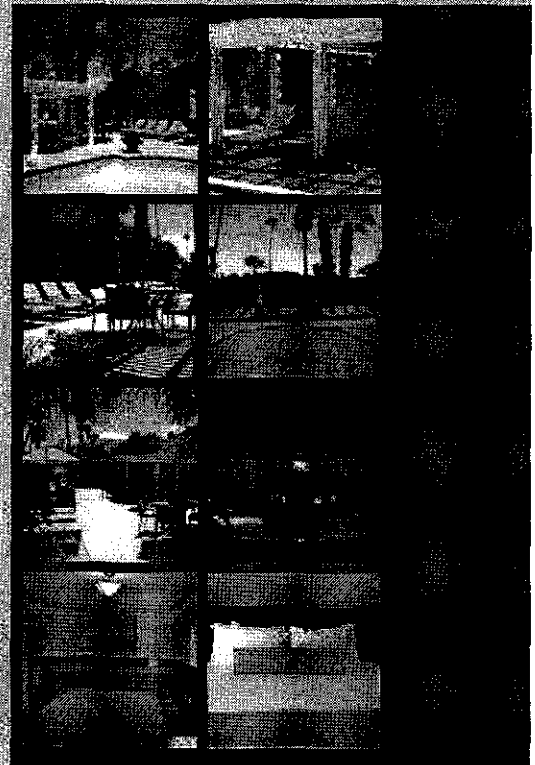


[programs and services](#) [weekly schedule](#) [costs](#) [view brochure](#) [the palm](#)

the Alexander

Our extraordinary Women's facility is located just south of downtown Palm Springs with dramatic mountain views. The Alexander offers spacious one and two bedroom villas. Originally built in 1956 and recently renovated, this upscale, intimate and exclusive hideaway combines uncompromising elegance with every modern amenity in the tradition of a fine resort.

Comfort and luxury are hallmarks of The Alexander. Meditate in the quiet gardens, walk to local 12-Step meetings in the neighborhood, hike in nearby Tahquitz Canyon, relax by the inviting pool, or experience vibrant Palm Canyon Drive in downtown Palm Springs. Each luxurious poolside Villa Suite is approximately 1200 square feet, with two bedrooms, one bath, a separate living area, fully-equipped kitchen with new appliances, a washer and dryer and a host of upscale amenities including Satellite TV and Internet access. Each bedroom can be furnished with one king-sized bed for single occupancy or with two beds for double occupancy, and each bed is completed with luxury linens, down comforters, luxury pillows and pillow-top mattresses.



click on thumbnail to view larger image



"No one ever finds life worth living - one has to make it worth living"

- Anonymous

Ken Seeley Communities has raised the bar in sober living and created not just facilities with all the support services and programs to ensure success, but created truly stunning environments that allow our clientele to relax, refresh and repurpose.

With a dedicated women's and men's hotel, we provide an unparalleled level of service and attention to detail simply unavailable in other sober living options. Check out the links below. We're sure you'll agree that Ken Seeley Communities are setting the standard for sober living!

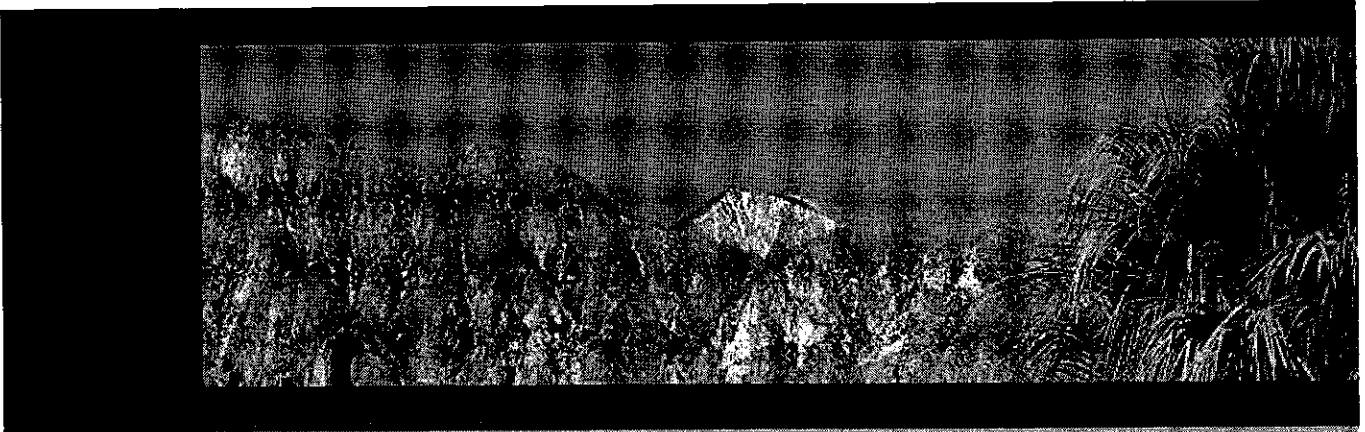


The Alexander: Our extraordinary Women's facility is Located just south of downtown Palm Springs with dramatic mountain views. The Alexander offers... [learn more](#) and [view gallery](#).



The Palm: At The Palm, our premier Men's facility, we've taken every opportunity to heighten the environmental surroundings so you can begin the process of... [learn more](#) and [view gallery](#).

Copyright 2012, Ken Seeley Recovery Communities
All Rights Reserved
Website Design by Joseph Allen Agencies

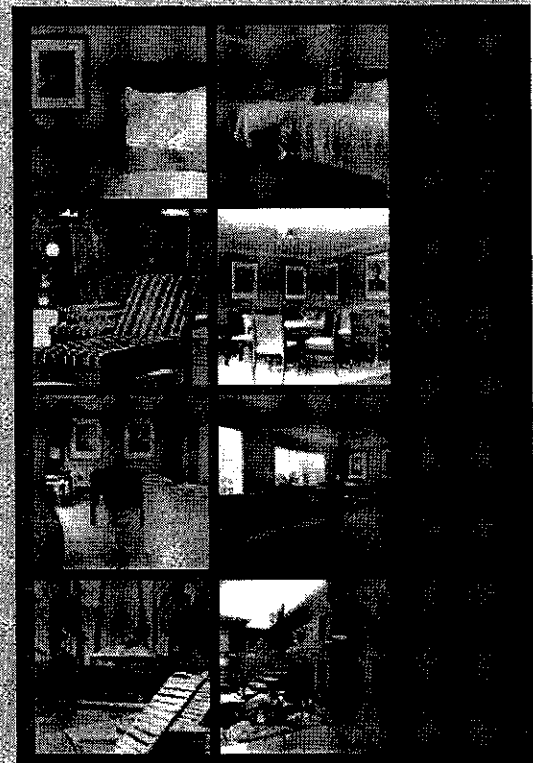


[programs and services](#) [weekly schedule](#) [costs](#) [view brochure](#) [the alexander](#)

the Palm

At The Palm, our premier Men's facility, we've taken every opportunity to heighten the environmental surroundings so you can begin the process of transitioning to a life worth living. With vistas that inspire as much as the support and leadership provided, The Palm offers residents benefits simply unavailable in most other sober living options. The Palm is dedicated to helping its clientele ascend to new heights. All in a Location that exudes style, sophistication and serenity.

The Palm is a charming mid-century hotel set in a quiet upscale neighborhood of Palm Springs which has been home to several Hollywood celebrities. Stunning views abound from balconies, rooms and the inviting pool and spa... all enveloped by the lush mature landscape. With a host of upscale amenities like Satellite TV, Internet access, fully equipped kitchenettes, inviting pool and spa. The Palm has been carefully upgraded to boutique hotel standards with comfortable beds, luxurious beddings and inviting common areas... environs carefully crafted to relax the body and refresh the soul, so our residents can focus on moving ahead.



click on thumbnail to view larger image

Copyright 2012, Ken Seeley Recovery Communities.
All Rights Reserved.
Website Design by Joseph Allen Agencies.

PROJECT DATA

LEGAL DESCRIPTION:
 FOR LOT 33 MB 014/682
 60 PALM VALLEY COLONY LANDS
 A.P.N. 508-344-001
 CUP CITY OF PALM SPRINGS
 CASE # 5.1282 CUP

ZONING & OCCUPANCY
 ZONE: R-2
 (E) OCCUPANCY: R-1, B
 PROPOSED
 OCCUPANCY: R-4, B
 11 BEDS - INCL MANAGER
 PARKING: 8 SPACES

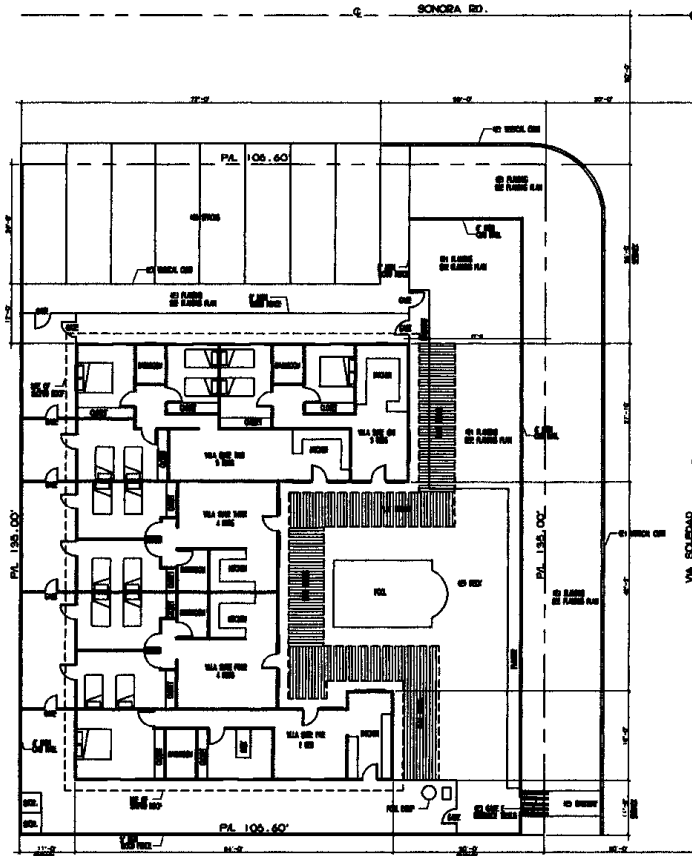
SITE AREA DATA

	AREA	% OF COVERAGE
LOT	14,711 SQ. FT.	100%
BLDG FOOTPRINT	4,898 SQ. FT.	34.3%
PARKING & DRIVES	1,714 SQ. FT.	12.3%
OPEN SPACE	13,088 SQ. FT.	89.7%

BUILDING DATA

CONSTRUCTION TYPE: V IS NON-RATED
 HEIGHT 1-STORY: 14'-0"
 HABITABLE AREA: 4,898 SQ.FT.

130



EXISTING SITE PLAN
 SCALE 1/8" = 1'-0"

RECEIVED

5.1282

AUG 08 2012

ANNINGSERVICES

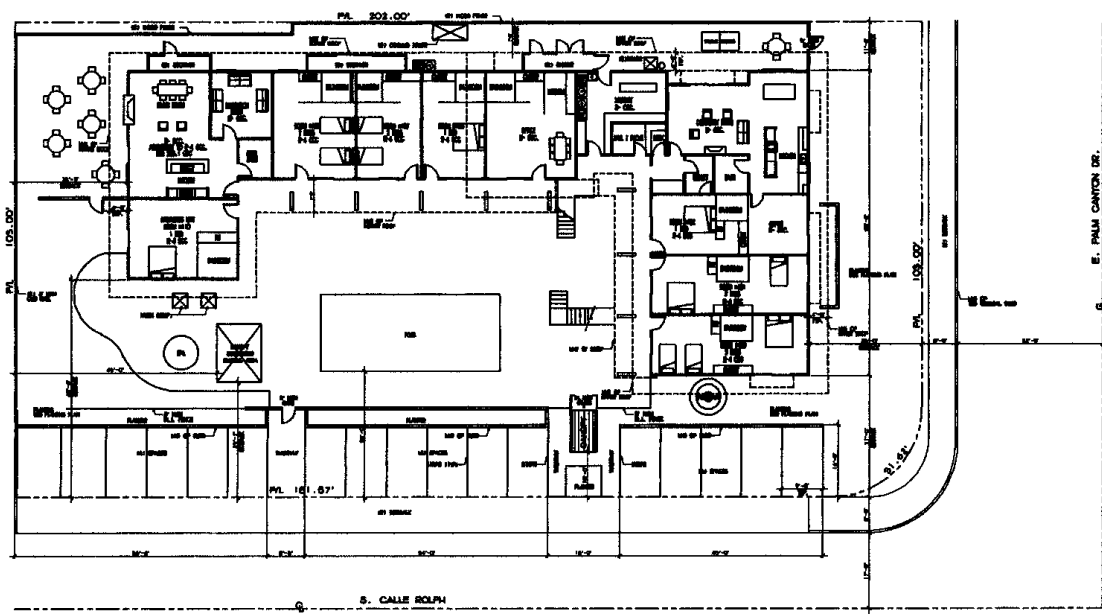
Cioffi
 ARCHITECT

C.U.P. 5.1282 APPLICATION FOR
 A.P.N. # 508-344-001
INTERVENTION 911
 1426 S. VIA SOLEDAD



REVISION	
DATE	
BY	
FILED	
SCALE	1/8" = 1'-0"
PROJECT NO.	1209
FILE	
SHEET	A-1

8/6/2012 1:32:52 PM



EXISTING SITE PLAN
SCALE 1/8" = 1'-0"

VERIFIED/SHOWN
DATE OF PLAN

DATE ISSUED

SCALE: 1/8" = 1'-0"

PROJECT NO. 1283

FILED

RECEIVED

STREET
A-1

PROJECT DATA		SITE AREA DATA		BUILDING DATA	
LEGAL DESCRIPTION: POR LOT 23 (R. 858466) RANCHO ROYALE TR 2 ALPN 508-64-001 CIP CITY OF PALM SPRINGS CASE # 5.1283 CIP	ZONING & OCCUPANCY ZONING: R-2 EXIST OCCUPANCY: R-1, B PROPOSED OCCUPANCY: R-4, B 26 BEDS - INCL MANAGER PARKING: 11 SPACES	LOT BLDG FOOTPRINT PARKING & DRIVES OPEN SPACE	FLOOR AREA 26,784 SQ. FT. 3,029 SQ. FT. 2,860 SQ. FT. 2,434 SQ. FT.	% OF COVERAGE 18.0% 26.3% 13.3% 4.6%	CONSTRUCTION TYPE: V-B NON-RATED HEIGHT: 2 - STORES: 10'-0" HABITABLE AREA: 14 FLRS: 5,344 SQ. FT.

113
113

5.1283

AUG 08 2012

ANNINGSERVICES

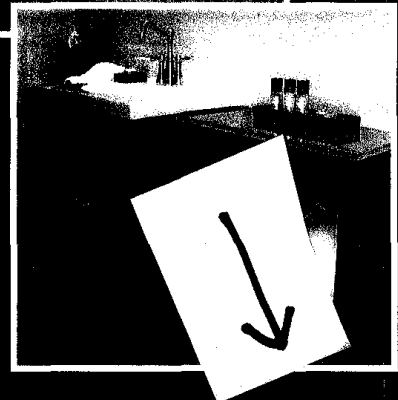
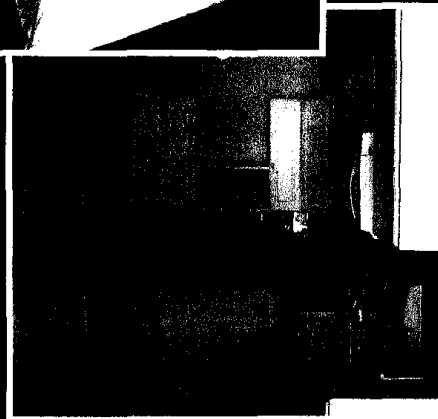


The Ken Seeley Recovery Community helps design the blueprint for a successful and fulfilling life. We will show you how to live in recovery in our community and then bring that with you and live in recovery anywhere you call home.

The Sober Living is directly across Hwy 111 from Sunny Dunes Club House and under 2 miles from The 559 Club House in Downtown Palm Springs, CA. Each Club House has over 4 twelve step meetings a day.

With 5 Upscale, 2 Bedroom Suites, The Ken Seeley Recovery Community is the perfect place to strengthen and continue your recovery program.

Spacious Living Room / TV
Full Kitchen / Bath
Dining Area
2 Bedroom Suites (4 person max occupancy)
Washer & Dryer in each Suite



Shared Bedroom \$2800.00
Single Rooms Available
Limited Partial Scholarships Available



Carl Sessoms

From: Roxane O'Neill
Sent: Tuesday, November 22, 2011 7:05 PM
To: Carl Sessoms
Cc: Daniel Glenn; Deborah Rivera; Geoffrey Kiehl; Craig Ewing
Subject: Intervention 911 change of address to 1425 S Via Soledad
Attachments: 4807_001.pdf

Thanks everyone for you assistance.

In summary: The Planning Dept approved the change of address for Intervention 911 from 501 N Cantera Circle to 1425 S Via Soledad (formerly called Alexander Inn – a vacation rental/multi-unit home – escrow is to close tomorrow). Intervention 911 is a Drug Alcohol Intervention Company and they already had a home occupation permit issued to them on 10-17-11. Per owners, they will do the majority of their work/business through phone calls.

As above approved change of address form shows, this approval of this home business to this new location is only approved if office/business is located in the owner occupied unit. No customer or client services are to be allowed on site. The other on-site units cannot be used for their clients. The owner will need to go through a conditional use permit process for any change in purpose for this business and location (there was an earlier e-mail that this location may become a "transition house"). Additionally, if they decide to later use their property as a vacation rental property, they will also have to obtain a separate business license/TOT permit/and possibly a CUP here also.

Roxane O'Neill

Budget; Audit & Revenue Supervisor
Finance Dept
City of Palm Springs, CA
(760) 322-8326

From: PS Business License [mailto:ir2870-bl@ci.palm-springs.ca.us]
Sent: Tuesday, November 22, 2011 6:41 PM
To: Roxane O'Neill
Subject: Attached Image

*assisted living
CUP*



City of Palm Springs

Business License Division

3200 E. Tahquitz Canyon Way • Palm Springs, California • 92262
Tel: (760) 323-8289 • Fax: (760) 322-8344 • Web: www.palmsprings-ca.gov

**NEW BUSINESS LICENSE
APPLICATION**

PLEASE FILL IN ALL APPLICABLE SPACES. FOR HELP WITH THIS FORM OR INFORMATION, PLEASE CALL (760) 323-8289.

TYPE OF OWNERSHIP	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> LLC	<input type="checkbox"/> Trust
(A Federal ID # is required for all types of ownerships except individual)					
BUSINESS NAME	Intervention 911	MAILING ADDRESS	170 N Vista St		
BUSINESS ADDRESS	501 N Cantera Circle	CITY, STATE, ZIP	Los Angeles, CA 90036		
CITY, STATE, ZIP	Palm Springs, CA 92262	E-MAIL ADDRESS	ericm@intervention911.com		
TELEPHONE	323-401-3660	FEDERAL ID OR SS #	56-2400094		
EMERGENCY CONTACT NAME AND TELEPHONE	Eric McLaughlin 323-401-3660				

OWNER 1 NAME	Eric McLaughlin	OWNER 2 NAME	Kenneth Seeley
HOME ADDRESS	170 N Vista St	HOME ADDRESS	170 N Vista St
CITY, STATE, ZIP	Los Angeles, CA 90036	CITY, STATE, ZIP	Los Angeles, CA 90036
TELEPHONE	3234013660	TELEPHONE	310-402-4911

TYPE OF BUSINESS	<input checked="" type="checkbox"/> Service	<input type="checkbox"/> Wholesale/Retail	<input type="checkbox"/> Home	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Administrative	<input type="checkbox"/> Property Mgmt.
DESCRIPTION OF BUSINESS	<i>Dry and alcohol Interventions</i>		NUMBER OF RENTAL UNITS	PAID		
CONTRACTOR LICENSE NO./CLASS		NUMBER OF FUEL PUMPS	OCT 25 2011			
SELLER'S PERMIT NUMBER		NUMBER OF VENDING MACHINES	CITY OF PALM SPRINGS BUSINESS LICENSE			
DRIVER'S LICENSE NUMBER/CLASS		NUMBER OF SEATS	2			
NUMBER OF SQUARE FEET		NUMBER OF IN-CITY PERSONNEL				

BUSINESS LICENSE FEE CALCULATION SECTION (Please refer to the Application Instruction Sheet and Fee Scale to determine tax.)																	
PLEASE SIGN AND RETURN THIS FORM ALONG WITH YOUR CHECK PAYABLE TO THE CITY OF PALM SPRINGS TO THE FOLLOWING ADDRESS:	<table> <tr><td>BUSINESS LICENSE FEE</td><td>\$ 67.00</td></tr> <tr><td>ADMINISTRATIVE FEE</td><td>\$ 28.00</td></tr> <tr><td>BUSINESS IMPROVEMENT FEE</td><td>\$</td></tr> <tr><td>BUILDING INSPECTION FEE</td><td>\$</td></tr> <tr><td>FIRE & SAFETY FEE</td><td>\$</td></tr> <tr><td>HOME OCCUPATION FEE</td><td>\$ 30.00</td></tr> <tr><td>PENALTY _____ %</td><td>\$</td></tr> <tr><td>TOTAL AMOUNT DUE</td><td>\$ 625.00</td></tr> </table>	BUSINESS LICENSE FEE	\$ 67.00	ADMINISTRATIVE FEE	\$ 28.00	BUSINESS IMPROVEMENT FEE	\$	BUILDING INSPECTION FEE	\$	FIRE & SAFETY FEE	\$	HOME OCCUPATION FEE	\$ 30.00	PENALTY _____ %	\$	TOTAL AMOUNT DUE	\$ 625.00
BUSINESS LICENSE FEE	\$ 67.00																
ADMINISTRATIVE FEE	\$ 28.00																
BUSINESS IMPROVEMENT FEE	\$																
BUILDING INSPECTION FEE	\$																
FIRE & SAFETY FEE	\$																
HOME OCCUPATION FEE	\$ 30.00																
PENALTY _____ %	\$																
TOTAL AMOUNT DUE	\$ 625.00																
<p>CITY OF PALM SPRINGS BUSINESS LICENSE DIVISION P.O. BOX 2743 PALM SPRINGS, CA 92263-2743</p>	<p>SIGNATURE AND DATE <i>[Signature]</i> 10/17/11</p>																

APPROVAL	APPROVAL	APPROVAL	APPROVAL
20091820	05/21/337		
10/25/11			

CITY OF PALM SPRINGS BUSINESS LICENSE

3200 E TAHQUITZ CANYON WAY, PALM SPRINGS, CA 92262 (760) 323-8289

PLEASE NOTE THAT IT IS YOUR RESPONSIBILITY TO RENEW AND UPDATE THIS LICENSE ANNUALLY.

BUSINESS NUMBER: 20014820
BUSINESS TYPE: TELEPHONE INTERVENTION SVCS
OWNER NAME: ERIC MCLAUGHLIN
KENNETH SEELEY
BUSINESS NAME: INTERVENTION 911
BUSINESS ADDRESS: 1425 S VIA SOLEDAD

PALM SPRINGS, CA 92264

EXPIRATION	TAX/ADMIN. FEE	CERT NO
10/31/2012	18.00	49353
10/31/2012	28.00	49354
10/31/2012	67.00	49355
10/31/2012	30.00	49356

INTERVENTION 911
501 N CANTERA CIRCLE

PALM SPRINGS CA 92262

ISSUANCE OF THIS LICENSE DOES NOT ENTITLE THE LICENSEE TO OPERATE OR MAINTAIN A BUSINESS IN VIOLATION OF ANY OTHER LAW OR ORDINANCE. THIS IS NOT AN ENDORSEMENT OF THE ACTIVITY NOR OF THE APPLICANT'S QUALIFICATIONS.

MUST BE POSTED IN A CONSPICUOUS PLACE

CITY OF PALM SPRINGS BUSINESS LICENSE

3200 E TAHQUITZ CANYON WAY, PALM SPRINGS, CA 92262 (760) 323-8289

PLEASE NOTE THAT IT IS YOUR RESPONSIBILITY TO RENEW AND UPDATE THIS LICENSE ANNUALLY.

BUSINESS NUMBER:
BUSINESS TYPE:
OWNER NAME:

BUSINESS NAME:
BUSINESS ADDRESS:

EXPIRATION TAX/ADMIN. FEE CERT NO

ISSUANCE OF THIS LICENSE DOES NOT ENTITLE THE LICENSEE TO OPERATE OR MAINTAIN A BUSINESS IN VIOLATION OF ANY OTHER LAW OR ORDINANCE. THIS IS NOT AN ENDORSEMENT OF THE ACTIVITY NOR OF THE APPLICANT'S QUALIFICATIONS.

MUST BE POSTED IN A CONSPICUOUS PLACE

CITY OF PALM SPRINGS BUSINESS LICENSE

3200 E TAHQUITZ CANYON WAY, PALM SPRINGS, CA 92262 (760) 323-8289

PLEASE NOTE THAT IT IS YOUR RESPONSIBILITY TO RENEW AND UPDATE THIS LICENSE ANNUALLY.

BUSINESS NUMBER:
BUSINESS TYPE:
OWNER NAME:

BUSINESS NAME:
BUSINESS ADDRESS:

EXPIRATION TAX/ADMIN. FEE CERT NO

ISSUANCE OF THIS LICENSE DOES NOT ENTITLE THE LICENSEE TO OPERATE OR MAINTAIN A BUSINESS IN VIOLATION OF ANY OTHER LAW OR ORDINANCE. THIS IS NOT AN ENDORSEMENT OF THE ACTIVITY NOR OF THE APPLICANT'S QUALIFICATIONS.

MUST BE POSTED IN A CONSPICUOUS PLACE



CHANGE OF ADDRESS OR NAME

CITY OF PALM SPRINGS BUSINESS LICENSE

Bus Lic # 20014820

NOTE: BEFORE A LICENSE CAN BE ISSUED: CLEARANCE FROM THE CITY'S PLANNING/ZONING, BUILDING, AND FIRE DEPARTMENTS MUST BE OBTAINED.

OWNERSHIP: INDIVIDUAL PARTNERSHIP CORPORATION LLC TRUST
(A FEDERAL ID NUMBER IS REQUIRED FOR ALL TYPES OF OWNERSHIPS EXCEPT INDIVIDUALS)

BUSINESS NAME: Intervention 911

CORPORATE NAME: Intervention 911

OLD BUSINESS ADDRESS or NAME: 501 N CARTERA

NEW BUSINESS ADDRESS or NAME: 1425 S. Via Seledad

CITY: Palm Springs STATE: CA ZIP: 92264 PHONE: (323) 401-3600

SECONDARY CONTACT: Ken Saeky PHONE: (310) 402-4911

MAILING ADDRESS: 501 N Cartera Circle

CITY: Palm Springs CA STATE: CA ZIP: 92267

TYPE OF BUSINESS: Dry and Alcohol Intervention Company OFFICE RETAIL HOME
 GROUND LEVEL SECOND LEVEL OR HIGHER

PLANNING DEPARTMENT APPROVAL: 2C 92.03.01.A.6 Office use in Owners Occupied Unit - No customers or clients services on site

BUSINESS LICENSE FEE	\$	_____
RENEWAL FEE	\$	_____
BUILDING INSPECTION	\$	_____
FIRE & SAFETY FEE	\$	_____
HOME OCCUPATION FEE	\$	_____
TOTAL AMOUNT DUE	\$	<u>0</u>

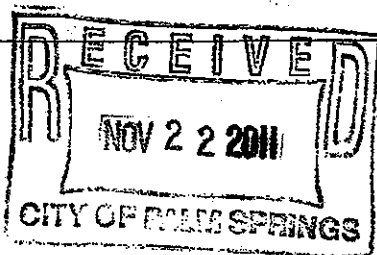
PLEASE RETURN THIS COMPLETED FORM ALONG WITH YOUR CHECK
PAYABLE TO: CITY OF PALM SPRINGS
BUSINESS LICENSE DEPT
PO BOX 2743
PALM SPRINGS, CA 92263-2743

FOR INFORMATION OR HELP WITH THIS FORM CALL (760)-323-8289

BUSINESS OWNER SIGNATURE: [Signature] DATE: 11.22.11

ACCOUNT# 20014820 DEPARTMENT USE ONLY RECEIPT# _____

ORIGINAL APPLICATION DATE: 10/25/11



Common Library
DATE: 04/02/2012
TIME: 09:46:42

Sungard Pentamation
Business Licensing Notes

PAGE NUMBER: 1
MODULE : libNotes

SELECTION CRITERIA: Business Number = 20014820

Note Date/Time	Date of Record	Operator	Note Code	Reminder Date
2011-11-30 16:53:27	11/30/2011	carls		
1		see packet. this address change was		
2		approved by planning only as an office		
3		use only no customers or clients		
4		services on site pending C U P.		

10

Case 5.1282 / 5.1283 APPEAL - EXHIBIT "A"
BASIS OF DETERMINATION OF DIRECTOR'S DECISION

The Director's determination is based on written material provided by the applicant both in their original CUP applications and their promotional material, as well as the definitions for hotels and assisted living facilities in the Palm Springs Zoning Code.

The materials provided by the applicant / appellant describe the services and activities at the sites; including drug and alcohol addiction treatment and intervention, life skills classes, nutrition planning, 12-step meetings, and nursing or doctor-assisted medication management. Nowhere in the material, other than the Flannery to Lyon letter, is there any reference to the two sites operating as "hotels". Furthermore, other than the two sites in question, the City has no other record of business licenses by the appellant for other location in the City.

The director provided the definition from the zoning code of both "assisted living facility" and "hotel", and then outlined how the current operation "*of semi-private rooms, with multiple contracts per room, (beds individual rented within a room) held by unrelated persons with accommodations, programming, counseling, and services for treating addiction recovery*" are not consistent with the City's definition of a hotel. Rather, the activities at the two properties reflect many aspects of the definition of "assisted living facility", including "*...a special combination of housing, supportive services, personalized assistance...designed to respond to the individual needs of those who need help with activities of daily living and instrumental activities of daily living.*"

From the Intervention 911 website is the following: "*Intervention 911 offers a wide range of services in addition to alcohol intervention and drug intervention...*". Also, "*...At Ken Seeley Communities, our trained staff can help develop the right nutrition program for you to get you squarely on the road to physical recovery...*", and "*...we have created a protocol of treatment for long-term sobriety that imposes greater accountability on the individual...*". From this, the director concluded that the actual business practice and use occurring at the two sites are not hotels, but rather are substance abuse recovery centers or assisted living facilities.

In addition, the appellants' website lists "Employment Opportunities" for the following positions: "*Board-Registered Interventionist, Licensed Alcohol and Drug Counselor, Social Worker/Family Therapist licensure or equivalent*". These types of job descriptions align more closely with a substance abuse recovery center, than a hotel. The director believes these services and staffing credentials are not part of a hotel operation, but rather that of a substance abuse recovery center or assisted living facility.

The City's definition of assisted living facility states, "*Supportive services are available twenty four hours a day to meet scheduled and unscheduled needs in a way that promotes maximum dignity and independence for each resident and involves the resident's family, neighbors and friends, and professional caretakers.*" The appellants' CUP application states there will be four (4) staff members at any time at the Palm Tee and two (two) staff at the Alexander Apartments, including full time resident managers who reside on site – at both sites; thus supportive services appear to be available to clients on a 24-hour basis. The appellant's website also characterizes a "successful intervention" as one that involves the clients' family and friends - again, reflective of an assisted living facility, not a hotel.

Based on the above, the director determined the uses at the two sites are not hotels and that a variety of supportive services are being provided akin to an assisted living facility.

March 23, 2013

RECEIVED
CITY OF PALM SPRINGS

2013 MAR 27 AM 9:56

JAMES THOMPSON
CITY CLERK

Members of Palm Spring City Council,


In response to the *Notice of Public Hearing* letter (case 5.1282 & 5.1283) I am choosing to make my comments to you by letter. I have spoken to the Planning Commission twice on this matter.

The issue before the council pertains to the exact nature of the business being operated at the Alexander Hotel and the Palm Tee. As a forty year resident on Calle Rolph I will direct my comments to the Palm Tee where I have personal observations and experiences with clients. My concerns are not the clients at the Palm Tee but the compliance issue of obtaining a Conditional Use Permit for the business being conducted there.

The owner stated to me in May 2012 he was opening a half way house for clients after treatment in addiction rehab facilities. This by code requires a Conditional Use Permit. In August 2013 he states he is operating a hotel. This also has requirements which he feels he isn't required to follow. The business at the Palm Tee is not a hotel by any rule or code in the city. I personally have spoken to clients who lived at the Palm Tee who state they are there for after care. Each Wednesday between 4:30-5:00 PM vans from Michaels's House bring clients for what I refer to as "meetings." On Thursday evenings clients put on T-shirts which state **Ken Seeley Recovery** and walk the streets in the Deepwell neighborhood picking up trash. When asked "Why they are doing this?" they answer "it is our volunteer work to thank the neighborhood for allowing us to be here." I have personally spoken to the co-owner as to my distain of this activity, as the cardinal rule of 12 step programs is confidentiality. As I stated to the Planning Commission the Palm Tee is not a hotel per city code. It is not open for general public business, it has no manager, individuals live there receiving various types of support for many months often with other roommates.

I believe the city Department of Planning as well as the Planning Commission have given this matter a great deal of time, have attempted to be fair to both neighbors and owner. This business was begun under existing city rules and those rules need to be followed. The owner is asking for another type of living designation. I feel the city planners and council should not be in the business of changing codes at a whim. If there is a need then a committee of experts in the field of recovery, not owners of rehabs, should be consulted as to the after care needs of clients. There are several well operated recovery centers in Palm Springs and the surrounding communities and they have not found the need to ask for special consideration.

Recovery is a money making business. Clients are fragile and should not be concerned with the business practices of their centers. This is a business matter, a matter of simply following the rules of the city. A Conditional Use Permit would be in everyone's best interest: the owner could run the business without constant complaints from the community, the community will understand the rights of the business and above all the clients will be assured they are in a legitimate, safe and sanctioned business. As neighbors we have adjusted our schedules to appear at meetings and express our concerns. As this drags on we are not as supportive of the owner running his business in our neighborhood as he seems to have difficulty following simple codes and laws for everyones protection. I feel the council should support the Planning Commission's action.


Linda Futterer

1647 South Calle Rolph
Palm Springs, California

Ken Lyon

From: Craig Ewing
Sent: Tuesday, December 11, 2012 9:42 AM
To: Ken Lyon
Subject: FW: 1425 Via Soledad (Drug/alcohol rehabilitation center)

Ken,
An e-mail related to the Intervention 911 appeal:

Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
760-323-8269

From: John Acosta ARA, Architect [<mailto:john.acosta13@verizon.net>]
Sent: Tuesday, December 11, 2012 7:48 AM
To: Craig Ewing
Subject: 1425 Via Soledad (Drug/alcohol rehabilitation center)

Craig:

I live on Sonora Road, two blocks from the illegally-operating drug/alcohol rehabilitation center and am **OPPOSED** to the center being there. This is clearly an intentional misuse of the zoning ordinance; it always has been a hotel; let's keep it that way! The applicant has already demonstrated a complete disregard for the City ordinances by opening the facilities without the required permits; this type of behavior cannot be tolerated. I encourage the Planning Commission to uphold the Planning Director's decision.

John Acosta

John F. Acosta III ARA, Architect
MOUNTAIN ARCHITECTURE, INC.
www.mtn-arch.com

11

Ken Lyon

From: bob russano <bobrussano@gmail.com>
Sent: Wednesday, December 12, 2012 3:52 PM
To: Ken Lyon
Subject: Re: Case 5.1282 and 5.1283 CUP Intervention 911 - Appeal of Planning Director's Determination

Mr. Lyon,

I attended today's meeting about the Palm Tee Motel on East Palm Canyon Dr. "Is it a hotel or is it a? Clearly, it is not a hotel. A hotel, does not derive its income only from people in recovery...it is open to the public...I doubt sincerely that I could make a reservation and stay there, especially since I would only be allowed to 'rent a bed'.

I was the first person to speak...and as I said "been there done that"...we addressed the same problems as is facing the current owners, parking, code upgrades, etc. To the city's credit, they would not budge on the requirements for parking, they would not budge on code requirements, since it was a change of use...that would be setting a rather 'unsavory precedent.'

Afterwards, I saw the guys who were doing this project, and their attorney...I said "Your problem is one of education...and it is a seemingly dodgy operation by your trying to classify it as a motel/hotel"..."We are not 'against' you, but there has to be some compliance with the rules (which we all have to live with equally) and perhaps you should help the neighborhood understand what you are...THEY DO NOT...and also 'too many beds'...cut it back...and you will probably solve parking problems.

Just because it is a worthy cause, and I think it is, it does not mean they should be pampered and yes, cutting it down to maybe 8 people (one per room) would cut into their 'income'...but then again, are they in this for the people they are helping or for the money?...the problem that was uncovered in my home town it was 'the money'...when things got a little 'tough' money wise, they did anything to fill the beds to get the income...Their previous reputation caught up with them and the property was opened as a rental unit, which was the original intent.

I am sorry if they did not take into consideration 'change of use and the cost involved', and if they based their business model on 16 beds...'should have checked'...sorry guys...that one I can't feel too much pain for them...just as I can't feel pain for a landlord who spends thousands on an illegal apartment and then can't rent it for some reason involving codes...'his loss'.

Perhaps a reasonable thing would be a 'yearly licensing'...and an 'inspection' could be triggered by complaints...no complaints, no inspection, except for the yearly...and the yearly should be 'unannounced'...so if something is going on that is not permitted, it is taken to task...and the permit can be withdrawn...if the problems are not corrected.

My other concern comes with the 'personality' this entire thing is built around...should something happen to him, there is no guarantee this facility could be kept to its current standards...In fact, that

should be a consideration of every 'Sober Living' facility...it would act the same as rental property inspection..."The inspector comes, the property is reviewed, you do whatever is required to keep the rental license"...and there is a fee to the licensee for the inspection...the city should not carry the costs of inspection.

Being a landlord in another state, I will tell you, we pay \$50 per building and then an additional fee for each apartment...inspections can be triggered by 'complaint' or on scheduled visit.

"Micheal's House" down the street operates within the rules, end of story. No one complains about it, it was 'done correctly... Palm Tee Motel should be required to do the same...and the rules should be applied across the board...being lenient because it is for a good cause does not 'cut it'...those code upgrades were put in place for a reason and we ALL have to deal with them and the costs that go with them...Smoke Tree Condo, where I live, just had to spend thousands of dollars to retrofit its pool drains to comply with a code change...if you get my drift...

Please share this, if you will with anyone you feel it is appropriate...and thank you for the work you are putting in to this...if they can't work it out in this location, perhaps another and they will be more aware of the 'rules and regulations'...I hope their business model allows for moderating what they have.

Bob Russano
1655 East Palm Canyon Dr # 309
Palm Springs, Ca 92264

On Mon, Dec 10, 2012 at 5:54 PM, Ken Lyon <Ken.Lyon@palmsprings-ca.gov> wrote:

Dear Citizens,

I am the case planner on the subject cases for which you may have submitted correspondence to the City. This is to inform you that there will be a hearing of the Planning Commission this Wednesday December 12, 2012 at 1 30 pm in the City Council Chambers at which time the Planning Commission will hear an appeal by Ken Seeley of Intervention 911. The appeal is of the director's determination that the current uses that the appellant has at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotels, but rather are more similar to substance abuse recovery centers/assisted living facilities.

This hearing is NOT about whether or not the Planning Commission will approve or disapprove the proposed use at these sites. It is only a hearing on the appeal of the director's decision. Currently the appellant/applicant has withdrawn the CUP (conditional use permit) applications, stating that they believe that the current use and operation at the two sites are hotels. The Planning Director's determination was that they are not hotels, but rather are substance abuse recovery centers / assisted living facilities and that this is a use that requires submission and approval by the Planning Commission of a CUP requesting approval to operate assisted living facility uses at these locations. This is the matter that is being appealed and is the subject of this hearing.

Anyone from the public may attend this hearing and may speak at the time of public comment for up to 3 minutes regarding any matter before the Planning Commission including this appeal. The staff report for this

appeal may be viewed on the City website by clicking on the calendar at the top of the home page, going to the Planning Commission meeting of 12-12-12, and clicking on the appropriate hyperlink to the staff report that is in the agenda. It is item 1a.

Thank you.

Ken Lyon, RA

Associate Planner

Department of Planning Services

City of Palm Springs, California

3200 Tahquitz Canyon Way

Palm Springs, California 92263

T 760 323 8245 F 760 322 8364

"Make no little plans,

They have no magic to stir men's blood

And probably won't be realized.

Make big plans

Aim high in work and in hope,

Let your watchword be order,

And your beacon beauty"

- Daniel Burnham, Architect and Planner

Ken Lyon

From: Craig Ewing
Sent: Monday, February 11, 2013 9:56 AM
To: Doug Donenfeld; Douglas Hudson (doughud@aol.com); John JR Roberts (jr66@mac.com); Kathleen Weremiuk (kathy.weremiuk@verizon.net); Leslie Munger (lesliemunger@yahoo.com); Lyn Calerdine (Lyn.Calerdine@lsa-assoc.com); Phillip Klatchko (philip@klatchko.com)
Cc: Ken Lyon
Subject: FW: Intervention 911 / Palm Tee Hotel

To All,
Please note the following e-mail regarding the appeals of the Planning Director's decisions regarding Intervention 911. Feel free to contact Associate Planner Ken Lyon if you have any questions. (No Reply All.)

Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
760-323-8269

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

From: Leslie Wheeler [<mailto:boblesps@dc.rr.com>]
Sent: Monday, February 11, 2013 9:55 AM
To: Craig Ewing
Subject: Intervention 911 / Palm Tee Hotel

I am writing to share my concerns about the business known as Intervention 911 in the site of the former Palm Tee Hotel. If this facility is just a hotel then I presume this is a place that friends and family can stay when they come to town for a visit. This could be very convenient to my home in the Deepwell neighborhood. However, I don't believe that this is the real intent for Intervention 911. The proposed density/occupancy of this facility certainly exceeds that of the Palm Tee Hotel when it was in operation. When you factor in the staff, the parking becomes an even greater issue.

If this business were a good neighbor operating with positive intent, they would have filed the necessary permits from the very beginning. It seems they subscribe to the philosophy of 'it is better to ask for forgiveness than to ask for permission'. I believe this is very indicative of the kind of neighbor they will be. How many other regulations will they try to circumvent?

Please share these concerns with the Planning Commission. I encourage the Commission to take these issues into consideration as they review the status of this applicant.

Les Wheeler
1324 S Driftwood Drive
Palm Springs, CA 92264

7j60-320-5026

boblesps@dc.rr.com

Ken Lyon

From: Craig Ewing
Sent: Monday, February 11, 2013 9:51 AM
To: Doug Donenfeld; Douglas Hudson (doughud@aol.com); John JR Roberts (jr66@mac.com); Kathleen Weremiuk (kathy.weremiuk@verizon.net); Leslie Munger (lesliemunger@yahoo.com); Lyn Calerdine (Lyn.Calerdine@lsa-assoc.com); Phillip Klatchko (philip@klatchko.com)
Cc: Ken Lyon
Subject: FW: Addendum to my email

To All,
Please note the following e-mail regarding the appeals of the Planning Director's decisions regarding Intervention 911. Feel free to contact Associate Planner Ken Lyon if you have any questions. (No Reply All.)

Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
760-323-8269

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

From: Diane Ross [<mailto:dianeross@dc.rr.com>]
Sent: Monday, February 11, 2013 9:45 AM
To: Craig Ewing
Subject: Addendum to my email

Dear Craig,
In discussing the Intervention 911 situation with a friend who does not live in my neighborhood, she said that I was a "Not In My Backyard" on this issues. This is far from true. We have had two nursing homes operating in our neighborhood, although one was sold and is now a residence. The other happens to be on my street and blends into the neighborhood. At times there are many cars there but they are not there overnight. Also, it is run very well and has responsible staff on duty 24 hrs. a day. The owner lives locally and is often on-site. From my perspective, Intervention 911 fails to be a quality operation.

Thank you,
Diane Ross
1555 S. Sagebrush Rd.
Palm Springs, CA 92264

Sent from my iPad



July 9, 2012

From: Kenneth Stabins / Tim Phillips
La Dolce Vita Resort
1491 S. Via Soledad
Palm Springs, CA 92264

To: Planning Commission, City of Palm Springs
c/o: Ken Lyons, Associate Planner
Department of Planning Services
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs, CA 92263

Re: Use Permit CUP Case 5.1281 Sober Living Facility
Proposed location: 1425 S. Via Soledad, 92264

Dear Mayor, City Council, and members of the Planning Commission,

We are writing to express our OBJECTION to the approval of a Use Permit for a Sober Living Facility at 1425 S. Via Soledad.

La Dolce Vita Resort is located adjacent to the property filing the CUP. The Resort and Spa is open year-round. Our customers pay between \$120-\$220/night to enjoy our beautiful property in a very relaxed, quiet neighborhood. These customers contribute significantly to the revenues generated for the City of Palm Springs.

We have experienced complaints from our customers regarding loud music coming from **1425 S. Via Soledad**, especially on Sunday mornings when they want to "sleep in". In the past, we have complained directly to the culprit, who actually increased the music to aggravate us. On threatening to call the police, they turned the music down. We have had no occurrences that we are aware of during the last month. Our Staff has been directed to document the time and date when these disturbances occur and what action was taken to resolve the disturbance.

Our customers have also complained about "young males" hanging around the entrance of **1425 S. Via Soledad** which is adjacent to our parking lot. They are concerned about their safety in this otherwise quiet neighborhood.

Regarding parking; the Resort has two lots with the approved number of parking spaces. We are concerned that there would not be enough parking for those individuals staying or visiting **1425 S. Via Soledad** and that non-resort guests will be parking in our lot, forcing our guests to look for other places to park. This is unacceptable.

We have always been a good neighbor and very much concerned about our business and its impact on the neighborhood. We have only received accolades. We respect the intent of what the current owners wish to accomplish with this facility however, we feel the location is inappropriate for this type of facility and may negatively impact our business and our neighborhood.

Thank you so much for reviewing this situation and please VOTE NO and OBJECT to this use in our neighborhood.

Sincerely,

Kenneth Stabins/Tim Phillips
Owners
La Dolce Vita Resort

RECEIVED

PLANNING SERVICES

From: Edmund E. DeBoer
1525 Via Salida
Palm Springs, CA 92264

To: Planning Commission, City of Palm Springs
C/O: Ken Lyons, Associate Planner
Department of Planning Services
City of Palm Springs, CA
3200 Tahquitz Canyon Way
Palm Springs, CA 92263

Re: **Objection to approval of Use Permit CUP Case 5.1281 Sober Living Facility**
Proposed location: 1425 S. Via Soledad, 92264

Dear Mayor, City Council and members of Planning Commission,

I am writing to express my OBJECTION to the approval of a Use Permit for a Sober Living Facility at 1425 S. Via Soledad.

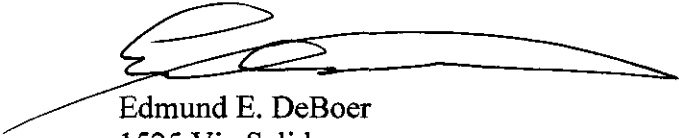
We live on Via Salida, and it does not seem appropriate to have a sober living facility located within a block of two liquor stores.

I walk regularly through that area, and it seems that the large hotel on the corner does the some type of entertaining, based on the people I see coming and going. The local police department may or may not be a better source of information; and go two or three blocks up the street, and there is an elementary school.

In any case, it does not seem appropriate to add this type of facility this close to a residential area.

Please **VOTE NO AND OBJECT** to this use in our neighborhood.

Sincerely,



Edmund E. DeBoer
1525 Via Salida
Palm Springs, CA 92264

RECEIVED

JUL 12 2007

PLANNING SERVICES

KLEINER

From: **Eric & Rita Kleiner**
Palm Springs Residents
1450 S. Via Soledad
Palm Springs, CA 92264

mail: PO Box 5602
Palm Springs, CA 92263
email: eric@xarch.com
phone: 805-455-1972

To: Planning Commission and City Council members, City of Palm Springs, CA
c/o: Ken Lyons, Associate Planner
Department of Planning Services
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs, CA 92263

Re: **Use Permit CUP Case 5.1282 and CUP Case 5.1283**
Proposed locations: 1425 S. Via Soledad and 1590 E. Palm Canyon, 92264
Unpermitted Sober Living Facilities
(Drug and alcohol rehabilitation clinic/housing/drug dispensary)

Note to Planning Department:

We would appreciate this letter being forwarded to the commissioners and city council now rather than wait until prior to the planning commission hearing. Thank you.

Dear Mayor, City Council, and members of the Planning Commission:

We are writing to express our OBJECTION to the approval of a Use Permit for a proposed (and currently operating, non-permitted) Sober Living Facility at 1425 S. Via Soledad and a second non-permitted facility at 1590 E. Palm Canyon called the Palm Tee Hotel.

Introduction

We live directly across the street to the east of the "Alexander Inn" and feel this Use is inappropriate in an area bordering seven single-family residents and several low-key boutique motels.

I am also writing to express concern over how this facility is being allowed to operate without the proper zoning permits and business licenses in place. As a business that is advertising and providing critical services to people suffering from drug and alcohol addictions, why does the City continue to allow this type of business to operate for nine months since being notified of it's operation? This owner is operating knowingly and blatantly without permits, and is dealing with health and life safety issues and while unregulated poses a threat to the community and its residents.

Furthermore, it would seem the City is exposed to undue liability for allowing this to perpetuate until resolution of the business' proper permits and licenses. Both the neighboring residents and the clients of this business are at risk if something goes wrong.

The applicant was told by the Planning Director in November 2011 a Use Permit was needed for their facility. The applicant waited seven months and submitted a Conditional Use Permit Application June 25th, 2011.

RECEIVED

AUG 27 2012

PLANNING SERVICE
DEPARTMENT

148

Conditional Use Permit Concerns

The applicant is trying to obtain a Conditional Use Permit in an R-2 zone directly across two streets from seven R-1 Single Family Residents bordered on two streets.

If this facility is approved in this location it will:

1. Drastically reduce the quality of life for nearby residents
2. Will expose us to potential danger
3. Will reduce the livability of our neighborhood
4. Will reduce our property values
5. Will add substantial traffic to the neighborhood
6. Does not have near sufficient parking for residents, guests, meetings, etc.
7. Will create daily noise and obstruction to the peace of neighboring residents.
8. Will change the existing compatibility of the R1 and R2 abutting zones.

Codes, Licenses, Violations and Undesirable Activities

For the past nine months many negative activities have taken place and the neighbors have individually and communally reported the following observations.

1. The owners opened the business without obtaining a Use-Permit or business license under the false premise of a federal statute that apparently states you can have five unrelated persons living in a single-family residence.
2. The Planning Director notified the owner in November 2011 that they needed a CUP after a neighborhood complaint. The Planning Director disputed the logic they referred to in item #1 stating this was a 4-plex, not a SFR. At this point the owner said they planned to live on site, do home occupation/office work, and rent out the units until they got a CUP.
3. They obtained a "home-occupation" permit and immediately and blatantly violated the conditions of operating a "home-office" which they never intended to do.
4. They hired a living on-site facilities manager, they hosted community Al-Anon events weekly, they "rented" units to recovering addicts, and basically started the business up as they originally proposed. There were many noisy parties and an over-parked neighborhood regularly at least twice a week. They have had a web site continuously offering services since November continuing to this day. (<http://www.kenseeleycommunities.com/index.html>.) Where are the permits to operate either a motel, hotel, apartment, or whatever the city wants to classify it as so we as neighbors are protected?
5. Building improvements have been made without permits, exacerbating all the issues noted above. This was originally a 6-unit apartment building. In 2003 it was turned into a motel. In 2007 it was nicely upgraded to a boutique motel. There were (4) 2-bedroom motel units provided, a managers live-in 2-bedroom unit, and a small 1-bed unit the previous owners mother lived there. Unless the city can produce building permits indicating approved modifications, this building needs to be permitted or returned to a condition that meets all zoning codes. The owner needed to conduct due diligence to determine what they could legally do with the units; not move in, remodel, state what units and bedrooms are existing, and start operating a Sober Living facility. The new owners statement of "existing conditions" is false. What they have created is without proper Use Permits or Building Permits, not what was existing or approved.
6. A hot tub was installed in the back without permits and is not shown on the site plan.

7. A smoking area is designated in the CUP application. This is not shown on the site plan and must be checked for legal distance to neighboring properties.
8. In March 2012, after a neighborhood noise complaint, City of Palm Springs code enforcement officers visited the owner notifying them they were operating without a Use Permit, whereby they made reference to the federal statute once again referring to single-family residences. This is the same argument they used in November, and were informed by the planning director this statute was not applicable.
9. We and the neighbors have met two young people who were checked in as recovering addicts; one for two months, the other for six months. We met two more young men from Canada who had checked in for the winter. The neighbor to the west is experiencing 60-80 cigarette butts a week being tossed over his wall. Along with that he has to pick up the litter left by sober living clients leading to and from the liquor store on the corner.
10. Loud music was played on their pool patio with outdoor speakers from nine in the morning until nine at night every day until we complained multiple times. The neighbors to the south requested the music be turned down after complaints by their motel guests and were responded to with an increase in the music volume.
11. They allowed their German Sheppard to walk the neighborhood unleashed each morning.
12. They are providing use of a garbage dumpster on-site without proper enclosure and sanitization as required by zoning. The neighbor to the west is experiencing noxious odors in his adjacent units.

Please note that several of the obnoxious activities noted above have decreased since we began to complain to the city and work with the neighbors to resolve this issue. In the interim, they have continued operations as a sober living facility not a "home-based" business, but with hired management living at the complex. The owners do not live here, they just sponsor and partake in the activities as necessitates their business. The outdoor pool party/meeting area obviously got too hot to function this summer and they moved these group functions to The Palm Tee Hotel, another location owned and operated by Mr. Seeley without permits.

Zoning and Permit Issues

Based on observing the activities of this facility for almost a year now, they will not be able to meet the conditions of Use should you allow them to operate under a Conditional Use Permit.

Zoning Issues:

1. Not enough parking
2. No accessibility parking
3. No legal accessibility to and within the building.
4. No enclosed trash dumpster facility.
5. Questionable legal building code access from all bedrooms
6. Traffic will increase significantly because the operation requires daily meetings, classes, parties, al-anon meetings, etc., along with drop by visitors from family, friends, management, counselors, inspectors, teachers, mentors, and all other people listed in the Welcome Packet.

Their activities are just not compatible across the street to R-1 single-family homes. The size of the property and building do not support the density of residents and use they are proposing. This Use needs to be surrounded by R-2, R-3, or commercial zones where the density is higher, the activities are similar, parking and traffic are mitigated, and the daily lives of nearby residents are not severely impacted.

A simple comparison is that the boutique hotels nearby have guests that come for vacation for a few nights or a week. They are here to relax and vacation in Palm Springs. They relax by the pools, go out to see the sights, dine, see entertainment, then return to the hotel to relax and sleep. These guests do not typically group for common activities and parties; they do not solicit outside groups and guests; and they do not park up the neighborhood. In general these boutique motel guests are respectful to the neighborhood, are quiet, and low-key.

In contrast, the Sober Living guests check in for months at a time, tend to walk around the neighborhood smoking, littering, talking on cell phones and sitting on the street curbs. Relatives and friends drop by in idling cars to drop off groceries and things while sober living guests come out to pick them up and talk. Outside visitors participate in loud barbeques, meetings, and poolside events on a regular basis. They do not care or have any investment in the neighborhood. While motel guests tend to enjoy the property they inhabit, Sober Living guests tend to take a negative ownership of the nearby streets until it's time to check out and move on.

It is called a "recovery community" for a reason: it takes the community, coming by and meeting to help the recovering addict maintain their sobriety. So we have both the community dropping by on a regularly scheduled basis, and the recovering addicts immediate family and support group dropping by on a regular basis. This is no longer a "residential neighborhood"; it is now a commercial enterprise attracting daily business without the proper infrastructure to support it.

Functions and Activities occurring and/or proposed by Sober Living

1. On-site doctor assisted medication management.

As a creative twist and use of the zoning ordinance the owner has stated that since the city "supports" them as an "assisted living center" they should therefore activate their rights as approved in the zoning ordinance and sponsor an on-site drug therapy program.

2. Eighteen to twenty communal beds with unrelated roommates crammed into what was a beautiful 4-unit boutique hotel with live-in managers who considered it their home. Similarly, other motel owners treat their properties the same way.

3. Eighteen to twenty tenant cars plus visitors vehicles at a property with seven existing, non-compliant parking stalls. This facility could easily use 30-40 parking spaces. Consider each tenant having a car, a fifteen to twenty-person functions several times a day, friends and relatives visiting, teachers and counselors on a daily basis. Make no mistake: we have already experienced this, thanks to the owners operations without permits for nine months. See Accessible compliant parking will be required reducing the stall count to six. An approved trash enclosure will further reducing parking. The owners claim their clients are not allowed to have cars for thirty days but after that each client may have a car. The parking ordinance is designed to address homes and motels as cars per units because not all occupants drive cars. In this unique situation, each "bed" will be allowed a car. I could also speculate they would make an exception to the 30-day requirement for income purposes.

4. **Regular daily meetings, AA, Al-Anon, pool parties, barbeques, with public invited.**

This facility needs adequate in-door space to have functions of this nature along with associated parking in the right zone. Residential neighborhoods are no place for large un-screened parking areas and regular outdoor meetings and events. Please see the applicants responses No. 5 and No. 6 to the planning departments inquiry for additional information: planned events: classes on topics such as 12-step, Life Skills, Job Proficiencies, Fitness and Nutrition, volunteer and fellowship, young adult development, parent and family support. This coupled with daily activity of the resident's points to an incredible level of activity for a residential neighborhood.

Additional Background Information:

1. They held a grand opening, have an active website advertising the property open for business, and conducting on-going obnoxious meetings and parties outside since purchase in November of 2011. This is an integral part of their recovery activities. Participants are coming from around Palm Springs and have no regard for the peace of the neighborhood. The marketing of this facility appears to be for out-of-towners wanting to get to beautiful Palm Springs to recover, not for the benefit of local residents. The goal is to get away from your environment to recover, not stay close by. From the clients we met from Canada, there is insurance available for these people to ship out and find recovery.

Problems experienced to date:

- Loud parties, screaming, loud music.
 - Excessive parking on Via Soledad and Sonora
 - Cigarette butts in the street
 - Music playing from 9:00 am until 9:00 pm seven days a week in the outdoor pool area; "welcoming public, open all the time", not like a neighborhood boutique hotel.
 - Recovering addicts have brought "peace offerings" of cookies to our house and also neighbors near the other property, The Palm Tee Hotel.
 - Both gates to the property are left open on a continual basis welcoming anybody who may come by also proving to be un-sightly at times with garbage cans and recycle containers visible and left on the streets for days at a time.
2. The City of Palm Springs was notified of this activity November 29, 2011 and has conducted inquiries, involved the City Attorney, and has allowed the owners to continue operation at their own will and discretion until the Use Permit is resolved.
 3. The Zoning Ordinance doesn't have a category for "Sober Living" so this falls under "Assisted Living". Because they are going to be evaluated under the restrictions of assisted living, the applicant stated, "we feel that we should take advantage of the opportunity the City has given us to be able to offer services we had not previously considered offering as a sober living". The City has not given them anything; they are intentionally manipulating the ordinance to try to expand their facility to include on-site drug medication.

This is an attempt to take advantage of the City and residents proposing the use of drugs on-site to treat drug and alcohol addicts. The intent of the ordinance sections about drugs regarding assisted living is to provide drugs to disabled and older citizens confined to assisted living. **This is an intentional misuse of the zoning ordinance further exacerbating the Sober Living concept in a residential neighborhood.**

4. The applicants state in their application for the Use Permit the following constraints and conditions for their clients:

- a. "Provide a highly structured environment."
- b. "Holding clients to a standard of behavior that includes:
 - Treating the neighbors with courtesy and respect
- c. • To see that residents remain accountable to this level of behavior and if they can't, move them to a higher level of care or out of the community to not expose the community to any risk"

We have observed public access morning until night, open door policy, public meetings, clients and employees wandering around the streets, etc. How highly structured is this? How much will all these guests care about our neighborhood?

First of all, if the applicant is so bold as to open a sober living facility without permits (which is not courteous and is disrespectful to the neighbors, as stated above) how should we expect them to convey this behavior to their clients?

Second, we doubt anybody can necessarily control the clients behavior, particularly when they don't want to be where they are, are struggling with addiction, and don't have any connection to the neighborhood. The clients are free to leave the premises and do as they please including smoking on the curbsides, talking on the phone, drinking sodas, littering, talking with their friends in cars, and other activities on the street.

Third, what kind of hypocrisy is this when they move into the neighborhood without permits, turn on the music from 9am to 9pm outside, start having regular parties several times a week, conduct intervention business on cell phones walking around the street, have cars parked all over with people going in and out and talking with people in cars, etc., letting their dog out without a leash daily, and generally not caring about the neighbors?

Lastly, if the Sober Living residents cannot stay accountable to the behavioral conditions imposed upon them and the facility moves them out, the damage and "risk to the community" is already done in our neighborhood and most likely these individuals will move on to another neighborhood.

Certainly the neighbors who had to deal with whatever problems they created while living there and departing on unfavorable conditions will have already suffered and had the quality of their lifestyle degraded. Regardless of how many people become risky and have to be moved out of the facility, the regular parties, public use, and group meetings are not conducive to a residential neighborhood that wants peace and quiet and quality of residential living that Palm Springs has to offer.

Conclusion

Our nearby homes on two adjacent streets are in an R-1 zone and the applicant's property is in an R-2 zone. Other R-2 uses bordering us such as the boutique motels nearby have not been a problem. A motel with individual units for private guests is very different from a communal living situation that encourages public meetings, group parties, and high occupancy per room. As you know, **PUBLIC PARTIES AND MEETINGS** are not allowed at these motels for the very reason of not disturbing the single-family residents adjacent in the R-1 zone. The goal for Sober Living residents is to maintain a vigilant surrounding of support groups and people to prevent users from returning to addictive behavior, thus providing regular **PUBLIC PARTIES AND MEETINGS**.


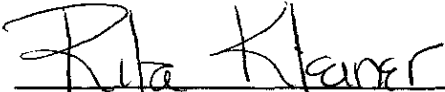
Why, under any circumstances or with the constraints of a use permit should this Conditional Use be allowed violating the very same conditions imposed on other R-2 zoned properties that protect the safety, peace, and quiet of nearby single family residents and adjacent businesses? Even if "public meetings" were not allowed by the Use Permit, the twenty proposed residents would obviously be allowed to have "family and guests", so it is obvious that there would be a very simple way around this restriction and public parties and meetings would continue. **This type of activity is UNCONTROLLABLE via the use permit process.** No findings or conditions attached to an approved Use Permit are going to control this facility, particularly with the blatant disregard for the neighbors already established by the owners. They care about a few things: themselves, their community parties, and their profit, not the neighbors or the due process of the City of Palm Springs.

The applicant has already expressed a complete disregard for the City's laws and the neighborhoods quality of life by opening **two** facilities without permits, and conducting all the activities listed in this letter. In addition they obtained a permit for "home office" and blatantly abused this privilege by operating a full-service Sober Living facility. They also blatantly ignored interpretation provided by the Planning Director and have further delayed obtaining the required permits.

There will be many findings that can be made to recommend denial of this use permit. They should be taken seriously to prevent a major mistake and precedent setting policy where no appropriate zoning is in place to regulate this growing business sector. This privilege should be reserved for the right applicants, in the right place, at the right time, not for this renegade activity taking place for almost a year now.

Please **VOTE NO and OBJECT** to this use in our neighborhood as this issue comes before you. The applicant should have been more careful and considerate in selecting a location for this business in the community. He is doing his clients, the City, and the neighborhoods a disservice by providing sober living facilities in neighborhoods that are not compatible to this business.

Sincerely,


Eric Kleiner
Rita Kleiner

Ken Lyon

From: Cluisf@aol.com
Sent: Sunday, August 26, 2012 12:29 PM
To: Jay Thompson; Ken Lyon
Cc: steve.pognet@palmsprings-ca.gov; Chris Mills; Ginny Foat; Paul Lewin; Rick Hutcheson; Citymanager - Mail Login
Subject: Planning Commision-Conditional Uasge Permit number 5.1283,Intervention 911

The Honorable, Jay Thompson & Ken Loyn:

My name is Clarence Luiz and I live at 1201 S Manzanita Ave. I am writing to you today as a resident of the Deepwell Estates neighborhood who is very concerned about the possible official approval of the Palm Tee Hotel's conversion to a drug rehabilitation center. While I support the concept of helping people to overcome drug addiction, I strongly object to the placement of a facility devoted to that endeavor within a peaceful residential neighborhood like Deepwell.

I believe this business could be detrimental to our neighborhood's quality of life by possibly bringing increases in crime, noise, and traffic as well as in non-Deno individuals who have no stake in keeping the neighborhood safe, clean and quiet. Furthermore, I worry that this facility could cause an influx of drugs to our community, the very thing they say they're trying to combat.

As for any assertions by Intervention 911 of how they would address these issues, I do not think they can be trusted, because they opened the business without any permits or notification to the City of Palm Springs. In fact, I think any company which would operate in such a negligent manner is more likely to engender those very antisocial factors which could be damaging to our neighborhood's well-being.

I urge you and other City officials to do everything you can to keep this operation from being approved and, furthermore, to have it shut down as quickly as possible and be returned to its proper function as a hotel.

Thank you.

Respectfully yours,

Clarence Luiz
1201 S Manzanita Ave.
Palm Springs, Ca. 92264

Ken Lyon

From: Craig Ewing
Sent: Monday, August 27, 2012 8:12 AM
To: Ken Lyon
Subject: FW: Planning Commission - Conditional Usage Permit (number 5.1283), Intervention 911

Craig A. Ewing, AICP
 Director of Planning Services
 City of Palm Springs
 3200 E. Tahquitz Canyon Way
 Palm Springs, CA 92262
 760-323-8269

From: Jay Thompson
Sent: Monday, August 27, 2012 6:14 AM
To: Craig Ewing; Terri Hintz
Subject: Fwd: Planning Commission - Conditional Usage Permit (number 5.1283), Intervention 911

Sent from my iPad

Begin forwarded message:

From: Mitch Friedman <mitchfr@yahoo.com>
Date: August 24, 2012 11:06:36 AM PDT
To: Jay.Thompson@palmsprings-ca.gov
Subject: Planning Commission - Conditional Usage Permit (number 5.1283), Intervention 911

Dear Mr. Thompson,

My name is Mitch Friedman and my partner and I live at 1270 W. Deepwell Rd. I'm writing to you today as a resident of the Deepwell Estates neighborhood who is very concerned about the possible official approval of Palm Tee Hotel's conversion to a drug rehabilitation center. While I support the concept of helping people to overcome drug addiction, I strongly object to the placement of a facility devoted to that endeavor within a peaceful residential neighborhood like Deepwell.

As you know, Deepwell Estates is one of the highly desirable neighborhoods in the Palm Springs area and has enjoyed significant investment in property improvements in recent years. This has led to a very stable community with an excellent quality of life and a nice mix of year-round residents and second-home owners. A drug rehabilitation center could bring increased crime, noise, and traffic into the neighborhood as well as individuals who have no stake in keeping the neighborhood safe, clean and quiet. This would certainly affect the desirability of the neighborhood and possibly negatively affect our property values. Furthermore, I'm very concerned that this facility could cause an influx of drugs to our community; the very thing they say they're trying to combat.

Despite possible assertions by Intervention 911 that they will address these issues, I do not think they can be trusted because they opened the business without permits or notification to the City of Palm Springs. Any company which would operate in such a negligent manner is very unlikely to voluntarily comply with city ordinances and will probably not be responsive to issues which could be damaging to our neighborhood's well-being.

I urge you and other City officials to do everything you can to keep this operation from being approved and, furthermore, to have it shut down as quickly as possible and be returned to its proper function as a hotel.

Thank you.

Respectfully yours,
Mitchell Friedman
mitchfr@yahoo.com

Ken Lyon

From: Robert McKenzie <heybob@centurytel.net>
Sent: Monday, August 27, 2012 2:01 PM
To: Steve Pougnet; Chris Mills; Ginny Foat; Rick Hutcheson; 'Paul Lewin:'; Citymanager - Mail Login
Cc: Jay Thompson; Ken Lyon
Subject: Intervention 911, Palm Tee Hotel Permit Hearing (5.1283 CUP)
Attachments: image001.gif

Honorable Mayor Steve Pougnet;
 Honorable Chris Mills, City Council;
 Honorable Ginny Foat, City Council;
 Honorable Rick Hutcheson, City Council;
 Honorable Paul Lewin, City Council;
 City Manager, David Ready;

As a nearby Deepwell homeowner to Intervention 911's Palm Springs facilities I am writing in opposition to its continuation and urge you to deny its permit.

I grew up in Palm Springs and am a "graduate" of Cahuilla Elementary and own our home that has been in the family for years.

After close scrutiny of Intervention 911's web site, its evasive links, and reading letters from others in our community it is clear to my wife and me that Intervention 911 has not in the past been, nor can be expected to be, an active member of our Deepwell Community, or the Palm Springs support network for the alcohol and drug challenged. It is debatable and worth deep investigation that Intervention 911 has the proper credentials to perform their work as outlined, or that there even exist legitimate licensing authorities it claims to be credentialed by.

My wife oversaw the Boulder County Health Department's substance abuse programs here in Colorado for ten years. The earmark of all providers, like Intervention 911 claims to be, is the providers' active and on-going involvement in building a support network involving the public safety, welfare agencies, social services, medical care, emergency care, and residents. Intervention 911 has done none of that, instead starting its business under the cover of darkness, and even going so far as to operate without registration. It must answer why.

Did Intervention 911 enter other communities with a "it's better to ask forgiveness rather than permission" tactic?

There are several clues that are disturbing. Some of our neighbors refer to Intervention 911 operation as a "rehabilitation" facility. Intervention 911's web site makes no such claim to "rehabilitate" anywhere. The closest it comes is to say it will intervene and provide a "treatment plan" not treatment "alone." While I am not familiar with California Regulatory Agencies' accreditation requirements, one suspects Intervention 911's cautious wording is to avoid regulatory oversight required of rehabilitation providers.

Who are the Intervention 911 clients (by characteristic, not name, of course)? How are they referred to the facility? Might they be freed prisoners paid by the state as a halfway house? How can neighbors determine the relative risk from Intervention 911 clients? None of this has been explained, and if Intervention 911 wants community support, it should tell us.

Will Intervention 911 provide an emergency escalation chain of contacts from local to corporate? Good neighbors make it straightforward to communicate.

Further one has to question how deep the Intervention 911 resources go beyond the thin veneer of their web site. There is nothing in the web site that allows for establishing a dialogue with anyone

other than a prospective client, and there is no mention of their financial backing. One has to wonder why this is all so secretive and who benefits by it.

As neighbors we don't have the knowledge or resources to dig deeply enough into this business, nor should we. We trust in you as elected officials to demand that Intervention 911 absolutely and thoroughly prove it is a legitimate business, meets clearly established regulatory responsibilities, and operates in a transparent and accountable manner to our satisfaction as neighbors and to the expanded and capable Palm Springs substance abuse support community as well.

One suggestion that would be very helpful is to be able to read all public comments and responses on your web site. If it is already available, we'd appreciate you providing the links. We'd get much value from the dialogue and it would help you crystallize the most important issues to the community and us to understand other points of view.

Our best regards and appreciation for your assistance.

Robert McKenzie
PO Box 3906,
Eagle, CO 81631-3906

CC:

Mr. Jay Thompson, City Clerk
Mr. Ken Lyon, Case Planner, Department of Planning Services

Ken Lyon

From: Jay Thompson
Sent: Monday, August 27, 2012 5:10 PM
To: Ken Lyon; Terri Hintz
Subject: FW: Intervention 911, Palm Tee Hotel Permit Hearing (5.1283 CUP)
Attachments: image001.gif

From: Ginny Foat
Sent: Monday, August 27, 2012 4:44 PM
To: Jay Thompson
Subject: FW: Intervention 911, Palm Tee Hotel Permit Hearing (5.1283 CUP)

From: Robert McKenzie [<mailto:heybob@centurytel.net>]
Sent: Monday, August 27, 2012 2:01 PM
To: Steve Pougnet; Chris Mills; Ginny Foat; Rick Hutcheson; 'Paul Lewin:'; Citymanager - Mail Login
Cc: Jay Thompson; Ken Lyon
Subject: Intervention 911, Palm Tee Hotel Permit Hearing (5.1283 CUP)

Honorable Mayor Steve Pougnet;
Honorable Chris Mills, City Council;
Honorable Ginny Foat, City Council;
Honorable Rick Hutcheson, City Council;
Honorable Paul Lewin, City Council;
City Manager, David Ready;

As a nearby Deepwell homeowner to Intervention 911's Palm Springs facilities I am writing in opposition to its continuation and urge you to deny its permit.

I grew up in Palm Springs and am a "graduate" of Cahuilla Elementary and own our home that has been in the family for years.

After close scrutiny of Intervention 911's web site, its evasive links, and reading letters from others in our community it is clear to my wife and me that Intervention 911 has not in the past been, nor can be expected to be, an active member of our Deepwell Community, or the Palm Springs support network for the alcohol and drug challenged. It is debatable and worth deep investigation that Intervention 911 has the proper credentials to perform their work as outlined, or that there even exist legitimate licensing authorities it claims to be credentialed by.

My wife oversaw the Boulder County Health Department's substance abuse programs here in Colorado for ten years. The earmark of all providers, like Intervention 911 claims to be, is the providers' active and on-going involvement in building a support network involving the public safety, welfare agencies, social services, medical care, emergency care, and residents. Intervention 911 has done none of that, instead starting its business under the cover of darkness, and even going so far as to operate without registration. It must answer why.

Did Intervention 911 enter other communities with a "it's better to ask forgiveness rather than permission" tactic?

There are several clues that are disturbing. Some of our neighbors refer to Intervention 911 operation as a "rehabilitation" facility. Intervention 911's web site makes no such claim to "rehabilitate" anywhere. The closest it comes is to say it will intervene and provide a "treatment plan" not treatment "alone." While I am not familiar with California Regulatory Agencies' accreditation requirements, one suspects Intervention 911's cautious wording is to avoid regulatory oversight required of rehabilitation providers.

Who are the Intervention 911 clients (by characteristic, not name, of course)? How are they referred to the facility? Might they be freed prisoners paid by the state as a halfway house? How can neighbors determine the relative risk from Intervention 911 clients? None of this has been explained, and if Intervention 911 wants community support, it should tell us.

Will Intervention 911 provide an emergency escalation chain of contacts from local to corporate? Good neighbors make it straightforward to communicate.

Further one has to question how deep the Intervention 911 resources go beyond the thin veneer of their web site. There is nothing in the web site that allows for establishing a dialogue with anyone other than a prospective client, and there is no mention of their financial backing. One has to wonder why this is all so secretive and who benefits by it.

As neighbors we don't have the knowledge or resources to dig deeply enough into this business, nor should we. We trust in you as elected officials to demand that Intervention 911 absolutely and thoroughly prove it is a legitimate business, meets clearly established regulatory responsibilities, and operates in a transparent and accountable manner to our satisfaction as neighbors and to the expanded and capable Palm Springs substance abuse support community as well.

One suggestion that would be very helpful is to be able to read all public comments and responses on your web site. If it is already available, we'd appreciate you providing the links. We'd get much value from the dialogue and it would help you crystallize the most important issues to the community and us to understand other points of view.

Our best regards and appreciation for your assistance.

Robert McKenzie

PO Box 3906,

Eagle, CO 81631-3906

CC:

Mr. Jay Thompson, City Clerk

Mr. Ken Lyon, Case Planner, Department of Planning Services

Ken Lyon

From: Jay Thompson
Sent: Tuesday, August 28, 2012 9:31 AM
To: Ken Lyon; Terri Hintz
Subject: FW: Planning Commission - Conditional Usage Permit (number 5.1283), Intervention 911

From: Nina Jackson [<mailto:nina.somewhere@gmail.com>]
Sent: Tuesday, August 28, 2012 9:22 AM
To: Steve Pougnet; Chris Mills; Ginny Foat; Rick Hutcheson; paul.lewin@palmspring-ca.gov; Citymanager - Mail Login; Jay Thompson; Ken Lyon
Subject: Planning Commission - Conditional Usage Permit (number 5.1283), Intervention 911

This is a letter in response to the proposed Alcohol/Drug Rehabilitation Center proposed for the Deepwell neighborhood.

My name is Nina Jackson, I live at 1147 Paseo De Marcia in the Deepwell neighborhood.

I am of the belief that properly run and properly staffed rehabilitation centers can be a lifeline to alcoholics and addicts. I also feel that putting a facility in an area that is in close proximity to easy access to alcohol and a "party atmosphere" such as Palm Springs, is counterintuitive to rehabilitation. As far as the drug rehabilitation aspect of recovery, especially for methamphetamine, a family neighborhood is not a safe idea.

My reasons are many, especially concerning the relapse rate of meth users, but the attacks on drug rehab centers in Mexico have given me more to worry about. I really don't want family neighborhoods in Palm Springs to be put in the middle of drug/gang activities.

Thankfully, this extreme violence toward recovery centers has not, to my knowledge, occurred in the Coachella Valley. Sadly, our desert communities have been involved in numerous gang activities resulting in homicides where innocent people have been caught in the crossfire.

I truly hope the council will take a long look at the possible side effects of placing drug and alcohol rehabilitation centers in such close proximity of neighborhoods and schools and in a town known for it's "party atmosphere". I would like to know if there is a Security Dept. for this proposed center. The Betty Ford Center has 20 acres and is a secure facility and is also in close proximity to the Eisenhower Medical Center.

I would also like to know if the PSPD has been asked for advice and guidance as well.

Thank you for taking the time to read my concerns,

Nina Jackson

Nina Jackson
nina.somewhere@gmail.com
206-931-5811

JIM KING ENTERPRISES
ENERGY AND PUBLIC RELATIONS COMPANY

#032329

August 14, 2012

Mr. David Ready
City Manager
City of Palm Springs
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

Dear David Ready,

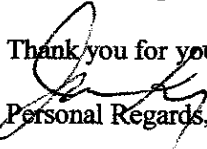
My name is James "Jim" King and I live at 1635 E. Palm Tree Drive. I am writing to you today as a resident of the Deepwell Estates neighborhood who is very concerned about the possible official approval of the Palm Tee Hotel's conversion to a drug rehabilitation center. While I support the concept of helping people to overcome drug addiction, I strongly object to the placement of a facility devoted to that endeavor within a peaceful residential neighborhood like Deepwell.

I believe this business could be detrimental to our neighborhood's quality of life by possibly bringing increases in crime, noise, and traffic as well as in non-DENO individuals who have no stake in keeping the neighborhood safe, clean and quiet. Furthermore, I worry that this facility could cause an influx of drugs to our community, the very thing they say they're trying to combat.

As for any assertions by Intervention 911 of how they would address these issues, I do not think they can be trusted, because they opened the business without any permits or notification to the City of Palm Springs. In fact, I think any company which would operate in such a negligent manner is more likely to engender those very antisocial factors which could be damaging to our neighborhood's well-being. I attended last months Planning Commission meeting and express my concerns with them as well.

I urge you, the Mayor and City Council to do everything you can to keep this operation from being approved and, furthermore, to have it shut down as quickly as possible and be returned to its proper function as a hotel. When I retired in 2005, I decided to move to a resort city and I chose Palm Springs. I think too many of this type of facility may ruin to "resort feeling" that we all enjoy.

Thank you for your consideration.


Personal Regards,

cc: Honorable Mayor Steve Pougnet
Honorable City Council Members

jimking5000@yahoo.com
P. O. BOX 2374 PALM SPRINGS, CA 92263-2374
PHONE: (310) 999-8634 FAX: (760) 904-8952

From: Buge, Carol [mailto:cbuge@support.ucla.edu]
Sent: Thursday, August 16, 2012 12:20 PM
To: Ginny Foat
Subject: Palm Tee

RE: the conversion of the Palm Tee Hotel at 1590 E. Palm Canyon Dr. into a recovery and rehabilitation center for drug and alcohol dependence

As a fairly new resident of Palm Springs I am writing to express my opposition to locating a rehabilitation facility so close to an old, well established residential area. We chose this area with great care, and share our new home with our children and grandchildren. While the concept of rehabilitation facilities and programs is admirable, having one physically embedded within Deepwell is of great concern. I know there are many less residential areas in the vicinity where such a facility could be located.

Please help protect our neighborhood by opposing this new facility.

Carol H. Bugé
1484 Paseo de Marcia

From: MRTANMAN2@aol.com [mailto:MRTANMAN2@aol.com]
Sent: Saturday, August 04, 2012 3:26 PM
To: mrtanman2@aol.com
Subject: Intervention 911

To whom it may concern:

As a homeowner in the Deepwell Neighborhood, I have some concern regarding the proposed conversion of the Palm Tee Hotel at 1590 E. Palm Canyon Dr. into a recovery and rehabilitation center for drug and alcohol dependence.

While the concept of rehabilitation facilities and programs are admirable, having one physically embedded within Deepwell is of great concern. Potential issues of increased crime, noise, influx of drugs, traffic, greater numbers of non-Deepwell persons, and other un-neighborly activities can all have a negative effect on our highly-valued quality of life.

I strongly object to this facility being allowed to operate at this location.

Respectfully submitted.

GENO Azevedo
1565 Palm Colony

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

From: Rick Camoirano [mailto:rcamoirano@gmail.com]

Sent: Monday, August 06, 2012 10:33 AM

To: Ginny Foat

Subject: Palm Tee Rehab Facility

Dear Ginny,

Steve,

I am a long-time Deepwell resident who is deeply concerned about the non-permitted residential rehab facility operating at the former Palm Tee Motel. In the past, and I have lived here nine years, Deepwell has had spates of burglaries and other crimes associated with residents on East Palm Canyon between Sunrise and Sagebrush Road. My house was among those broken into by a group living at the motel at Palm Canyon and Sagebrush.

The site is inappropriate for a rehab facility for many reasons, including the traffic and parking issues which will certainly impact Calle Rolph and beyond.

I encourage the council to reject the application by Palm Tee, which was submitted only after the facility was discovered to be operating without the proper permits from the city.

Thank you,

Rick Camoirano

1160 S Driftwood Drive

From: Philip Fleck [mailto:pmfleck@gmail.com]
Sent: Wednesday, August 08, 2012 2:07 PM
To: Ginny Foat
Subject: conditional use permit (5.1283 CUP) Palm Tell Hotel

TO: Executive Board, City of Palm Springs, CA:
Steve Pougnet; Mayor
Chris Mills; Member, City Council
Ginny Foat; Member, City Council
Rick Hutcheson; Member, City Council
Paul Lewin; Member, City Council
David Ready; City Manager

FROM: Philip M. Fleck
<http://www.pmfleck@gmail.com>
Deepwell Neighborhood Resident
(Addr provided if necessary)
Palm Springs, CA. 92264

DATE: August 5, 2012

SUBJECT: Intervention 911 Rehabilitation Facility
Palm Tee Hotel
1590 E. Palm Canyon Drive
Palm Springs, CA 92264

ISSUE: Should Intervention 911 be permitted to continue business in our residential neighborhood?

I was recently advised by our neighborhood Organization (DENO) of the purchase and subsequent operation of the Palm Tee Hotel as a recovery and rehabilitation facility. Further, that Intervention 911 failed to obtain the proper permits or Planning Commission approval prior to operating their facility in this neighborhood.

As a constituent, resident of the Deepwell neighborhood, and recently retired law-enforcement officer, I am extremely concerned about this issue; having experience in the results of facilities of this nature embedded in residential neighborhoods. Politics aside, the reality will be an increase in criminal activity and complaints, property crime, escalated but unenforceable traffic issues, and eventual lowered property values.

Prior to moving to Palm Springs in 2009 I lived and worked in San Francisco. My position in local government there provided me with opportunity to see first-hand the negative effect facilities of this nature have on residential neighborhoods; and the political posturing that provided no help to the residents. Crime did increase, quality-of-life was lessened, and subsequently property values were affected.

As management of this city is your responsibility, I am sure you would not want to see any of the above mentioned issues occur under your watch, let alone in the neighborhoods that each of you reside.

I moved in to the Deepwell neighborhood because of it's appeal as a clean, quiet, upscale and friendly community. Being retired, I no longer need to be "politically correct" and not speak out when I can see trouble coming. This neighborhood has already seen it's share of opportunity crime in the recent past; don't help create a catalyst for more...

I suspect that the failure to notify the City prior to opening this business was intended; with the idea that once embedded it would appear politically insensitive to close it; a tactic well used in the past. I urge you to revoke the current conditional use permit (5.1283 CUP) and not issue any further permits for use and/or business related to any recovery or rehabilitation facility at this address; this was a hotel, keep it that way.

Philip Fleck
pmfleck@gmail.com

From: Pascht & Le Messurier [mailto:ralph-mark@sympatico.ca]
Sent: Thursday, August 09, 2012 11:52 AM
To: Steve Pougnet
Cc: Chris Mills; Ginny Foat; Rick Hutcheson; paul.lewin@palmspringca.gov; Citymanager - Mail Login
Subject: Intervention 911 at th former Psalm Tee Hotel

Dear Mayor Pougnet, Councilors, and City Manager:

A polite Canadians we are not usually in the habit of writing our political representatives urgent letters of concern about issues in Canada, let alone in the United States. But, here goes.

First, please know that we believe the present Palm Springs City Council and Staff are doing an exceptional job in re-establishing the City as the preeminent place to live in the Coachella Valley. And in that regard, as homeowners now for 2 years in the Deepwell Estates neighbourhood, we have put our money where our mouths are.

However, we have been recently made aware that the Palm Tee Hotel at 1590 E. Palm Canyon Drive has been for many months now been informally converted into a into a recovery and rehabilitation center for drug and alcohol dependence, by an organization calling themselves "Intervention 911".

We say "informally converted" as the organization in question seems not to have filing any permits for this use of the Hotel in advance with the Palm Springs Council. Subsequently, and only once they were found out, again, it seems, they responded by filing a Conditional Use Permit (CUP) Application with the Council, and then, in order to avoid possibly lengthy litigation costs, the Council has now let the organization continue to operate its facility, as is, until the CUP application has run its course.

As homeowners in Deepwell Estates, we are concerned that this organization has established itself in our neighbourhood starting with an act of bad faith, (i.e.: not receiving proper permits, nor advising the surrounding community of its intentions nor facility establishment), and is now using the Council's approval process to continue to operate despite already flouting the established zoning permit procedures.

It seems that for them, forgiveness, (at least temporarily), is indeed easier to obtain than permission. This forgiveness should not be granted permanence by the Council. Our reasoning is as follows.

While we are in no way against such facilities, nor even are against one near our neighbourhood, (they do have to be established *somewhere* as unfortunately there is a real need), what is at issue are the methods by which they established themselves and are now trying to play the zoning requirement procedures like a fiddle.

If Intervention 911 is subsequently granted permission to continue *formally*, it will create precedence in Palm Springs that anyone seeking to establish a property use anywhere in the City not in line with the accepted uses of a particular area or formal zoning requirements will be able to do so with impunity. Due municipal regulations and by-laws are established to keep the Council in a proactive position, not a reactive one. And cease and desist orders should be the accepted and immediate way to prevent and end infractions of established laws. Otherwise, what is the point in these laws in the first place?

As Canadians who purchased and renovated a second home in Palm Springs 2 years ago we are concerned. We are literally investing in the future of Palm Springs after having been annual visitors for almost 20 years – we simply love the place. Is Intervention 911 doing the same, or

just looking for distressed real estate at fire sale prices, with minimal community involvement or permissions?

Again, they are operating under an act of bad faith, hoping that bureaucratic procedures and the indirect threat of onerous legal costs will effectively keep the Council's hands duly tied.

The local Deepwell Estates Neighbourhood Organization (DENO) has been reporting an unusual increase of crimes of opportunity in our area over the past months, starting this spring. These crimes include car break-ins of vehicles both on the street and in driveways or carports, and house burglaries even when homeowners are present. It is hopefully just a coincidence that this increase in petty property crimes comes around the same time as the establishment of this facility in the former Palm Tee Hotel. However, as Intervention 911 was in effect clandestinely operating this facility, there is no way one could or can know the impact, if any, that this facility may or may not have had upon our neighbourhood.

We are effectively in the dark while Intervention 911 continues to operate outside the bounds of accepted property usage in our area.

We were both resident in Palm Springs this past March and April, and the Palm Tee Hotel sign was still present and, to all visible intents and purposes, still looked like a tourist hotel. So, what does Intervention 911 really have to hide? Will that sign still be there when we return to Palm Springs this October/November? Will there be any signage there to indicate what is really going on? Perhaps up the street Ralph's supermarket at Smoketree will quietly convert into a 24-hour nightclub with live entertainment out in the parking lot, but keep the Ralph's sign up and a row of grocery carts out front? Just saying.

In closing, thank you for taking the time to read this letter of concern, and please keep up the good work in making Palm Springs the great place that it is, and that we hope it will continue to be.

Best Regards,

Mark Le Messurier
Ralph Pascht
1015 S. Calle Marcus
Palm Springs, CA
92264

From: bob russano [mailto:bobrussano@gmail.com]
Sent: Saturday, August 11, 2012 3:32 PM
To: Ginny Foat
Subject:

Ginny,

I live in Smoke Tree Condominiums, directly across the street from this proposed Rehab center. I have dealt with this type of change before. My experience has been negative. We had a local conversion, similar to this, run by a religious organization. The problems that ensued were of the usual variety associated with a concentration of drug & alcohol abusers. Break-ins, both vehicle and households, etc.

Given the nature of the Smoke Tree neighborhood, I do not think this is a reasonable location for this type of facility.

We already have considerable problems with the homeless population in this area. I do not think this is a good location. "NIMBY"...yes to a point, but also based on personal experience. Many of the neighborhood residents are 'snow birds' and it creates a perfect setting for those with a leaning towards crime to do their illegal acts undetected.

Given my other experience, I am 'gun shy' of having to deal with it again. We were given all sorts of assurances by the religious association about 'security, curfews, etc...all for not...it was a disaster and ended up costing the neighborhood and the city a great deal of time and money...not to mention what it did to a settled neighborhood's character.

Sincerely,

Bob Russano

1655 East Palm Canyon Dr.

#309

Palm Springs, Ca. 92264

From: David Ready
Sent: Friday, August 17, 2012 3:03 PM
To: 'Jonathan Rosenblatt'
Cc: Craig Ewing; Tom Wilson; Lee A. Bonno
Subject: RE: Intervention 911, 1590 E. Palm Canyon Dr, and rehab facilities

Jonathan,
Thank you for your message – please allow me to check with the Planning Director on this particular facility – I’m out of town until the 27th – however will follow up.

Regards,
David



**DAVID H. READY, Esq., Ph.D.,
CITY MANAGER**

City of Palm Springs Tel: (760) 322-8350
3200 E. Tahquitz Canyon Way Fax: (760) 323-8207
Palm Springs, CA 92262 TDD: (760) 864-9527
www.palmsprings-ca.gov David.Ready@palmsprings-ca.gov

From: Jonathan Rosenblatt [<mailto:jrosenblatt@msn.com>]
Sent: Friday, August 17, 2012 1:27 PM
To: Paul Lewin; Steve Pougnet; Chris Mills; Ginny Foat; Rick Hutcheson; Citymanager - Mail Login
Subject: Intervention 911, 1590 E. Palm Canyon Dr, and rehab facilities

Dear Mayor Pougnet, Palm Springs City Council Members, and City Manager Ready,

As the Chairman of the Deepwell Estates Neighborhood Organization and resident of Palm Springs for the last 8 years, I would like to express my concern regarding the operation of the currently unlicensed rehabilitation facility run by Intervention 911 at 1590 E. Palm Canyon Dr (located on the outskirts of Deepwell Estates). While the concept of rehabilitation and rehabilitation facilities is admirable, realistically having a facility in the midst of one's neighborhood does bring up many legitimate questions about crime, traffic, and noise. The Deepwell area has experienced what feels like an increasing number of crimes and burglaries over the last two years; so the presence of this rehabilitation facility has caused some anxiety amongst the DENO membership. To make matters and feelings more complicated, Intervention 911 decided to open their facility "under the radar" and without City permitting - a move which could be interpreted as underhanded and not that of a reputable operator.

I would strongly urge that should Intervention 911 appeal their Conditional Usage Permit (number 5.1283) to the City Council, that the City Council take into account the feelings of the Deepwell community and reject the appeal.

Likewise, when the City Council takes up the general issue of legislation affecting rehabilitation facilities, please remember the concerns of your constituents.

Sincerely,

Jonathan
Jonathan Rosenblatt
1010 Manzanita Ave.
Palm Springs, CA 92264
949-422-1135 (cell)
jrosenblatt@msn.com

Ken Lyon

From: Jonathan Rosenblatt <jrosenblatt@msn.com>
Sent: Monday, August 20, 2012 7:02 PM
To: Craig Ewing
Cc: David Ready; Bette OCamb; Ken Lyon
Subject: RE: Intervention 911, 1590 E. Palm Canyon Dr, and rehab facilities

Dear Mr. Ewing,

Many thanks for the information that you provided.

We will inform the DENO membership regarding this opportunity to speak at the Planning Commission meeting in September.

Sincerely,

Jonathan

Jonathan Rosenblatt
1010 Manzanita Ave.
Palm Springs, CA 92264
949-422-1135 (cell)
jrosenblatt@msn.com

Subject: FW: Intervention 911, 1590 E. Palm Canyon Dr, and rehab facilities
Date: Mon, 20 Aug 2012 08:39:56 -0700
From: Craig.Ewing@palmsprings-ca.gov
To: jrosenblatt@msn.com
CC: David.Ready@palmsprings-ca.gov; Bette.OCamb@palmsprings-ca.gov; Ken.Lyon@palmsprings-ca.gov

Mr. Rosenblatt,

The City Manager forwarded your comments to my attention and I thought I'd give you an update on the status of the project. Intervention 911's application for a Conditional Use Permit has been deemed "complete" by the planning staff and so we can proceed to a public hearing with the Planning Commission. The tentative date for that hearing is Wednesday, September 26th, beginning at 1:30 p.m. At that time, anyone may present comments to the Commission, either verbally or in writing.

The planner assigned to the case is Ken Lyon, who returns from his vacation tomorrow (Tuesday). You may mail or e-mail to his attention any comments about the site or application and they will be forwarded to the Planning Commission.

Mr. Lyon is also working on the Zone Text Amendment regarding overall rules for sober living facilities, so you may also contact him on this larger issue.

Feel free to call me if you have any questions or concerns.

Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
760-323-8269

Thomas M. Stansbury, LCSW
1175 E. Cactus Rd.
Palm Springs, CA 92264

RECEIVED

SEP 06 2012

PLANNING SERVICES

City of Palm Springs
Department of Planning Services
Attn: Planning Commission
P.O. Box 2743
Palm Springs, CA 92263-2743

Sep 6, 2012

re: CUP # 5.1283 (Intervention911)

Dear Members of the Palm Springs Planning Commission,

As a resident of the Deepwell Estates neighborhood, I am deeply concerned about the proximity of Intervention911's facility to our peaceful and quiet community. The former Palm Tee Hotel property (1590 E Palm Cyn Dr) sits within our formal neighborhood boundaries and has for many years been a good Deepwell neighbor.

However, the owners of Intervention 911 re-opened the former hotel as a sober living home early this year without a permit to operate a business of any kind. I need not detail here all that transpired to bring us to this point, but suffice to say that a business opening up without a license or basic City business permit in itself creates concerns as to how that owner will operate the business.

One would expect that while Intervention911's CUP is in progress, that they would be extraordinarily careful about not creating any problems in the neighborhood. Indeed, however, there have already been complaints expressed first-hand to me from three of the neighbors nearest to this property. These complaints include excessive noise/loud partying, loud cursing from sober living residents while they are waiting for the bus near the corner of Calle Rolph and E Palm Cyn, smoke wafting from the property onto the neighbor's properties (one of which is itself a non-smoking hotel), inadequate parking (such that neighbors are at times unable to get into their own driveways), and cigarette butts and trash strewn about the street in front of the facility and near the bus stop.

Intervention911's CUP states (paraphrased) that they will hold their clients to a standard of behavior that includes treating neighbors and the community with courtesy and respect at all times. Based on the comments above that I personally received from these neighbors, it seems to me that the owners don't even hold *themselves* to that standard, much less their *residents*. Given that it is a matter of record that they opened without a permit and then initially resisted reasonable attempts to get them to submit a CUP, I would question whether they are capable of holding their clients to those standards that they espouse in the CUP.

The CUP also states a contradiction which must be pointed out. Intervention911 initially states they are a "sober living facility", but then later in the narrative section of the application, they go on to state that they wish to offer "onsite therapy (individual and group),... nursing or doctor assisted medication management, and services that would be found at a drug and alcohol treatment center."

It is important to note that if they offer these additional services, they are no longer operating a "sober living facility", they are then operating a full scale drug and alcohol treatment facility and would require licensing by the State of California. But along with additional services come more employees, which

would necessitate additional parking. This is but one more piece of a complicated puzzle. The CUP states that there will be four employees on site. I would wonder whether that applies 24/7?

As a Social Worker licensed in the State of California, and one who has practiced psychotherapy and psychosocial rehab extensively in the field of drug and alcohol abuse, including at the Betty Ford Center, I understand and support the rationale for such facilities. At the same time, I remain concerned that all the problems that come with such facilities (and believe me, there are many!) are coming into a quiet residential neighborhood like Deepwell.

Deepwell already has the Tennis Court Apartment within our formal boundaries, and there is a long history of problems within that complex involving drugs. Given the very close proximity of the Tennis Court to the Intervention 911 facility, I would be concerned about the easy availability of drugs to residents of Intervention911, complicating their recovery and complicating existing efforts to keep the Tennis Court problems under control.

I urge the Commission to take very seriously the notion of permitting such a facility with our neighborhood and to deny the referenced CUP.

Thank you,

A handwritten signature in black ink, appearing to read "Thomas M. Stansbury". The signature is written in a cursive, flowing style.

Thomas M. Stansbury, LCSW

XC: DHR -
Growth
Croy E

DELIVERED SEP 1 10:45 AM '12

Mayor Pougnet
Mayor Pro Tem Foat
Councilmembers Hutcheson
Lewin
Mills

Re: Palm Tee Hotel Sober Living

As a Deepwell resident Located here in Palm Springs, I have concerns regarding the purposed Conditional Use Permit (CUP) filed by this hotels present owner Ken Seeley.

I walk my dog twice a day thru the Deepwell community, often passing the Palm Tee Hotel. On September the third I engaged in conversation with on of the hotel clients. He informed me there were eleven gentlemen staying at the hotel and I noticed that the parking lot was full of cars.

Concerns: 1) Mr. Seeley has requested a 32 bed facility at this location. See attached picture--this picture was taken on Sept. 3 with 11 clients in residence. Where would these 32 clients and staff members park their vehicles given the fact that the parking lot is already full with 11 clients? 3) Mr. Seeleyy has been given 2 dates for completion of his paperwork, May 1 and July 31 and it is yet to be completed and he has been allowed to remain in business--unsupervised by the city. 4) Mr. Seeley operates every Sunday barbeque-meetings. These barbeques are noisy, causing distrubance to the neighborhood. Mr. Seeley invites non-residence people to these barbeques which has caused the noise volume to escalate and additional parkiing issues. I have noticed for the past few Sundays that Mr. Seeley's clients of the Palm Tee Hotel their cars down the street from the hotel to insure parking.

As elected city officials we voted you into office to represent all citizens and neighborhoods. I have attended 2 neighborhood associations and the concerns for this business are many with all eyes on our city government to represent us. We hope you will not buckle to pressure from the unknown.

In closing, I have two questions for you. 1) Why has the city allowed this business to continue without proper paperwork completed? 2) Given this information, how would you like to have this business as your neighbor?

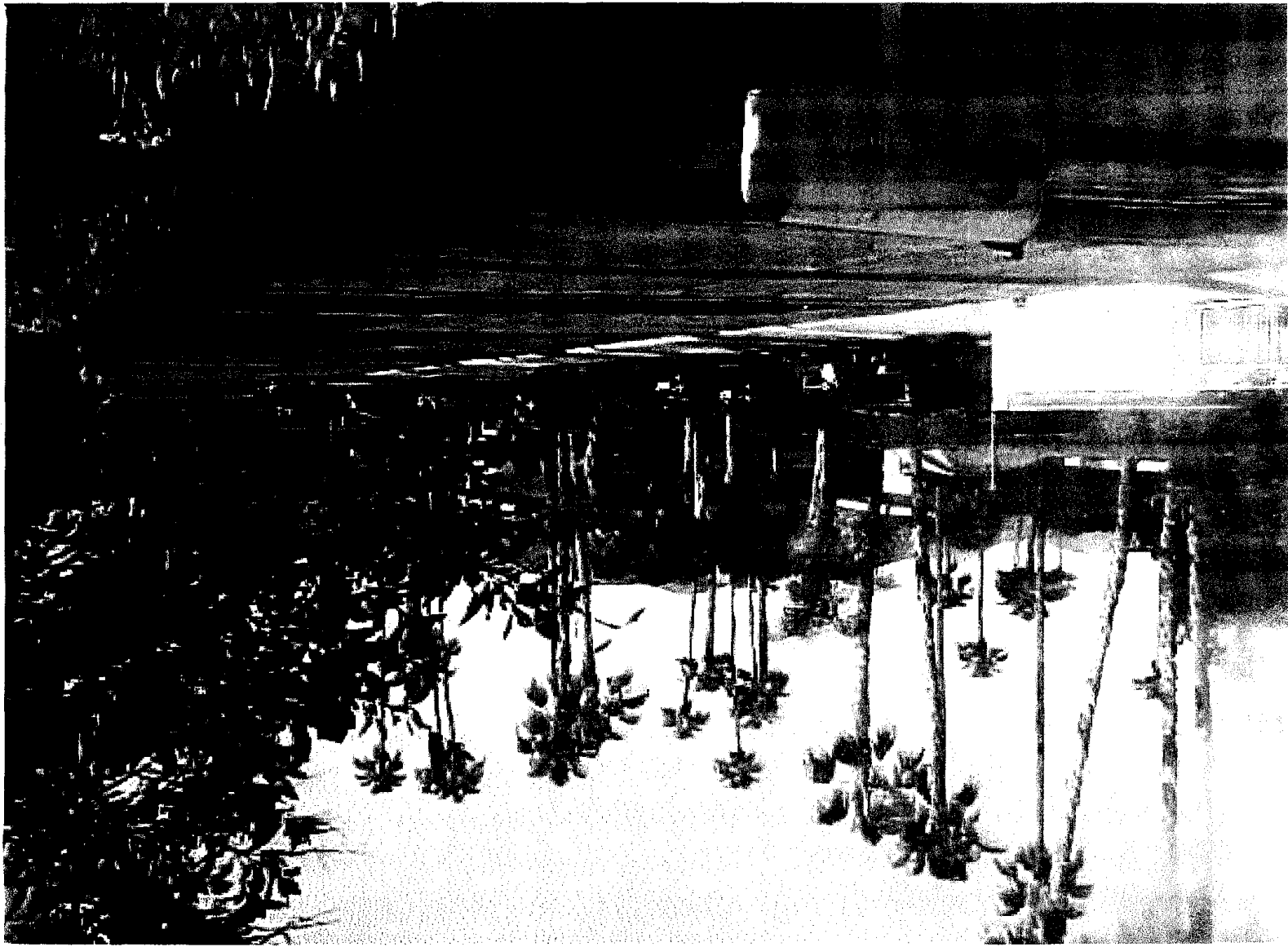
Sincerely, A very Concerned Deepwell Resident

RECEIVED

SEP 20 2012

PLANNING SERVICES
DEPARTMENT

177



CASE# # TYPE	RELATED CASES	PROJECT NAME	ADDRESS / DESCRIPTION PROPERTY TYPE	STATUS	APPFIRST APPLAST	APPTTEL	PLANNER
28610 TTM		STREBE CONSOLIDATED TRUST	NORTH OF TACHEVAH DRIVE A 19-lot, single-family, residential subdivision north of Tachevah Drive, between North Avenida Caballeros and North Sunrise Way. <i>Residential</i>	Partially Complete	Evan Matzner	(760)275-7741	Planning Services
5.1283 CUP	5.1282	CUP INTERVENTION 911	1590 PALM CANYON DRIVE EAST Request for a Conditional Use Permit to allow a substance abuse recovery center currently in a 16-unit hotel complex. <i>Residential</i>	Pending Initial Review	Eric McLaughlin	(323)401-3660	Ken Lyon
35623 TTM	5.1135 PD 334	RAINBOW VISION PALM SPRINGS	4401 PALM CANYON DRIVE EAST A proposed condominium map for the development of approximately 13.28 acres for a campus-style resort/ retirement community of 184 for-sale condominiums with the availability of home healthcare service provision through a third party provider, along with resort-style hospitality services and amenities. <i>Hotel/Mixed Use</i>	On Hold	Joy Silver	(505)474-9696	Edward Robertson

Ken Lyon

From: Ginny Foat
Sent: Wednesday, September 26, 2012 5:40 PM
To: Ken Lyon
Subject: FW: Palm Tee Hotel, 1590 E Palm Canyon Dr

From: Mike Paonessa [mailto:mike_paonessa@hotmail.com]
Sent: Tuesday, August 07, 2012 6:59 AM
To: Ginny Foat
Cc: 'Mike Paonessa'
Subject: Palm Tee Hotel, 1590 E Palm Canyon Dr

Council member Foat,

I am writing to you regarding the Palm Tee rehab center located at 1590 E Palm Canyon Drive.

It is my understanding that this facility was opened without proper permitting. As a property owner in the adjoining neighborhood of Deepwell Estates, I am very concerned with a 32 bed rehab facility in my neighborhood. My experience is that facilities of this large size cannot adequately monitor the coming and going of their clients and one of the result is higher crime in the adjoining area.

I am not a "not-in-my-backyard" proponent but large facilities like this do not belong in a residential neighborhood. They should be much much smaller if they are to be so closely imbedded into a quiet residential neighborhood.

As a property owner, I am urging you to be very careful in your review of this permit and what it will do to the neighborhood. I hope you will do the right thing for the homeowners and tax payers of this neighborhood.

Thank you,

Mike Paonessa

cell: 773-860-6453
efax: 888-370-4574

Ken Lyon

From: Ginny Foat
Sent: Wednesday, September 26, 2012 5:39 PM
To: Ken Lyon
Subject: FW: 1590 E. Palm Canyon Drive

From: Mark Coleman [<mailto:markdcoleman@comcast.net>]
Sent: Tuesday, August 07, 2012 5:54 PM
To: Ginny Foat
Subject: 1590 E. Palm Canyon Drive

August 7, 2012

Dear Ginny Foat,

Regarding Palm Tree Hotel conversion
1590 E. Palm Canyon Drive

I am opposed to granting any type of use permit or occupancy for this type of facility- no matter how admirable the concept is.

As a taxpayer and a homeowner, this will detract from the safety and enjoyment of life I expect from owning a home in Palm Springs. The potential for increased crime, influx of drug dealers and drugs will have a negative effect of the entire area.

I am appalled that the City has not issued a cease and desist order to this facility. They should have never been issued a Conditional Use Permit after the business failed to get the required permits. They have a duty to run their business legally, especially when they were represented by an attorney. What other laws or ordinances are they breaking- including fire requirements? It is outrageous that they started opening their business without the required approval.

Once caught- they should have been shut down from doing any remodel or updating to open a recovery and rehabilitation center in a residential neighborhood. They have no regard to their neighbors and how this type of business will impact the quality of life for every resident in the adjoining Deepwell neighborhood and the surrounding areas.

They do not have approval for this type of business and I expect you to do everything in your power- including changing the ordinances to prevent this from opening in the City of Palm Springs.

Regards,

Mark Coleman
1417 S Calle Rolph
Palm Springs, CA 92264

Susan Balenzano

#407
1655 East Palm Canyon Drive
Palm Springs California
92264

September 26, 2012

Ginny Foat:

Dear Sir:

We are writing to you as concerned homeowners of Smoketree Racquet Club. We are aware that the property of Palm Tee Motel on Palm Canyon Dr., Palm Springs is under consideration for an alcohol and drug rehabilitation center. While we are supporters of rehab centers and understand the need for such a facility; we are strongly opposed to having one across the street from our complex.

We have been owners at Smoke Tree for 3 years but we've enjoyed coming to this complex for at least 13 years. In that time we have experienced first hand many incidences of drug dealing, violence, section 8 shenanigans and most recently a tenant was arrested for having a meth lab right upstairs from us. Not to mention the increasing homeless situation across the street and behind our complex. As this seems to be an ongoing issue for us we feel this would be a deterrent to the guests of the rehab center with too much temptation right across the street.

We have an awesome community consisting of owners, "snowbirds" and full time renters who are constantly trying to keep up the value of our homes. We have just recently reached the highest occupancy rate in a years which not only means an increase in HOA fees for us, lower delinquency rate of short sales and foreclosures for the banks but more importantly for the City of Palm Springs, more property tax.

Please reconsider allowing the rehab center to occupy prime real estate property on East Palm Canyon Dr. This area has enjoyed revitalization over the last couple of years and we consider Palm Springs to be one of the most scenic, vibrant, family oriented, upscale yet affordable resort destinations in California. We personally have worked and saved long and hard to earn such a respected address, this rehab center does not belong here. It could be any where away from the tourists and locals who are trying to build your economy. Why not in the outlying desert, or in the hills, property is inexpensive in Desert Hot Springs. Please keep Palm Springs safe and worry free and protect our investments.

Sincerely your very concerned tax paying residents

Susan and Nick Balenzano

**Harriet&Samuel
Anderson**

#407
1655 East Palm Canyon Drive
Palm Springs California
92264

Ginny Foat:

Dear Madam,

We are writing to you as concerned homeowners of Smoketree Racquet Club. We are aware that the property of Palm Tee Motel on Palm Canyon Dr., Palm Springs is under consideration for an alcohol and drug rehabilitation center. While we are supporters of rehab centers and understand the need for such a facility; we are strongly opposed to having one across the street from our complex.

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Sincerely your very concerned tax paying resident

Harriet and Samuel Anderson

Ken Lyon

From: Jay Thompson
Sent: Wednesday, September 26, 2012 11:16 AM
To: Ken Lyon; Terri Hintz
Subject: FW: Conversion of the Palm Tee Hotel to a Rehabilitation and Recovery Center

Has this already been to the Commission and going to Council?

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

From: john charlton [mailto:jcharlton305@gmail.com]
Sent: Wednesday, September 26, 2012 10:25 AM
To: Jay Thompson
Subject: Conversion of the Palm Tee Hotel to a Rehabilitation and Recovery Center

Hello,

Mr. Paul Lewin recommended I forward you my letter in order that it forms part of the input to the planning commissions report on this matter.

I forwarded this letter yesterday, September 25th and wish to include that a few hours later on this date the sounds of sirens from emergency vehicles were noted to attend the Facility where medical attention was being given to a male client before being transported (without lights and sirens) by ambulance. While I don't know what the medical emergency entailed or if the male was revived (drug overdose?) there was quite a commotion on the property and out on the street. A number of neighbours were drawn from their homes to check out what the disturbance was about. I did not observe any manager on site at the time of the incident however, this cannot be confirmed.

Honourable Mayour Pougnet, City Councillors and City Manager.

My name is Colleen Kerr. My husband John Charlton and I reside at the Smoketree Racquet Club, 1655 E. Palm Canyon. Our President and presiding Board members recommended that owners at Smoketree (128 residential complex) voice their concerns regarding the conversion of the formerly known Palm Tee Hotel to the current Rehabilitation and Recovery Centre (911 Rehabilitation) temporarily being operated under a CUP. We understand the CUP was only issued in June 2012 after the City was made aware by concerned citizens from the Deepwell neighbourhood that such a facility had been operating without permit since March 2012. This initial 'deception' by a purported legitimate business expected to know what permits are required before operating is the first of a long list of concerns we have regarding the facility's negative impact on the quality of life in our neighbourhood.

While you may have already received some letters from Smoketree's owners there are a number I have personally spoken to who are fear full that should they identify themselves, speak their minds and disclose some of the negative incidents they have already experienced, there may be repercussions. Therefore and unfortunately, their silence may be interpreted as tacit acceptance of the Facility in this residential area.

First and foremost the concept of a Rehabilitation and Recovery Center is admirable and a positive step in helping people get well (in this particular Center, men only). The concern is the location of such a facility to the proximity of so many residents that are negatively impacted by the 'activities and optics' of such a Facility.

I will share some of my own recent experiences.

1. Shortly after 6 pm on September 13th, while taking my usual stroll down Calle Rolph I witnessed approximately 8 male clients all donning matching T-shirts sweeping the roadway. It resembled a jail's 'chain gang' I have seen in other larger city areas. I'm sure other residents or visitors to the area would have thought the same. I felt uneasy and intimidated having to walk by these groups of young men alone. What fed this uneasiness was out of nowhere a sudden verbal exchange of profanities between 2 men were exchanged causing one of the males ripping his T-shirt off, throwing it onto the trunk of a parked vehicle and storm off angrily into the Deepwell neighbourhood on foot.

2. There is increase in the amount of cigarette butts on the grounds mostly from the clients and friends who visit them on a regular basis.

I have personally witnessed cigarette butts being tossed by pedestrian and vehicles coming and going from the facility.

3. There is a red truck parked frequently near the stop sign on Calle Rolph at . Palm Canyon which is leaking oil. The driver is either a client or visitor. The pools of oil now on the roadway is very visible and just one more thing that brings the look of this neighbourhood look bad.

4. Parking at this facility is obviously limited as many of the current clients and visitors have vehicles. I have witnessed 3 vehicles associated to the facility now parking a few blocks away and walking to and from the facility. Although this only indirectly effects me, I would venture to guess this has a negative impact on nearby residents.

5. There is a spike in noise and activities on Sundays, 2 of recent that caused me to smell and investigate an exorbitant amount of smoke originating from the facility over to the Smoketree Racquet Club.

While it would appear it was from barbecuing for a number of clients and visitors to the facility, it will mean I and many others will have to ensure our windows and patio doors are closed during these days taking away our freedom to enjoy the cooler weather upon us.

6. Late in the afternoon of September 20th I again observed a group of males from the facility advertising/donning the same matching T-shirts walking down E. Palm Canyon pushing brooms. The owner/owners of the Recovery Center could tell me all they want that the clients are harmless and not a concern, I don't know that! I, like so many, resort to what we know and have been taught. These are large young men many with tattoos walking along the street in a pack. I felt the need to move in doors until they were out of sight. If I as a middle aged female feels this way, how do you think the elderly and more vulnerable residents around the facility feel when encountering these men? Besides, doesn't our tax dollars already go towards this street cleaning service? Subjecting these men to this cost free labour is demoralizing, looks bad for the neighbourhood and is taking away the work from current City employees.

4. During the early evening of September 23rd I walked by the facility on my usual evening stroll where I observed the male clients going from room to room visiting each other. They were particularly louder and more boisterous than normal. When a ball they were throwing about came over the fence and across the street I felt the need to walk faster so not to encounter them when they came out to fetch it.

Again, I didn't feel safe walking alone although I can't substantiate that feeling with anything tangible.

I don't know alot about this particular Rehabilitation and Recovery Center or what managerial oversight they provide to this group of men. i.e. is there random drug and alcohol testing, are there clients with sexual or gambling addictions, are any of the clients Court imposed from crimes committed as a result of their addictions.

Overall, I assimilate what I have seen and experienced as now living across the street from a 'Fraturnity House'. This facility does not belong in this neighbourhood. People, including myself, are angst at the perspective that this facility may become a permanent fixture which, I am sure, will be at full capacity of clients on a regular basis. It is a big and, unfortunately, ever growing business. These are young men who, for all intense purposes are presumed to be clean and sober, but, due particularly to their age and background, bring a diversity that just doesn't fit or should be tolerated in this quiet and reserved neighbourhood.

I now have had to change my walking routine and no longer enjoy the freedom of walking past or near this facility. I'm sure I for one will have to make other adjustments to my lifestyle should this Facility be permitted to remain at this location.

I, along with many other owners was prepared to attend the Planning Commission Hearing on September 26th but I understand it has been postponed. Please advise when the meeting is being held.

Colleen Kerr

Ginny Foat

From: Ginny Foat
Sent: Monday, September 17, 2012 11:46 AM
To: 'rick brown'
Subject: RE: palm tee hotel and rehabilitation facility

Dear Rick:

I am John Morris, office volunteer for Mayor pro-tem Ginny Foat. I wanted to keep you notified of the latest developments regarding the Proposed Rehab facility. The legal counsel for the client asked that we pull the item from the Sept 26 Planning Commission. We expect it to return sometime in October and will keep you advised when we know more.

Sincerely:

John Morris

From: rick brown [mailto:rtbrown@pacbell.net]
Sent: Friday, August 24, 2012 1:40 PM
To: Steve Pougnet; Chris Mills; Ginny Foat; Rick Hutcheson; Paul Lewin;; Citymanager - Mail Login
Subject: Fw: palm tee hotel and rehabilitation facility

----- Forwarded Message -----

From: Daniel Miville <rick705@pacbell.net>
To: rtbrown@pacbell.net
Sent: Fri, August 24, 2012 1:38:31 PM
Subject: Fw: palm tee hotel and rehabilitation facility

----- Forwarded Message -----

From: richard brown <rtbrown705@me.com>
To: Mayor Steve Pougnet: steve.pougnet@palmsprings-ca.gov; Chris Mills: chris.mills@palmsprings-ca.gov; Ginny Foat: ginny.foat@palmsprings-ca.gov; Rick Hutcheson: rick.hutcheson@palmsprings-ca.gov; Paul Lewin: paul.lewin@palmspringca.gov; City Manager David Ready: CityManager@palmspringsca.gov
Cc: rick705@pacbell.net; all4me92115@yahoo.com
Sent: Fri, August 17, 2012 2:55:11 PM
Subject: palm tee hotel and rehabilitation facility

Dear city of Palm Springs

Hello my name is Richard Brown..We own the property at 1673 S. Calle Rolph Palm Springs 92264.. We are concerned about this new bussiness which has started in our neighborhood. This new business (intervention 911 located at the former palm tee hotel) is located directly across from

our residential property on 1673 S. Calle Rolph.. We rent our property out seasonally. A few weeks ago on a Sunday, I was shocked to see about 30 to 40 cars parked on our neighborhood streets. Some of the people parked in front of our property used a lot of profanity as they were leaving . I also picked up some trash afterwards in front of our property. I am very concerned about the fact that I am now hearing about the possibility of this being a norm for this new business. This new business only has a few parking spots. They are asking for a permit to house 32 guests.. If they are allowed to book 32 guests into there property, they will have to park in front of our property..So now were does this leave us? Our tenants guests and our guests will have to park on the next block? This was a very nice neighborhood when we purchased this property .. We would hope the City Of Palm Springs plans to keep it that way.. Thanks

Richard Brown

Daniel Miville

1673 S. Calle Rolph

Palm Springs Ca 92264

619-200-8442

619-583-0109

619-200-2445

Brian and Gail Townsley
383 E Sonora Road
Palm Springs, CA 92264

Planning Commission, City of Palm Springs
c/o Ken Lyons, Associate Planner
Department of Planning Services
City of Palm Springs, CA
3200 Tahquitz Canyon Way
Palm Springs, CA 92263

**RE: OBJECTION TO APPROVAL OF CONDITIONAL USE PERMIT: CASE 5.1283
SUBSTANCE ABUSE RECOVERY CENTER PROPOSED LOCATION 1425 VIA SOLEDAD**

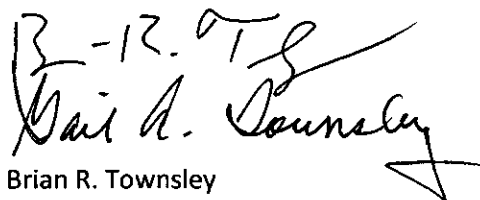
Dear Mayor, City Council, and Members of the Planning Commission:

As home owners in the residential community impacted by the referenced application, we object to an approval of the conditional use permit for a substance abuse recovery center located at 1425 Via Soledad.

This is a quiet, residential neighborhood with an elementary school two blocks away from the proposed property. Our home, located at 383 E Sonora Road, is two doors east. We have already experienced the negative effects of the proposed use, sans permit, specifically loud parties and large numbers of vehicles parked all along our neighborhood streets.

Please support the preservation of our residential community by voting no on the submitted conditional use permit.

Respectfully,

B-12.012


Brian R. Townsley

Gail A. Townsley

RECEIVED

OCT 01 2012

PLANNING SERVICES
CITY OF PALM SPRINGS

Ken Lyon

From: Craig Ewing
Sent: Tuesday, October 02, 2012 8:08 AM
To: Ken Lyon
Subject: FW: Futtere

Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
760-323-8269

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

From: Linda Futterer [<mailto:homtak@earthlink.net>]
Sent: Wednesday, September 26, 2012 9:53 PM
To: Craig Ewing
Subject: Futtere

Mr Ewing,

The summer hiatus has passed and my concerns about the Palm Tee hotel are still present. We have been notified that the Palm Tee Hotel conditional use permit was not on the September planning committee agenda as Mr. Seeley's legal team asked for more time. As residents we are wondering what is the legal issue as a conditional use permit is the requirement of these facilities.

During the summer months the Palm Tee's population, visitors, and other drug facilities clients being brought to the Palm Tee has increased two fold. Traffic up and down the street has tripled as we have individuals coming at various times during the day and late afternoon for what I believe are meetings. Other recovery facilities drop off individuals who join the clients here for meetings, swimming, or the Sunday B-B Qs. The last two weekends there have been individuals sitting pool side after 10:00 PM visiting. What they probably don't realize is the sound carries at night. Women are present at this time. Last evening we had emergency vehicles appear after 8:00 PM. Someone was removed from the Palm Tee by ambulance. At 5:00 PM today I am working in my office which looks out to the street. A large van arrives and brings three young boys, well under eighteen, to the Palm Tee.

The clientele at the Palm Tee are not the problem. However there are more and more individuals coming to use the services at the Palm Tee.

I need to comment on one activity that has taken place on two Thursdays evenings. Clients at the Palm Tee are asked by Mr. Seeley to put on blue tee shirts, take booms and plastic bags and go down Calle Rolph sweeping the street and picking up trash. Last Thursday I waited for one man and greeted him. I asked him what he was doing and he told me they were volunteers. When asked from where he said, "From the Palm Tee, Mr Seeley wants us to show the neighborhood how much we appreciate living here". I was shocked. I told him you are paying Mr. Seeley to provide you a safe, sober environment not clean the streets. He agreed. I told him this was humiliating and violated the cardinal rule of the 12 step program that of confidentiality. This man told me he was 72 years old, a former executive. It

was 105 degrees at that time of evening. He was actually struggling to walk and get back to the hotel. I feel this is abusive to the fragile self esteem of these clients.

The neighborhood still wonders what type of business Mr. Seeley is running, even though he is rather under the radar there are still issues here. Why he has no conditional permit, why he is operating a business which gets larger and more complex and as time goes on will be more difficult to control or monitor as long as he is allowed to operate status quo

I appreciate the cities time and your support to our community. I think it is going to be rather complicated in the future if the planning commission does not come up with fair and usable rules for these facilities.

I feel you need to know what the day by day activities are as I observe them in my daily routine.

Steven Batten and Peter Garvey

250 E Sonora Rd
Palm Springs CA 92264-8434

RECEIVED

OCT 11 2012

PLANNING SERVICES
DEPARTMENT

October 8, 2012

Mr. Ken Lyons, Associate Planner
Department of Planning Services
City of Palm Springs
3200 Tahquitz Canyon Way
Palm Springs, CA 92263

Re: Use Permit CUP Case 5.1282 and CUP Case 5.1283 – Unpermitted Sober Living Facility at 1425 S. Via Soledad

Dear Mr. Lyons,

We are writing to express our **OBJECTION** to the application of a Use Permit for a proposed (and currently operating, non-permitted) Sober Living Facility operating at 1425 S. Via Soledad directly across from our residence at 250 E. Sonora Road. We had planned to attend the City Council Meeting concerning this permit but have been advised that the attorneys for the Sober Living Facility may be using a “stalling tactic” in order to prevent neighbors from being able to attend such a meeting and to deny our right to lodge the opinion that such a permit should not be granted.

Specifically, it has come to our attention that the Sober Living Facility has plans to conduct group therapy, Alanon/AA/12-Step groups and events, meetings, classes, parties, medical management, pool parties, public barbeques, etc. Currently there are only seven available parking spaces at the Sober Living Facility which are already filled by facility residents necessitating that employees and/or facility residents park additional vehicles on the street in front of our residence and those of our neighbors. Allowing these groups and group functions will only exacerbate the limited parking facilities currently available and negatively impact the entire neighborhood. Additionally, the need for these groups is questionable given that there is a 12-Step Meeting Facility in the Stein Mart shopping center on South Palm Canyon within 200 feet of the Sober Living Facility. Clearly residents could attend groups at that facility which has plenty of parking available for attendees.

One of us, Dr. Steven Batten, conducts his small licensed psychotherapy practice from our residence. When applying for the Palm Springs Business License Dr. Batten was told that he could not use the office for group therapy given the impact on parking and traffic in the neighborhood. Even though our driveway provides potential parking space for 4 vehicles, the license to operate the psychotherapy practice was issued on the condition that psychotherapy be available to individuals but not to groups. In order to be a good neighbor Dr. Batten consented to this restriction not wanting to adversely impact the neighborhood. Obviously, if a small practice with 4 parking spaces was not allowed to conduct small group meetings (no more than 6 attendees), the larger Sober Living Facility should be restricted from doing so as well given the large groups they have proposed.

We have already experienced the negative impact from situations such as residents playing football in the street refusing to yield to through traffic, and an “evicted” resident sitting on the street curb for

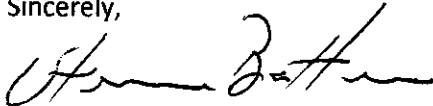
more than 5 hours with plastic bags containing his belongings waiting for friends/relatives to arrive to pick him up.

When the property was operated as Alexander Inn, the grounds were meticulously maintained, the guests of the boutique hotel acted appropriately and the operation was positive for the neighborhood. Since the Sober Living Facility surreptitiously began its operations, the grounds have deteriorated significantly and the tenor of its activities reflects negatively on our neighborhood.

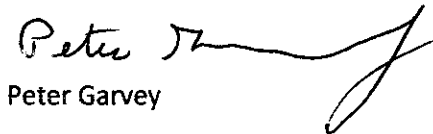
We are alarmed that the Sober Living Facility has been allowed to operate without a valid Palm Springs Business License. It is our understanding that the law requires anyone conducting business in Palm Springs, whether in a private home or a separate free-standing building, must have a license. The blatant disregard of this law by the owners of the Sober Living Facility does not speak well of their business practices or of their capability to be good neighbors and a positive contribution to our neighborhood.

We encourage you to include our comments in any consideration of permits to allow the Sober Living Facility to conduct or expand its operations.

Sincerely,



Steven Batten



Peter Garvey

Mayor Pougnet
Mayor Pro Tem Foat
Councilmembers Hutcheson
Lewin
Mills

Re: Palm Tee Hotel Sober Living

As a Deepwell resident located here in Palm Springs, I have concerns regarding the purposed Conditional Use Permit (CUP) filed by this hotels present owner Ken Seeley.

I walk my dog twice a day thru the Deepwell community, often passing the Palm Tee Hotel. On September the third I engaged in conversation with on of the hotel clients. He informed me there were eleven gentlemen staying at the hotel and I noticed that the parking lot was full of cars.

Concerns: 1) Mr. Seeley has requested a 32 bed facility at this location. See attached picture--this picture was taken on Sept. 3 with 11 clients in residence. Where would these 32 clients and staff members park their vehicles given the fact that the parking lot is already full with 11 clients? 3) Mr. Seeley has been given 2 dates for completion of his paperwork, May 1 and July 31 and it is yet to be completed and he has been allowed to remain in business--unsupervised by the city. 4) Mr. Seeley operates every SudaY barbeque-meetings. These barbeques are noisy, causing distrubance to the neighborhood. Mr. Seeley invites non-residence people to these barbeques which has caused the noise volume to escalate and additional parkiing issues. I have noticed for the past few Sundays that Mr. Seeley's clients of the Palm Tee Hotel their cars down the street from the hotel to insure parking.

As elected city officials we voted you into office to represent all citizens and neighborhoods. I have attended 2 neighborhood associations and the concerns for this business are many with all eyes on our city government to represent us. We hope you will not buckle to pressure from the unknown.

In closing, I have two questions for you. 1) Why has the city allowed this business to continue without proper paperwork completed? 2) Given this information, how would you like to have this business as your neighbor?

Sincerely, A very Concerned Deepwell Resident

RECEIVED

SEP 19 2017

PLANNING SERVICES

Ken Lyon

From: Dan Staley <danielstaley@mac.com>
Sent: Friday, August 31, 2012 12:42 PM
To: Steve Pougnet; Chris Mills; Ginny Foat; rich.hutcheson@palmsprings-ca.gov; Paul Lewin; Citymanager - Mail Login
Cc: Jay Thompson; Ken Lyon
Subject: Palm Tee Sober Living in Deepwell

I am writing to you as a long-time resident of the Deepwell neighborhood, to express my SUPPORT for the Palm Tee residential sober-living facility on Calle Rolph. I have owned my home at 1210 S Calle Rolph since 2005. I was struck by the hostile tenor of the DENO opposition to my new neighbors at the Palm Tee, so I made it a point to walk down the street, visit the place myself and talk to the people who work and reside there. They could not have been friendlier or more welcoming. On my tour, I could see absolutely no reason for any neighborhood opposition to this impressive group of sober people working on their recovery from addiction. The community rooms are clean, tasteful and well-decorated and the individual rooms are well-kept and orderly. I would note that many of the clients seemed to be from a rather upscale background. There is a rigid structure for group meetings, individual accountability with drug-testing, curfews, etc. Residents are voluntarily walking the streets of Deepwell to pick up litter, which I appreciate. These are sober people earnestly working on their recovery, and I don't understand why we should be concerned about their presence. I would be far more concerned about a cheap motel attracting weekend partiers, which is what the Palm Tee recently was-- and I don't recall any neighborhood opposition at that point. I would guess that the opposition to the Palm Tee's presence is based on ignorance and fear about alcoholism, addiction and recovery issues, but that's just a guess-- I really don't understand it. At any rate, I urge you, the Mayor, City Council and City Manager, to behave more charitably and with more of an enlightened spirit than the Deepwell Estates Neighborhood Organization, and NOT revoke the permit for this commendable facility.

Thank you,
Dan Staley

1210 S Calle Rolph
Palm Springs CA 92264

[Danielstaley@mac.com](mailto:danielstaley@mac.com)
(310) 435-8371 (cell)

Terri Hintz

From: Craig Ewing
Sent: Wednesday, December 12, 2012 10:55 AM
To: Terri Hintz
Cc: Ken Lyon
Subject: FW: Our Neighbors

Terri,
Please print for the Planning Commission today.

Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
760-323-8269

From: Yankel Kreiman [mailto:rabbikreiman@gmail.com]
Sent: Wednesday, December 12, 2012 8:53 AM
To: Craig Ewing
Subject: Our Neighbors

12/12/12

To Whom it may concern,
We, Yankel & Rochel Kreiman & Family, have been living at our current Home-290 E. Sonora Rd.since 1991.
We have been in Palm Springs for many years. We have seen over the years many Neighbors coming & going.
Our present 'Neighbor', the recovery center @ the former Alexander Inn, are quiet neighbors. We say Hello to people & they say Hello back.
They do not present any problem to us or to this neighborhood. They are quiet & they keep to themselves.It is a wonderful thing that the center is doing for people in need. After all that is said & done , we are All here to help people out. If anyone has any Questions , please don't hesitate to call us.
Happy Holidays to all!
Yankel & Rochel Kreiman
290 E. Sonora Rd.
760-325-8076

Item 1A
 Planning Commission Meeting
 Date: 12/12/12
 Additional Material

197

12



Planning Commission Staff Report

Date: December 12, 2012

Case No.: 5.1282 CUP and 5.1283 CUP (APPEAL)

Type: Appeal of a decision by the Director of Planning Services

Applicant: Ken Seeley, Intervention 911 Treatment Centers

Location: 1590 East Palm Canyon Drive (The Palm Tee Hotel) and 1425 Via Soledad (The Alexander Inn)

APN: 508-454-007 and 508-344-001

General Plan: Tourist Resort Commercial

Zone: R-2 Multiple Family Residential and R-3 High Density Residential and Resort Combining Overlay Zone

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

Project Planner: Ken Lyon, Associate Planner

PROJECT DESCRIPTION:

The appellant has filed an appeal of the Planning Director's decision of November 1, 2012 determining that the current substance abuse recovery center / sober living facility uses occurring at the two subject properties do not meet the definition of a hotel use, but rather they conform to the definition of assisted living facilities, which require approval of a Conditional Use Permit (CUP). The appellant is requesting the Commission to overturn the decision of the Director of Planning and determine that the proposed uses are consistent with that of a hotel and thus do not require CUP's.

RECOMMENDATION:

That the Planning Commission uphold the decision of the Planning Director determining that the uses at the two facilities are substance abuse recovery centers / assisted living facilities, not hotels, and require the approval of a CUP by the Planning Commission to operate.

BACKGROUND:

On April 12, 2012, the applicant/appellant was notified in writing by the Department of

Building and Safety/ Code Enforcement that a conditional use permit (CUP) is required for two facilities owned and operated by the applicant; one at 1425 Via Soledad and the other at 1590 East Palm Canyon Drive, at which the applicant was operating the current use without permits, appropriate business licenses or planning approvals.

On May 3, 2012, the City served the applicant / appellant a Courtesy Notice via certified mail notifying them that they were in violation of the City's Municipal Code by operating substance abuse recovery centers / assisted living facilities without approval of a Conditional Use Permit at the subject sites.

On June 25, 2012, the applicant/appellant submitted CUP applications for both properties requesting approval to operate them as substance abuse recovery centers / assisted living facilities.

On September 26, 2012, the City received correspondence from the appellant's attorney notifying the City that they were withdrawing their CUP applications and asserting that the two properties were being operated as hotels, not substance abuse recovery centers / assisted living facilities.

On November 1, 2012, the Director of Planning Services sent correspondence to the appellant, advising them that upon review of the uses, their marketing literature, and internet presence, a determination was made that the uses are not hotels, but rather are substance abuse recovery centers / assisted living facilities; requiring the approval of Conditional Use Permits from the Planning Commission in order to continue to operate.

On November 15, 2012, the appellant submitted an appeal of the director's decision.

BACKGROUND AND SETTING:

The two properties were developed roughly fifty years ago; The Palm Tee (1590 Palm Canyon) as a sixteen-unit hotel, and The Alexander (1425 Via Soledad) as a five-unit apartment building. Each property is briefly described below.

The Palm Tee Hotel

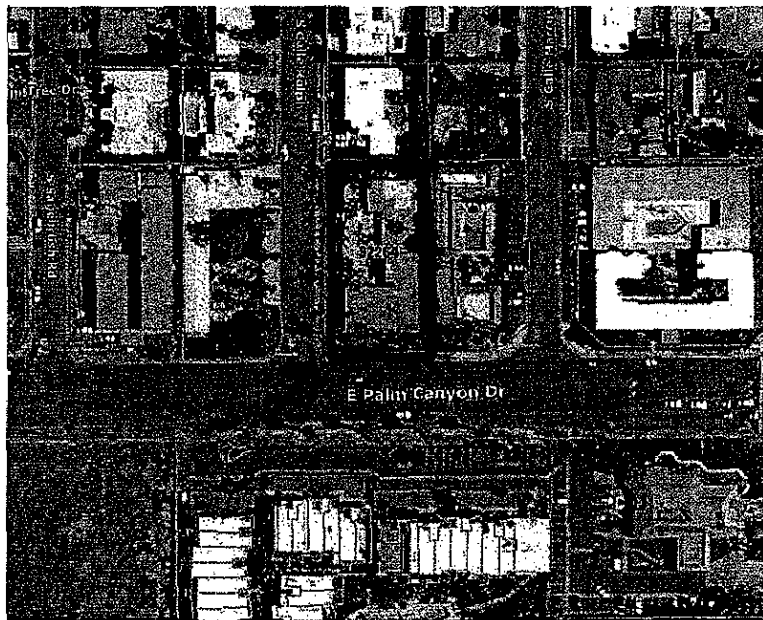
The existing 16-unit hotel at 1590 East Palm Canyon Drive was constructed in 1962. It is at the northeast corner of Calle Rolph and East Palm Canyon Drive. For many years it was operated as the Palm Tee Hotel.

The existing two-story building is roughly 8,379 square feet in area. There are ten (10) existing hotel rooms on the first floor which totals roughly 5,379 square feet. Two of these are one-bedroom units with full kitchens. There are six (6) hotel rooms on the second floor, comprising 3,136 square feet. One of the second floor rooms is configured with two bedrooms and a common bathroom. Most of the rooms are configured with small kitchenettes. There are seventeen (17) bay parking spaces which take access directly off South Calle Rolph. East Palm Canyon Drive is a major thoroughfare on the City's General Plan Circulation Map.

Surrounding Land Uses and Existing Development

The Palm Tee is located on the south side of the city immediately adjacent to the Deepwell neighborhood, in a fully developed area of multi-family units, small hotels and single family homes. The table below denotes the zoning, general plan and surrounding existing land uses.

	Land Use	General Plan	Zoning
North	Single Family Residential	VLDR (Very Low Density Residential (4du/ac))	R-1-C (Single Family Residential)
South	Condominiums	Tourist Resort Commercial	PD 69A
East	Hotel / Apartments	Tourist Resort Commercial	R-2 / R-3
West	Hotel / Apartments	Tourist Resort Commercial	R-2 / R-3



AERIAL PHOTO SHOWING 1590 EAST PALM CANYON DRIVE

The site of the Palm Tee Hotel is approximately 103 feet in width and 201 feet in depth. For purposes of zoning analysis, the East Palm Canyon Drive frontage is considered the front of the lot and the lot is considered a reverse corner lot (meaning it is a corner lot, the side line of which is substantially a continuation of the front lot lines of the lots to its rear). The parcel has split zoning: the southern half of the parcel is in the R-3 zone and the northern half is in the R-2 zone. It also lies within the Resort Combining Zone. For purposes of density analysis, it is noted that the two-story portion of the building lies roughly in the R-3 zone and the one-story portion lies generally in the R-2 zone.

In their original CUP application, the applicant proposed an occupancy at the Palm Tee of thirty-two (32) patient beds and four (4) staff persons at any time, one of whom would be the resident manager. The applicant proposed on-site therapy and treatment for the clients/guests including on-site individual and group counseling, life skills classes,

twelve-step meetings, nursing or doctor-assisted medication management and medical services. In addition the applicant requested the ability to host events that would be open to the community (both the Alcoholics Anonymous community and the greater neighborhood community)

Via Soledad.

The existing five unit apartment building at 1425 Via Soledad was constructed in 1957. It is at the southwest corner of Sonora Road and Via Soledad. For many years it was operated as the Alexander Inn, a vacation rental. The existing building is roughly 4,895 square feet in area. There are eight (8) bay parking spaces which take access directly off Sonora Road. This segment of Sonora Road is a two-lane local collector street on the City's General Plan Circulation Map.

Surrounding Land Uses and Existing Development

The Alexander Apartments are located on the south side of the city, in a fully developed area of multi-family units, small hotels and single family homes. The table below denotes the zoning, general plan and surrounding existing land uses.

	Land Use	General Plan	Zoning
North	Single Family Residential	VLDR (Very Low Density Residential (4du/ac)	R-1-C (Single Family Residential)
South	Hotel / Apartments	Tourist Resort Commercial	R-2 (Multi-Family Residential)
East	Single Family Residential	VLDR (Very Low Density Residential: 4du/ac)	R-1-C
West	Hotel / Apartments	Tourist Resort Commercial	R-2



AERIAL PHOTO SHOWING 1425 VIA SOLEDAD

The site is approximately 105.6 feet in width and 136 feet in depth. For purposes of

zoning analysis the Sonora frontage is considered the front of the lot.

The appellant's CUP application proposed to change the use from an apartment building to a substance abuse recovery center for persons recovering from alcoholism, drug abuse and other addictions. The current facility is comprised of four, two-bedroom apartments and one, three-bedroom apartment.

The appellant proposed an occupancy of seventeen (17) patient beds and two (2) persons occupying the resident manager's unit. The appellant proposed on-site treatment for the clients/guests including on-site individual and group counseling, life skills classes, twelve-step meetings, nursing or doctor-assisted medication management and medical services. In addition the appellant requested the ability to host events that would be open to the community (both the Alcoholics Anonymous community and the greater neighborhood community)

The appellant initiated the current non-permitted use at Via Soledad under an office use business license, not as a sober living facility or substance abuse recovery center. The Palm Canyon facility is currently being operated without planning approval, business licenses or other permits.

APPEAL

Staff reviewed the appellant's letter and the reasons for the appeal. The appellant's reasons are listed below followed by staff's response.

1. *"The determinations are not supported factually or legally,..."*

The Planning Director's determinations were based on many factors, including the applicant / appellant's conditional use permit application, marketing brochures, information on the appellant's website, and meetings with the appellant at the time they received their Building Department / Code Compliance Courtesy Notice. The appellants' marketing materials describe a facility for customers to seek treatment from substance abuse, and to learn various life skills to aid in re-entering the workplace, among other things. (Copies of the CUP application, marketing material and website information are attached.) Staff believes the determination was supported by review of facts, and the legal authority of the Planning Director to make such determinations is established in the City's Zoning Code.

2. *(The determinations) "...violate state and federal fair housing laws and the City's General Plan,..."*

The appellant has not provided information to support the above assertion, and therefore it is unclear how the director's determination violates these laws. The City permits assisted living facilities in many zones subject to a conditional use permit. Furthermore, pursuant to the Palm Springs Zoning Code (PSZC) Section 92.03.01 and 92.04.01 (Uses Permitted in the R-2 and R-3 zones) the city also allows hotels with less

than 10% of the rooms having cooking facilities to be permitted "by right" in the R-2 and R-3 zones. Furthermore, hotels in which more than 10% of the rooms contain kitchens (which is the case for both of these properties) are permitted in both zones subject to a CUP. It is not clear where any fair housing laws have been violated.

No reference to any specific General Plan policy that the appellant believes had been violated was offered. Staff notes that the General Plan land use designation for both parcels is Tourist Resort Commercial. This land use designation notes that the primary use should be that of hotel and tourist-related uses. Residential uses are to be a secondary use ancillary to the hotel uses. Both hotels with more than 10% of the rooms containing kitchens and assisted living facilities are conditionally permitted in the R-2 and R-3 zones, thus it is not clear how the director's determination that the use at the two sites are assisted living facilities – not hotels – violates any fair housing laws.

3. *(The determinations) "...are discriminatory and based on bad social policy..."*

The Planning Director determined based upon review of all the information available at the time, that the proposed use was not a hotel, but rather a substance abuse recovery center / assisted living facility. These facilities are permitted in many multiple family residential zones throughout the City of Palm Springs subject to a CUP. Sober living facilities are not defined in the PSZC nor are they listed as a permitted use in any zone in Palm Springs. The State of California regulations protect the establishment of sober living facilities of six beds or less in residential zones and encourages cities and counties to permit operators to establish such facilities as a means of integrating this population back into the community at large. Neither of the subject properties fall under the regulatory guidelines of the State for sober living facilities of six beds or less: the Palm Tee facility is proposed to have 32 patient beds and the Alexander is proposed to have 17 patient beds. Staff believes the appellant has not provided information to support the assertion of "discrimination" or "bad social policy".

4. *(The determinations) "...are based on misunderstandings, assumptions and speculation..."*

The appellant does not identify or explain where or how they believe "misunderstandings, assumptions or speculation" have occurred. The Director's determination is based on written material provided by the applicant both in their original CUP applications and their promotional material, as well as the definitions for hotels and assisted living facilities in the Palm Springs Zoning Code. Additional information that was the basis of the Director's determination is described in the Exhibit attached to this staff report.

5. *(The determinations) "...are made pursuant to inapplicable provisions of the City's Zoning Code."*

The director identified PSZC Section 91.00.08(B) "*Conflicting or Ambiguous Provisions*".

The appellant has not explained or described why this is an "inapplicable provision". This section states that *"where there may be conflicting or ambiguous provisions within this zoning code, the director of planning and building, or his authorized representative, shall determine the applicability of such provisions."* The appellant has asserted that their proposed use at the two sites are "hotels", however based on the material presented by the appellant, the director has determined them to be substance abuse recovery centers, which are classified in Palm Springs as "assisted living facilities". Staff believes this is an appropriate application of the relevant provisions of the Zoning Code.

6. *"No 'assisted living' services are occurring on site."*

The examples noted above as well as the description of the proposed use in the CUP application would seem to argue otherwise. From their CUP application, the appellant states, *"We would like the CUP application to allow for and include the following: Onsite therapy (individual and group), Life Skills classes, 12-step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center"*. From these statements, the Director has concluded that assisted living services are indeed being offered, thus the facilities are not being operated as "hotels".

7. *"The financial burden upon the applicant if deemed "assisted living" is in excess of \$200,000, far out of line in light of the preferred public policy in favor of sober living and affordable housing."*

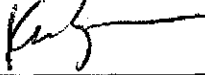
Analysis of the "financial burden" or conducting due diligence of the viability of a "business model" or of adapting any site to a particular proposed use, is solely the responsibility of applicants and business owners. "Financial viability" is not a finding or requirement of approval, or a factor used in determining whether a proposed use is permitted use in a particular zone. Financial burden was also not a factor that the director used in making the determination that the proposed uses are not "hotels".

The appellant's brochure notes that the monthly rate for a "shared occupancy room" is \$2,800 per month per patient. Thus a typical room with two beds may rent for roughly \$5,600 per month. Staff assumes a single occupancy room would have a higher monthly rate. Pursuant to Table 3-8 of the City's Housing Element in the General Plan (which was updated in 2010); maximum affordable rents for extremely low to moderate income households is between \$500 and \$1,860 per month in Palm Springs. The monthly rate for the subject properties well exceeds the typical monthly rental for affordable housing. In comparison, the average rate for a monthly hotel stay in Palm Springs is roughly \$116 per night or about \$3,480 per month¹; thus the subject properties also generate income greater than the average 30-day hotel stay in Palm Springs. Staff does not believe the subject properties are providing affordable housing for the community.

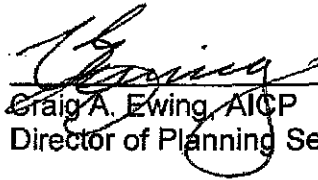
¹ Pursuant Aftab Dada of the Palm Springs Hotel Association, from a sampling of 3,900 rooms, the average nightly rate is \$115/night.

CONCLUSION:

Staff believes that the appellant has not submitted material in his appeal letter that would support an argument for overturning the Planning Director's determination. Staff recommends the Planning Commission uphold the decision of the Planning Director determining that the current uses at the two subject sites are not hotels, but rather are a form of assisted living facility (substance abuse recovery treatment) for which submission and approval of a Conditional Use Permit is required.



Ken Lyon, RA
Associate Planner



Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. April 12, 2012 Courtesy Notice from Building Department to the Appellant.
4. September 26, 2012 Flannery to Lyon letter.
5. November 1, 2012 Ewing to Seeley / McLaughlin letter.
6. November 15, 2012 Flannery to City Clerk appeal letter.
7. Miscellaneous pages from the Appellant's website and marketing materials.
8. Exhibit A – Additional information referenced for the basis of the Director's determination
9. Public Comment letters on the applicant / appellant's original CUP application

Case 5.1282 / 5.1283 APPEAL - EXHIBIT "A"
BASIS OF DETERMINATION OF DIRECTOR'S DECISION

The Director's determination is based on written material provided by the applicant both in their original CUP applications and their promotional material, as well as the definitions for hotels and assisted living facilities in the Palm Springs Zoning Code.

The materials provided by the applicant / appellant describe the services and activities at the sites; including drug and alcohol addiction treatment and intervention, life skills classes, nutrition planning, 12-step meetings, and nursing or doctor-assisted medication management. Nowhere in the material, other than the Flannery to Lyon letter, is there any reference to the two sites operating as "hotels".

The director provided the definition from the zoning code of both "assisted living facility" and "hotel", and then outlined how the current operation "*of semi-private rooms, with multiple contracts per room, (beds individual rented within a room) held by unrelated persons with accommodations, programming, counseling, and services for treating addiction recovery*" are not consistent with the City's definition of a hotel. Rather, the activities at the two properties reflect many aspects of the definition of "assisted living facility", including "*...a special combination of housing, supportive services, personalized assistance...designed to respond to the individual needs of those who need help with activities of daily living and instrumental activities of daily living.*".

From the Intervention 911 website is the following: "*Intervention 911 offers a wide range of services in addition to alcohol intervention and drug intervention...*". Also, "*...At Ken Seeley Communities, our trained staff can help develop the right nutrition program for you to get you squarely on the road to physical recovery...*", and "*...we have created a protocol of treatment for long-term sobriety that imposes greater accountability on the individual...*". From this, the director concluded that the actual business practice and use occurring at the two sites are not hotels, but rather are substance abuse recovery centers or assisted living facilities.

In addition, the appellants' website lists "Employment Opportunities" for the following positions: "*Board-Registered Interventionist, Licensed Alcohol and Drug Counselor, Social Worker/Family Therapist licensure or equivalent*". These types of job descriptions align more closely with a substance abuse recovery center, than a hotel. The director believes these services and staffing credentials are not part of a hotel operation, but rather that of a substance abuse recovery center or assisted living facility.

The City's definition of assisted living facility states, "*Supportive services are available twenty four hours a day to meet scheduled and unscheduled needs in a way that promotes maximum dignity and independence for each resident and involves the resident's family, neighbors and friends, and professional caretakers.*" The appellants' CUP application states there will be four (4) staff members at any time at the Palm Tee and two (two) staff at the Alexander Apartments, including full time resident managers who reside on site – at both sites; thus supportive services appear to be available to clients on a 24-hour basis. The appellant's website also characterizes a "successful intervention" as one that involves the clients' family and friends - again, reflective of an assisted living facility, not a hotel.

Based on the above, the director determined the uses at the two sites are not hotels and that a variety of supportive services are being provided akin to an assisted living facility.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA UPHOLDING A DETERMINATION MADE BY THE DIRECTOR OF PLANNING SERVICES THAT THE APPELLANTS' USES AT 1590 EAST PALM CANYON DRIVE AND 1425 VIA SOLEDAD ARE NOT HOTELS, BUT RATHER ARE SUBSTANCE ABUSE RECOVERY CENTERS / ASSISTED LIVING FACILITIES.

WHEREAS, on April 12, 2012, the applicant/appellant was notified in writing by the Department of Building and Safety / Code Enforcement that a conditional use permit (CUP) is required at two facilities owned and operated by the applicant, and

WHEREAS, on May 3, 2012 the applicant/appellant was served a Courtesy Notice by certified mail notifying them that they were in violation of the City's Municipal Code by operating the substance abuse recovery centers / assisted living facilities at the subject addresses without approval of Conditional Use Permits.

WHEREAS, on June 24, 2012, the applicant/appellant submitted CUP applications for both properties requesting approval to operate them as substance abuse recovery centers / assisted living facilities, and

WHEREAS, on September 26, 2012, the City received correspondence from the appellant's attorney notifying the City that the applicant was withdrawing their CUP applications and asserting that the two properties were being operated as hotels, not substance abuse recovery centers / assisted living facilities, and

WHEREAS, on November 1, 2012, the Planning Director made a determination pursuant to section 91.00.08 (B) of the Palm Springs Zoning Code (PSZC) that the appellant's current uses at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotels, but rather are substance abuse recovery centers / assisted living facilities and require approval of Conditional Use Permits from the Planning Commission in order to continue to operate, and

WHEREAS, on November 15, 2012, the appellant, Ken Seeley of Intervention 911, filed an appeal of the Planning Director's determination; and

WHEREAS, Sections 91.00.08 (B) of the Palm Springs Zoning Code allows decisions by the Director of Planning Services to be appealed to the Planning Commission; and

WHEREAS, on December 12, 2012, the Planning Commission conducted a public review of the appeal request, including all of the evidence presented in connection with the matter, including, but not limited to, the staff report prepared on the matter, and all

written and oral testimony presented, and whereas the matter was continued to a date certain of January 23, 2013.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: That the determination by the Director of Planning was justified based on the following:

1. The Planning Director's determinations were based on many factors, including the applicant / appellant's conditional use permit application, marketing brochures, information on the appellant's website, and meetings with the appellant at the time they received their Building Department / Code Compliance Courtesy Notice. The appellants' marketing materials describe a facility for customers to seek treatment from substance abuse, and to learn various life skills to aid in re-entering the workplace, among other things. The determination was supported by review of facts, and the legal authority of the Planning Director to make such determinations is established in the City's Zoning Code.
2. The Director's determination did not violate state or federal fair housing law nor was his decision in conflict with the City's General Plan. The City permits assisted living facilities in many zones subject to a conditional use permit. Furthermore, pursuant to the Palm Springs Zoning Code (PSZC) Section 92.03.01 and 92.04.01(Uses Permitted in the R-2 and R-3 zones) the city also allows hotels with less than 10% of the rooms having cooking facilities to be permitted "by right" in the R-2 and R-3 zones. Furthermore, hotels in which more than 10% of the rooms contain kitchens (which is the case for both of these properties) are permitted in both zones subject to a CUP. The Planning Commission has determined that no fair housing laws were violated by the Planning Director in making his determination.
3. The General Plan land use designation for both parcels is Tourist Resort Commercial. This land use designation notes that the primary use should be that of hotel and tourist-related uses. Residential uses are to be a secondary use ancillary to the hotel uses. Both hotels with more than 10% of the rooms containing kitchens and assisted living facilities are conditionally permitted in the R-2 and R-3 zones. Thus, the Planning Director's determination was not in conflict with the City's General Plan.
4. The Planning Director determination was not discriminatory nor was it bad social policy. The Planning Director's determination was based upon review of all the information available at the time, that the proposed use was not a hotel, but rather a substance abuse recovery center / assisted living facility. These facilities are permitted in many multiple family residential zones throughout the City of Palm Springs subject to a CUP. Sober living facilities are not defined in the PSZC nor are they listed as a permitted use in any zone in Palm Springs. The State of California regulations protect the establishment of sober living

facilities of six beds or less in residential zones and encourages cities and counties to permit operators to establish such facilities as a means of integrating this population back into the community at large. Neither of the subject properties fall under the regulatory guidelines of the State for sober living facilities of six beds or less: the Palm Tee facility is proposed to have 32 patient beds and the Alexander is proposed to have 17 patient beds.

5. The director identified appropriate sections of the zoning code in making his determination. PSZC Section 91.00.08(B) "*Conflicting or Ambiguous Provisions*". This section states that "*where there may be conflicting or ambiguous provisions within this zoning code, the director of planning and building, or his authorized representative, shall determine the applicability of such provisions.*" The appellant has asserted that their proposed use at the two sites are "hotels", however based on the material presented by the appellant, the director has determined them to be substance abuse recovery centers, which are classified in Palm Springs as "assisted living facilities". The Planning Commission believes this is an appropriate application of the relevant provisions of the Zoning Code.
6. The uses at the two sites are not hotels. The appellants' CUP application, states, "*We would like the CUP application to allow for and include the following: Onsite therapy (individual and group), Life Skills classes, 12-step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center*". From these statements, the Planning Commission has concluded that assisted living services are indeed being offered, thus the facilities are not being operated as "hotels".
7. Financial burden was not a factor that the director used in making the determination that the proposed uses are not "hotels". The "financial burden" or conducting due diligence of the viability of a "business model" or of adapting any site to a particular proposed use, is solely the responsibility of applicants and business owners. "Financial viability" is not a finding or requirement of approval, nor was it a factor used in the Planning Directors' determination that the uses at the two sites are not hotels.
8. The subject properties are not providing affordable housing for the community. The appellant's brochure notes that the monthly rate for a "shared occupancy room" is \$2,800 per month per patient. Thus a typical room with two beds may rent for roughly \$5,600 per month. Pursuant to Table 3-8 of the City's Housing Element in the General Plan (which was updated in 2010); maximum affordable rents for extremely low to moderate income households is between \$500 and \$1,860 per month in Palm Springs. The monthly rate for the subject properties well exceeds the typical monthly rental for affordable housing. In comparison, the average rate for a monthly hotel stay in Palm Springs is roughly \$116 per night or about \$3,480 per month; thus the subject properties also generate income greater than the average 30-day hotel stay in Palm Springs. The

Commission does not believe the subject properties are providing affordable housing for the community.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby rejects the appeal and upholds the determination of the Director of Planning Services that the appellant's uses at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotels, but rather are substance abuse recovery centers / assisted living facilities requiring the approval of a Conditional Use Permit by the Planning Commission to operate.

ADOPTED this 23rd day of January, 2013.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services



**CITY OF PALM SPRINGS FIRE DEPARTMENT
FIRE PREVENTION BUREAU**

300 N. El Cielo Road, Palm Springs, CA 92262
TEL: (760) 323-8186
FAX: (760) 778-8430
TDD: (760) 864-9527

December 26th, 2012

Evaluation on the proposed change of use for the properties described below:

1590 E. Palm Canyon Drive – Palm Tee Hotel

1425 Via Soledad – Alexander Inn

When evaluating a potential change of use occurring at an existing occupancy, the Palm Springs Fire Department will assess the intended use of the new occupant and compare the intended use with that of the previous occupant, as well as the existing occupancy group classification as determined by the City of Palm Springs Building Official.

"Intervention 911 Treatment Centers" (applicant) provides substance abuse services which include in-facility residential stays for clients enrolled in their drug and alcohol abuse programs.

The applicant is currently operating two such facilities in Palm Springs at the above addresses without the approval of the City's Planning, Building, or Fire Departments.

The 2010 California Building Code, Chapter 3, Section 302.1 states: "Structures or portions of structures shall be classified with respect to occupancy in one or more of the groups listed below. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Structures with multiple occupancies or uses shall comply with Section 508. Where a structure is proposed for a purpose that is not specifically provided for in this code, such structure shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved."

1590 East Palm Canyon Drive

This occupancy is the former location of the "Palm Tee Hotel", a two-story, sixteen-unit hotel. The occupancy group classification of the existing structure, as determined by the Palm Springs Building Department, is that of R-1¹. R-1 occupancies are defined as "residential occupancies containing sleeping units where the occupants are primarily transient in nature".

The applicants proposed use of this occupancy does not meet the intent of this occupancy classification in that the occupant's term of stay exceeds the definition of "transient"², which for the purposes of the building and fire code is defined as a length of stay not exceeding 30 days.

The services provided by the applicant, as well as the stated intended use of the applicant, most nearly resemble the definition of an R-4³ occupancy group as defined in the *2010 California Building and Fire Codes* which includes alcoholism or drug abuse recovery or treatment facilities.

Therefore, it is the determination of the Palm Springs Fire Department that a change of use has occurred at this address.

1425 Via Soledad

This occupancy is the former location of the "Alexander Inn", a one-story, five-unit apartment building. The occupancy group classification of the existing structure, as determined by the Palm Springs Building Department is that of R-2⁴. R-2 occupancies are defined as "residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature".

The applicants proposed use of this occupancy does not meet the intent of this occupancy classification, in that the occupant's term of stay would be neither transient, nor permanent but would be defined as "temporary", in that the occupant's term of stay is directly related to the completion of their drug and alcohol treatment program. It is the service provided by the applicant that determines the client's term of stay.

The services provided by the applicant as well as the stated intended use of the applicant most nearly resemble the definition of an R-2.1⁵ occupancy group as defined in the *2010 California Building and Fire Codes* which includes alcoholism or drug abuse recovery or treatment facilities.

Therefore, it is the determination of the Palm Springs Fire Department that a change of use has occurred at this address.

Additional Considerations

The applicant has stated their intention of providing care and supervision services to their clients in the form of: 24/7 support services; nurse / doctor assisted medication management; counseling services, etc.

In addition, based on the applicant's business model, it can also be assumed that client's occupying the two facilities will be subject to some level of supervision that may include: Diet and nutritional supervision; supervision of schedules and activities; and being subject to rules of conduct, such as curfew restrictions, the ability to receive visitors at any hour and the prohibition of drugs and/or alcohol on the premises.

In considering the above personal care services provided by the applicant, the intended use of the two facilities is further removed from the existing occupancy group classifications of R-1 and R-2, as occupants of hotels and apartment buildings are not subject to this level of control over their daily lives. The *2010 California Building and Fire Codes* clearly classify the applicant's intended use of that of an "alcoholism or drug abuse recovery or treatment facility".

Change of Use or Occupancy

The 2010 California Fire Code, Division II, Section 102.3 states: "No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use."

The fire code official has the authority to waive compliance with current fire code requirements if it is determined, by the fire code official, that the proposed change of use will result in a "less hazardous" use than the existing use. The Palm Springs Fire Department finds no argument supporting any proposition that the occupants of an alcohol / drug abuse recovery facility represent a potential life safety or fire hazard, that would be considered less than, or even equal to, the general population of a hotel, or apartment building.

Therefore, it is the determination of the Palm Springs Fire Department that a "more hazardous" change of use has occurred at the above addresses based upon the change in occupancy classifications described above.

Fire protection requirements for R-4 and R-2.1 occupancies include automatic fire sprinkler systems and fire alarm and detection systems which will be addressed at the time of plan submittal and approval, as required by the City of Palm Springs for the occupancy of the above addresses.

¹CFC Chapter 2, Definitions - Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the California Residential Code. Residential occupancies shall include the following:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient)
Hotels (transient)
Motels (transient)

Congregate living facilities (transient) or congregate residences (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

² 2010 California Building Code, Chapter 2, Definitions – "TRANSIENT". Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

³ 2010 California Building Code, Chapter 3, Section 310.1 - R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than six ambulatory clients, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code or shall comply with the California Residential Code, provided the building is protected by an automatic sprinkler system installed in accordance with Section 903.2.8.

This occupancy classification may include a maximum six nonambulatory or bedridden clients (see Appendix Chapter 4, Section 425 Special Provisions For Licensed 24-Hour Care Facilities in a Group R-2.1, R-3.1, or R-4 Occupancy).

Group R-4 occupancies shall include the following:

Assisted living facilities such as:
Residential care facilities
Residential care facilities for the elderly (RCFEs)
Adult residential facilities
Congregate living health facilities
Group homes.
Social rehabilitation facilities such as:
Halfway houses
Community correctional centers
Community correction reentry centers
Community treatment programs
Work furlough programs
Alcoholism or drug abuse recovery or treatment facilities

⁴2010 California Building Code, Chapter 3, Section 310.1- R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (nontransient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

Congregate living facilities or congregate residences with 16 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

⁵2010 California Building Code, Chapter 3, Section 310.1- R-2.1 This occupancy shall include buildings, structures or parts thereof housing clients, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services.

This occupancy may contain more than six nonambulatory and/or bedridden clients. (See Appendix Chapter 4, Section 425 Special Provisions For Licensed 24-Hour Care Facilities in a Group R-2.1, R-3.1 or R-4 Occupancy).

This group shall include, but not be limited to, the following:

- Assisted living facilities such as:
 - Residential care facilities
 - Residential care facilities for the elderly (RCFEs)
 - Adult residential facilities
 - Congregate living health facilities
 - Group homes
 - Residential care facilities for the chronically ill
 - Congregate living health facilities for the terminally ill
- Social rehabilitation facilities such as:
 - Halfway houses
 - Community correctional centers
 - Community correction reentry centers
 - Community treatment programs
 - Work furlough programs
 - Alcoholism or drug abuse recovery or treatment facilities

SBEMP

A T T O R N E Y S

DAVID L. BARON

baron@sbemp.com

ADMITTED IN CA

MAUREEN P. FLANNERY

flannery@sbemp.com

ADMITTED IN CA AND WA

December 10, 2012

VIA HAND DELIVERY

Office of the City Clerk
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Craig Ewing
Director of Planning
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Intervention911
Appeal of Determination of Planning Director
Case 5.1282 CUP 1590 East Palm Canyon Drive ("The Palm Tee")
Case 5.1283 CUP 1425 Via Soledad ("The Alexander")

Dear Commissioners:

The following is submitted on behalf of Intervention911 in support of its appeal of the Determination of the Planning Director in the above-referenced cases.

The Planning and Building departments of the City have mischaracterized the subject properties as "assisted living facilities." We are an operator of transient housing, not an assisted living facility. The City Department of Building & Safety, Code Compliance, issued a letter to our client dated May 3, 2012 ("Notice of Violation"), indicating that the properties were a Public Nuisance, and concluding that a conditional use permit was required.

We respectfully ask the Commissioners to find that neither of the properties functions as an assisted living facility, that no conditional use or other special use permit is required, and that no nuisance exists by virtue of having no such permit. Upon such finding, our client may obtain proper licensing as an operator of transient housing, and commence collecting and paying TOT taxes.

The properties are simply not assisted living facilities. They are legitimate drug and

RECEIVED

Slovak Baron Empey Murphy & Pinkney LLP
1800 E Tahquitz Canyon Way, Palm Springs, California 92262
Tel. (760) 322-2275 • Fax (760) 322-2107 • www.sbemp.com

DEC 10 2012
PLANNING SERVICES
DEPARTMENT

alcohol free sober living properties. Individuals choosing to reside there make a voluntary commitment to sobriety. To the extent operations did include some recovery management functions by Intervention911 that the City viewed as characteristic of “assisted living,” such functions have been eliminated, as described below.

No special permit is required for either property. The Alexander was originally permitted as apartments, and recently operated as a vacation rental property. The Palm Tee was built in the late 1950s and has operated as a hotel for at least 30 years, possibly 50+. No change of use has occurred, whether by the imposition of sober living property rules, nor by virtue of affiliation with Intervention 911. Both properties have been and remain semi-transitory housing.

Despite some insinuations to the contrary, our client has no desire to deceive the City or its neighbors. Intervention911 wishes to be a good neighbor, and therefore, did file the requested applications in the spirit of anticipated cooperation and good faith. This was done in an effort to be cooperative rather than an acknowledgment that the City had a legitimate right to evaluate the properties and change the classifications. However, despite the City’s representation that the properties would be grandfathered regarding code and ADA, the City then imposed additional and expensive “compliance” requirements.

The result the City’s position is fatal to the existence of these housing facilities from a financial standpoint. The cost of the City requirements is tantamount to a shutdown order. The applications each cost \$3,000 to file and about \$7,000 for the second round. The building code compliance is estimated to cost in excess of \$200,000. If this is the cost of doing business and providing a badly needed housing resource in the City of Palm Springs, our client wishes to take its business elsewhere, leaving the residents of these properties options at poorly run and managed “sober houses” with which the City seems to categorize the Palm Tee and the Alexander.

Discussions with City staff and attorney were ineffective, as were attempts to obtain a conditional use permit with conditions acceptable, reasonable, appropriate and fair in light of the disability being accommodated by the applicant. Intervention911 pulled its applications by letter dated September 26, 2012.

A. No Assistance is Provided—Neither Property is an “Assisted Living” Facility.

1. Operations are separate and distinct.

Intervention911 is a nationally recognized and respected provider of services for individuals with substance and alcohol abuse disabilities. Its principals, Ken Seeley and Eric McLaughlin, have a combined 25 years of experience. Their activities in other communities have been primarily related to intervention, treatment referral, and maintenance programs. In Palm Springs, however, Intervention911 sought to do something different.

In Palm Springs, Intervention911 and Ken Seeley Communities sought to develop desperately needed short-term housing for recovering alcohol or substance abusers. The two hotel properties at issue, one for men and one for women, are by house rule and resident agreement, sober environments. This setting allows residents to focus on reintegration into the community without unnecessary challenges to sobriety. Such homes are unlicensed and not

regulated by the State of California Department of Alcohol and Drug Programs because no treatment, follow-up and/or related services are provided.

Ken Seeley Communities and Intervention911 work hand in hand to provide a variety of services to recovering individuals, and will continue to do so. However, no Intervention911 treatment or assistance is provided to the residents, either onsite or offsite by virtue of residency in either property. Conversely, services provided offsite by our client are provided to residents and non-residents alike.

2. The properties do not qualify as assisted living.

Neither property is or meets the qualifications for classification as an “assisted living facility” as defined by the Palm Springs Zoning Code, or the California Building Code (“CBC”). The Zoning Code defines Assisted Living Facility in Section 91.00.10:

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

The CBC defines R-4 residential occupancies to “include buildings arranged for occupancy as residential care/assisted living facilities including more than six ambulatory clients, excluding staff.” Examples give include community treatment programs and alcoholism or drug abuse recovery or treatment facilities. The term “Care and Supervision” is used to describe “activities provided by a person or facility to meet the needs of the clients” with the following list:

Assistance in dressing, grooming, bathing and other personal hygiene.
Assistance with taking medication.
Central storing and/or distribution of medications.
Arrangement of and assistance with medical and dental care.
Maintenance of house rules for the protection of clients.
Supervision of client schedules and activities.
Maintenance and/or supervision of client cash resources or property.
Monitoring food intake or special diets.
Providing basic services required by applicable law and regulation to be provided by the licensee to be provided by the licensee in order to obtain and maintain a community-care facility license.

In short, none of the foregoing applies to either of the properties at issue:

- No 24-hour supervision is provided except as to normal property management and enforcement of property rules and policies, as might exist in any guest accommodation or hotel.
- No treatment or counseling is provided, and no state licensing is held or required.

- No “care and supervision” is provided. The guests receive no assistance by virtue of being a guest with personal hygiene and other matters, medications, medical care, scheduling, cash/property management, food intake or any other basic services required by regulation to be provided by a community-care facility licensee. It is conceivable that a guest may receive such services by a third-party provider, but no such services are provided by or on behalf of our client.
- Minimally invasive property rules exist, as with any other guest property, to ensure continuance of a sober environment, the quiet enjoyment of other guests and the protection of the property.

3. Continuing efforts to clarify distinct business operations.

Our client has never intended to provide any service or facility that could be characterized as assisted living. The City’s position is based in part on misunderstanding and, admittedly, in part on Intervention911’s roles not being clearly described and/or defined early on in the development of the sober housing concept. The City identified initial marketing, job-posting and other web-based information from Intervention911, and assumed an “assisted living” model. Such information, much of which is included in the Determination Letter upon which this appeal is based, referred to supervision, counseling, drug drawer control, and the like.

Intervention911 holds firm its position: *neither property offers assistance or assisted living*. In order to make that perfectly clear to the City, our client has reviewed its operations and has better delineated the functions of its business units and how the separate residential model is to develop. Some efforts are completed, and some are on hold pending resolution of this matter with the City. Upon completion of the following, the two properties will serve as a first-class model for sober hotels in the City.

- a) Each property is managed by a separate business entity, with all rental revenue flowing to such entities and all property management the responsibility of such entities. Those entities, both California limited liability companies, 1425 Via Soledad, LLC and 1590 E Palm Canyon, LLC.
- b) Treatment referral and recovery management are handled exclusively in offsite facilities by Intervention911 and/or Ken Seeley Communities. Our client intends to locate all services and functions unrelated to housing to one or more offsite locations. A commitment to lease space has been obtained, but our client has conditioned its acceptance of a lease pending favorable City action.
- c) Work has been completed in most areas of our client’s websites, with some work being held pending resolution of matters with the City. Upon finalization, the business units, including the sober hotel operations, will be clearly separated.
- d) The originally envisioned position of “resident manager” no longer exists. The properties are managed like any hotel or transient occupancy property, including enforcement of property rules. In these properties, the rules include sobriety. The manager is empowered to regulate resident conduct so as to minimize impact on surrounding neighbors and our client remains committed to maintaining good neighbor status. The functions the City noted as “assistance” are omitted, including

medication drawer management. There are no public AA or similar meetings occurring onsite. Private AA meetings for residents are held. However, like any hotel property, our client does assert the right to certain assemblies of people.

B. No Change of Use Has Occurred For Zoning and Building Code Purposes.

It is important to note that the properties are not residential conversions in purely residential zones, and little work was done to the properties other than cosmetic updating, and improvement of the existing air conditioning system at the Palm Tee. The Alexander originally operated as an apartment property, and most recently as a vacation rental property. It is located in the TRENO neighborhood in which there are many vacation rentals. The Palm Tee has existed since as far back as the late 1950s as a hotel and is zoned partly R2 and Partly R3. It is on Highway 111/East Palm Canyon adjacent to single family residential to the north and many apartment and hotel buildings, short term and longer term, east and west along East Palm Canyon.

The only changes for the properties include ownership, implementation of sobriety rules and per bed rental contracts, none of which, alone or collectively, are a change of use for Zoning, Planning and Building Code purposes. Determining that the properties are “assisted living facilities” based on who owns and occupies the properties, per bed rental, and/or sobriety of recovering residents is not only false, but is improper and discriminatory and a clear violation of the fair housing violations 24 C.F.R. The fair housing aspects of this ruling and appeal are significant and warrant a complete review of the City’s handling of this application. We feel an adverse ruling exposes the City and staff to discriminatory conduct in violation of federal fair housing laws.

1. **Ownership and Occupancy.** The discussion of Intervention911’s role is discussed above. The involvement of or ownership by Intervention911 is an insufficient basis on which to determine that the properties are “assisted living.” Similarly, the occupancy by recovering individuals who choose to continue their recovery by living in a sober environment maintained by house rule is not “assisted living.”

Neither the sober environment nor the rule of sobriety comprise “assistance.” Moreover, persons recovering from alcohol and drug addictions are considered to be disabled persons under the American with Disabilities Act. Zoning actions by cities are covered by the ADA. Alcoholism and drug addiction are “impairment[s]” for purposes of Fair Housing Act prohibition against disability discrimination. 24 C.F.R. §100.201(a)(2). Persons addicted to drugs, but who are no longer using drugs illegally and are receiving treatment for drug addiction or who have been rehabilitated successfully, are protected by the ADA from discrimination on the basis of past drug addiction. EEOC Technical Assistance Manual, §8.5. Bay Area Addiction Research & Treatment v. City of Antioch, (1999) 179 F.3d 725.

Rules are imposed in other properties within the City preserving the right of occupants to be free of clothing or children or pets, other properties preserve or create an environment for gay or for elderly clientele, or for swingers. Free association is preserved for each of these businesses, and it is preserved for the recovering individuals residing in Palm Tee and the Alexander. Treating our client’s residents any differently is discriminatory, as more fully discussed below.

2. **Per Bed Rental.** Prior to our client's ownership, Palm Tee was run as a hotel and the Alexander was run as a vacation rental, with transient rental on a per room basis. Rental in the properties at issue is now on a per-bed basis because this model better serves the target population, who may be disadvantaged financially and socially in need of a supportive residential setting that a roommate provides. The beds are rented at the rate of \$800 per month, some more, some less. The units are fully furnished and utilities are included. This rate is consistent with sober living properties in the City, and given the amenities provided and flexibility in length of stay, are significantly less than other hotel properties.

The City has argued that this arrangement is not the norm, which may be true, but that does not make it illegal, does not negate the existence of a hotel, and is not indicative of "assisted living". Separate charges or contracts per bed does not convert the use to "assisted living," nor has the Planning Department cited any authority to that effect.

The City code does not require one contract per room. The City code is more concerned with the maximum number of occupants, which in the present case is limited to one per bed. It is quite possible that the actual occupancy of the subject properties is less than a hotel because occupancy is more stringently controlled with a per-bed rate.

Recovering addicts fare much better in a sober living environment where all residents commit to maintain sobriety and to live in an environment supportive of such necessary choice. Such individuals are often financially impaired as well. In order to offer sober housing, and keep housing costs low, apartments or hotels offer shared rooms. Rental on a per bed basis is the norm for sober hotels and similar sober living environments, but without more, is not indicative of "assisted living." Nor does a per-bed rental arrangement justify disparate treatment of the owners, operators and residents of The Palm Tee and Alexander. Transient or semi-transient occupancy is simply permitted.

Prohibition by policy of rental on the basis of separate contracts steps dangerously close to an attempt to define "family." The City may properly be concerned with maximum occupancy, but not as to whether unrelated individuals reside together, even if by separate financial arrangements. *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995). The Fair Housing Act prohibits a city from regulating in a way that discriminates against the disabled. 42 U.S.C. §3604(F)(2)

Without waiver of any of the arguments set forth herein, Intervention911 requests reasonable accommodation to allow rental on a per bed basis to facilitate housing for disabled residents recovering from addiction, in light of the City's position against the same. The FHA requires "reasonable accommodation in rules, policies, practices, or services, when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling." *Oxford House, Inc. v. Town of Babylon* (E.D.N.Y. 1993) 819 F. Supp. 1179, 1185 (citing 42 U.S.C. § 3604(f)(3)(B)). Municipalities must change, waive, or make exceptions in their zoning rules to afford people with disabilities the same access to housing as those who are without disabilities. *Id.* at 1186.

3. Sober Living is Not the Same as Assisted Living.

Sober living homes, hotels and other arrangements are not regulated by the state because no assistance is provided. Rather, they are simply sober environments. Obviously some oversight is required to maintain the rule of sobriety in order to preserve the environment. Enforcement of such a house rule is not assistance.

There are many variations among sober living facilities and operators; however, all emphasize the same facets of life under their roofs. The location of a sober living or alcohol recovery home in a drug free, single family neighborhood plays a crucial role in an individual's recovery by providing a supportive environment that promotes self-esteem, helps create an incentive not to relapse, and avoids the temptations that the presence of drug use can create. *Oxford House v. Township of Cherry Hill* (N.J. 1992) 799 F.Supp. 450, 453. Oxford House operates on the theory that those recovering from drug and alcohol addictions will remain sober if they live in a supportive environment with those suffering similar addictions. *Tsombanidis v. West Haven Fire Dept.* (2d Dist. 2003) 352 F.3d 565, 570.

The California Attorney General has noted the difference between licensed facilities and non-licensed sober living homes. Licensed facilities are different "from facilities that simply provide a cooperative living arrangement for persons recovering from alcohol and other drug problems. The latter 'sober living environments' are not subject to licensing from the Department." Cal. Op. Atty. Gen. 07-601.

As discussed above, Intervention911 does provide assistance to current addicts and makes referrals for treatment, assisting individuals on release from treatment. But that is not what is occurring at Palm Tee or the Alexander. The lodging provided is merely alcohol and drug free. Residents are encouraged to continue treatment and post-treatment efforts, but such activities are not provided at the properties, and are not a condition of occupancy.

Our client is simply providing reasonably priced lodging options to individuals who want and need to be in a sober environment to maintain the work they have accomplished in prior treatment. No treatment is provided.

C. Property Standards.

Because there is no change in use in either property, and occupancy will not increase, neither property is subject to the imposition of conditions requiring upgrade or modification to current or different code standards.

1. Parking. Parking has not been an issue. It is only raised on the City's misapplication of the standards for "assisted living facilities." Excessive cars are not anticipated in any case because many of the residents do not drive and/or do not have a car, and formal meetings (e.g., AA) are not being held on-site. Parking at the properties will continue to be provided according to maximum density by zone:

- a) The Alexander: This property requires eight (8) spaces based on apartment configurations: four (4) 2BR, and one (1) 3BR. The parking condition is satisfied.

- b) The Palm Tee. The zoning for the hotel is split between R2 and R3, resulting in a maximum density of 15 units, but only 14 constructed. At one space per guest room, only fourteen (14) spaces are required but seventeen (17) spaces are provided. The parking condition is more than satisfied.

2. **Building Code**. As a result of the City characterizing the properties as assisted living, constituting a change in use, Building & Safety indicated that significant upgrades would be required, including full ADA and CBC updates. Such upgrades include: Sprinklers, Audible Water Flow Alarms, Valve and Water Flow Monitoring, Fire Department connections, Central Station Protective Signaling Service, Fire Alarm System, Parking and Signage, Accessible Rooms for Wheelchair and Hearing Impaired, Pool Access Lifts, Pool Fencing, to name a few among the multitude of improvements and modifications required. The estimated cost of such upgrades exceeds \$200,000, an unreasonable sum where there is no actual change in use, and in light of the disadvantaged population being served.

There has been no change of use to justify any change to the parking or building code compliance. Nothing in the per-bed rental basis, nor in the identity or condition of the residents, or the nature of ownership should alter the parking or other standards applicable to these properties.

Please take note of the Housing Element in the City's General plan (2006-2014) which provides as follows:

“... [Government Code (§65008)] requires local governments to analyze potential and actual constraints on housing for people with disabilities, demonstrate efforts to remove governmental constraints, and include programs to accommodate people with disabilities. H&S Code 1500 et seq requires that group homes serving six or fewer persons be treated the same as any other residential use, allowed by right in all residential zones and be subject to the same development standards, fees, taxes, and permit procedures as those imposed on the same type of housing in the same zone. The City desires to develop an ordinance that mirrors protections in state law for both small and larger group homes and a program is included in the Housing Plan.”

The standard is set by the city to treat housing for people with disabilities as any other housing.

We recognize that “sober living” is not the norm for apartments, hotels, vacation rentals. But being different does not make it “assisted living.” The City has been working on an ordinance to acknowledge and facilitate the development of sober living properties, and actual treatment and recovery centers, for some time. No such ordinance exists at this time. The City should not artificially create a barrier to fair housing choices for our client's guests, whose disability requires and who choose sober living. We urge the City to consider that our client's adoption of a sober living approach to guest accommodation, with management enforcing this rule, is good policy, is a matter of necessity for the guests, and is consistent with free choice that the City permits in other guest accommodations in the City (e.g., gay, gender specific, adult only).

December 10, 2012

Page 9 of 9

The City must acknowledge such rights. Simply stated, sober living accommodations do not equate to an "assisted living facility." No activity at either property rises to the level of "assisted living." No land use permitting is required to maintain a sober environment at either property.

As you are aware, the financial burden imposed following our client's cooperative approach to imposition of CUP requirements is extreme. In the face of such prohibitive expense, our client has elected to modify its business model in order to continue use of the properties in the manner existing for years, with the exception of sobriety rules.

Very truly yours,

SBEMP LLP



David L. Baron

Maureen P. Flannery

cc: Client
Ken Lyon
Courtesy Copies to all Planning Commissioners

file

RESOLUTION NO. 6318

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA UPHOLDING A DETERMINATION MADE BY THE DIRECTOR OF PLANNING SERVICES THAT THE APPELLANTS' USES AT 1590 EAST PALM CANYON DRIVE AND 1425 VIA SOLEDAD ARE NOT HOTELS, BUT RATHER ARE SUBSTANCE ABUSE RECOVERY CENTERS / ASSISTED LIVING FACILITIES.

WHEREAS, on April 12, 2012, the applicant/appellant was notified in writing by the Department of Building and Safety / Code Enforcement that a conditional use permit (CUP) is required at two facilities owned and operated by the applicant, and

WHEREAS, on May 3, 2012 the applicant/appellant was served a Courtesy Notice by certified mail notifying them that they were in violation of the City's Municipal Code by operating the substance abuse recovery centers / assisted living facilities at the subject addresses without approval of Conditional Use Permits.

WHEREAS, on June 24, 2012, the applicant/appellant submitted CUP applications for both properties requesting approval to operate them as substance abuse recovery centers / assisted living facilities, and

WHEREAS, on September 26, 2012, the City received correspondence from the appellant's attorney notifying the City that the applicant was withdrawing their CUP applications and asserting that the two properties were being operated as hotels, not substance abuse recovery centers / assisted living facilities, and

WHEREAS, on November 1, 2012, the Planning Director made a determination pursuant to section 91.00.08 (B) of the Palm Springs Zoning Code (PSZC) that the appellant's current uses at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotels, but rather are substance abuse recovery centers / assisted living facilities and require approval of Conditional Use Permits from the Planning Commission in order to continue to operate, and

WHEREAS, on November 15, 2012, the appellant, Ken Seeley of Intervention 911, filed an appeal of the Planning Director's determination; and

WHEREAS, Sections 91.00.08 (B) of the Palm Springs Zoning Code allows decisions by the Director of Planning Services to be appealed to the Planning Commission; and

WHEREAS, on December 12, 2012, the Planning Commission conducted a public review of the appeal request, including all of the evidence presented in connection with the matter, including, but not limited to, the staff report prepared on the matter, and all

written and oral testimony presented, and whereas the matter was continued to a date certain of January 23, 2013, at which time it was again continued to a date certain of February 13, 2013, and

WHEREAS, at its regularly scheduled meeting of February 13, 2013, the Planning Commission considered all of the evidence in connection with the matter, including, but not limited to, the staff report prepared on the matter, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: That the determination by the Director of Planning was justified based on the following:

1. The Planning Director's determinations were based on many factors, including the applicant / appellant's conditional use permit application, marketing brochures, information on the appellant's website, and meetings with the appellant at the time they received their Building Department / Code Compliance Courtesy Notice. The appellants' marketing materials describe a facility for customers to seek treatment from substance abuse, and to learn various life skills to aid in re-entering the workplace, among other things. The determination was supported by review of facts, and the legal authority of the Planning Director to make such determinations is established in the City's Zoning Code.
2. The Director's determination did not violate state or federal fair housing law nor was his decision in conflict with the City's General Plan. The City permits assisted living facilities in many zones subject to a conditional use permit. Furthermore, pursuant to the Palm Springs Zoning Code (PSZC) Section 92.03.01 and 92.04.01 (Uses Permitted in the R-2 and R-3 zones) the city also allows hotels with less than 10% of the rooms having cooking facilities to be permitted "by right" in the R-2 and R-3 zones. Furthermore, hotels in which more than 10% of the rooms contain kitchens (which are the case for both of these properties) are permitted in both zones subject to a CUP. The Planning Commission has determined that no fair housing laws were violated by the Planning Director in making his determination.
3. The General Plan land use designation for both parcels is Tourist Resort Commercial. This land use designation notes that the primary use should be that of hotel and tourist-related uses. Residential uses are to be a secondary use ancillary to the hotel uses. Both hotels with more than 10% of the rooms containing kitchens and assisted living facilities are conditionally permitted in the R-2 and R-3 zones. Thus, the Planning Director's determination was not in conflict with the City's General Plan.

4. The Planning Director determination was not discriminatory nor was it bad social policy. The Planning Director's determination was based upon review of all the information available at the time, that the proposed use was not a hotel, but rather a substance abuse recovery center / assisted living facility. These facilities are permitted in many multiple family residential zones throughout the City of Palm Springs subject to a CUP. Sober living facilities are not defined in the PSZC nor are they listed as a permitted use in any zone in Palm Springs. The State of California regulations protect the establishment of sober living facilities of six beds or less in residential zones and encourages cities and counties to permit operators to establish such facilities as a means of integrating this population back into the community at large. Neither of the subject properties fall under the regulatory guidelines of the State for sober living facilities of six beds or less: the Palm Tee facility is proposed to have 32 patient beds and the Alexander is proposed to have 17 patient beds.
5. The director identified appropriate sections of the zoning code in making his determination. PSZC Section 91.00.08(B) "*Conflicting or Ambiguous Provisions*". This section states that "*where there may be conflicting or ambiguous provisions within this zoning code, the director of planning and building, or his authorized representative, shall determine the applicability of such provisions.*" The appellant has asserted that their proposed use at the two sites are "hotels", however based on the material presented by the appellant, the director has determined them to be substance abuse recovery centers, which are classified in Palm Springs as "assisted living facilities". The Planning Commission believes this is an appropriate application of the relevant provisions of the Zoning Code.
6. The uses at the two sites are not hotels. The appellants' CUP application, states, "*We would like the CUP application to allow for and include the following: Onsite therapy (individual and group), Life Skills classes, 12-step meetings, nursing or doctor assisted medication management and services that would be found at a drug and alcohol treatment center*". From these statements, the Planning Commission has concluded that assisted living services are indeed being offered, thus the facilities are not being operated as "hotels".
7. Financial burden was not a factor that the director used in making the determination that the proposed uses are not "hotels". The "financial burden" or conducting due diligence of the viability of a "business model" or of adapting any site to a particular proposed use, is solely the responsibility of applicants and business owners. "Financial viability" is not a finding or requirement of approval, nor was it a factor used in the Planning Directors' determination that the uses at the two sites are not hotels.

8. The subject properties are not providing affordable housing for the community. The appellant's brochure notes that the monthly rate for a "shared occupancy room" is \$2,800 per month per patient. Thus a typical room with two beds may rent for roughly \$5,600 per month. Pursuant to Table 3-8 of the City's Housing Element in the General Plan (which was updated in 2010); maximum affordable rents for extremely low to moderate income households is between \$500 and \$1,860 per month in Palm Springs. The monthly rate for the subject properties well exceeds the typical monthly rental for affordable housing. In comparison, the average rate for a monthly hotel stay in Palm Springs is roughly \$116 per night or about \$3,480 per month; thus the subject properties also generate income greater than the average 30-day hotel stay in Palm Springs. The Commission does not believe the subject properties are providing affordable housing for the community.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby rejects the appeal and upholds the determination of the Director of Planning Services that the appellant's uses at 1590 East Palm Canyon Drive and 1425 Via Soledad are not hotels, but rather are substance abuse recovery centers / assisted living facilities requiring the approval of a Conditional Use Permit by the Planning Commission to operate.

ADOPTED this 13th day of February 2013.

AYES: 6, Roberts, Weremiuk, Munger, Klatchko, Vice Chair Hudson and
Chair Donenfeld
NOES: 1, Calerdine
ABSENT: None
ABSTAIN: None

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA



for Craig A. Ewing, AICP
Director of Planning Services

- Bob Russano, resides across the street, spoke in opposition of the project and questioned the hotel use for this property.
- Eric McLaughlin, one of the property owners for Intervention 911, provided an overview on the use of sober living facilities and suggested drafting of a new ordinance for this type of use.
- James Miller, spoke in support of the sober living facility.
- Chelsea Edwards, spoke support of the sober living facility.
- David Mosier, spoke of in support of the sober living facility.
- Nathan Kuemmerle, spoke in support of the sober living facility.
- Rusty Pies, spoke in support of the sober living facilities and expressed gratitude for the assistance he's received.
- John Falcone, spoke in support of the sober living facility in his neighborhood.
- Jacob Smith, spoke in support of the project.
- Patrick G., spoke in support of the project.
- Dr. Krista Gilbert, Michael's House, explained the difference between a treatment center and a sober living facility and expressed her support for the sober living facility.
- Linda Futheru, neighbor, clarified that this property is a drug/alcohol intervention center and not a hotel.
- Tom Elefson, hotel owner across the street, requested that the beauty of the neighborhood be maintained and consideration for the hundreds of residents who will be affected.
- Michael Holdaway, spoke in support of the project.
- Jim Cioffi, project architect, suggested drafting an ordinance to classify the sober living facilities.
- Ken Seeley, applicant, provided an overview on the criteria for sober living facilities; and suggested an ordinance be established to define the standards for this use.
- David Baron, legal counsel to the applicant, re-emphasized the need to create a classification to define sober living facilities.
- Stephen Richards, spoke in support of the sober living facility.

There being no further appearances public comments was closed.

1. OTHER BUSINESS:

- 1A. Case 5.1282 and 5.1283 APPEAL - An appeal by Intervention 911 of a determination by the Planning Director regarding the uses occurring at 1425 Via Soledad and 1590 East Palm Canyon Drive, Zones R-2 and R-3, (Resort Combining Zone). (Project Planner: Ken Lyon, RA, Associate Planner)**

Chair Donenfeld disclosed that he had a discussion on two occasions with Mr. Baron pertaining to procedural matters.

Commissioner Munger clarified that she does not have a conflict of interest and will be participating in this matter.

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated December 12, 2012.

Commissioner Weremuik commented that she is uncomfortable with the assisted living facility definition and it does not meet a hotel use. She expressed concern with the lack of parking for the facility and encouraged the City to provide a classification for this type of use.

ACTION: To uphold the Planning Director's decision.

Motion Kathy Weremiuk, seconded by Chair Donenfeld

The Commission discussed the need to find a category that is appropriate for this type of facility and further review to consider subjecting this use as a conditional use permit.

Commissioner Klatchko suggested a continuance for further review and requested input from the City Attorney.

Commissioner Weremiuk withdrew her motion. Chair Donenfeld withdrew his second.

ACTION: To continue to 4 to 6 weeks and direct staff to work with the applicant on issues relating to zoning and building requirements; and direct staff to provide further investigation on the changes made on-site, as indicated by the applicant.

Motion Chair Donenfeld, seconded by Kathy Weremiuk and unanimously carried on a roll call vote.

AYES: Leslie Munger, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson, Lyn Calderine, Kathy Weremiuk

~~2. PUBLIC HEARINGS.~~

~~2A. Case 5.1289-CUP - An application by the Copa Room Inc. for a Conditional Use Permit for a new cocktail lounge and nightclub in a renovated 6,000-square foot existing building including building repaint; new landscaping, and revisions to the parking lot located at 244 East Amado Road, Zone REO, Section 14 Master Plan. (Project Planner: Glenn Mlaker, AICP, Assistant Planner)~~

SBEMP

A T T O R N E Y S

MAUREEN P. FLANNERY
flannery@sbemp.com
ADMITTED IN CA AND WA

RECEIVED

FEB 05 2013

February 5, 2013

**PLANNING SERVICES
DEPARTMENT**

Copy via email: Craig.Ewing@palmsprings-ca.gov
Mr. Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
P.O. Box 2743
Palm Springs, California 92263-2743

Re: Intervention911 and Case Nos.: 5.1282 and 5.1283

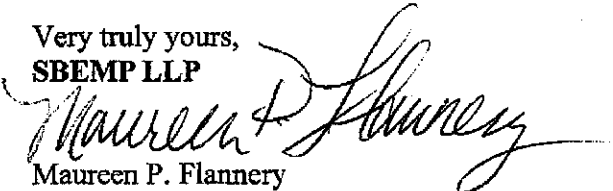
Dear Mr. Ewing:

The purpose of this letter is to request a continuance of the above cases from the February 13, 2013, Planning Commission meeting to that of March 6, 2013 Planning. This request follows our meeting with our clients, Ken Lyon, the Fire Chief and several members of the Fire Department staff.

During that meeting, it became clear that we are at an impasse with respect to interpretation under the Fire Code of "alcohol or drug recovery or treatment facilities," for example, as a category applied to sober living homes, apartments and hotels. Resolution may lie in interpretation from the State Fire Marshal. Such a request for interpretation would take some time to process. In the interim, our client desires to submit to the Planning Commission a revised business model more akin to a traditional hotel for Palm Tee and traditional apartment housing for the Alexander Apartments. While it is not their preferred route, this would provide an opportunity for our client to obtain business licenses for each property and to operate existing properties within the code for the time being, and without having to displace residents desperately in need of this housing.

Thank you in advance for your support of this request for continuance and continued efforts towards resolution of these cases.

Very truly yours,
SBEMP LLP


Maureen P. Flannery

cc: Client
Ken Lyon, RA



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: January 23, 2013
To: Planning Commission
From: Ken Lyon, RA, Associate Planner *Ken Lyon*
Subject: **Case 5.1282 CUP and 5.1283 CUP Intervention 911 – Appeal of Planning Director’s determination. 1590 East Palm Canyon Drive and 1425 Via Soledad**

At its meeting of December 12, 2012, the Commission continued a hearing to a date uncertain on an appeal by Ken Seeley of Intervention 911. The appeal was based on a determination by the Planning Director that the current uses at the appellant’s two properties are not hotels, but rather are more similar to assisted living facilities / substance abuse recovery center uses.

The Commission asked Planning staff to meet with representatives of the Building and Fire departments to review whether there were alternative ways of evaluating and defining the proposed uses within the California Building Code and the Fire & Life Safety Code that might avoid the requirements (and expense) for installation of an automatic fire suppression system (fire sprinklers) and fire alarms at the two properties.

On December 20, 2012, staff from the three departments met and reviewed the details of the case¹. A memo summarizing the fire code official’s review and interpretation of the State’s building and fire codes is attached. This summary concludes that the current uses and activities at the two properties constitute a “change of use” to a more hazardous use occupancy classification, and thus installation of fire alarms and fire sprinklers at the two sites is mandatory.

Compliance with State building codes and State fire and life safety codes is independent from local zoning and land use regulations. Thus regardless of the Commission’s decision on the appeal; the State fire and life safety code requirements for the life safety upgrades (fire alarms and sprinklers) will apply on their own terms.

Based on this; the staff recommendation of upholding the determination of the planning director remains as noted in the attached draft resolution as previously submitted.

Attachments: Fire Prevention Bureau memo dated 12-26-12 and draft resolution.

¹ Staff present were Ron Beverly (PSFD, Deputy Fire Marshall), Bob Rose (PSFD), Terry Tatum, (Bldg/Safety Code Officer) John Allen (PSFD Fire Code Officer), Nadine Fieger (Bldg/Safety), Craig Ewing (Planning), James Webb (PSFD) and Ken Lyon (Planning).



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: February 13, 2013
To: Planning Commission
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Subject: **Case 5.1282 CUP and 5.1283 CUP Intervention 911 – Appeal of Planning Director’s determination. 1590 East Palm Canyon Drive and 1425 Via Soledad**

The Planning Commission first heard this appeal at its December 12, 2012 meeting. The appeal was based on a determination by the Planning Director that the current uses at the appellant’s two properties are not hotels, but rather are more similar to assisted living facilities / substance abuse recovery center uses and subject to conditional use permits (CUP’s).

The Commission continued the hearing to January 23, 2013 to allow further review by City Planning Staff and the City Fire Department Administration. At its meeting of January 23, 2012, the Commission continued the appeal hearing to February 13, 2013 at the request of the appellant. The appellant requested the continuance to allow time for them to meet with the City’s Fire Chief for further clarification on the chief’s interpretation of the State Fire Code with regard to the proposed uses.

The appellant met with members of the Fire Department and Planning Staff¹ on Monday February 4, 2013. Following that meeting, the appellant submitted a letter on February 5, 2013 (attached) requesting further continuance to March 6, 2013 to allow them time to submit a revised business model more akin to a traditional hotel for the Palm Tee Hotel and traditional apartment housing for the Alexander Apartments.

The Fire Chief has notified the Planning Department that a determination under the Fire Code is separate and independent from any zoning decision by Planning staff or the Commission. The fire department has concluded that the applicant’s use is a change to a more intensive use (“R-2” to “R-4” in the fire code), which includes boarding houses, half way houses, group homes, and alcohol or drug abuse recovery or treatment facilities.

Staff believes the Commission has sufficient information to make a determination on the appeal without further effort by the appellant to recast the description of the current

¹ Present were Maureen Flannery, Counsel for Appellant, Dave Baron, Counsel for Appellant, Jim Cioffi, Architect for the Appellant, Ken Seeley, Eric McLaughlin, (Appellants), John Allen, Fire Chief, Ron Beverly, Deputy Fire Chief, Bob Rose, Fire Department Plan Examiner, James Webb, PSFD, Ken Lyon, Associate Planner

uses. Furthermore, the Fire Chief's interpretation that the Appellant's current use represents a change to a more intense use triggers additional fire code requirements. Staff recommends that the Planning Commission act on the appeal at this meeting to expedite resolution of the fire department's safety concerns.

Attachments:

- Vicinity Maps
- April 12, 2012 Fieger to Seeley Notice of CUP requirement.
- May 3, 2012 Fieger to Seeley Courtesy Notice.
- September 26, 2012 Flannery to Lyon letter
- November 1, 2012 Ewing to Seeley / McLaughlin Letter of Determination
- November 15, 2012 Flannery to City Clerk appeal request
- December 12, 2012 Staff Report and draft resolution
- December 26, 2012 memo from City Fire Prevention Bureau memo.
- January 23, 2013 Staff Memo
- February 5, 2013 letter from Flannery to Ewing



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: February 13, 2013
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RECEIVED
CITY OF PALM SPRINGS
2013 FEB 21 PM 2:53

JAMES THOMPSON
CITY CLERK

DAVID L. BARON

baron@sbemp.com

ADMITTED IN CA

February 21, 2013

Hand Delivered

Office of the City Clerk
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Re: Cases 5.1282 /5.1283 CUP 1590 E Palm Canyon Drive "The Palm Tee Hotel"
1425 Via Soledad "The Alexander Apartments"

To the City Clerk:

Please consider this letter a request on behalf of our client, Intervention911, to appeal the determination of the Planning Department, by letter dated November 1, 2012, and the Planning Commission's action upholding such determination on February 13, 2013. Furthermore, we must emphasize that Intervention911 has twice requested a reasonable accommodation under the Federal Fair Housing Act and the Americans with Disabilities Act in determining that The Palm Tee Hotel and The Alexander Apartments are not assisted living facilities, but are multi-family use within the context of longer term transient occupancy properties as such have been used for decades. The City has not responded to either such request, and we hereby repeat that request to the City Council. (See prior requests, which are attached hereto). Intervention911 disputes the following determinations by the Planning Department and Commission:

- a. That each of the properties is being operated as an assisted living facility;
- b. That sober living is the same or substantially the same, categorically and functionally, as assisted living under the Palm Springs Zoning Code;
- c. That such arrangement and the peer-support environment does not qualify as a "family" for purposes of "Dwelling Unit" or "Rental Unit";
- d. That different parking requirements apply because of multiple contracts and semi-private rooms;
- e. That sober living facilities, and the facilities at issue, require a Conditional Use permit; and
- f. That our client must cease operation or file applications for Conditional Use Permit or Planned Development District.

The foregoing determinations are not supported factually or legally, violate state and federal fair housing laws and the City's General Plan, are discriminatory and based on bad social policy, are based on misunderstandings, assumptions and speculation, and are made pursuant to

inapplicable provisions of the City's Zoning Code. Simply stated, no "assisted living" is occurring onsite.

At the subject properties, Intervention911 provides sober living environments—not services or treatment—to individuals recovering from the disease of addiction. Residents of these properties sign a 30-day occupancy agreement, but occupancy may be shortened for a variety of reasons, including the choice by the resident or failure to remain sober, and may be extended for months depending on the needs and wishes of the resident. But no service or treatment of any kind takes place at the properties. The residents simply live there in a sober living environment.

Both properties are operated pursuant to a set of house rules that requires and supports a sober environment. First and foremost, residents are to be and remain sober, no alcohol or drugs are allowed on-site. Residents may elect to check medications with the property management; however, no assistance, counseling, drug testing and the like occurs onsite. Residents do interact and rely on each other as a family for peer-support in sober living, but participation in any group meeting is purely voluntary and there is no oversight by Intervention911. During the length of stay, the residents live in a self-governing environment. The residents share responsibilities (like cooking and cleaning), and they help each other recover from the disease of addiction. Indeed, there is no difference between the individuals living at the subject properties and occupants who check into a hotel, live in a multi-family dwelling, or a single family dwelling. A significant number of residents provided comments to the Planning Commission in this regard.

Accordingly, we respectfully request on behalf of Intervention911 that the City Council make a determination that the operation and use of properties at issue are substantially unchanged for zoning purposes from prior ownership through Intervention911's provision of a place for individuals recovering from the disease of addiction to live together during the course of their recovery. Both of our client's properties are substantially cleaner and safer than they have ever been, in large part due to the substantial efforts and expenditure of Intervention911 but also resulting from the sober environment. Further, parking impact is significantly less, as many residents do not drive. We would also agree to a maximum number of cars and parking spaces allotted for those vehicles to avoid any parking issues. Any suggestion that the operations or the residents themselves are significantly different and more dangerous than other occupants in a single-family dwelling, multi-family dwelling, or hotel is simply based on bias and results in discriminatory treatment of such individuals. Simply stated, no change of use has occurred and no conditional use permit is required.

Finally, while our client is steadfastly opposed to arbitrary categorization of its operations and its clientele, they remain more than willing to participate and cooperate in discussions related to development of a City zoning category that accurately describes sober living environments and a set of conditions applicable to sober living housing.

Office of City Clerk
February 21, 2013
Page 3

Enclosed please find a check in the amount of \$546 for this appeal and imaging fee duplication costs. Thank you.

Very truly yours,

SBEMP LLP

A handwritten signature in black ink, appearing to read "David L. Baron", written in a cursive style.

David L. Baron

cc: Ken Lyon, Planning Dept. – Hand Delivered
Craig A. Ewing, AICP – via email
Client

BRICKLEMYER
SMOLKER
ATTORNEYS AT LAW

ethanl@bsbfirm.com

January 30, 2013

VIA FACSIMILE AND ELECTRONIC MAIL

Mr. Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
P.O. Box 2743
Palm Springs, California 92263-2743

Mr. John Allen, Chief
Palm Springs Fire Department
300 N. El Cielo Road
Palm Springs, CA 92262

Re: Reasonable Accommodation Request for Intervention 911

Dear Mr. Ewing:

This Firm represents Intervention 911/Ken Seeley Communities (collectively "Intervention 911"). On January 22, 2013, Intervention 911 made a reasonable accommodation request to the City of Palm Springs related to recent events between my client's use of structures located at 1425 Via Soledad and 1590 East Palm Canyon Drive. I am forwarding this request to you so that you can provide input as to the City's position on issues related to the California Building Code.

Please consider this request to be a second reasonable accommodation request made on behalf of Intervention 911. Please contact me at your earliest convenience to discuss this important matter.

Thank you in advance for your consideration. I remain,

Respectfully,

BRICKLEMYER SMOLKER, P.A.

By: _____

Ethan J. Loeb

EJL/haw

BRICKLEMYER
SMOLKER  BOLVES
ATTORNEYS AT LAW

ethanl@bsbfirm.com

January 22, 2013

VIA FACSIMILE AND ELECTRONIC MAIL

Mr. Craig A. Ewing, AICP
Director of Planning Services
City of Palm Springs
P.O. Box 2743
Palm Springs, California 92263-2743

Re: Reasonable Accommodation Request for Intervention 911

Dear Mr. Ewing:

This Firm represents Intervention 911/Ken Seeley Communities (collectively "Intervention 911"). I am writing in response to the November 1, 2012 decision by the Planning Director (Exhibit "A") as to the above-referenced facilities, and the upcoming hearing before the City of Palm Springs (the "City") Planning Commission (the "Commission"). Please consider this letter to be a **Request for Reasonable Accommodation** under the Federal Fair Housing Act and Americans with Disabilities Act. Intervention 911 is requesting, pursuant to the Federal Fair Housing Act, 42 U.S.C. 3604(f)(3)(B) (the "FHA") and the Americans with Disabilities Act, 42 U.S.C. 12132 (the "ADA"), as a reasonable accommodation that the City treat the use of the subject properties as a multi-family use. In addition, it is requested that the City treat the residents living at the facility as a family consistent with the City's definition of a family, which is defined to mean "an individual or two (2) or more persons living together as a single housekeeping unit in a single dwelling unit."

BACKGROUND

Intervention 911 provides housing for recovering alcoholics and substance abusers located at properties more commonly known as the Palm Tree Inn Hotel and the Alexander Apartments. The residents are a protected class for purposes of the FHA and ADA. At the housing that is provided, there are no counseling services, treatment, or supervision on site. To the extent that residents are concurrently receiving treatment for the disease of addiction in the form of licensed counseling or therapy, they do so off site at a licensed outpatient facility within the City's limits. Residents are living at the facility voluntarily, and they are not residing at this facility pursuant to a court order or as an alternative to jail sentencing.

The residents purchase their own food, cook, eat, and spend time together just like a family unit. These activities play a pivotal role in helping to reduce the possibility of relapse,

and materially help reduce recidivism. There are no services or treatments conducted on the premises that require licensing by the State of California. Other than a list of "house rules," there are no third parties making decisions as to how the facility is run and operated. The rules of facility are simple: residents must live at the facility (i) peacefully; (ii) drug and alcohol free; and (iii) without causing disruption or aggressive behavior. In all respects, the residents reside together as a family unit even though this family is not related by blood or marriage. Indeed, there are no limitations as to how long a resident may stay at the residences so long as they do not consume alcohol or use illegal drugs. Indeed, a resident could stay at the facility indefinitely should he or she so choose.

Clearly, these residences are not assisted living facilities,¹ group homes, boarding homes, or halfway houses. Instead, the use of the residences is akin to a family living in a multi-family dwelling. Indeed, the only difference between a multi-family dwelling and the residences is the need of the resident to reside in the housing provided by Intervention 911—i.e., the therapeutic benefit the resident receives living in the housing while receiving intensive outpatient treatment. It is Intervention 911's hope and request that the City treat the facilities like a multi-family dwelling, just like any other structure within the City's limits.

Despite these facts, which have been explained to the City staff on multiple occasions, the City's Planning Director has determined that the use of the residences was that of an assisted living facility. My client has appealed that decision to the Commission, which will be heard on January 23, 2013. It is my understanding that staff has recommended that the Commission uphold the Planning Director's decision. Additionally, it is my understanding that the City has classified the Properties as an "Alcohol or Drug Abuse Recovery or Treatment Facility," which would require changes to the facility under the California Building Code.

Not only is this classification erroneous, but constitutes illegal stereotyping on the basis of disability. If the City insists that its interpretation should stand, then my client, as a provider of housing to individuals recovering from the disease of addiction, would request that the City provide them with a reasonable accommodation.

REASONABLE ACCOMMODATION REQUEST

1. **Zoning.** Intervention 911 requests that the City treat the residences as a multi-family use—which is a permitted use under the City's land development code. The activities that are currently ongoing at the facilities do not qualify as a substance abuse service facility

¹ "Assisted living services" includes, but is not limited to, assistance with personal activities of daily living, including dressing, feeding, toileting, bathing, grooming, mobility, and associated tasks, to help provide for and maintain physical and psychosocial comfort. Cal Health & Saf Code § 1771. The City of Palm Springs Zoning Code defines "Assisted Living Facilities" as "a means a special combination of housing, supportive services, personalized assistance and health care licensed and designed to respond to the individual needs of those who need help with activities of daily living and instrumental activities of daily living. Supportive services are available twenty-four (24) hours a day to meet scheduled and unscheduled needs in a way that promotes maximum dignity and independence for each resident and involves the resident's family, neighbors and friends, and professional caretakers."

under the City's code or under the California health and safety laws. Either way, it is requested that the City waive any requirement for a conditional use permit.

2. **Life Safety Code.** Intervention 911 requests that the City treat the facilities as multi-family dwellings. The City's decision to classify the residences as an "Alcohol or Drug Abuse Recovery or Treatment Facility," is not only erroneous, but is not supported by the State's Health and Safety legislation defining a substance abuse treatment facility. This in turn makes the City's Fire Marshal reclassification of its use group to an R-4 erroneous.

The R-4 classification requires substantial installations and modification to the residences, including building-wide sprinkler systems. The R-4 classification is based solely on the nature of the disability of resident and, as such, this classification is facially discriminatory under the FHA and ADA (i.e., individuals who are recovering from the disease of addiction). A family living in one of the facilities would *not* "trigger" such modifications. Two individuals who are simply seeking a vacation rental would similarly *not* "trigger" such modifications. The status of the residents as individuals recovering from the disease of addiction should *not* "trigger" such modifications.

In addition, requiring Intervention 911 to comply with requirements of the State Building Code to an already existing structure would interfere with the normal use of the residences and would cause unreasonable hardships and unnecessary inconvenience, and would not result in an increase in fire safety. As a reasonable accommodation, it is requested that less onerous fire safety requirement be imposed that would mitigate any serious threat to life safety, as this can be accomplished by keeping the same level of life safety that is currently in place at both residences.

Individuals recovering from addiction should not be subjected to more onerous standards. There is nothing to suggest that individuals in recovery from alcoholism and substance abuse pose any greater hazard than a family living in a multi-family dwelling, nor are they incapable of responding to a fire emergency like a family member. The individuals who live at the residences have absolutely no unique need for a sprinkler system or other requirements that are not required for housing for people without disabilities. The residents who will live in the homes are capable of evacuating their homes without assistance in the event of a fire emergency. The nature of their disabilities has no impact on their capacity to exit or telephone in the event of actual fires or other emergencies.

CONCLUSION

Intervention 911 requests that the City interpret and impose requirements under the land development code and the California Building Code to the residences just like it would to a multi-family dwelling. It is requested further that the City not proceed forward with the hearing scheduled for this Wednesday; instead, it is requested that the City provide Intervention 911 with a letter indicating that it has provided the accommodations requested herein. I would request that you call me at your earliest convenience to discuss this matter.

Letter to Craig Ewing, Director of Planning
January 22, 2013
Page 4

Thank you in advance for your consideration. I remain,

For the firm,

BRICKLEMYER SMOLKER & BOLVES, P.A.

By: 
Ethan J. Loeb

EJL/haw



City of Palm Springs

Department of Planning Services
3200 East Tahquitz Canyon Way • Palm Springs, CA 92262
Tel: 760-323-8245 • Fax: 760-322-8360

November 1, 2012.

Mr. Ken Seeley and Eric McLaughlin
Intervention 911
501 N Cantera Circle
Palm Springs, CA 92262

Subject: Case 5:1282 CUP 1590 East Palm Canyon Drive "The Palm Tee Inn Hotel"
Case 5:1283 CUP 1425 Via Soledad "The Alexander Apartments"

Dear Mr. Seeley and Mr. McLaughlin,

On September 26, 2012, the City received a letter and e-mail from your attorneys (Flannery to Lyon dated September 26, 2012), and (Baron to Lyon dated September 26, 2012), to claim that your operations at the subject properties are that of a "hotel" and allowed in the subject zones 'by right'. Further, these communications notified the City that applications for conditional use permits to operate assisted living facilities / substance abuse recovery centers at both addresses were being withdrawn.

I have reviewed the operation described in your CUP application, the marketing brochures for Intervention 911, your website and the assertion by your attorneys about your "hotel" operation. As detailed below, I have determined that the uses occurring at both locations do not qualify as hotels. In fact, the uses you are pursuing do fit the definition of a substance abuse recovery centers or sober living facilities and that a Conditional Use Permit for each site must be approved prior to initiating the use.

While it is clear to me that the properties are not being operated as hotels, as defined, there may be ambiguity in your minds about the application of the code to your use of these properties. When such ambiguities exist, the Palm Springs Zoning Code Section 91.00.08.B grants authority to the Planning Director to determine the applicability of the code¹. This letter is that determination.

¹ Palm Springs Zoning Code Section 91.00.08(B), "Conflicting or Ambiguous Provisions" In any case where there may be conflicting or ambiguous provisions within this Zoning Code, the director of planning and building, or his authorized representative, shall determine the applicability of such provisions. Such determination may be appealed to the planning commission."



First, the City evaluates all business license applications and other zoning clearances to determine whether a particular use is allowed in the underlying zone, and what permits may be necessary to establish such use. It has been the City's long-standing determination that substance abuse recovery centers are classified as "assisted living facilities" and therefore subject to a Conditional Use Permit in the underlying R-2 and R-3 zones that apply to your properties.

The Zoning Code provides the following definition for "assisted living facility":

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

In contrast to this definition, the zoning code defines "hotel" and "resort hotel", as follows:

"Hotel" means any building or portion thereof containing six (6) or more guest rooms used by six (6) or more guests, for compensation (excepting jails and hospitals), where provision for cooking may be made in a limited number of individual suites, and which rooms are designed and intended as temporary or overnight accommodations. Also see "Hotel, Resort."

Hotel, Resort: "Resort hotel" means a full-service hotel containing one hundred (100) or more guest rooms. Such hotel may have accessory commercial and recreational uses operated primarily for the convenience of the guests thereof, in accordance with the provision of Section 92.05.01(A)(2) of this Zoning Code.

Finally, "dwelling unit", which is also part of how the City characterizes hotel rooms for purposes of determining off-street parking requirements is defined in the Zoning Code:

"Dwelling unit" means one (1) or more rooms and a single kitchen in a single-family dwelling, apartment house or hotel designed as a unit for occupancy by one (1) family for living and sleeping purposes. Also see "Rental unit."

Based on the information we have accumulated, your facilities are operated as a collection of semi-private rooms with multiple contracts per room (beds individually rented within a room) held by unrelated persons with accommodations, programming, counseling, and services for treating addiction recovery. Your facilities are clearly operated in a manner that is inconsistent with the City's definition of a hotel. Although it

is common for unrelated persons to rent a single hotel room under a single contract for a concurrent time and duration, having separate contracts with unrelated persons for the same room with differing occupancy terms and durations is not.

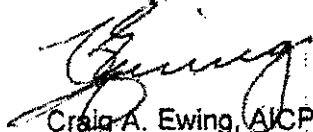
In addition, the Palm Springs Zoning Code off-site parking requirement for hotels is one parking space per hotel room. With multiple contracts and semi-private rooms with multiple occupants per room, there is the potential for nearly double the off-street parking demand which would not be met by the hotel standard.

As noted above, the City has long regulated sober living / recovery centers as "assisted living facilities", and required approval of a Conditional Use Permit (or Planned Development Permit, as necessary) from the Planning Commission.

Presently, you are operating non-permitted sober living facilities / substance abuse recovery centers in violation of the Palm Springs Zoning Code. You must either cease operation immediately or re-file your applications for a Conditional Use Permit or Planned Development District. You must also obtain a City of Palm Springs Business License correctly listing the business type for each property as a substance abuse recovery center / sober living facility². Failure to do so may result in initiation of legal action against you to cease the currently unapproved use.

You may appeal this determination to the Planning Commission pursuant to Section 2.05.040 of the Municipal Code. Such notice must be filed in writing and include the required fee, within ten (10) days following the mailing of this letter and no later than November 15, 2012.

Sincerely,



Craig A. Ewing, AICP
Director of Planning Services
City Of Palm Springs

Cc: Maureen P. Flannery, Attorney, Slovak, Baron & Empey

Attachments:

- Copy of Intervention 911 brochure, website and conditional use permit application.
- Flannery to Lyon letter dated September 26, 2012
- Baron to Lyon e mail dated September 26, 2012

² Currently there is no business license on file for the Palm Canyon address, and the Via Soledad address is listed on your business license as "offices for rehab intervention".

Ken Lyon

From: Dave L. Baron <baron@sbemp.com>
Sent: Thursday, February 21, 2013 1:38 PM
To: Ken Lyon
Cc: Craig Ewing
Subject: FW:
Attachments: 2013.02.21 City PC Appeal 02.21.13.pdf

Hello Gentlemen: We have filed the enclosed appeal with the City clerk this afternoon along with the filing fee. I just wanted you both to have this as early as possible. Any idea when this will come before the council?

From: Paula Barlow
Sent: Thursday, February 21, 2013 1:30 PM
To: Dave L. Baron
Subject:



PALM SPRINGS ORANGE COUNTY PRINCETON

Paula Barlow
Secretary/Paralegal to David L. Baron, Shaun M. Murphy
and Charles L. Gallagher
Slovak Baron Empey Murphy & Pinkney LLP
1800 East Tahquitz Canyon Way
Palm Springs, CA 92262
Tel: (760) 322-2275 (ext. 42)
Fax: (760) 322-2107
barlow@sbemp.com

*****CONFIDENTIALITY NOTICE*****

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Kathie Hart

From: Kathie Hart
Sent: Monday, February 25, 2013 4:26 PM
To: Ken Lyon; Craig Ewing; Edward Robertson
Cc: Jay Thompson; Tom Wilson
Subject: Appeal on Cases 5.1282 and 5.1283
Attachments: Appeal Cases 5.1282 and 5.1283.pdf

Planning Department:

In accordance to the Palm Springs Municipal Code this appeal shall be presented to the City Council within 45 days for consideration. April 3, 2013, will be 45 days from the date of filing. This shall be on the City Council agenda no later than April 3, 2013.

It is my understanding the appellant has request the appeal be presented to the City Council for consideration as soon as possible. Due to the noticing requirements this may be heard on March 20, 2013. Please contact the appellant to ensure this is a mutually agreeable date.

Thank you.

Kathie

Kathie Hart, CMC

Chief Deputy City Clerk

City of Palm Springs

3200 E. Tahquitz Canyon Way

Palm Springs, CA 92262

(760) 323-8206

(760) 322-8332

[✉ Kathie.Hart@PalmSpringsCA.gov](mailto:Kathie.Hart@PalmSpringsCA.gov)

Please note that City Hall is open 8 a.m. to 6 p.m. Monday through Thursday, and closed on Fridays at this time.

From: Cindy Berardi
Sent: Thursday, February 21, 2013 3:09 PM
To: Jay Thompson; Terri Milton; Kathie Hart
Cc: Craig Ewing; Ken Lyon
Subject: Appeal on Cases 5.1282 and 5.1283

The attached request for appeal was just received. I have deposited the checks and will put the documents in Kathie's bin for processing.

Cynthia A. Berardi, CMC
Deputy City Clerk
City of Palm Springs
P. O. Box 2743
Palm Springs, CA 92263
(760) 323-8204
(760) 322-8332 fax

CITY OF PALM SPRINGS

RECVD BY: CR 01000055460
PAYOR: INTERVENTION 911
TODAY'S DATE: 02/21/13
REGISTER DATE: 02/21/13 TIME: 16:16

DESCRIPTION	AMOUNT
OTHER CHARGES SVCS	\$415.00
CUST ID: APPEAL	
OTHER CHARGES SVCS	\$131.00
CUST ID:	

TOTAL DUE:	\$546.00

CHECK PAID: \$546.00
CHECK NO: 4999/21637
TENDERED: \$546.00
CHANGE: \$.00

3B. Case 5.1282 / 5.1283 - An Appeal of the Planning Directors Determination that the appellant's proposed uses are not a hotel. For two parcels, 1590 East Palm Canyon Drive and 1425 Via Soledad; Zone R-2 (Project Planner Ken Lyon RA, Associate Planner)

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated February 13, 2013.

Commissioner Munger disclosed that she lives in the Deepwell Neighborhood and has not participated in any discussions regarding this item.

The Planning Commission discussed the current use for the appellant's two properties.

Jim Webb, Deputy Chief and Fire Marshall, provided clarification on fire code regulations.

Commissioner Munger expressed concern with the lack of parking for the current uses.

Commissioner Weremuik commented that the current use is not configured as an apartment building or a hotel and many of the issues could be addressed with a conditional use permit.

Commissioner Calerdine noted that the zoning for this type of use needs to be updated and would be voting against the motion.

ACTION: To deny the appeal and uphold the Planning Director's decision. **Motion J.R. Roberts, seconded by Kathy Weremuik and carried 6-1 on a roll call vote.**

AYES: Leslie Munger, Philip Klatchko, J.R. Roberts, Chair Donenfeld, Vice Chair Hudson, Kathy Weremuik

NOES: Lyn Calerdine

Staff reported that this decision may be appealed to the City Council within 10 working days at the City Clerk's office.

October 15, 2014

City Of Palm Springs – Planning Commission

RECEIVED
CITY OF PALM SPRINGS

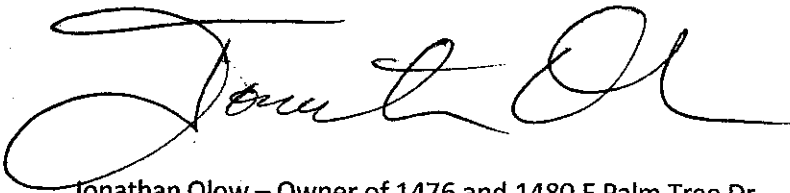
2014 OCT 20 PM 3:09

JAMES THOMPSON
CITY CLERK

Dear Planning Commission:

I am a homeowner in DeepWells and am concerned about the proposed use of this building in the neighborhood. I do feel it is good to have these facilities, yet I think the biggest issue will be the parking on the street on Calle Rolph, Sagebrush and Calle Marcus by the patients and the staff. I would propose that there is something in place to handle parking and that you review if there is adequate off street accomodations.

Thank you in advance for your attention to this matter. You may contact me if needed. 619-823-9900



Jonathan Olow – Owner of 1476 and 1480 E Palm Tree Dr



Terri Hintz

From: Ken Lyon
Sent: Monday, October 20, 2014 11:45 AM
To: Terri Hintz
Subject: FW: Futterer 911 CUP

Terri, would you kindly forward this to the Planning Commissioners as a piece of public comment on Case 5.1282 / 5.1283 for this Wednesday's PC meeting? Let me know if you want me to print up copies to place in their packets the day of the meeting. Thanks.

Ken Lyon, RA
Associate Planner
Department of Planning Services
City of Palm Springs, California
3200 Tahquitz Canyon Way
Palm Springs, California 92263
T 760 323 8245 F 760 323 8360

"Make no little plans,
They have no magic to stir men's blood
And probably won't be realized.
Make big plans
Aim high in work and in hope,
Let your watchword be order,
And your beacon beauty"
Daniel Burnham, Architect and Planner

From: Linda Futterer [mailto:homtak@earthlink.net]
Sent: Monday, October 20, 2014 11:34 AM
To: Ken Lyon
Subject: Futterer 911 CUP

Mr. Lyon,

I hope this e mail will suffice in place of a letter or personal appearance before the Planning Commission on Wednesday, October 22, 2014. I am working in Thermal that day and feel it impossible to get back across the valley in time for the Planning Commission meeting and the 911 Recovery CUP hearing.

I strongly support the conditions that the city staff has placed on the application for obtaining the CUP. These are reasonable and part of city coding for this operation. I hope the Planning Commission will accept these and the 911 can begin to come into compliance.

My involvement on this matter for the last three years has been that all businesses that come to the city are required to obey by the rules and codes of the city. The codes and rules insure all: owners, clients and neighboring residents that the business is up to code with safe buildings, grounds and appropriate parking, that all neighbors, owners and clients understand the rights of the others, that the appropriate taxes and operating fees are being paid to the city and that this is a legitimate business within the City of Palm Springs.

A Conditional Use Permit is what the neighbors have been asking since the 911 began operation three years ago.

Sincerely,
Linda Futterer

Item 3C #38