

Appeal of Planning Commission
Approval: Pura Vida Recovery
Services
(5761 Mountain Hawk Drive)

Challenging CUP Approval Based on Zoning
Incompatibility and Wildfire Safety Risks

Standard of Review (CCP § 1094.5)

- **The Council's Quasi-Judicial Role:** The Council must determine if there was a "prejudicial abuse of discretion."
- **Abuse of Discretion occurs if:**
 - The City did not proceed in the manner required by law.
 - The decision is not supported by the findings.
 - **The findings are not supported by substantial evidence.**

Under CCP 1094.5, the Council's task is narrow: Were the findings lawful, and are they supported by substantial evidence?

Failure of Findings: Neighborhood Commercial (CN) Zoning and GP Inconsistency

CN zoning is for neighborhood-serving daily needs

**A 24-bed regional recovery facility is not a daily neighborhood service
The record never bridges that gap**

CEQA & Wildfire Risk: The 2022 AG Mandate

This project sits in a High Fire Hazard Severity Zone. Yet there is no project-specific evacuation analysis accounting for quadrupled occupancy. That omission violates CEQA's requirement to analyze site-specific risk.

Lack of Substantial Evidence

- **The 4-2 Split by the Planning Commission shows unresolved doubt:**
- Approval relied heavily on letters from the applicant's own commercial tenants.
- **Massive local opposition not reconciled in findings.**

Procedural Irregularity: District Representation

- **The Issue:** The District Council Member's mandatory recusal leaves the most impacted constituents without their elected vote.
- **The Result:** Under **CCP § 1094.5(b)**, the remaining Council must exercise "heightened scrutiny" to ensure a **fair hearing** and protect the due process rights of the unrepresented neighborhood.

Questions for the Record

- Zoning: what substantial evidence shows this 24-bed facility serves the daily needs of the Skyhawk neighborhood?
- Scale analysis: Where do the findings analyze whether quadrupling intensity is compatible with CN zoning?
- Wildfire Safety: Is there any project-specific evacuation analysis in the record for this site?
- Public Opposition: Where do the findings reconcile overwhelming neighborhood opposition?
- Fair Hearing: Given the district Council member's recusal, how has the City ensured heightened scrutiny of the record?

Alternative Mitigations (The "Safety Net")

- If the Council moves toward approval, it **must** adopt:
 - **Independent Evacuation Study:** Prior to building permits.
 - **Occupancy Phase-In:** Limit to 12 beds for 12 months with a "No Nuisance" review.
 - **Annual Public CUP Review:** Mandatory hearing for 3 years to ensure compliance.
 - **24/7 Hotline & Liaison:** Direct accountability to Skyhawk United.

Conclusion

- **Primary Request:** Uphold the Appeal and **Deny the CUP.**
- **Secondary Request:** Remand to the Planning Commission for a full Wildfire/CEQA Environmental Impact Report (EIR).

Zoning protections exist to prevent the institutionalization of neighborhood hubs.