



## CITY COUNCIL STAFF REPORT

DATE: November 5, 2008 PUBLIC HEARING

SUBJECT: CASE 5.1193, PDD 354; AN APPLICATION BY MICHAEL CARTWRIGHT OF PALM SPRINGS TREATMENT CENTERS FOR A PLANNED DEVELOPMENT DISTRICT FOR AN ASSISTED LIVING FACILITY AT 168 VIA ESCUELA ROAD, SECTION 3, TOWNSHIP 4, RANGE 4

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will consider a Planned Development District in lieu of a Zone Change for the development of a 28-bed assisted living facility at 168 Via Escuela Road. The Planning Commission reviewed and approved the preliminary and final PDD on September 10, 2008 subject to conditions of approval and voted to recommend approval of the PDD by City Council subject to conditions of approval.

### RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Introduce for first reading Ordinance No. \_\_\_\_ "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1193, PDD 354, A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR A 28-BED ASSISTED LIVING FACILITY AT 168 VIA ESCUELA ROAD".

### PRIOR ACTIONS:

On November 9, 2005, the Planning Commission approved Case 5.1066 CUP for an assisted living facility at 2095 North Indian Canyon Drive. The required off-street

ITEM NO. 1A

PLANNED DEVELOPMENT DISTRICT

parking for that facility was provided by the construction of a parking lot on the site associated with this project at 168 Via Escuela (across the street).

On April 7, 2008 the Architectural Advisory Committee reviewed Case 5.1193 and voted 6-0-1 (Cioffi abstaining) to recommend approval of the project to the Planning Commission.

On September 10, 2008, the Planning Commission reviewed Case 5.1066 AMND, which clarified the off-street parking related to 2095 Indian Canyon Drive and this site and voted to approve the amendment, subject to conditions of approval.

On September 10, 2008, the Planning Commission reviewed the subject application and voted to approve the Preliminary and Final Planned Development District and to recommend that the City Council approve the Preliminary Planned Development, subject to the attached conditions of approval.

### PROJECT DESCRIPTION

The application is comprised of an assisted living center/substance abuse recovery center use in a newly constructed facility at 168 Via Escuela and a Planned Development District (PDD) to establish unique development standards for the parcel at 168 Via Escuela.

The subject parcel is approximately 40,056 gross square feet, or 38,867 net square feet in size. It is essentially flat, sloping gently upward from southeast to northwest. Roughly three-quarters of the site is currently developed with a parking lot that serves the existing assisted living facility south of this site at 2095 North Indian Canyon Drive. The remaining western part of the site is undeveloped.

#### *Project Design*

The project is composed of a courtyard style building surrounding a landscaped courtyard with a swimming pool and terraces. The building is two stories tall on the north and south wings and one story with second level terraces and balconies at the east and west wings. The first floor is 15,332 square feet and the second floor is 9,343 square feet. The north wing contains the fourteen sleeping rooms for clients which are arranged with two beds per room. Program spaces, offices, seminar rooms, an exercise room, laundry, break room and other program support spaces are located around the other three sides of the courtyard on the first and second floor. The site is provided with off-street bay parking along Zanjero Road and Via Escuela. The remaining site area is composed of landscape areas including an enclosed garden of lavender and rosemary.

The landscaping utilizes drought tolerant plant materials, with a variety of palm trees, Museum Palo Verde, citrus, cypress, olive and ironwood trees. The trees provide required shade for the bay parking spaces. A variety of desert hardy shrubs, vines, cacti, and ground covers in a naturalized landscape design surround the building. Staff

believes the site is well designed and provides a functional and attractive response to both natural and built environmental conditions at the site.

*Building Composition Architecture and Landscaping*

The proposed building makes use of both traditional and contemporary detailing. The exteriors are smooth face stucco with deep-set openings that shield the windows from direct sun. At the first floor, covered outdoor passages or loggias, open to the courtyard, connect the meeting rooms, a covered outdoor common area, and seven sleeping rooms. Covered outdoor passages on the second floor connect offices, a large deck and seven sleeping rooms that overlook the courtyard.

Wood timber trellis structures on hefty square stucco columns add detail and texture to the exterior of the building. Retaining walls along the western and northern sides of the building allow the building to be built slightly into the slope of the site, thereby reducing the overall visual height of the building on those two sides. These retaining walls also enclose the outdoor garden area immediately west of the building noted above.

The project proposes a mechanical screen designed with a sloped surface covered in two-piece clay arched tiles to create the impression of a gabled or hip roof, complete with exposed rafter tails. Staff believes the proposed screen is a good aesthetic solution to conceal the rooftop units and recommends approval of the increased height.

STAFF ANALYSIS:

General Plan:

The project is located in the Medium Density Residential land use area, which permits densities between 6.1 and 15 dwelling units per gross acre. The proposed project has a lot area of 38,867 square feet and a density of 14 dwelling units per acre and thus is consistent with the General Plan.

The Planning Commission Staff Report includes evaluation of the project against various policies of the General Plan that Staff believes demonstrate that the project is also in harmony with the General Plan.

Zoning:

The project application includes a Planned Development District. The Planning Commission has recommended the Planned Development District as a PDD in lieu of a Change of Zone pursuant to PSZO Section 94.07.00 as follows:

*Where a request for a zone change appears valid for the specific uses proposed by an applicant and for only those uses, the planning commission may recommend and the council may approve a planned development district in lieu of a change of zone, subject to the filing of an application pursuant to Section 94.03.00, subject to compliance by the applicant with all of the commitments made in the presentation of his*

*request and such other conditions as the commission and council may deem appropriate to assure the type of development proposed and the protection of the health, safety and general welfare in the neighborhood within which the development is proposed. A planned development district in lieu of a zone change, shall be approved and adopted by ordinance of the city council.*

The PDD in lieu of a Change of Zone proposes to establish a unique set of development standards as highlighted in the following table.

**TABLE 2 - Comparison of development regulations & proposed conditions**

	<b>R-2 Standards</b>	<b>Proposed Standards</b>
Lot Area	Minimum 20,000 sf	38,867 square feet – complies
Lot Width	140 feet (siding on a local/collector )	143 feet - complies
Lot Depth	175 feet (fronting a major thoroughfare)	266 feet – complies
Density	Multiply 1 unit/3,000 sf of lot area or 12 units x 1.38 <sup>1</sup> = 16 beds	28 beds in 14 rooms – <b>does not comply</b>
Building Height	24 feet (2 -Story)	35 feet at east elevation including mechanical enclosures <sup>2</sup> – complies
Set Back Front yard	30 feet (fronting a major thoroughfare)	30 feet – complies
Street Side Yard	20 feet on sides facing a local or collector.	24 feet facing local street complies
Interior setback side yard	Interior side: 24 feet; (equal to height when abutting residential zone <sup>3</sup> )	10 feet facing abutting residential zone ( <b>does not comply</b> )
Rear Yard Set Back	10 Feet or equal to bldg height if abutting residential zone (28 feet)	29 feet – complies.
Bldg. Separation at courtyards	30 Feet Interior Court Yard	45 feet– complies

<sup>1</sup> The number of beds permitted in a facility shall be determined by multiplying the number of units permitted under the applicable zoning/general plan standards by the average household size for the city of Palm Springs according to the latest census figures. The 2000 census indicated the average household size in Palm Springs was 1.38 persons. (PSZO 94.02.00(H)(7)(a))

<sup>2</sup> Roof structures, above the height limits of the zone, may be permitted with Planning Commission approval for screening rooftop mechanical equipment. (PSZO 93.03.00(A)(1))

<sup>3</sup> Each lot shall have a side yard on each side of not less than ten (10) feet, except as otherwise provided; any portion of a structure in excess of twelve (12) feet in height shall have a minimum setback equal to its height if abutting any residential property. (PSZO 92.04.03 (E)(3)(a))

	<b>R-2 Standards</b>	<b>Proposed Standards</b>
Parking	0.5 space/bed + 1/every 3 staff or 17 spaces + 8 spaces provided for parking for 2095 N.Indian Cyn. = 25 spaces at this site.	25 provided - complies
Height of wall	6 feet side yard	6 feet - complies
Lot Coverage	30% maximum on sites with structure over 18 feet in height	40% - <b>does not comply</b>
Open/usable landscape/recreational Space	40%	Approx. 48% - complies

Among the unique standards established by the proposed PDD in lieu of a Change of Zone that distinguish it from the underlying R-2 zone are the number of beds, interior side yard setback, and lot coverage. Staff has evaluated the unique development standards proposed by the PDD and provided recommendations as follows.

*Density - Bed Count:*

Bed count for such facilities is a provision of the Conditional Use Permit (PSZO Section 94.02.00(H)(7) and while currently calculated at 16 beds, this number may fluctuate based on household population changes in the City. The proposed fixed 28-bed count allows a consistent occupancy configuration of not more than two beds per room. As a development standard of the PDD, a *fixed* bed count of 28 beds is proposed that more closely relates to quantity of off-street parking spaces provided. The overall patient/staff occupancy proposed in the PDD also more closely relates to the capacities and quantity of common programmatic spaces (lecture rooms, seminar areas, etc.) proposed on the site. Staff believes this is a more logical and controlled method of linking patient count to the proposed facility and should reduce the possibility of overcrowding or potential parking shortages at this facility in the future. Furthermore, since the facility proposes 14 rooms, it maintains its consistency with the allowable density of 15 dwelling units per acre of the General Plan Medium Density Residential land use area.

*Side Yard Setback:*

The R-2 development standards would require a 24-foot side yard setback. The project proposes 10 feet. However, the outside space created in the courtyard area and landscape garden west of the building provide usable, functional enhancements that support the intended use at the site. The centralized open spaces are more usable than a wider side yard area would offer. Despite a slightly smaller side yard, there is actually more open space provided on the project (48%) than the 40% required by the underlying zone. Staff believes the PDD affords higher quality outdoor space for programming purposes within the facility than a wider side yard would provide.

*Lot Coverage:*

The Zoning Code limits lot coverage to 30% for the R-2 zone. The project proposes lot coverage of 40%. Assisted living facility use is primarily focused on interior lectures, group and individual counseling sessions. The landscaped courtyard and west side garden provide an enhanced usable outdoor space that reasonably offsets the greater lot coverage proposed. The proposed development is also consistent with existing development pattern in the neighborhood in terms of setbacks on the street frontages. Therefore Staff believes the 10% difference in lot coverage proposed for the PDD is reasonable given the proposed use and existing development patterns nearby.

*Off-street Parking, Loading, Trash and Recycling.*

Twenty-five off-street parking spaces are provided in the form of bay parking along Via Escuela and Zanjero Road. These bay parking spaces will utilize decorative paving and the design proposes trees to provide the required shaded parking pursuant to the Zoning Ordinance. The parking quantity conforms to the requirements for the use and also provides for eight parking spaces that are dedicated to meet the off-street parking requirements of the existing facility immediately south of this site at 2095 North Indian Canyon Drive.

Loading and trash/recycling is handled at the northwest corner of the site off Zanjero Road, thereby minimizing any potential traffic impacts on the busier street frontages of Via Escuela and Indian Canyon Drive. A standard masonry enclosure with lockable gates will be provided at that location. Commercial uses require a dedicated loading dock pursuant the PSZO, however staff believes the nature of the proposed use generates very limited loading and unloading activity, and those that do occur, can adequately be handled from a temporary use of an off-street parking space.

Additional analysis is provided in the attached Planning Commission Staff report.

FINDINGS:

The findings for the Planned Development District are outlined in 94.03.00 and are reflected in Section 94.02.00 (Conditional Use Permit). The complete set of required findings and Staff's evaluation of the project against these findings is outlined in detail in the accompanying draft resolution and Planning Commission Staff Report. Staff's evaluation therein concluded that the project conforms to the required findings.

FINDINGS OF PUBLIC BENEFIT:

This project was approved by the Planning Commission prior to the Council's adoption of the policy, "Planned Development Districts and Public Benefits" (adopted September 17, 2008). Consequently, the Commission did not analyze the application with regard to this issue. Staff does not recommend requiring a public benefit from this project due

to its advanced degree in the review process. However, the Council at its option may review the project in light of the new policy and staff has provided a framework for a "public benefits" analysis. (If the Council chooses not to review this project for public benefits, no further discussion is needed.)

One of the primary factors in the public benefits policy is "proportionality", which is stated in the policy, as follows:

*The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.*

As noted above, the project involves three deviations from the Zoning Code: bed count, side yard setback, and lot coverage. Bed count represents a form of "density" and may be considered the most significant deviation from the Code. The project proposes 28 beds; 12 more than the 16 beds calculated within the standards of the Zoning Ordinance. However, the overall size of the project is relatively small, and another measure of density – the number of rooms or dwelling units – is less than the maximum allowable density of the General Plan. Consequently, the extent of the density deviation is in staff's view small to moderate. The other deviations – setback and lot coverage are relatively minor in their impact.

If the Council requires any public benefit from this project, staff recommends that it be evaluated as a relatively low contribution. The Council may consider among the approved set of options (see attached policy):

- The project as Public Benefit
- The quality of the design features of the Project
- Sustainable Features
- Off-site Improvements

Staff would incorporate any Council actions into the proposed resolution of approval.

#### CONCLUSION:

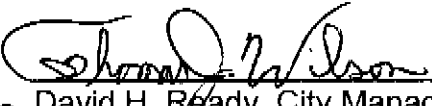
The proposed project is consistent with the General Plan, conforms to the findings for a Conditional Use Permit, and establishes a PDD in lieu of a change of zone with development standards and uses that are consistent with the findings for a PDD. Staff therefore recommends approval of Case 5.1193, PDD 354 subject to the conditions of approval set forth in exhibit A.

ENVIRONMENTAL ANALYSIS:

Pursuant to Section 15332 of the CEQA guidelines, the project is considered a Class 32 in-fill development meeting the conditions for categorical exemption because the project is consistent with the applicable policies of the general plan and zoning designation, the project is less than five acres, the project is not considered a habitat for endangered, rare or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be served by all utilities.

  
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Craig A. Ewing, AICP  
Director of Planning Services

  
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Thomas Wilson, Assistant City Manager  
Development Services

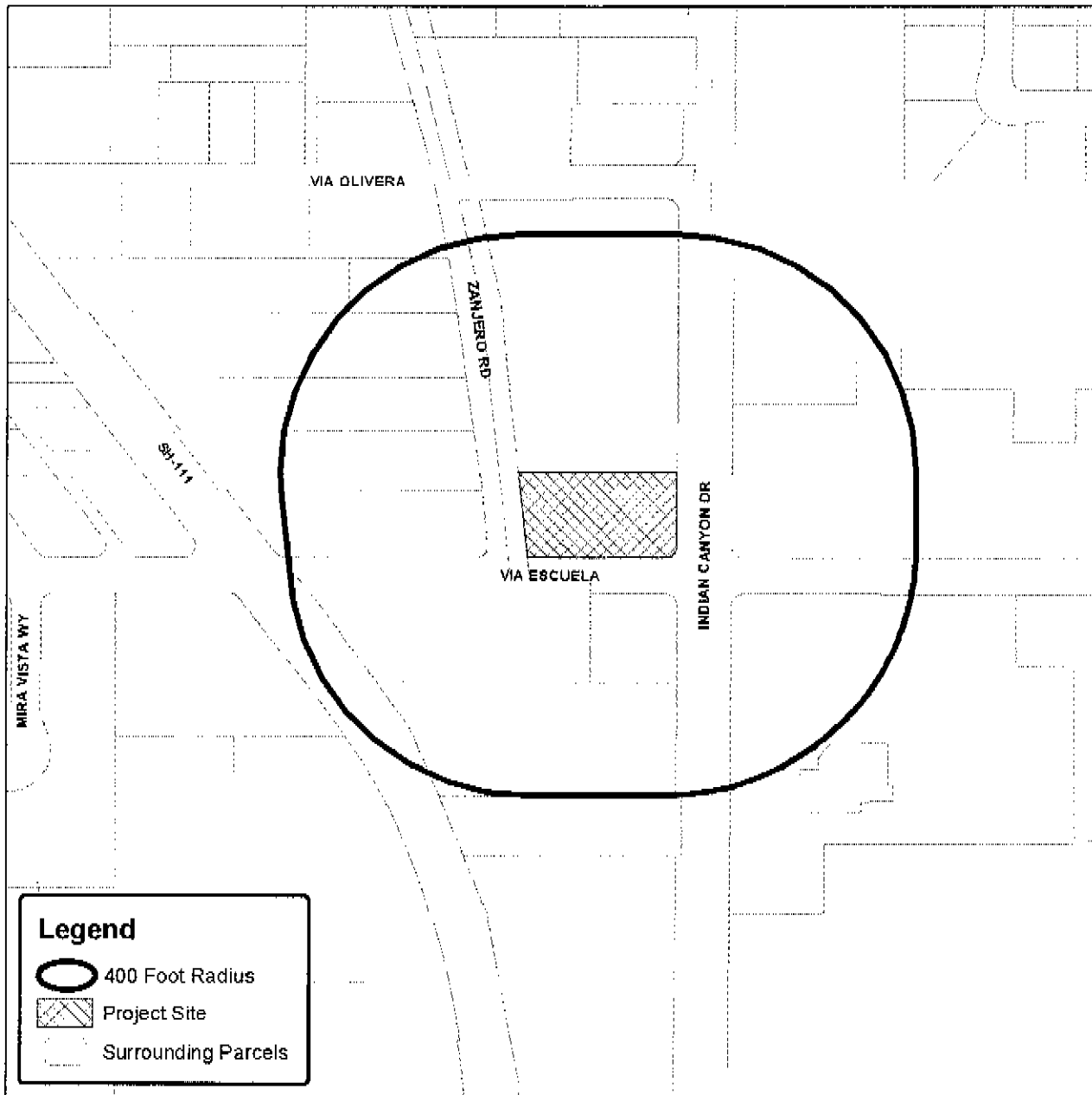
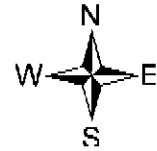
  
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for David H. Ready, City Manager

Attachments:

1. Vicinity Map
2. Draft Ordinance and Conditions of Approval
3. Policy on Public Benefit
4. Planning Commission Minutes Summary dated 9-10-08
5. Planning Commission Staff report & resolution dated 9-10-08
6. Site Plans & Elevations



# Department of Planning Services Vicinity Map



**Legend**

- 400 Foot Radius
- Project Site
- Surrounding Parcels

## CITY OF PALM SPRINGS

**CASE NO:** 5.1193 - CUP PD 354

**APPLICANT:** Michael Cartwright

**DESCRIPTION:** A proposed new development for an Assisted Living Facility for drug and substance abuse recovery at 168 Via Escuela, Zone R-2 Section 3/4/4

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING THE ZONING MAP BY APPROVING CASE 5.1193 PDD 354 A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR THE PROPERTY LOCATED AT 168 VIA ESCUELA ROAD, ZONE R-3, SECTION 3.

WHEREAS, The applicant Michael Cartwright of Palm Springs Treatment Centers, Inc, has filed an application for a Planned Development District for an approximately 0.85-acre parcel at 168 Via Escuela Road, Section 3, APN: 504-270-016; and

WHEREAS, the Planned Development Application proposes certain deviations in the development standards including a fixed density of 28-beds in 14 rooms rather than the underlying calculation of density for assisted living facilities which is based on the number of beds times the average household size from the last census, and

WHEREAS, on September 10, 2008 a public hearing notice of the Planning Commission to consider Case 5.1193 PDD 354, was published in accordance with applicable law; and

WHEREAS, on September 10, 2008 a public hearing to consider Case 5.1193 PD354, a request for an Assisted Living Facility use and a Planned Development District, was held by the Planning Commission in accordance with applicable law; and

WHEREAS, at said hearing the Planning Commission considered the information provided, including all written and oral testimony and voted 6-0-1 to approve the Preliminary and Final Planned Development District in lieu of a Change of Zone and recommended approval of the PDD by the City Council, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1193 PDD 354 was given in accordance with applicable law; and

WHEREAS, on November 5, 2008, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, a Planned Development District in lieu of a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1193 PDD 354, and

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider said Ordinance adopting Planned Development District 354 in lieu of a Change of Zone to allow a 28-bed, 14-room assisted living facility use on the parcel located at 168 Via Escuela Road, was held by the City Council in accordance with applicable law; and

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to CEQA, the City Council finds that the Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt as an infill development project per Section 15332 (Infill Development Projects).

SECTION 2: Pursuant to Section 94.07.00 the criteria for granting a Change of Zone, the City Council finds:

- a. *That the proposed Change of Zone is in conformity with the General Plan Map.*

The existing general plan designation of the subject property is (MDR), which allows for medium density residential development (6.1 to 15.0 dwelling units per acre). The proposed planned development district proposes a 28-bed assisted living facility with 14 rooms which is consistent with the General Plan; the PDD in lieu of a change of zone will be in conformity with the General Plan Map.

- b. *That the subject property is suitable for the uses permitted in the proposed zone, in terms of access, size of parcel, relationship to similar or related uses.*

The property is surrounded by existing residential development. Access to the site is provided from Via Escuela Road and Zanjero Road. The size of the parcel is approximately 0.85 acres and accommodates the proposed development including all off street parking as well as parking for an adjacent and similar use to the south.

- c. *That the proposed Change of Zone is necessary and proper at this time, and is not likely to be detrimental to the adjacent properties or residents.*

The proposed PDD in lieu of a change of zone provides for a 28-bed assisted living facility that is within the maximum density for the land use on which it is located. The facility will provide an alternative form of housing to address substance abuse recovery. There are similar uses to the south of this parcel and the overall development pattern of the site is similar to other existing development in the area. Therefore, the proposed PDD will not be detrimental to the adjacent properties or residents.

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of the PDD in lieu of a change of zone and a thirty-day waiting period before it is effective allowing the approval of Planned Development District 354.

SECTION 4. The City Council adopts an ordinance to allow the PDD in lieu of a change of zone in conjunction with Case 5.1193 PDD 354.

SECTION 5. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 6. Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED this 17<sup>th</sup> day of December, 2008.

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MAYOR

ATTEST:

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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 Ordinance No. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and 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

RESOLUTION NO.

EXHIBIT A

Case 5.1193 CUP PD 354  
168 Via Escuela

November 5, 2008

**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 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. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
- ADM 2. 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 5.1193 CUP PD 354. 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 3. That the property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation 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 4. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 5. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit give by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).

#### CULTURAL RESOURCES

- ADM 6. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.

- ADM 7. Given that portions of the project area are within an alluvial formation, the possibility of buried resources is increased. A Native American Monitor shall be present during all ground-disturbing activities.
- a. Experience has shown that there is always a possibility of buried cultural resources in a project area. Given that, a Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning and Zoning and after the consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to investigate and, if necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
  - b. Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal Planning, Building, and Engineering Department and one copy to the City Planning and Zoning Department prior to final inspection.
- ADM 9. Final landscaping, irrigation, exterior lighting, and fencing plans shall be submitted for approval by the Department of Planning and Zoning prior to issuance of a building permit. Landscape plans shall be approved by the Riverside County Agricultural Commissioner's Office prior to submittal.
- ADM 10. An exterior lighting plan in accordance with Zoning Ordinance Section 93.21.00, Outdoor Lighting Standards, shall be submitted for review and approval by the Director of Planning & Zoning prior to the issuance of building permits. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be submitted for approval prior to issuance of a building permit. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of the hillside is permitted.

## **PLANNING CONDITIONS**

- PLN 1. The Conditional Use Permit approval shall be valid for a period of two (2) years. Once constructed, the conditional use permit, provide all conditions of approval have been complied with, does not have a time limit. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.

- PLN 2. The project is subject to the City of Palm Springs Water Efficient Landscape Ordinance. The applicant shall submit an application for Final Landscape Document Package to the Director of Planning and Zoning for review and approval prior to the issuance of a building permit. Refer to Chapter 8.60 of the Municipal Code for specific requirements.
- PLN 3. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Building Official. Refer to Chapter 8.50 of the Municipal Code for specific requirements.
- PLN 4. The grading plan shall show the disposition of all cut and fill materials. Limits of site disturbance shall be shown and all disturbed areas shall be fully restored or landscaped.
- PLN 5. Separate architectural approval and permits shall be required for all signs. A detailed sign program shall be submitted for review and approval by the Planning Commission prior to issuance of building permits.
- PLN 6. All materials on the flat portions of the roof shall be a reflective color for reduction of heat transmittance through the roof surface.
- PLN 7. All awnings shall be maintained and periodically cleaned.
- PLN 8. No exterior downspouts shall be permitted on any facade on the proposed building(s) which are visible from adjacent streets or residential and commercial areas.
- PLN 9. Perimeter walls shall be designed, installed and maintained in compliance with the corner cutback requirements as required in Section 9302.00.D.
- PLN 10. The street address numbering/lettering shall not exceed eight inches in height.
- PLN 11. Construction of any residential unit shall meet minimum soundproofing requirements prescribed pursuant to Section 1092 and related sections of Title 25 of the California Administrative Code. Compliance shall be demonstrated to the satisfaction of the Director of Building and Safety.
- PLN 12. Details of pool fencing (material and color) and equipment area shall be submitted with final landscape plan.
- PLN 13. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 14. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

PLN 15. 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 16. Prior to the issuance of building permits, locations of all telephone and electrical boxes must be indicated on the building plans and must be completely screened and located in the interior of the building. Electrical transformers must be located toward the interior of the project maintaining a sufficient distance from the frontage(s) of the project. Said transformer(s) must be adequately and decoratively screened.

PLN 17. Within 60 days of approval of this application, provide proof of recordation with the County of Riverside Recorders Office of a permanent easement and deed restriction to ensure 8 off-street parking spaces are provided at 168 Via Escuela for the Assisted Living Facility/Substance Abuse Facility use at 2095 North Indian Canyon Drive

#### **POLICE DEPARTMENT**

POL 1. Developer shall comply with Section II of Chapter 8.04 of the Palm Springs Municipal Code.

#### **BUILDING DEPARTMENT**

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

#### **ACCESSIBILITY**

ADA 1. To comply with CBC 1129B.3 the unloading access aisle for single disabled parking spaces shall be on the passenger side of the vehicle. The plan currently shows one of the access aisles on the driver's side. The plan will need to be revised to indicate code compliance for both disabled parking spaces.

ADA 2. The plan will need to indicate the application of truncated domes in the level areas contiguous to the disabled parking access aisles in order to comply with CBC 1133B .8.5 for detectable warnings at hazardous vehicular areas.

ADA 3. To comply with CBC 1111B.3 regarding recreational facilities, the swimming pool shall provide access for people with disabilities including wheelchair users. This will require the provision of a pool entry device (a pool lift).

- ADA 4. The ADA Accessible sleeping room and bathroom (including roll-shower) along with all the other common area facilities comply with CBC requirements in terms of floor space and location of fixtures.

## ENGINEERING CONDITIONS

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

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

### STREETS

- ENG 1. Engineering Division recommends deferral of off-site improvement items identified by **"Deferred"** at this time due to lack of full improvements in the immediate area. The owner shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be submitted with the Grading Plan, and shall be executed prior to approval of the Grading Plan or issuance of grading or building permits. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plan(s) shall be approved by the City Engineer prior to issuance of any building permits. **"Deferred"**
- ENG 3. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 4. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.

### VIA ESCUELA

- ENG 5. Remove the existing driveway approaches along the Via Escuela frontage and construct new street improvements in accordance with applicable City standards.
- ENG 6. Construct the east half of a 6 feet wide cross gutter to match the existing cross gutter and a 25 feet radius curb return and spandrel at the northeast

corner of the intersection of Zanjero Road and Via Escuela with a flow line parallel with and located 20 feet north of the centerline of Via Escuela in accordance with City of Palm Springs Standard Drawing No. 200 and 206.

- ENG 7. Construct a driveway approach to accommodate bay parking stalls along the Via Escuela frontage in accordance with City of Palm Springs Standard Drawing No. 201. Bay parking stalls shall be located completely on-site, behind sidewalk, and not within public right-of-way.
- ENG 8. Construct a Type A curb ramp meeting current California State Accessibility standards at the northeast corner of the intersection of Zanjero Road and Via Escuela in accordance with City of Palm Springs Standard Drawing No. 212.
- ENG 9. All broken or off grade street improvements shall be repaired or replaced.

#### INDIAN CANYON DRIVE

- ENG 10. Remove existing curb and gutter located 32 feet west of centerline and construct a 8 inch curb and gutter, 38 feet west of centerline along the entire frontage, with a 35 feet radius curb return and spandrel at the northwest corner of the intersection of Indian Canyon Drive and Via Escuela in accordance with City of Palm Springs Standard Drawing No. 200 and 206. **"Deferred"**
- ENG 11. Construct a Type A curb ramp meeting current California State Accessibility standards at the northwest corner of the intersection of Indian Canyon Drive and Via Escuela in accordance with City of Palm Springs Standard Drawing No. 212. **"Deferred"**
- ENG 12. Construct the north half of a 6 feet wide cross gutter at the northwest corner of the intersection of Indian Canyon Drive and Via Escuela with a flow line parallel with and located 38 feet west of the centerline of Indian Canyon Drive in accordance with City of Palm Springs Standard Drawing No. 200 and 206. **"Deferred"**
- ENG 13. Construct a 8 feet wide sidewalk behind the curb along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 210. **"Deferred"**
- ENG 14. Construct a 14-foot wide raised, landscaped median island as specified by the City Engineer across the entire frontage. **"Deferred"**
- ENG 15. Construct pavement with a minimum pavement section of 5 inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal,

from edge of proposed gutter to clean sawcut edge of pavement along the entire Indian Canyon Drive frontage in accordance with City of Palm Springs Standard Drawing No. 110. Additional pavement removal and replacement may be required upon review of existing pavement cross-sections, and to ensure grade breaks of the pavement cross-section do not occur within a travel lane. **"Deferred"**

ENG 16. Remove the existing driveway approach and replace with new street improvements to match existing in accordance with applicable City standards.

ENG 17. All broken or off grade street improvements shall be repaired or replaced.

#### ZANJERO ROAD

ENG 18. Acquire an additional right-of-way of 20 feet across that certain 33 feet wide parcel of land identified as a Whitewater Mutual Water Company easement adjacent to the property as necessary to provide an ultimate right-of-way of 50 feet for Zanjero Road.

ENG 19. Construct a roll curb located 16 feet east of centerline along the entire frontage, in accordance with applicable City standards.

ENG 20. Construct a 4 feet wide sidewalk behind the roll curb and adjacent to the bay parking stalls in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 21. Construct pavement with a minimum pavement section of 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to clean sawcut edge of pavement along the entire Zanjero Road frontage in accordance with City of Palm Springs Standard Drawing No. 110.

ENG 22. Coordinate with Whitewater Mutual Water Company to determine relocation requirements for the existing water lines and other facilities located within that certain 33 feet wide parcel of land identified as a Whitewater Mutual Water Company easement adjacent to the property and to be dedicated to the City for Zanjero Road right-of-way. The applicant shall be required to make appropriate arrangements to protect in place or relocate the existing Whitewater Mutual Water Company facilities that are affected by the development. A letter of approval from Whitewater Mutual Water Company for relocated or adjusted water lines and other facilities shown on the street improvement plans shall be submitted to the Engineering Division prior to issuance of any permits.

## SANITARY SEWER

ENG 23. All sanitary facilities shall be connected to the public sewer system. New laterals shall not be connected at manholes.

## GRADING

ENG 24. Submit a Precise Grading Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.

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

ENG 25. Prior to approval of a Grading Plan, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their

requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

- ENG 26. In accordance with an approved PM-10 Dust Control Plan, perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 27. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 28. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 29. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 30. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 31. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan (if required). The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

## DRAINAGE

- ENG 32. Direct release of on-site nuisance water or stormwater runoff shall not be permitted to Zanjero Road, Via Escuela or Indian Canyon Drive. Provisions for the interception of nuisance water from entering adjacent public streets from the project site shall be provided through the use of a minor storm drain system that collects and conveys nuisance water to landscape or parkway areas, and in only a stormwater runoff condition, pass runoff directly to the streets through parkway or under sidewalk drains.
- ENG 33. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that effectively intercept and pre-treat stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer, including provisions in Covenants, Conditions, and Restrictions (CC&R's) required for the development.
- ENG 34. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$6511.00 per acre per Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

## ON-SITE

- ENG 35. For on-site bay parking in residential and commercial zones, paving material shall be decorative paving, colored and/or patterned to relate to the overall design in accordance with Zoning Code 93.06.00.C.15.e.

## GENERAL

- ENG 36. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for

removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 37. All proposed utility lines shall be installed underground.
- ENG 38. In accordance with Chapter 8.04.401 of the City of Palm Springs Municipal Code, all existing and proposed electrical lines of thirty-five thousand volts or less and overhead service drop conductors, and all gas, telephone, television cable service, and similar service wires or lines, which are on-site, abutting, and/or transecting, shall be installed underground unless specific restrictions are shown in General Orders 95 and 128 of the California Public Utilities Commission, and service requirements published by the utilities. The existing overhead utilities extending across the property meet the requirement to be installed underground. Utility undergrounding shall extend to the nearest off-site power pole; no new power poles shall be installed unless otherwise approved by the City Engineer. A letter from the owners of the affected utilities shall be submitted to the Engineering Division prior to approval of a grading plan, informing the City that they have been notified of the City's utility undergrounding requirement and their intent to commence design of utility undergrounding plans. When available, the utility undergrounding plan shall be submitted to the Engineering Division identifying all above ground facilities in the area of the project to be undergrounded. Undergrounding of existing overhead utility lines shall be completed prior to issuance of a certificate of occupancy.
- ENG 39. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 40. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation

of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

- ENG 41. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a final certificate of occupancy. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 42. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 43. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

#### TRAFFIC

- ENG 44. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 45. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 46. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated September 26, 2006, or subsequent editions in force at the time of construction.
- ENG 47. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

#### FIRE DEPARTMENT CONDITIONS

- FID 1. These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan received by

Planning Services and dated 3/21/2008. Additional requirements may be required at that time based on revisions to site plans.

- FID 2. Fire Department Conditions were based on the 2007 California Fire Code. Four 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. Access During Construction (CFC 503): Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 4. Fire Apparatus Access Gates (8.04.260 PSMC): Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock during construction.
- FID 5. Buildings and Facilities (CFC 503.1.1): Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Access is required on the north side of the project to meet this condition.
- FID 6. 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 7. Key Box Required to be Installed (CFC 506.1): Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.
- FID 8. Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations

- shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.
- FID 9. Location of Knox boxes: A Knox box shall be installed at every locked gate. Boxes shall be mounted at 5 feet above grade. Show location of boxes on plan elevation views. Show requirement in plan notes.
- FID 10. Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1): Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 11. Water Plan (CFC 501.3 & 901.2): A water plan for on-site and off-site is required and shall include underground private fire main for fire sprinkler riser(s), public fire hydrant(s), Double Check Detector Assembly, Fire Department Connection and associated valves.
- FID 12. Fire Flow (CFC 508.3): Fire flow requirements for buildings or portions of buildings and facilities are estimated to be 2,000 GPM based on the estimated 19,277 S.F. Type VB construction with the installation of fire sprinklers based on Appendix B of the 2007 CFC.
- FID 13. Identification (CFC 510.1): Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.
- FID 14. NFPA 13R sprinkler systems (903.3.1.2). Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R.
- FID 15. Balconies and decks (903.3.1.2.1). Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.
- FID 16. Audible Water Flow Alarms (CFC 903.4.2): An approved audible sprinkler flow alarm (Wheelock horn/strobe # MT4-115-WH-VFR with WBB back box or equal) shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm (Wheelock horn/strobe #

- MT4-115-WH-VFR with WBB back box or equal) to alert the occupants shall be provided in the interior of the building in a normally occupied location.
- FID 17. Valve and Water-Flow Monitoring (CFC 903.4): All valves controlling the fire sprinkler system water supply, and all water-flow switches, shall be electrically monitored. All control valves shall be locked in the open position. Valve and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.
- FID 18. Residential Smoke Alarms Installation With Fire Sprinklers (CFC 907.2.10.1.2, 907.2.10.2 & 907.2.10.3): Provide Residential Smoke Alarms (FIREX # 0498 accessory module connected to multi-station FIREX smoke alarms or equal per dwelling and fire sprinkler flow switch). Alarms shall receive their primary power from the building wiring, and shall be equipped with a battery backup. In new construction, alarms shall be interconnected so that operation of any smoke alarm causes all smoke alarms within the dwelling to sound.
- FID 19. Fire Hydrant & FDC Location (CFC 912.2): Fire department connections shall be located on the front access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official. The location of fire department connections shall be approved and installed as follows:
- a. Within 50 feet of an approved roadway or driveway and arranged so that hose lines can be readily attached to the inlets without interference from any nearby objects including buildings, fences, posts, plantings, or other fire department connections and or otherwise approved by the Fire Chief.
  - b. Within 30 feet of an approved hydrant. So that the inlet height shall not be less than 18 inches or more than 48 inches above grade.
  - c. Guard posts or other approved means may be required to protect fire department inlet connections from vehicular damage.
  - d. Fire department connection shall not be allowed in the rear of any building.
  - e. Fire department connections for NFPA 13R sprinkler systems shall be determined by the fire code official.
- FID 20. Fire Alarm System: Fire alarm system is required and installation shall comply with the requirements of NFPA 72, 2002 Edition.
- FID 21. 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 22. Special Provisions for licensed Care Facilities in Group R-4 Facilities  
Appendix Chapter 4:
- FID 23. Fire-resistance-rated construction provisions:
- FID 24. 425.5.1 Smoke barriers required. Group R-4 occupancies licensed as a Residential Care Facility (RCF) with individual floor areas over 6000 square feet (557 m<sup>2</sup>) per floor, shall be provided with smoke barriers, constructed in accordance with Section 709.
- FID 25. 425.5.2 Smoke partitions. In Group R-4 occupancies where smoke partitions are required, framing shall be covered with noncombustible materials having an approved thermal barrier with an index of not less than 15 in accordance with FM 4880, UL 1040, NFPA 286 or UL1715.
- FID 26. Fire alarm systems in Group R-4 occupancies. An approved fire alarm system shall be installed where required in Section 907.
- FID 27. Smoke alarms in Group R-4 occupancies. Smoke alarms shall be installed where required in Section 907.2.10
- FID 28. Means of egress provisions: General: In addition to the general means of egress requirements of Chapter 10, this section shall apply to Group R-4 occupancies.
- FID 29. Group R-4 occupancies shall have a minimum of two exits.

**END OF CONDITIONS**



**City Council Policy Statement  
Adopted September 17, 2008**

**PLANNED DEVELOPMENTS AND THE REQUIREMENT FOR PUBLIC BENEFITS**

In order to provide for the long-term improvement of the community, every application for a Planned Development District (PDD) and every amendment thereto – including all those enacted in lieu of a change of zone – shall include a public benefit in accordance with the provisions listed below.

1. The concept of a "public benefit" shall be a condition of granting zoning flexibility via approval of a Planned Development District, and is consistent with the goals, policies and objectives of the Palm Springs General Plan.
2. The public benefit of an approved PDD shall be specifically identified by the Planning Commission and City Council within the record of approval (resolution or ordinance, as applicable).
3. The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.
4. A feature, improvement or dedication may only be considered as a public benefit when it exceeds the level of improvement needed to mitigate a project's environmental impacts or comply with dedication or exactions which are imposed on all projects, such as Quimby Act, public art, utility undergrounding, etc.
5. An approved public benefit shall be one of the following types:
  - a. The project as Public Benefit – The project fulfills key General Plan objectives for land use (such as "mixed-use"), economic development, community beautification, additional parking, improved circulation, blight removal or the like.
  - b. Key Features of the Project – The project includes features such as through-streets not indicated on the General Plan, interior parks, community open space, community meeting rooms, entry features, preservation of important buildings, preservation of natural features, daycare facility or other similar amenities.
  - c. Sustainable Features – The project includes features which measurably aid achievement of the City's sustainability goals, including water conservation, energy conservation (e.g., LEED certified), active and passive solar features, California Green Building techniques, and other sustainable features.
  - d. Off-site Improvements – The project includes off-site dedications and / or improvements, such as widened thoroughfares with meandering bikeways, public park lands, hiking trails, recreation facilities, construction of decorative medians, or other public improvements located off the project site.

M/S/C (Scott/Caffery, 6-0, 1 absent/Ringlein) To approve the amendment to the CUP and approve the Administrative Minor Modification for off-street parking.

**3B. Case 5.1193 CUP / PD 354 (Palm Springs Treatment Center) - An application by Michael T. Cartwright requesting a Conditional Use Permit and Planned Development District 354 (PDD) to allow construction of an assisted living/substance abuse recovery center located at 168 Via Escuela, Zone R2, Section 3, APN: 504-270-016. (Project Planner: Ken Lyon, Associate Planner)**

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated September 10, 2008.

Commissioner Scott noted a correction on page 6 of the staff report, the 4th paragraph should read, ". . . project has fourteen bedrooms and a total of 28 beds . . .". Staff concurred.

-James Cioffi, project architect, (responding to Commission questions) provided details on the entrance to the existing and new building, shared facilities, and the courtyard and recreation space. Mr. Cioffi noted the architecture consists of 2 piece roof tile, smooth plaster, sun control grilles on the side entries and tall windows. Mr. Cioffi stated that a pedestrian crossing is not necessary since there is not much cross traffic on Via Escuela.

Chair Hochanadel opened the Public Hearing. There being no appearances, the Public Hearing was closed.

Commissioner Scott complimented the design team on well-thought out project.

M/S/C (Scott/Vice Chair Cohen, 6-0, 1 absent/Ringlein) To approve Case 5.1193 CUP and PD 354, and recommend approval of PD 354 to the City Council, subject to the Conditions of Approval.

**PLANNING COMMISSION COMMENTS:**

Commissioner Donenfeld suggested a joint meeting with the Historic Site Preservation Board (HSPB) since both boards are concerned with historic preservation matters. Discussion occurred on the merits of conducting such a meeting. Commissioner Caffery recalled a previous meeting held with the HSPB and was not in favor of a joint meeting with the HSPB. Commissioner Scott noted that the Secretary of Interior Standards for historic structures is an important learning tool for the HSPB and for the Planning Commission, as well. Mr. Ewing expressed concern with discussion of



## Planning Commission Staff Report

Date: September 10, 2008  
 Case No.: 5.1193 – CUP, PD 354  
 Type: Planned Development District and Conditional Use Permit  
 Location: 168 West Via Escuela  
 APN: 504-270-016  
 Applicant: Michael T. Cartwright, Palm Springs Treatment Centers  
 General Plan: Medium Density Residential (6.1-15du/acre)  
 Zone: R-2 Section 3/4/4  
 From: Craig A. Ewing, AICP, Director of Planning Services  
 Project Planner: Ken Lyon, Associate Planner

### PROJECT DESCRIPTION:

The application is comprised of a Conditional Use Permit (CUP) to allow operation of an assisted living center/substance abuse recovery center use in a newly constructed facility at 168 Via Escuela and a Planned Development District (PDD) to establish unique development standards for the parcel at 168 Via Escuela. The Planned Development District application is seeking approval for both the preliminary and final PDD.

### RECOMMENDATION:

That the Planning Commission:

1. Approves Case 5.1193 – CUP, a Conditional Use Permit to allow an assisted living center/substance abuse recovery center use in a newly constructed facility at 168 Via Escuela subject to the attached Conditions of Approval.

2. That the Planning Commission approves Planned Development District 354 as a preliminary and final planned development district application, subject to the attached Conditions of Approval and recommends its approval to the City Council.

**PRIOR ACTIONS**

On November 9, 2005, the Planning Commission approved case 5.1066 CUP for an assisted living facility at 2095 North Indian Canyon Drive. The required off-street parking for that facility was provided by the construction of a parking lot on the site associated with this project at 168 Via Escuela (across the street).

On April 7, 2008 the Architectural Advisory Committee reviewed the project and voted 6-0-1 (Cioffi abstaining) to recommend approval of the project to the Planning Commission.

**BACKGROUND AND SETTING:**

The subject parcel is approximately 37,206 square feet or roughly 0.85 acre in size. Its dimensions are roughly 266 feet x 143 feet. It is essentially flat, sloping gently upward from southeast to northwest. Roughly three-quarters of the site is currently developed with a parking lot that serves the existing assisted living facility south of this site at 2095 North Indian Canyon Drive. The remaining western part of the site is undeveloped.

The surrounding properties' land use, Zone and General Plan are listed in Table 1 below.

**TABLE 1: Surrounding General Plan, Zoning and Land Uses**

	General Plan	Zone	Land Use
North	Medium Density Residential	R-2	Vacant
South	Tourist Resort Commercial	R-3	Assisted Living Facility
East	Medium Density Residential	R-2	Multi-Family Residential
West	Mixed Use	R-2	Commercial Retail & Nightclub

**ANALYSIS:**

General Plan:

The General Plan designation for this site is Medium Density Residential (6.1 – 15 dwelling units per acre). The proposed development of an assisted living facility is considered a residential use by the Palm Springs Zoning Ordinance. Densities for assisted living facilities do not directly correlate in a simple way with the General Plan because permitted densities for assisted living facilities are calculated based on the

permitted density multiplied by the latest census figure for the average household size in Palm Springs times the net area of the site. Typical General Plan residential densities are simply calculated in dwelling units per acre. The 2000 census estimates the average household size to be 1.38 persons. This figure multiplied by the density (3,000 square feet per dwelling unit which is equivalent to 15 dwelling units per acre) yields a maximum density allowable of sixteen (16) beds. The project proposes fourteen (14) beds and thus is consistent with the equivalent density desired for the MDR land use area.

Zoning:

*Description of Use:*

The proposed facility would be used as a drug and substance abuse recovery center with patients (client) in treatment programs lasting anywhere from thirty (30) to ninety (90) days. A similar facility is owned and operated by the same applicant at the property immediately south of this parcel (2095 North Indian Canyon Drive). Drug and substance abuse recovery centers are considered consistent with the definition “assisted living facilities” use in PSZO Section 91.00.10 (Definitions) which states:

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

Pursuant to Section 92.03.01(A)(2), assisted living facilities are allowed with the approval of a Conditional Use Permit in the R-2 zone. The existing assisted living facility use to the south of this facility was granted a Conditional Use Permit in 2005.

Development Standards:

The following table provides a comparison 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**

<b>R-2</b>	<b>Required/Allowed</b>	<b>Proposed</b>
Lot Area	Minimum 20,000 sf	37,206 square feet – complies
Lot Width	140 feet (siding on a local/collector )	143 feet - complies

R-2	Required/Allowed	Proposed
Lot Depth	175 feet (fronting a major thoroughfare)	266 feet – complies
Density	Multiply 1 unit/3,000 sf of lot area or 12 units x 1.38 <sup>1</sup> = 16 beds	28 beds in 14 rooms – complies
Building Height	24 feet (2 -Story)	35 feet at east elevation including mechanical enclosures <sup>2</sup> – complies
Set Back Front yard	30 feet (fronting a major thoroughfare)	30 feet – complies
Street Side Yard	20 feet on sides facing a local or collector.	24 feet facing local street complies
Interior setback side yard	Interior side: ten feet or equal to height if abutting residential zone <sup>3</sup> or 28 feet	10 feet facing abutting residential zone ( <b>does not comply</b> )
Rear Yard Set Back	10 Feet or equal to bldg height if abutting residential zone (28 feet)	29 feet – complies.
Bldg. Separation at courtyards	30 Feet Interior Court Yard	45 feet– complies
Parking	0.5 space/bed + 1/every 3 staff or 17 spaces + 8 spaces provided for parking for 2095 N.Indian Cyn. = 25 spaces at this site.	25 provided - complies
Height of wall	6 feet side yard	6 feet - complies
Lot Coverage	30% maximum on sites with structure over 18 feet in height	40% - <b>does not comply</b>
Open/usable landscape/recreational Space	40%	Approx. 48% - complies

The project complies with the development standards for the R-2 zone except for interior side yard setbacks and lot coverage. Staff believes the deviations in the development standards proposed by the PDD are reasonable because the outside space created in the courtyard area and landscape garden west of the building are more usable functional enhancements to the site than open space in a side yard area

<sup>1</sup> The number of beds permitted in a facility shall be determined by multiplying the number of units permitted under the applicable zoning/general plan standards by the average household size for the city of Palm Springs according to the latest census figures. The 2000 census indicated the average household size in Palm Springs was 1.38 persons. (PSZO 94.02.00(H)(7)(a))

<sup>2</sup> Roof structures, above the height limits of the zone, may be permitted with Planning Commission approval for screening rooftop mechanical equipment. (PSZO 93.03.00(A)(1))

<sup>3</sup> Each lot shall have a side yard on each side of not less than ten (10) feet, except as otherwise provided; any portion of a structure in excess of twelve (12) feet in height shall have a minimum setback equal to its height if abutting any residential property. (PSZO 92.04.03 (E)(3)(a))

would afford. The reduction in overall lot coverage is reasonable because the assisted living facility use is primarily focused on interior lectures, group and individual counseling sessions. The landscaped courtyard and west side garden provide an enhanced outdoor space that reasonably offsets the greater lot coverage proposed.

*Planned Development District:*

The project addresses these items via the application of a Planned Development District (PDD). A PDD may be used to establish development standards that deviate from those of the underlying zone in order to achieve unique or desirable developments otherwise not possible by strict application of the development standards for the zone. A PDD may also be used in lieu of a change of zone, however in this case, the applicant is not requesting a change of zone because the desired uses conform and are permitted in the zone subject to a CUP.

Typically, a PDD is first submitted as a preliminary PDD for Planning Commission and City Council approvals. After preliminary approvals, the applicant develops the project details, elevations and overall architectural scope for Planning Commission approval as a Final PDD. In this case, for the preliminary PDD hearing, the applicant has fully developed the design of the project to the level of detail usually associated with a Final PDD. The AAC reviewed the project and found it sufficiently complete to the level of a final PDD submission. For this reason, staff is recommending review of both the preliminary and final PDD with this hearing.

*Building Composition:*

The proposed project is comprised of a two-story courtyard style facility. The 15,532 square foot first floor is comprised of covered outdoor passages connecting meeting rooms, covered outdoor common area, offices, an exercise room, laundry and seven sleeping rooms. The building surrounds an outdoor courtyard that contains landscaping, a swimming pool and terraces. The 9,394 square foot second floor contains covered outdoor passages that connect offices, a large deck and eight sleeping rooms.

The building height is approximately twenty-four feet. At the rooftop, are mechanical units (air conditioning condensing units) that require architectural screening to conceal the view of these units. The project proposes a mechanical screen designed with a sloped surface covered in two-piece clay arched tiles to create the impression of a gabled or hip roof. The height to the top of these mechanical screen elements is approximately thirty-five feet from the adjacent street. Heights for stairways, elevator enclosures and mechanical screening may exceed the height limits of the zone with the approval of the Planning Commission. Staff believes the proposed screen is a good aesthetic solution to conceal the rooftop units and recommends the Planning Commission approve the increased height.

PLANNED DEVELOPMENT DISTRICT

*Architecture:*

The building is designed in a blend of contemporary and traditional elements. The second story elements are covered in a two-piece clay barrel tile hip roof with exposed rafter tails that functions as a screen for the rooftop mechanical units. Most of the single story elements are simple cubic volumes with flat roofs. The walls have punched windows and horizontal and vertical shadow lines cut into the stucco that subdivide the elevations. Wood timber trellis structures on hefty square stucco columns add detail and texture to the exterior of the stucco building. An outdoor loggia or covered corridor encircles the courtyard at the first floor level. A similar outdoor corridor, partially covered and partially open, encircles the courtyard at the second floor level. Retaining walls along the western and northern sides of the building allow the building to be built slightly into the slope of the site, thereby reducing the overall visual height of the building on those two sides. These retaining walls also create an enclosed outdoor garden area immediately west of the building.

*Landscape:*

The landscaping is designed with drought tolerant plant materials, with a variety of palm trees, Museum Palo Verde, citrus, cypress, olive and ironwood trees. A variety of desert hardy shrubs, vines, cacti, and ground covers in a naturalized landscape design surround the building. An enclosed garden of rosemary and lavender is proposed on the western side of the site.

*Off-Street Parking:*

Parking on the site is accommodated with bay parking. The bay parking is proposed to be located along the Via Escuela street front and the Zanjero street frontage. Bay parking is defined as parking spaces that are accessed directly off the adjacent street. Planning Commission approval is required for bay parking.

Off-street parking is regulated by Section 93.06.00 of the zoning ordinance. Parking for assisted living facilities is calculated at 0.5 space/bed + 1space/every 3 staff. This project has fourteen beds and eight staff, thus seventeen spaces are required. Twenty-five spaces are provided.

The eight surplus spaces (25 provided minus seventeen required) are proposed to be dedicated to the companion facility at 2095 North Indian Canyon Drive. Previously, all parking for that site was proposed to be accommodated within the existing parking lot on this parcel (pursuant case 5.1066 CUP). With the elimination of this parking lot, the CUP for that site is being amended (separate from this application) to recognize six existing spaces on that site and eight on this site. A requirement to establish a permanent parking easement and deed restriction on this site is included in the attached Conditions of Approval to ensure both sites continue to have adequate off-street parking.

Bay parking in residential zones is required to have patterned or colored paving. In this case, the project proposes colored concrete for the paving in the bay parking to meet this requirement.

Shading of the parking lot will be provided with trees. For off-street parking areas of twenty-five cars, 40% of the total spaces must be shaded. The site plan will be conditioned to provide shade for at least twelve (12) spaces which will also provide the shading requirements for the off-street parking spaces being provided for the 2095 North Indian Canyon Drive facility.

*Bicycle Parking:*

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

*Off Street loading, Trash Enclosures and Recycling:*

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

The project proposes a combination trash and recycling enclosure at the northwest corner of the site, immediately adjacent to the service door at that corner of the building. A concrete surface allows the trash bins to be rolled to the curb of adjacent Zanjero for loading into garbage or recycling trucks.

**REQUIRED FINDINGS:**

The Conditional Use Permit process outlined in Section 94.02.00 of the Zoning Code requires the Planning Commission to make a number of findings for approval of the permit. The findings for a PDD are the same as those for a CUP and the PDD must be consistent with the General Plan and follow sound community development principals. 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 application of a PDD to modify the development standards of the underlying zone is permitted by the zoning code Section 94.03.00 (Planned Development) and 92.03.00 (Conditional Use Permit). The project therefore conforms to this finding.

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

The proposed use of this site for an assisted living facility is a residential type use which is consistent with the Medium Density Land Use designation in the General Plan. The proposed PDD is not detrimental to existing or future uses because open space, view corridors, and future development adjacent to this site are not adversely impacted by the proposed PDD. The existing parking on the site that support the adjacent use at 2095 North Indian Canyon Drive have been accommodated by the provision of additional off-street parking spaces dedicated for use by that facility within the total parking count for this site. Thus, the proposed use is not detrimental to existing or future uses. The proposed use is in harmony with the general plan as noted in the following goals and policies from the General Plan Housing Element:

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

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

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

As a recovery center for those seeking treatment for substance abuse, the facility provides a unique type of special needs housing. The project is therefore supportive of this policy.

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

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

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

The proposed development has been accommodated on the site in a way that meets the development standards for the zone. The site is roughly 0.85 acres in size, relatively flat and conducive for the proposed development. The number of units proposed is within the maximum allowed for the zone. The design provides the required off-street parking, landscaping setbacks, height limits, and other requirements of the zone as well as providing a fully landscaped internal courtyard and garden. The PDD establishes minor adjustments in the underlying development standards for this site that are consistent with the development in the neighborhood. Therefore, Staff concludes that the site is adequate for the proposed use.

- 4) *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The site fronts a major thoroughfare (Indian Canyon Drive) and a local collector street (Via Escuela). Bay parking on the project is set back from the intersecting street corners to minimize conflicts between parking and through traffic movement. Trash removal and loading activities are located off Zanjero Road, thereby reducing impacts of those activities on the movement of traffic on the busier streets around the site. The adjacent roadways are developed to carry the type and quantity of traffic generated by the proposed use because the roadway network as shown in the General Plan is capable of accommodating the proposed land use density without adverse impacts or reductions in Level of Service (LOS). Staff has therefore concluded that the site adequately relates to the circulation network of the City.

#### **CONCLUSION:**

Assisted Living Facilities are permitted with a Conditional Use Permit in the R-2 zone. The proposed building, landscaping, parking and open space conform to the development standards required for the zone. A PDD is proposed to modify two development standards (interior side yard setback and lot coverage) that, in doing so, allow a more desirable development than would otherwise be possible by strict application of the development standards for the zone. The project is in harmony with the General Plan and relates to the surrounding neighborhood, roadway network and

general development pattern for this area of the City; therefore Staff recommends approval of the subject CUP and PDD subject to attached conditions of approval.

**ENVIRONMENTAL DETERMINATION:**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt as an infill development project per Section 15332 (Infill Development Projects).

**NOTIFICATION:**

A notice was mailed to all property owners within a four hundred foot radius in accordance with state law. As of the writing of this staff report, staff has received no comments from the public.

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Ken Lyon  
Associate Planner

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Craig A. Ewing, AICP  
Director of Planning Services

**Attachments:**

- 400' Radius Vicinity Map
- Draft Resolution
- Conditions of Approval
- Site Plan and Elevations

RESOLUTION NO.

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING CASE 5.1193 CUP, PD 354, A CONDITIONAL USE PERMIT AND PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE APPLICATION FOR AN ASSISTED LIVING FACILITY AT 168 VIA ESCUELA ROAD, ZONE R-3, SECTION 3.

WHEREAS, Michael Cartwright of Palm Springs Treatment Centers, ("Applicant") has filed an application with the City pursuant to Section 94.02.00 of the Zoning Code requesting a Conditional Use Permit and Planned Development District for a assisted living facility at 168 Via Escuela Road, Zone R-3, Section 3; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1193 – CUP, PD 354 was given in accordance with applicable law; and

WHEREAS, on September 10, 2008, a public hearing on the Conditional Use Permit 5.1193 – CUP, PD 354 application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be Categorically Exempt as an infill development project per Section 15332 (Infill Development Projects); and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the requirements of Section 94.02.00(B)(6), the Planning Commission finds:

- 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 application of a PDD in lieu of a change of zone to modify the development standards and uses of the underlying zone is permitted by the zoning code Section 94.03.00 (Planned Development), 94.07.00 (Change of Zone) and 92.03.00 (Conditional Use Permit). The project therefore conforms to this finding.

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

The proposed use of this site for an assisted living facility is a residential type use which is consistent with the Medium Density Land Use designation in the General Plan. The proposed PDD is not detrimental to existing or future uses because open space, view corridors, and future development adjacent to this site are not adversely impacted by the proposed PDD. The existing parking on the site that support the adjacent use at 2095 North Indian Canyon Drive have been accommodated by the provision of additional off-street parking spaces dedicated for use by that facility within the total parking count for this site. Thus, the proposed use is not detrimental to existing or future uses. The proposed use is in harmony with the general plan as noted in the following goals and policies from the General Plan Housing Element:

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

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

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

As a recovery center for those seeking treatment for substance abuse, the facility provides a unique type of special needs housing. The project is therefore supportive of this policy.

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

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

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

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

The proposed development has been accommodated on the site in a way that meets the development standards for the zone. The site is roughly 0.85 acres in size, relatively flat and conducive for the proposed development. The number of units proposed is as defined by the PDD which is made in lieu of a change of zone. The design provides the required off-street parking, landscaping setbacks, height limits, and other requirements of the zone as well as providing a fully landscaped internal courtyard and garden. The PDD establishes minor adjustments in the underlying development standards for this site that are consistent with the development in the neighborhood. Therefore, the Planning Commission concludes that the site is adequate for the proposed use.

- 4) *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.*

The site fronts a major thoroughfare (Indian Canyon Drive) and a local collector street (Via Escuela). Bay parking on the project is set back from the intersecting street corners to minimize conflicts between parking and through traffic movement. Trash removal and loading activities are located off Zanjero Road, thereby reducing impacts of those activities on the movement of traffic on the busier streets around the site. The adjacent roadways are developed to carry the type and quantity of traffic generated by the proposed use because the roadway network as shown in the General Plan is capable of accommodating the proposed land use density without adverse impacts or reductions in Level of Service (LOS). The Planning Commission has therefore concluded that the site adequately relates to the circulation network of the City.

Section 2: Pursuant to the requirements of Section 94.07.00(A), the Planning Commission finds:

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

The proposed use of this site for an assisted living facility is a residential type use which is consistent with the Medium Density Land Use designation in the General Plan. No General Plan amendments are required.

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

The proposed development has been accommodated on the site in a way that meets the development standards for the zone. The site is roughly 0.85 acres in size, relatively flat and conducive for the proposed development. The design provides the required off-street parking, landscaping setbacks, height limits, and other requirements of the zone as well as providing a fully landscaped internal courtyard and garden. The PDD establishes minor adjustments in the underlying development standards for this site that are consistent with the development in the neighborhood. To the south of the proposed development is an existing assisted living facility, thus the project has a compatible relationship to similar related uses. Furthermore, Bay parking on the project is set back from the intersecting street corners to minimize conflicts between parking and through traffic movement. Trash removal and loading activities are located off Zanjero Road, thereby reducing impacts of those activities on the movement of traffic on the busier streets around the site. The adjacent roadways are developed to carry the type and quantity of traffic generated by the proposed use because the roadway network as shown in the General Plan is capable of accommodating the proposed land use density without adverse impacts or reductions in Level of Service (LOS). The Planning Commission has therefore concluded that the site is suitable for the permitted uses in terms of size, access, and relationship to similar uses.

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

The PDD in lieu of a change of zone provides a fixed number of beds that reflects the capacity of the facility and off-street parking proposed to be built on the site. It establishes development standards for the site that are consistent with development patterns in the vicinity. Vehicular movement on the site is designed to relate to the adjacent streets in a way that minimizes disruptions to traffic flow so that the use is not detrimental to adjacent property and residents. Therefore, the Planning Commission has concluded that the change of zone is necessary and proper at this time and is not detrimental to adjacent property or residents.

Section 3: The project proposal has been submitted with sufficient detail to enable the Commission to evaluate this application as both the preliminary and the final PDD application hearing.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1193 – CUP, PD 354 for a 2-story, 28-bed assisted living facility with 25 off-street parking spaces, as the preliminary and final PDD in lieu of a change of zone, subject to conditions set forth in Exhibit A. The Planning commission further recommends approval by the City Council of Case 5.1193 – CUP, PD 354, a planned development district in lieu of a zone change subject to the conditions set forth in Exhibit A.

ADOPTED this \_\_\_\_ day of September, 2008.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

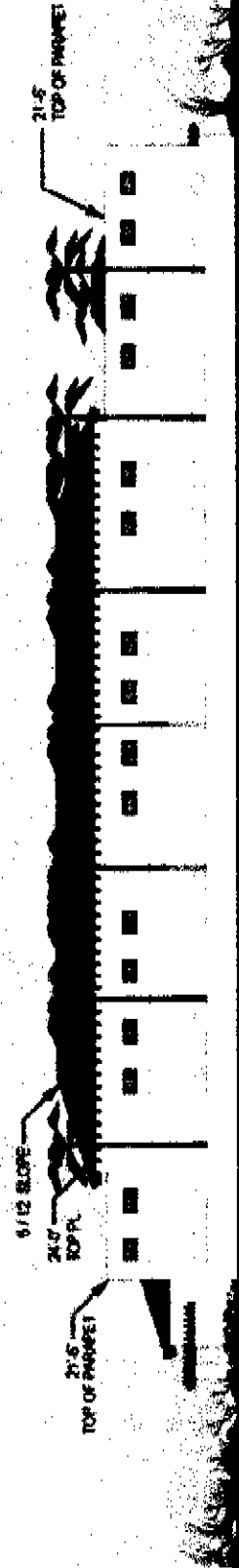
CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services







**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

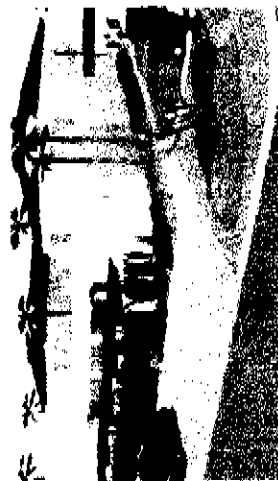


**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"

# MICHAEL'S HOUSE

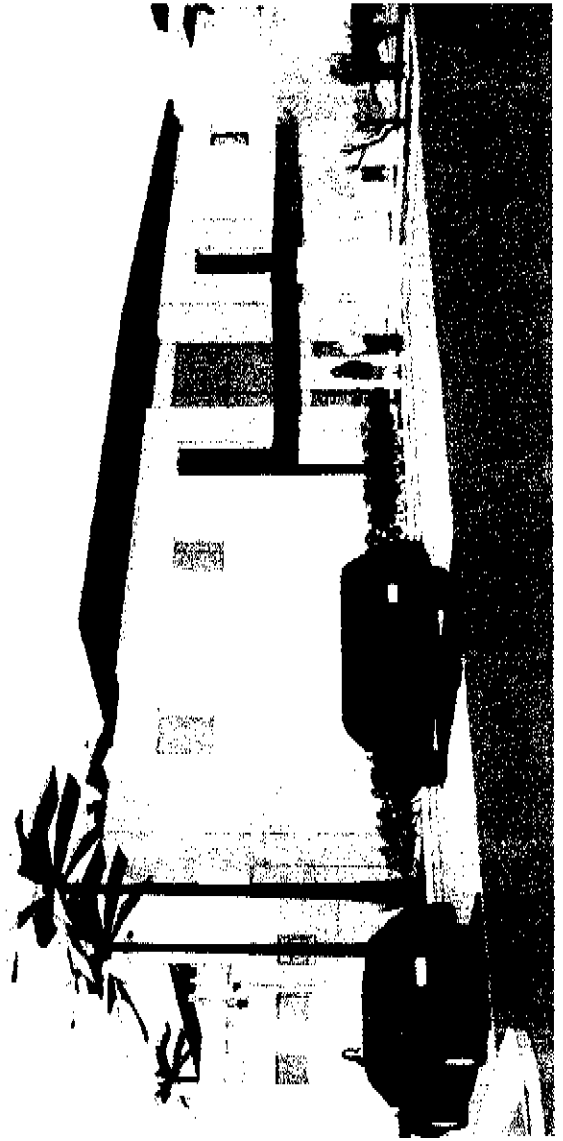
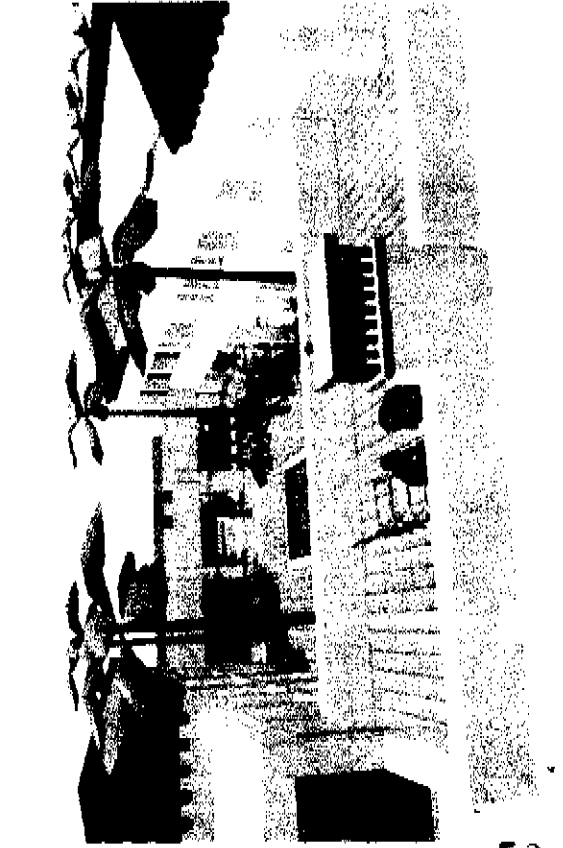
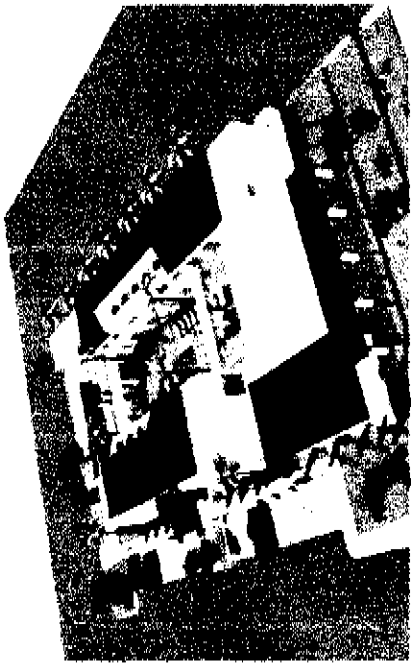
PALM SPRINGS, CALIFORNIA

Cioffi  
ARCHITECT



**MICHAEL'S HOUSE**  
PALM SPRINGS, CALIFORNIA

**Cioffi**  
ARCHITECT



**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



**CITY CLERK'S DEPARTMENT**  
James Thompson, City Clerk

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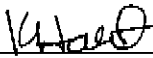
Meeting Date: November 5, 2008  
Subject: Michael's Place – 168 Via Escuela (Case 5.1193 CUP)

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**AFFIDAVIT OF MAILING**

I, Kathie Hart, CMC, 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 October 23, 2008, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (61 notices)


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

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**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 will be published in the Desert Sun on October 25, 2008.


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

  
\_\_\_\_\_  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Dolores Strickstein, Secretary, 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 on October 23, 2008.

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

  
\_\_\_\_\_  
Dolores Strickstein  
Secretary

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASE 5.1193 CUP  
PLANNED DEVELOPMENT DISTRICT 354  
MICHAEL'S PLACE ASSISTED LIVING FACILITY  
168 VIA ESCUELA ROAD

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of November 5, 2008. 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 this hearing is to consider an application by Michael Cartwright of Palm Springs Treatment Centers, Inc for a proposed development of a 14-room, 28-bed assisted living facility. The proposed project would be located on an approximate 40,045 square foot site at 168 Via Escuela Road and would include off-street parking, landscaping, a swimming pool, meeting rooms, and other common areas, Zone R-3.

**ENVIRONMENTAL DETERMINATION:** Pursuant to Section 15332 of the CEQA guidelines, the project is considered a Class 32 in-fill development meeting the conditions for categorical exemption because the project is consistent with the applicable policies of the general plan and zoning designation. The project is less than five acres in size and is not considered a habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be served by all utilities.

**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this project are available for public review at City Hall between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

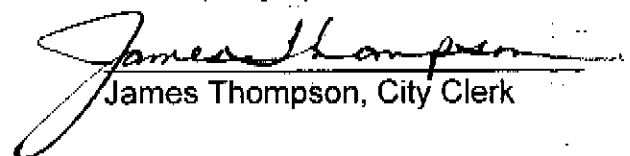
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

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]).

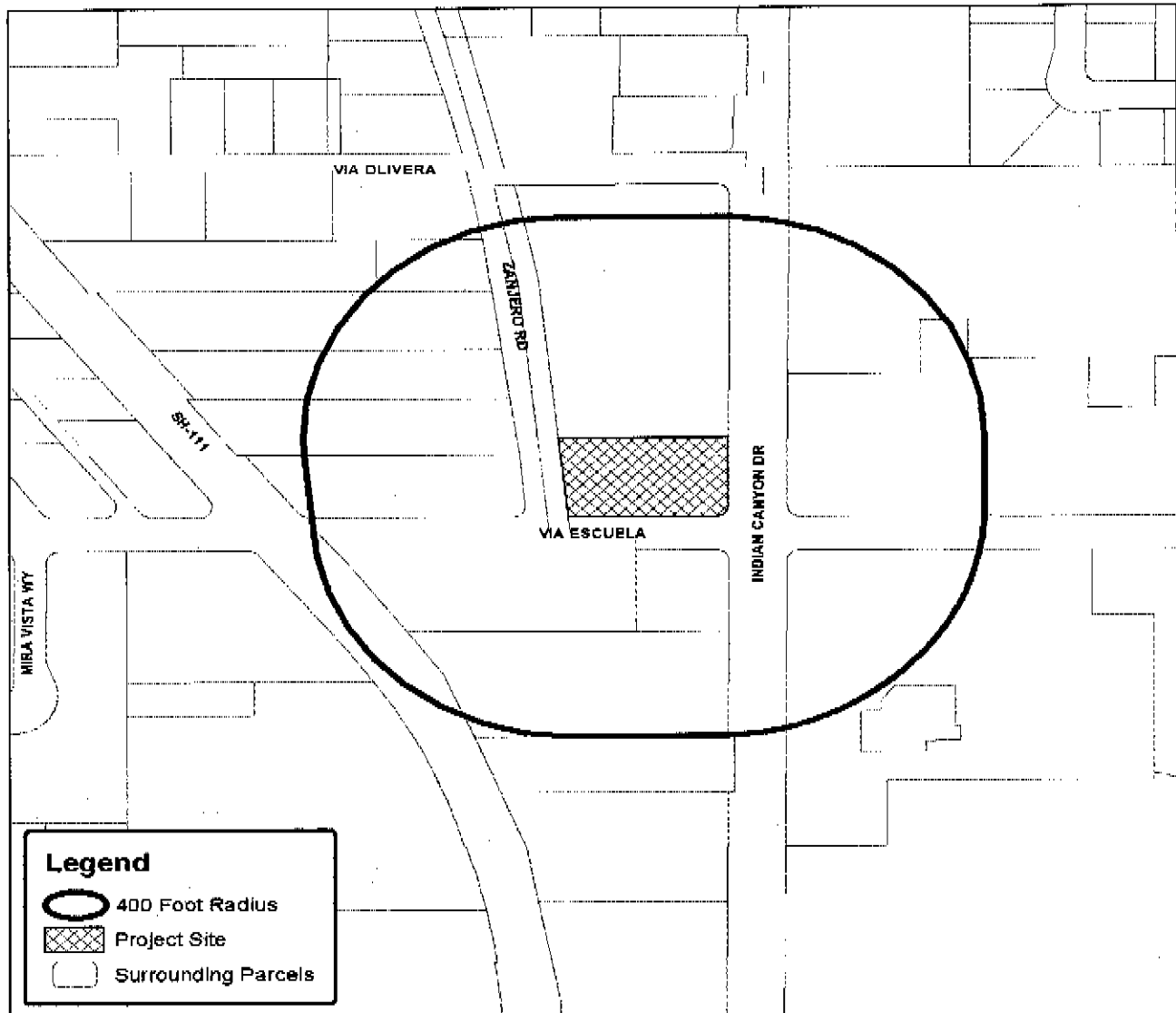
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to Ken Lyon, Associate Planner, Planning Services Department at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.

  
James Thompson, City Clerk



## Department of Planning Services Vicinity Map



**Legend**

-  400 Foot Radius
-  Project Site
-  Surrounding Parcels

### CITY OF PALM SPRINGS

**CASE NO:** 5.1193 – CUP &  
PD 354

**APPLICANT:** Michael Cartwright  
Michael's Place Assisted  
Living Facility

**DESCRIPTION:** To consider an application by Michael Cartwright of Palm Springs Treatment Centers, Inc. for a proposed development of a 14-room, 28-bed assisted living facility. The proposed project would be located on an approximate 40,045 square foot site at 168 Via Escuela Road and would include off-street parking, landscaping, a swimming pool, meeting rooms, and other common areas, Zone R-3.