



CITY OF PALM SPRINGS

DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: December 10, 2014
To: The Planning Commission
From: Ken Lyon, RA, Associate Planner *Ken Lyon*
Subject: Cases 5.1282 CUP and 5.1283 CUP – Conditional Use Permit applications.

These two public hearing cases were on the Planning Commission agenda of October 22, 2014. At that meeting the applicant requested the items be continued to a date certain of November 12, 2014.

At the Planning Commission meeting of November 12, 2014, the applicant, Intervention 911 requested the subject items be continued to a date certain of December 10, 2014.

It is therefore on the agenda for the Planning Commission's consideration today. Staff's analysis and recommendation remains as stated in the Planning Commission Staff Report dated October 22, 2014.



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 THE ALEXANDER APARTMENTS, AN EXISTING FIVE-DWELLING UNIT BUILDING LOCATED AT 1425 VIA SOLEDAD ZONE R-2 (CASE 5.1282 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 of 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 (conversion of small structures) Categorical Exemption 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 NINE-PATIENT BED SUBSTANCE ABUSE RECOVERY CENTER (ASSISTED LIVING FACILITY) LOCATED IN AN EXISTING FIVE-DWELLING UNIT BUILDING LOCATED AT 1425 VIA SOLEDAD, SUBJECT TO CONDITIONS OF APPROVAL AS NOTED IN EXHIBIT "A", (ZONE R-2) (APN 508-344-001)

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 17 beds and a manager's unit in an existing five dwelling unit building at 1425 Via Soledad. The site is a roughly 14,177 square feet (0.33 acre) parcel.

Most Recent Changes in Ownership	
June 19, 2014	Purchase by Eric McLaughlin; The Eric McLaughlin Irrevocable Living Trust
November 23, 2011	Purchase by Intervention 911

Neighborhood Meeting	
	None

Past City Actions	
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 1590 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 1425 Via Soledad. (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.
April 3, 2013	City Council heard an appeal request by Intervention 911 of the Planning Commission's action and voted to uphold the action of the Planning Commission, which was to uphold the Planning Director's determination that the proposed use was not a hotel.

Adjacent General Plan Designations, Zones and 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	VLDR (Very Low Density	R-1-C (Single Family Residential)

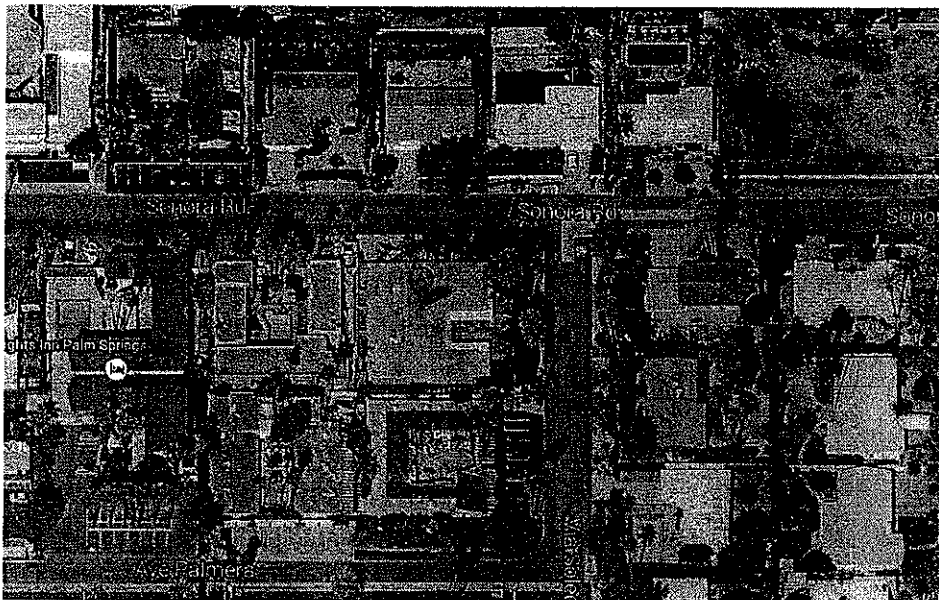
	Residential	Residential: 4du/ac)	
West	Hotel / Apartments	Tourist Resort Commercial	R-2 (Multi-Family Residential)

PROJECT DESCRIPTION:

The existing five unit 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 apartment building. The applicant proposes to change the use to a substance abuse recovery center / assisted living facility for persons recovering from alcoholism, drug abuse and other addictions. The current facility is comprised of four (4), two-bedroom apartments and one, (1) three-bedroom apartment.

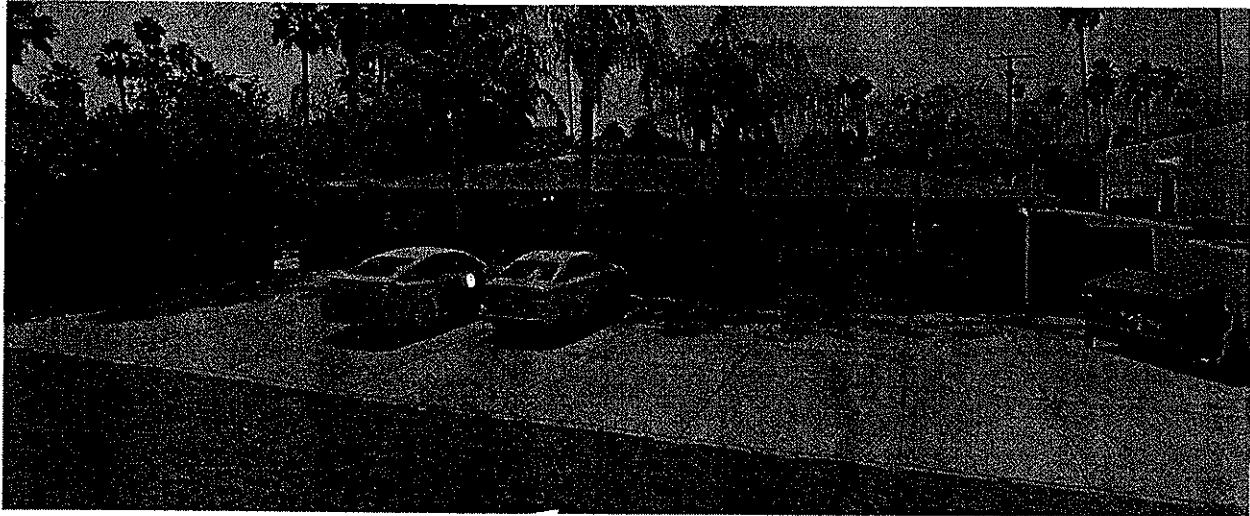
The applicant proposes an occupancy of seventeen (17) patient beds in four of the units and two (2) staff persons occupying the resident manager's unit. The applicant proposes on-site treatment for the patients including on-site individual and group counseling, life skills classes, twelve-step meetings, 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 building is roughly 4,895 square feet in area. There are eight (8) bay parking spaces which take access directly off Sonora Road, however one space is being used for the trash dumpster and there are no handicap compliant parking spaces. This segment of Sonora Road is a two-lane local collector street on the City's General Plan Circulation Map.



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.



1425 VIA SOLEDAD STREET FRONT VIEW (DUMPSTER AT RIGHT)

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 apartment building contains five units on roughly 0.33 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 of a transient nature, similar to tourist-related uses, and

therefore 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 zone.

Development Standards:

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

TABLE 2 - Comparison of development regulations & proposed conditions

R-2	Required/Allowed	Existing at 1425 Via Soledad
Lot Area	Minimum 20,000 sf	14,177 sf (Legal non-conforming)
Lot Width	Minimum 130 feet	106 feet (Legal non-conforming)
Lot Depth	Minimum 150 feet	136 feet (Legal non-conforming)
Density (see note below)	General Plan: 15 du/ac; 0.33 acres = 5 dwelling units PSZC 93.23.06.A (Density for Assisted Living Facilities): 15 du/ac x 0.33 ac x 1.91 pph* = 9 patients / beds maximum	Five dwelling units; (conforms to GP) At 17 patients plus 2 @ managers unit, DOES NOT CONFORM, HOWEVER IF REDUCED TO 9 PATIENT BEDS, THE PROJECT WOULD CONFORM
Building Height	24 feet and 2 stories	Approximately 12 feet and 1 story (conforms)
Set Back Front yard	30 feet on secondary thoroughfares	36 feet (conforms)
Interior setback side yard	10 feet or equal to height for bldgs greater than 12 feet	11 feet (conforms)

Rear Yard Set Back	10 feet	11 feet (conforms)
Parking	PSZC 93.23.06.B.2: 0.5 space/bed + 1 space/3 staff (17 beds proposed + 2 staff = 9 + 1 = 10 required spaces	7 off-street bay parking spaces, none are handicapped compliant. AT 17 BEDS, PROJECT DOES NOT CONFORM; AT 9 PATIENT BEDS + 2 STAFF (5 + 1 = 6) THE PROJECT WOULD CONFORM.
Height of wall	Maximum 6 feet @ side yard	Existing 5 feet (conforms)
Open/usable landscape/recreational Space	50% of the site shall be usable landscaped open space.	53% (conforms)

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

Density Analysis pursuant to the Zoning Code

Density calculations in the Zoning Code for assisted living facilities do not directly correlate in a simple way with density calculations in the General Plan. The Zoning Code establishes permitted densities for assisted living facilities based on the permitted density of the zone (dwelling units per acre) multiplied by the latest census figure for the average household size in Palm Springs, times the net area of the site. The 2010 census estimates the average household size to be 1.91 persons. This figure (1.91) multiplied by the density of the zone (15 dwelling unit/acre), times the lot size of 0.33 acres yields a maximum allowable density for an assisted living facility at this site of nine (9) patient beds. The project proposes seventeen (17) beds. To be deemed consistent with the zoning code in terms of density the project would need to be conditioned to a maximum patient count of nine (9) patient beds.

Building Composition and Architecture.

The structure at 1425 Via Soledad was constructed as a simple, flat-roof modern building containing five (5) apartments. The building remains essentially unchanged since its construction, although at various times it has been used as either an apartment building or a vacation rental.

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 and Trash Enclosure

Pursuant to Zoning Code Sections 93.06.00 (*off-street parking*) and 93.23.06 (*assisted living facilities*), the proposed substance abuse recovery center / assisted living facility use with seventeen patient beds and two staff persons would require ten off-street parking spaces. The site has seven bay parking spaces, none of which are handicap-compliant. It appears the site may have originally been constructed with eight spaces, but one is being used for the trash dumpster, leaving seven existing bay parking spaces. Zoning

Code Section 93.06.00.C.10 requires one handicap space for parking lots up to 25 spaces. The first handicap space must also be van accessible. The applicant may be able to re-stripe the existing bay parking spaces to establish a van-accessible space, but in doing so, would reduce the number of off-street spaces to six. In addition, PSZC Section 93.07.02 requires a masonry enclosure for the containment of the trash dumpsters. The site currently has a dumpster sitting in a parking stall with no enclosure. Staff recommends a masonry enclosure for the trash dumpster be provided on the site as a condition of approval.

With six parking spaces and two on-site staff persons, the maximum number of patient beds this site could accommodate in terms of the provision of off-street parking would be nine (9).

The applicant also 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 guest 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 at the facility.

Off Street loading, Trash Enclosures and Recycling:

Section 93.07.00 of the PSZO regulates development standards for off-street loading and trash enclosures. Pursuant to 93.07.01(A), every commercial building shall have and maintain loading spaces. The subject project does not have a loading dock and the lack of a compliant trash enclosure was discussed above. PSZO Section 93.07.01(A)(8) notes that parking areas and drive aisles may be used for the loading space for a project subject to approval of the Planning Commission.

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 zone. The project is located in the R-2 zone and thus 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 1425 Via Soledad is in the Tourist Resort Commercial (TRC) land use designation of the General Plan. This designation is for hotels and other tourist-related commercial uses. 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 tourism uses, and as such 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 seventeen (17) patient beds and two (2) staff persons which exceeds the allowable zoning density and parking capacity at this site for an assisted living facility / substance abuse recovery center. The existing facilities on the site including parking and dwelling units allows for a maximum of nine (9) patient beds with two 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 0.33 acres and contains an existing structure that was built with permits in the 1950's as a five (5)-unit building with off-street bay parking. Pursuant to

Zoning Code Section 93.23.06 (*Assisted Living Facilities*) and 93.06.00 (*off-street parking*), the maximum density of this site for the proposed use is nine (9) patient beds requiring six off-street parking spaces. The site could be deemed adequate for the proposed use if the patient bed count was limited to nine (9) beds and not more than three (3) staff persons.

- 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 southwest corner of Sonora Road and Via Soledad. Sonora Road is a collector on the City General Plan Circulation Map. Eight (8) existing off-street bay parking spaces are provided along the Sonora Road frontage but with the provision of trash enclosures and handicap parking spaces, the site can likely accommodate no more than six bay parking spaces. As noted above, the site does not have sufficient off-street parking at the proposed density, but if limited to nine (9) patient beds and not more than three staff persons, handicap-compliant parking and provision of a trash enclosure yielding a total of six (6) parking spaces, it could be deemed consistent with this finding.

CONCLUSION:

The proposed 17-bed assisted living facility / substance abuse recovery center use at 1425 Via Soledad 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 nine patient beds and not more than three staff persons, the site could be deemed consistent. Therefore Staff recommends approval of the application at nine patient beds and not more than three staff persons as outlined in the draft Conditions of Approval in Exhibit "A" attached herein.

ENVIRONMENTAL DETERMINATION:

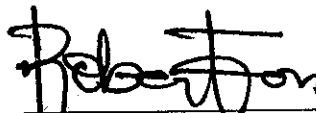
The project has been reviewed under the guidelines of the California Environmental Quality Act (CEQA) and a Type 15303 Categorical Exemption (conversion of small structures) is proposed.

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
Flihn Fagg, AICP
Director of Planning Services

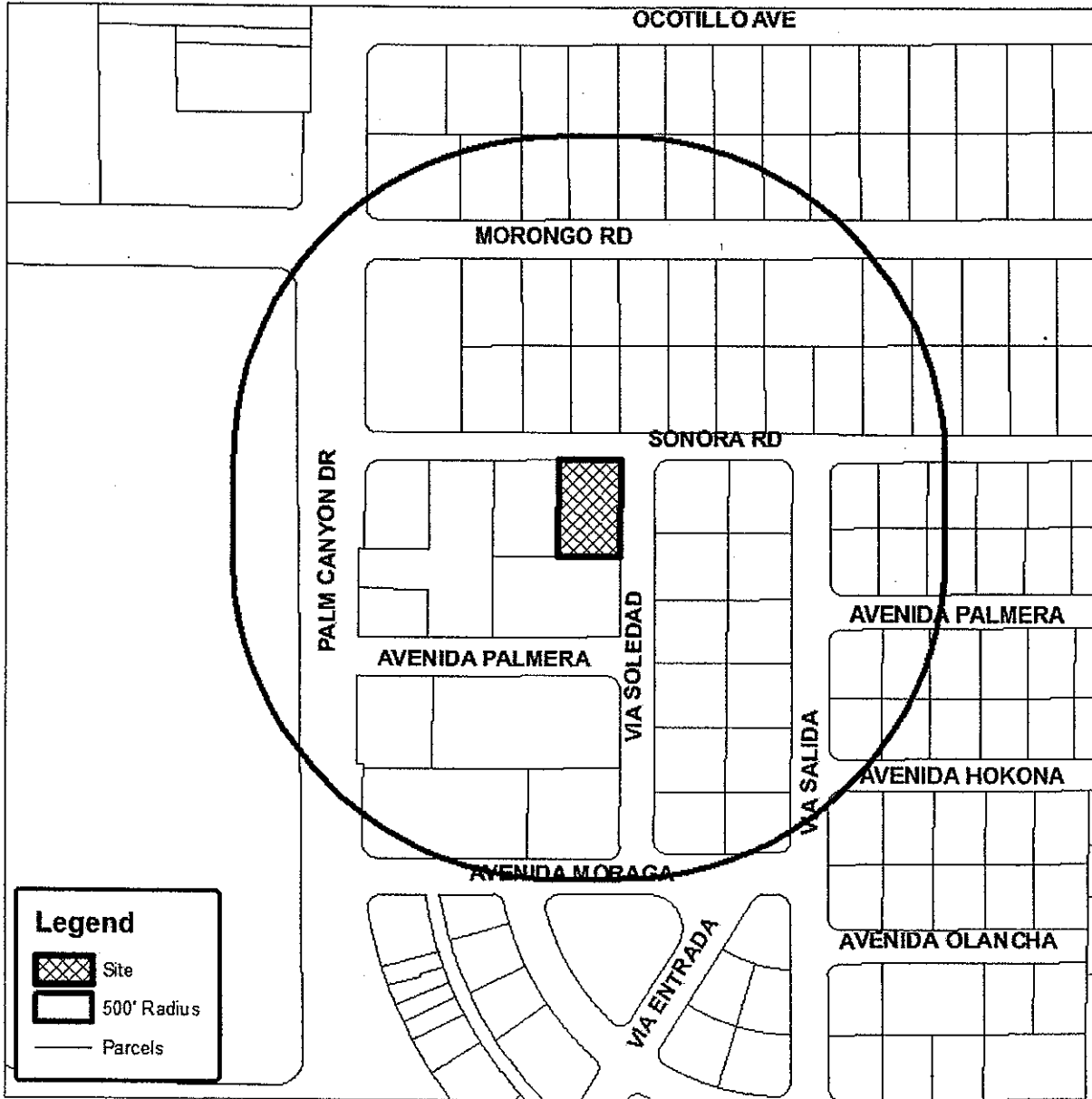
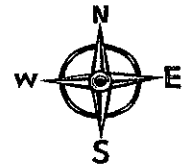
Attachments:

- 500' Radius Vicinity Map

- 500' Radius 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 dated April 3, 2013
- Excerpt of City Council action summary from April 3, 2013
- Public Comment Correspondence



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1282 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 14,177 square foot lot located at 1425 Via Soledad; Zone R-2 (Multi-Family Residential).

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 5.1282 CUP; A CONDITIONAL USE PERMIT FOR OPERATION OF A NINE (9)-PATIENT BED ASSISTED LIVING FACILITY / SUBSTANCE ABUSE RECOVER CENTER IN AN EXISTING FIVE-UNIT BUILDING ON A ROUGHLY 0.33 ACRE PARCEL LOCATED AT 1425 VIA SOLEDAD, ZONE R-2; SUBJECT TO THE CONDITION 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 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: 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 zone. The subject site at 1425 Via Soledad is located in the R-2 zone and thus 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 1425 Via Soledad is in the Tourist Resort Commercial (TRC) land use designation of the General Plan. This designation is for hotels and other tourist-related commercial uses. The proposed use is not tourist-oriented, however as an assisted living facility it is a commercial use similar to the transient nature of tourism uses, and as such 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 seventeen (17) patient beds and two (2) staff persons which exceeds the allowable zoning density and parking capacity at this site for an assisted living facility / substance abuse recovery center. The existing facilities on the site including parking and dwelling units allow for a maximum of nine (9) patient beds with two staff persons. The project has been conditioned to this occupancy load, and the project therefore 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 0.33 acres and contains an existing structure that was built with permits in the 1950's as a five (5)-unit building with off-street bay parking. Pursuant to Zoning Code Section 93.23.06 (*Assisted Living Facilities*) and 93.06.00 (*off-street parking*), the maximum density of this site for the proposed use is nine (9) patient beds with up to three staff persons requiring six off-street parking spaces. The site is adequate for the proposed use and a condition of approval is imposed for a patient bed count of nine (9) beds and not more than three (3) staff persons.

- 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 southwest corner of Sonora Road and Via Soledad. Sonora Road is a collector on the City General Plan Circulation Map. Eight (8) existing off-

street bay parking spaces are provided along the Sonora Road frontage but with the provision of trash enclosures and handicap parking spaces, the site can likely accommodate no more than six bay parking spaces. As noted above, the site does not have sufficient off-street parking at the proposed density, but this approval is conditioned to limit the density to nine (9) patient beds and not more than three staff persons, and therefore is consistent with this finding.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission of the City of Palm Springs, California hereby approves Case 5.1282 CUP; a Conditional Use Permit to operate an assisted living facility / substance abuse recovery center with nine (9) patient beds and not more than three staff persons at a five-unit residential building on a 0.33-acre site located at 1425 Via Soledad, Zone R-2 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 5.1282 CUP
Intervention 911
Assisted Living Facility / Substance Abuse Recovery Center

1425 Via Soledad

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 (5.1282 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 the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative

officers concerning Case 5.1282 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 Categorically 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 nine (9) patient beds and not more than three (3) 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 nine (9) patients living at the site.
- PLN 10. On-site Parking and Trash Enclosures. The site shall be provided with code-compliant handicap parking accommodations, shade and landscaping and a masonry trash enclosure pursuant to PSZC Section 93.06 and 93.07.
- PLN 11. (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.

- FID 1 These conditions are subject to final plan check and review. Additional requirements may be required at that time based on the received plans.
- FID 2 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.

FID 3 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.

FID 4 **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



RECEIVED
CITY OF PALM SPRINGS

2014 OCT 20 AM 11:02

October 19, 2014

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

JAMES THOMPSON
CITY CLERK
PERSONALLY DELIVERED ON 10-20-14

Reference: **CASE 5.1282 Conditional Use Permit – 1425 S. Via Soledad, Palm Springs**

Hello Mr. Thompson,

We are writing to you today in reference to the Hearing of the Planning Commission to take place on October 22, 2014 at 1:30 PM at the City Council chambers to discuss the CUP for Intervention 911 at 1425 S. Via Soledad, Palm Springs.

We are the owners of La Dolce Vita Resort & Spa, LLC at 1491 S. Via Soledad. Our property sits adjacent to 1425 S. Via Soledad. Unfortunately we will be unable to attend the Hearing and therefore are expressing our concerns in this letter. We have three major concerns:

1. Noise - We have had a variety of incidences whereby the residents of 1425 S. Via Soledad were playing music very loudly causing our guests to complain. Each time, we walked over to the property. We were able to get the residents to turn down the music, without getting law enforcement involved. The latest incident was today Oct 19, 2014 at noon. Although doors to the property were open, we were unable to find anyone. We contacted Kanani at the Palm Tee Hotel, who we knew was also associated with the 1425 property. She was able to contact Lisa who manages the 1425 property. The music was turned down.
2. Parking – Our parking lot sits next to the entry way door of the 1425 property. Our staff has informed us that visitors to the 1425 property are parking in our lot, even though signs are clearly posted that the parking is for La Dolce Vita guests only.
3. Loitering – Our guests have complained to us that “younger, edgy” folks are hanging out at the corner of Sonora and Via Soledad, sitting on the curb adjacent to the 1425 property. They have expressed their uncomfortableness with this environment. It is uncertain if these guests will return to our Resort.

For the last 10 years we have been a good neighbor and will continue to be so. We are requesting that the owners of the 1425 property sit down with us and develop a “process” whereby we can **communicate** with each other should any of these situations **or others** arise. We can be reached at 760-325-2686. Thank you.

Sincerely yours,

Ken Stabins
Tim Phillips
La Dolce Vita Resort & Spa, LLC

Planning Commission Meeting

Date: 10/22/14

Additional Material

Item 3C

October 15, 2014

City of Palm Springs - Planning Commission
James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RECEIVED
CITY OF PALM SPRINGS

2014 OCT 20 PM 3:07

JAMES THOMPSON
CITY CLERK

Re: Case 5.1282 Conditional Use Permit
Intervention 911 - 1425 Via Soledad

Dear Mr. Thompson,

Please accept this letter expressing our concerns and representing our opposition to the conversion of the 1425 Via Soledad property to a residential treatment facility. We truly enjoy Palm Springs and we decided to make this city our home in 2011 and selected the Tahquitz River Estates neighborhood because it was zoned as a residential neighborhood. We were attracted to the make-up of single family homes and low-density hotel/vacation boutique style establishments.

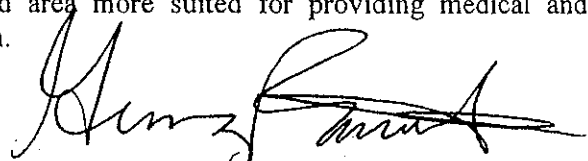
As property owners/residents for nearly four years, the first year of living here was as expected of a residential neighborhood. However in the past two years we have experienced several unfavorable conditions which appear to be connected with the timing/change in ownership/use of the property at 1425 Via Soledad. We are concerned that granting a conditional use permit to a medical care and substance abuse rehabilitation facility in a residential neighborhood changes the primary intent of the neighborhood and could perpetuate the following unfavorable and unsafe conditions:

1. **Neighborhood loitering-** In the past two years we have noticed an increase in loitering activity which seems to start around 8:30am to around 4:00pm. On two occasions this past year, we have witnessed four different females loitering on lawns, and two passed out under trees/bushes mid-day. Both times it appeared they were perhaps, under the influence and disoriented.
2. **Safety concerns.** On two separate occasions while walking in the neighborhood, we have been approach by two different females in an altered state. The first woman demanded money to purchase alcohol and when we declined she was verbally abusive and became rather unstable. The second occurrence was later in the afternoon around 4:00pm when we were asked to purchase alcohol at the local liquor store and when we declined again there was outrage, verbal assaults and desperate pleas for help. She specially begged and screamed "you are my only hope and last chance for a fix today!"
3. **Increase in crime** In the past two years crime in the neighborhood has increased. Personally our shed was broken into, bikes stolen and other personal property damaged. In the past few months there has been several robberies on Via Soledad, and an assault with a knife several doors down (see attached report). Immediately after the knife incidence the owner placed his home for sale.

While we will not deny the mission of this organization is important, and that people seeking medical care for drug and substance abuse rehabilitation services deserve a safe clean environment we respectfully ask that the organization locate to a commercially zoned area more suited for providing medical and rehabilitation services. Thank you for your consideration.



T. Offenbecher
Homeowner
420 E. Avenida Palmera, Palm Springs, CA 92264



G. Romanko
Homeowner



Crime List: 2014-09-15 00:00:00 - 2014-10-15 23:59:59

PRINT (*For best results, select landscape orientation.)

Crime Type	Date/Time	Address	Identifier	Description	Agency
Breaking & Entering	10/08/2014 09:31:46	1300 Block CALLE PALO FIERRO	C1410P-1564	PC; Burglary	Palm Springs Police Department
Assault	10/08/2014 03:03:17	1300 Block S PALM CANYON DR	C1410P-1520	PC; Battery on Person (Misd)	Palm Springs Police Department
Breaking & Entering	10/06/2014 13:17:33	100 Block OCOTILLO AV	C1410P-1135	PC; Burglary:Second Degree	Palm Springs Police Department
Theft	09/28/2014 20:34:21	1200 Block S PALM CANYON DR	C1409P-5734	PC; Forge/Etc/Handwriting/Etc	Palm Springs Police Department
Theft	09/28/2014 16:32:47	1200 Block S PALM CANYON DR	E1409P-5734	Forgery/Fraud	Palm Springs Police Department
Theft	09/26/2014 09:35:50	200 Block AVENIDA OLANCHA	C1409P-5274	PC; Petty Theft	Palm Springs Police Department
Theft	09/22/2014 14:23:31	300 Block E PALM CANYON DR	C1409P-4424	PC; Petty Theft	Palm Springs Police Department
Theft	09/22/2014 14:20:57	300 Block E PALM CANYON DR	E1409P-4424	Petty Theft	Palm Springs Police Department
Theft	09/21/2014 16:16:48	200 Block OCOTILLO AV	C1409P-4210	PC; Petty Theft	Palm Springs Police Department
Theft	09/21/2014 16:03:39	200 Block OCOTILLO AV	E1409P-4210	Petty Theft	Palm Springs Police Department

Theft	09/21/2014 16:00:50	1500 Block CALLE PALO FIERRO	C1409P- 4209	PC; Vehicle Burglary -\$400	Palm Springs Police Department
Theft from Vehicle	09/21/2014 15:56:58	1500 Block CALLE PALO FIERRO	E1409P- 4209	Vehicle Burglary Past	Palm Springs Police Department
Theft	09/18/2014 15:05:35	200 Block W MESQUITE AV	C1409P- 3631	PC; Theft Of Elder/Dependent Adult (+ \$400)	Palm Springs Police Department
Property Crime	09/17/2014 18:09:07	200 Block E PALM CANYON DR	C1409P- 3465	PC; Vandalism:Deface Prop (MISD)	Palm Springs Police Department
Property Crime	09/17/2014 18:07:10	200 Block E PALM CANYON DR	E1409P- 3465	Vandalism	Palm Springs Police Department

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

Linda Futterer