

**PLANNING COMMISSION STAFF REPORT  
CITY OF PALM DESERT  
COMMUNITY DEVELOPMENT DEPARTMENT**

MEETING DATE: December 3, 2019

PREPARED BY: Kevin Swartz, Associate Planner

REQUEST: Consideration of a Conditional Use Permit (CUP) application to increase the number of residents in an existing group home from six to 12 residents, including two nightly staff members within an existing 6-bedroom 3,509-square-foot single-family residence at 44-755 Deep Canyon Road, and adoption of a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA).

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**Recommendation**

Waive further reading and adopt Planning Commission Resolution No. 2770, approving Conditional Use Permit 19-0008, subject to the conditions of approval, and adoption of a Notice of Exemption in accordance with the California Environmental Quality Act (CEQA).

**Executive Summary**

Approval of staff's recommendation will allow the operator of a group home to increase the total number of residents to 12. Since July 2013, the facility has been operational with approval for six residents at this location. The facility provides room and board, supervision, therapy, and educational classes. The proposal will not require any modifications such as room additions or site changes. Planning staff has determined the proposed facility complies with the intent and objectives of all applicable zoning requirements and is compatible with the surrounding land uses.

**Background**

**A. Property Description**

The project site is an existing 3,509-square-foot, single-story single-family residence on a 13,550-square-foot lot. The home was constructed in the late 80s and has received multiple building permits for additions including a garage conversion into a bedroom. The existing group home began operation on July 1, 2013. The home contains six bedrooms, each with access to a private bathroom and large communal living areas. The property features a long driveway on the north side that connects to a large parking area to accommodate on-site parking.

**B. Zoning and General Plan Designation**

Zone: Downtown Edge Transition Overlay (D.E-O)  
General Plan: Downtown (D)

**C. Adjacent Zoning and Land Use**

North: D.E-O/Single-Family Dwelling (SFD)  
South: D.E-O/SFD  
East: Planned Commercial -2 (PC-2)/Albertsons Shopping Center  
West: Residential Mixed Family (R-2)/SFD

**D. Additional Background**

In general, group homes are non-medical facilities that provide room and board, therapy, educational classes, mentoring, and supervision. State law prevents local jurisdictions from imposing zoning restrictions on residential facilities serving six or fewer residents. Facilities exceeding six residents are subject to local discretion and in this case a CUP.

**Project Description**

The applicant is requesting a CUP to increase its existing number of residents of six (including two nightly staff members) to 12 within an existing single-family home. The project does not propose additions or substantial alterations to the home. They will add two twin beds to the existing six-bedrooms for a maximum of two residents in each room. The facility will provide housing, meals, supervision, therapy sessions, and educational services to its residents.

The facility will operate 24 hours a day, with up to three on-site employees during daylight hours and two employees at night.

**Analysis**

Table 25.18-1: "Use Matrix for Downtown Districts" of the Downtown Development Code lists permitted, conditionally permitted, and prohibited land uses for the DE-O zoning district. Group Home facilities with more than six residents may be approved by the Planning Commission with a CUP.

**A. Land Use Compatibility**

The facility has been in operation since June 2013 within a single-family residence. The outward appearance of the home is consistent with other conventional single-family residences in the neighborhood. The home conforms to all development standards. Staff recommends imposing a condition on the project restricting the facility from changing the outside residential character of the residence.

The City has several group home facilities, which serve six or fewer residents scattered throughout single-family neighborhoods. The expansion of this facility will not result in an overconcentration of licensed care facilities in the area.

Since the group home began operation of the facility, the City does not have any Code Compliance cases related to the use.

#### **B. Parking**

The Zoning Ordinance requires parking for residential care facilities at a rate of one parking space per four beds. The proposed 12-bed facility will require three parking spaces. The site can accommodate up to eight vehicles using the space in the rear of the parking and existing driveway. Not all residents have a vehicle and there will be a maximum of three employees on-site at one time. If additional parking is required for guests, there is an abundance of on-street parking available in the immediate area.

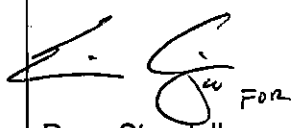
The proposed project is in conformance with the City Zoning Ordinance and the goals and objectives of the General Plan. Staff recommends approval subject to the conditions of approval contained in the attached draft Planning Commission Resolution.

#### **Environmental Review**

For the purposes of CEQA, the Director of Community Development has determined that the proposed project request is categorically exempt under Article 19, Section 15301 – Existing Facilities (Class 1) of the CEQA Guidelines. The proposed project will involve a negligible expansion of an existing use with no physical expansion of the existing home; the project site has been previously developed and has no value as habitat for endangered, rare or threatened species; the proposed project does not have a reasonable possibility for significant cumulative impacts upon the environment; and the site can adequately be served by all required utilities and public services. Therefore, based on the above findings, staff is recommending that the Planning Commission adopt a Categorical Exemption for the proposed project.

**Findings of Approval**

Findings in support of this project are contained in the Planning Commission Resolution No. 2770 attached to this staff report.

LEGAL REVIEW	DEPT. REVIEW	FINANCIAL REVIEW	CITY MANAGER
N/A	 Ryan Stendell Director of Community Development	N/A	N/A
Robert W. Hargreaves City Attorney		Janet Moore Director of Finance	Lauri Aylaian City Manager

APPLICANT: Heartbeat at 22  
PO Box 1816  
Palm Desert, CA 92261

ATTACHMENTS: 1. Draft Planning Commission Resolution No. 2770  
2. Legal Notice  
3. Notice of Exemption  
4. Exhibits

**PLANNING COMMISSION RESOLUTION NO. 2770**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT EXPANDING THE NUMBER OF RESIDENTS IN AN EXISTING GROUP HOME FACILITY FROM 6 TO 12 RESIDENTS LOCATED IN AN EXISTING SINGLE-FAMILY RESIDENCE AT 44-755 DEEP CANYON ROAD; AND ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)  
CASE NO: CUP 19-0008**

**WHEREAS**, the Planning Commission of the City of Palm Desert, California, did on the 3<sup>RD</sup> day of December 2019, hold a duly noticed public hearing to consider the request by Heartbeat at 22 for approval of the above-noted; and

**WHEREAS**, the project is located in the Downtown Edge Transition Overlay (DE-O) zoning district, which allows "group homes" as permitted uses subject to approval of a Conditional Use Permit (CUP); and

**WHEREAS**, said application has complied with the requirements of the "City of Palm Desert Procedure for Implementation of the California Environmental Quality Act," Resolution No. 2015-75, in that the Director of Community Development has determined that the Project will not have a negative impact on the environment and qualifies as a Class 32 Categorical Exemption for the purposes of CEQA; and

**WHEREAS**, at the said public hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, said Planning Commission did find the following facts and reasons to exist to justify the approval of said request:

**FINDINGS OF APPROVAL:**

1. That the proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purpose of the district in which the site is located.

*The zoning designation for this property is DE-O, which is intended for a variety of housing choices and mixed-uses. The proposed 12-bed group home will provide a supportive living environment within an existing single-family residence at an intensity suitable for the residential character of the existing neighborhood.*

2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

*The proposed conditional use will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the*

## PLANNING COMMISSION RESOLUTION NO. 2770

*vicinity. The applicant has operated at the existing residence since July 2013. The City has received no substantial public nuisance complaints from neighboring residents regarding the operation of the facility. The facility is not within close proximity to similar use which may generate cumulative adverse parking and noise impacts on the neighboring. The applicant has demonstrated that this facility is capable of operating in a manner that is compatible with neighboring residences.*

3. That the proposed conditional use will comply with each of the applicable provisions of this title, except for approved variances or adjustments.

*The proposed conditional use will comply with each of the applicable provisions of this title. The facility is located within an existing single-family which complies with the development standards for the zoning designation.*

4. That the proposed conditional use complies with the goals, objectives, and policies of the City's general plan.

*The General Plan land use designation for the site is "Downtown." This designation is intended to provide high intensity mixed-use development which may additional land uses including retail, entertainment along with multi-family dwellings when compatible. The proposed group home facility is compatible with surrounding land uses as operations do not alter the residential character of the existing home.*

*This use supports Program 9.B of the General Plan Housing Element which encourages the development of care facilities. The facility will provide needed services and care to residents in the setting of a single-family residence.*

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PALM DESERT, CALIFORNIA, AS FOLLOWS:**

1. That the above recitations are true and correct and constitute the findings of the Planning Commission in this case.
2. That the Planning Commission does hereby approve Precise Plan 18-0007 and Conditional Use Permit 18-0008, subject to the conditions of approval (attached).

**PLANNING COMMISSION RESOLUTION NO. 2770**

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Palm Desert, California, at its regular meeting held on the 3<sup>rd</sup> day of December 2019, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
RON GREGORY, CHAIR

**ATTEST:**

\_\_\_\_\_  
RYAN STENDELL, SECRETARY  
PALM DESERT PLANNING COMMISSION

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### CONDITIONS OF APPROVAL CASE NO. CUP 19-0008

#### Department of Community Development:

1. The Project site shall be developed and maintained in conformance with the approved plans on file with the Department of Community Development, except as modified by conditions herein.
2. All construction documentation shall be coordinated for consistency, including, but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Department of Community Development.
3. Construction of said project shall commence within two years from the date of final approval unless an extension of time is granted; otherwise said approval shall become null, void, and of no effect whatsoever.
4. Any proposed modifications to this Conditional Use Permit shall require an amendment to the application, which will result in a new public hearing.
5. Prior to issuance of a building permit for construction of any use contemplated by this approval, the applicant shall first obtain permits and/or clearance from the following agencies:  
  
    Building & Safety Department  
    City Fire Marshal  
    Coachella Valley Water District
6. The Applicant shall agree to defend, indemnify, and hold harmless the City of Palm Desert or its agents, officers, and employees from any claim, action or proceeding against the City of Palm Desert or its agents, officers or employees, to attack, set aside, void, or annul, any approval of the City of Palm Desert, whether by its City Council, Planning Commission, or other authorized board or officer of the City.
7. The total number of residents of the facility shall be no more than twelve (12).
8. The use of the facility shall be limited to a group home. Operational changes which increase the intensity or scope of services provided by the facility shall be subject to Department of Community Development review.
9. The Applicant shall preserve the exterior single-family residential character of the facility. No exterior signage shall be permitted, excepted as mandated by state and/or federal law.



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10. The property shall be maintained in accordance with landscape maintenance requirements contained in the Palm Desert Municipal Code.
11. All facility operations shall comply with the City of Palm Desert's outdoor lighting and noise ordinances.
12. The applicant or any successor in interest shall comply with all applicable local, state, and federal laws and regulations.

### **Department of Building and Safety:**

13. This project shall comply with the latest adopted editions of the following codes:
  - A. 2016 California Building Code and its appendices and standards.
  - B. 2016 California Plumbing Code and its appendices and standards.
  - C. 2016 California Mechanical Code and its appendices and standards.
  - D. 2016 California Electrical Code.
  - E. 2016 California Energy Code.
  - F. 2016 California Green Building Standards Code
  - G. 2016 California Administrative Code.
  - H. 2016 California Fire Code and its appendices and standards.
14. All contractors and subcontractors shall have a current City of Palm Desert Business License prior to permit issuance per Palm Desert Municipal Code, Title 5.
15. All contractors and/or owner-builders must submit a valid Certificate of Workers' Compensation Insurance coverage prior to the issuance of a building permit per California Labor Code, Section 3700.
16. Address numerals shall comply with Palm Desert Ordinance No. 1310 (PDMC 15.28. Compliance with Ordinance 1310 regarding street address location, dimension, a stroke of line, distance from the street, height from grade, height from the street, etc. shall be shown on all architectural building elevations in detail. Any possible obstructions, shadows, lighting, landscaping, backgrounds or other reasons that may render the building address unreadable shall be addressed during the plan review process. You may request a copy of Ordinance 1310 or Municipal Code Section 15.28 from the Department of Building and Safety counter staff.
17. Please contact the Department of Building and Safety at (760) 776-6420 regarding the addressing of all buildings and/or suites.

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**Fire Department:**

18. This facility shall submit a fire pre-inspection request and fee for review of the layout, egress and occupancy load. Appropriate state forms shall be submitted by licensing agency to Fire Department for field inspection and final approval.

END OF CONDITIONS

DRAFT

**CITY OF PALM DESERT  
LEGAL NOTICE  
CASE NO. CUP 19-0008**

**NOTICE OF A PUBLIC HEARING BEFORE THE PALM DESERT PLANNING COMMISSION FOR CONSIDERATION FOR APPROVAL TO EXPAND AN EXISTING GROUP HOME FROM SIX TO TEN WOMEN INCLUDING TWO NIGHTLY STAFF MEMBERS LOCATED AT 44755 DEEP CANYON ROAD, AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The City of Palm Desert (City), in its capacity as the Lead Agency for this project under the California Environmental Quality Act (CEQA), has reviewed and considered the proposed project and has determined that any potentially significant impacts can be mitigated to a less than significant level and a mitigated negative declaration has been prepared for this project.

**Project Location:** 44755 Deep Canyon Road

**Project Description:** The applicant is proposing to expand an existing group home from six to ten women, including two nightly staff members within a six-bedroom home.

**Recommendation:** Staff is recommending approval of the project request.

**Public Hearing:** The public hearing will be held before the Planning Commission on December 3, 2019, at 6:00 pm.

**Comment Period:** Based on the time limits defined by CEQA, your response should be sent at the earliest possible date. The public comment period on this project is from **November 23, to December 3, 2019.**

**Public Review:** The project and related documents are available for public review daily at City Hall. Please submit written comments to the Planning Department. If any group challenges the action in court, issues raised may be limited to only those issues raised at the public hearing described in this notice or in written correspondence at, or prior to the Planning Commission hearing. All comments and any questions should be directed to:

Kevin Swartz, Associate Planner  
City of Palm Desert  
73-510 Fred Waring Drive  
Palm Desert, CA 92260  
(760) 346-0611  
kswartz@cityofpalmdesert.org

**PUBLISH:** DESERT SUN  
November 23, 2019

Ryan Stendell, Secretary  
Palm Desert Planning Commission

## NOTICE OF EXEMPTION

<b>TO:</b> Office of Planning and Research P. O. Box 3044, Room 212 Sacramento, CA 95812-3044  <input type="checkbox"/> Clerk of the Board of Supervisors or <input type="checkbox"/> County Clerk County of:	<b>FROM:</b> City of Palm Desert

1.	Project Title:	CUP 19-0008
2.	Project Applicant:	Heartbeat at 22
3.	Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	44-755 Deep Canyon Road
4.	(a) Project Location – City:	Approval of staff's recommendation will allow the operator of a group home to increase the total number of residents to 12. Since July 2013, the facility has been operational with approval for six residents at this location. The facility provides room and board, supervision, therapy, and educational classes. The proposal will not require any modifications such as room additions or site changes. Planning staff has determined the proposed facility complies with the intent and objectives of all applicable zoning requirements and is compatible with surrounding land uses.
	(b) Project Location – County:	Riverside County
5.	Description of nature, purpose, and beneficiaries of Project:	
6.	Name of Public Agency approving project:	City of Palm Desert
7.	Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	City of Palm Desert

8. Exempt status: (check one)	
(a) <input type="checkbox"/> Ministerial project.	(Pub. Res. Code § 21080(b)(1); State CEQA Guidelines § 15268)
(b) <input type="checkbox"/> Not a project.	
(c) <input type="checkbox"/> Emergency Project.	(Pub. Res. Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))
(d) <input checked="" type="checkbox"/> Categorical Exemption. State type and class number:	For the purposes of CEQA, the Director of Community Development has determined that the proposed project request is categorically exempt under Article 19 Section 15301 – Existing Facilities (Class 1) of the CEQA Guidelines. The proposed project will involve a negligible expansion of an existing use with no physical expansion of the existing home; Therefore, based on the above findings, staff is recommending that the Planning Commission adopt a Categorical Exemption for the proposed project.
(e) <input type="checkbox"/> Declared Emergency.	(Pub. Res. Code § 21080(b)(3); State CEQA Guidelines § 15269(a))
(f) <input type="checkbox"/> Statutory Exemption. State Code section number:	
(g) <input type="checkbox"/> Other. Explanation:	
9. Reason why project was exempt:	The proposed project will involve a negligible expansion of an existing use with no physical expansion of the existing home;
10. Lead Agency Contact Person:	Kevin Swartz, Associate Planner
Telephone:	(760) 346-0611
11. If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing.	
12. Has a Notice of Exemption been filed by the public agency approving the project? Yes No	
13. Was a public hearing held by the lead agency to consider the exemption? Yes No If yes, the date of the public hearing was: December 3, 2019	

Signature: [Signature]  
Title: \_\_\_\_\_

Date: 12-3-19

Signed by Lead Agency

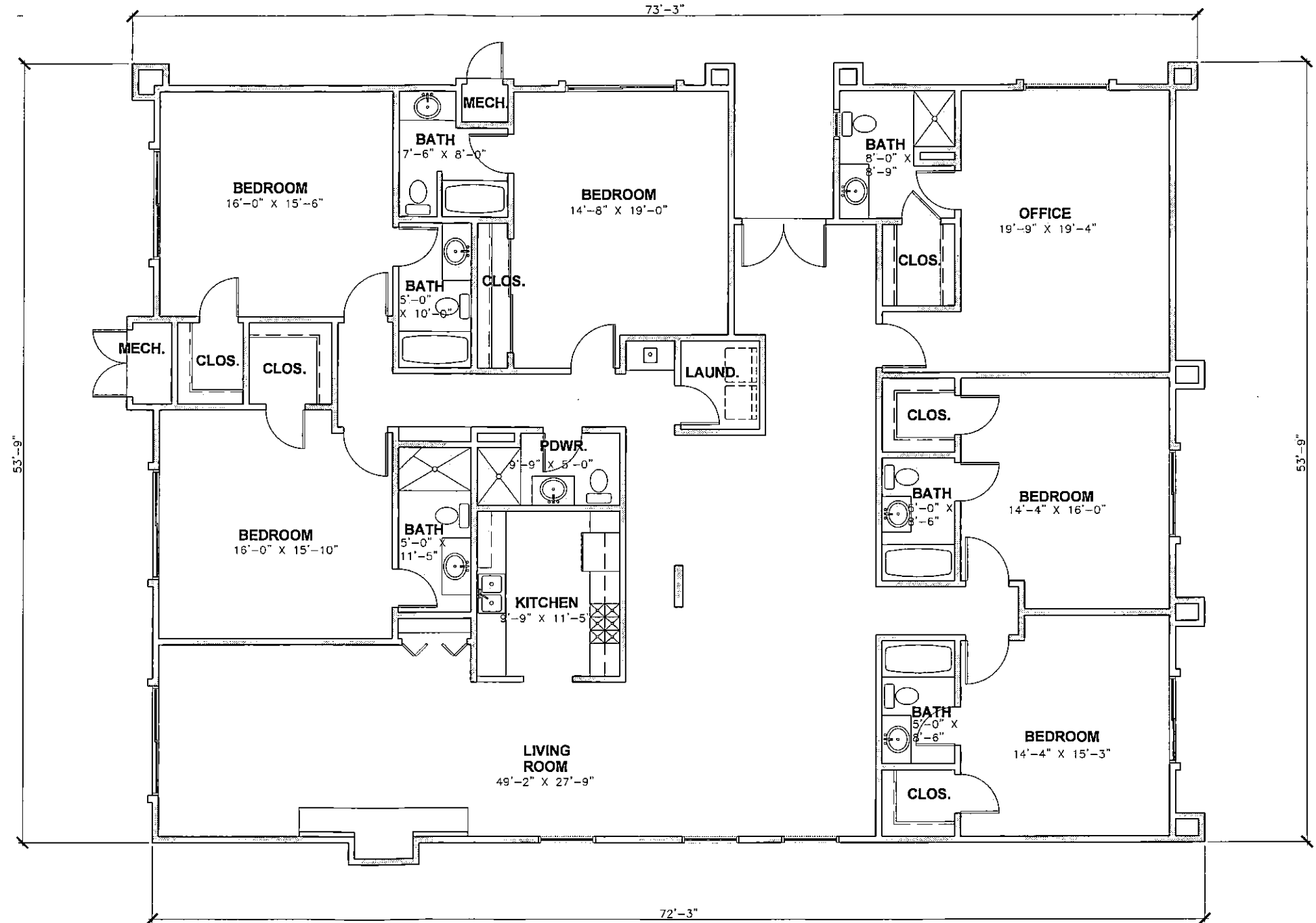
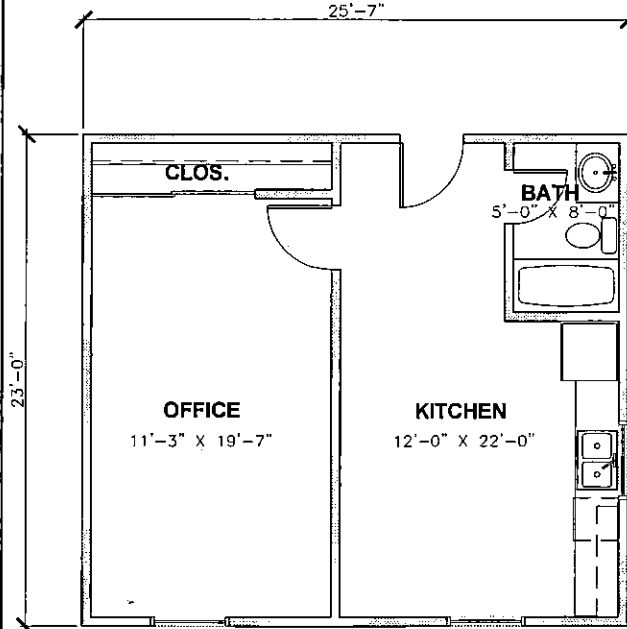
Signed by Applicant

Date Received for Filing: \_\_\_\_\_

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21100, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.





<b>ROSS STOUT</b> ARCHITECT	
44755 DEEP CANYON RD. PALM DESERT, CA	
07-31-19	
<b>FLOOR PLANS</b>	
1/4" = 1'-0" @ FULL SIZE	Sheet No. <b>A1.1</b>