



## Planning Commission Staff Report

Date: June 8, 2011

Case No.: 5.1264 – CUP

Type: Conditional Use Permit

Location: 224 East Arenas Road

APN: 508-081-003

Applicant: Richard Haskamp

General Plan: Resort Attraction (RA)

Zone: Resort Attraction (RA)

From: Craig A. Ewing, AICP, Director of Planning Services

Project Planner: Glenn Mlaker, AICP, Assistant Planner

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### **PROJECT DESCRIPTION:**

The applicant has requested a Conditional Use Permit (CUP) to allow a 450-square foot expansion of an existing cocktail lounge for a new game room and additional outdoor patio seating at 224 East Arenas Drive, Section 14.

### **RECOMMENDATION:**

That the Planning Commission approve Conditional Use Permit, Case No. 5.1264 – CUP subject to the conditions outlined in the attached Resolution.

**PRIOR ACTIONS:**

On May 9, 2011, the Architectural Advisory Committee (AAC) reviewed the proposed project and voted to recommend approval with the following comments:

1. The vinyl lettering on the laundromat front glass to be removed.
2. The new metal patio railing to match existing in style, size and color.
3. The western end of patio railing to be as low as building code permits.
4. New planter dimensions to match existing.

**BACKGROUND AND SETTING:**

The subject site is one large lot running from the east side of South Indian Canyon Drive; along Arenas Road to the south; to the western side of South Calle Enciella. The complex consists of three separate buildings; two of them fronting Arenas Road and one facing South Indian Canyon Drive.

**Table 1:** The surrounding Land Uses are tabled below:

	<b>Land Use</b>	<b>General Plan</b>	<b>Zoning</b>
North	Hotel Zozo	CBD (Central Business District)	RA (Resort Attraction)
East	Vacant Lot	CBD (Central Business District)	RA (Resort Attraction)
South	Commercial	CBD (Central Business District)	LSC (Local Servicing Commercial)
West	Commercial	CBD (Central Business District)	CBD (Central Business District)

The proposed expansion is within the 23,800-square foot middle multi-tenant building that contains a mix of retail and restaurant uses. The overall total number of building square footage devoted to restaurants is 4,768 square feet or 20%. The maximum square footage allowed for restaurants in a multi-tenant development is 25%.

The proposed 450-square foot expansion into the adjacent laundromat including additional outdoor seating is located within a building surrounded by parking lots. The proposed project will require some minor exterior work; existing concrete stairs are to be removed; new railing leading to the patio will be added.

**ANALYSIS:**

**Zoning**

The site is located within the Central Business District (CBD) zone. Pursuant to Section 92.09.01(D)(5) of the Palm Springs Zoning Code (PSZC), cocktail lounges and nightclubs with or without dancing are permitted within the CBD zone with a conditional use permit.

### **Parking**

Off-street parking for the site is based upon Section 93.06.00(D)(7)(b) which states:

*Mixed-use developments which exceed twenty thousand (20,000) square feet of gross floor area, shall provide one space for each 325 square feet of gross floor area. Additional parking need not be provided for restaurants, provided that no more than 25% of the total floor area of the whole complex is devoted to restaurants.*

The three building complex has a total of 23, 800 square feet; 20% (4,798 square feet) of the total square footage is devoted to existing restaurant uses. The proposed 450-square foot expansion of the cocktail lounge will not affect the restaurant percentage calculation and will not cause an increase in required parking. The overall number of required off-street parking spaces for the entire center is 73; the number of parking spaces provided on site is 77-spaces not counting spaces presently on Arenas Road. Staff has determined that the proposed expansion will not affect parking requirements as outlined in Section 93.06.00 (D)(7)(b) for the site.

### **Architectural Changes**

This project is subject to the requirements of the Minor Architectural Approval process. The 450-square foot expansion of the cocktail lounge and outdoor patio area will require alteration to the front entry steps and construction of an expanded landscape planter bed. The applicant has been before the AAC on May 9, 2011, and received a favorable recommendation with conditions. The revisions asked by the AAC are relatively minor; focusing on landscaping and a reconfiguration of the front patio entry stairs. No other exterior changes to the building are proposed.

### **Landscaping**

The proposed landscape planter bed will extend approximately 15 feet west and will include water efficient landscaping. The existing planter will be removed to make way for a new stair leading into the existing laundromat.

### **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. Those findings are analyzed by staff in order below:

- 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.*

The site is located within the RA zone which equates to the Central Business District Zone (CBD). Pursuant to Section 92.09.01 (D)(5) of the Palm Springs Zoning Code (PSZC), cocktail lounges and nightclubs are permitted within the CBD zone.

- 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 site is located within the Section 14 Master Plan area and has a land use designation of Resort Attraction (RA). The Section 14 Master Plan provides regulations and standards for the type and character of development that is allowed on any one of the given individual parcels within Section 14.

The Resort Attraction land use designation permits a wide variety of general commercial activities that would be consistent with the proposed expansion of the cocktail lounge. The proposal therefore, is consistent with the Section 14 Master Plan and the use will not be detrimental to existing or future uses specifically permitted in the zone.

- 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 450-square foot cocktail lounge expansion within an existing building will not affect any existing setbacks. The expansion will involve a tenant improvement and no expansion of overall building square footage. The only exterior site improvements proposed for the project are improvements relating to the outdoor patio expansion and the construction of a new set of stairs. Therefore, the site is adequate in size and shape to accommodate the proposed cocktail lounge expansion.

- 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 project site is located on the east side of South Indian Canyon Drive and fronts along East Arenas Road. South Indian Canyon Drive is designated as a Major Thoroughfare on the City's General Plan Circulation Map, and Arenas Road is designated as a secondary thoroughfare; both roads are fully improved and will provide access to the proposed use.

- 5) *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:*

- a. *Regulation of use*
- b. *Special yards, space and buffers*
- c. *Fences and walls*

- d. *Surfacing of parking areas subject to city specifications*
- e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
- f. *Regulation of points of vehicular ingress and egress*
- g. *Regulation of signs*
- h. *Requiring landscaping and maintenance thereof*
- i. *Requiring maintenance of grounds*
- j. *Regulation of noise, vibrations, odors, etc.*
- k. *Regulation of time for certain activities*
- l. *Time period within which the proposed use shall be developed*
- m. *Duration of use*
- n. *Dedication of property for public use*
- o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare. No minor modifications to development standards are included.

**CONCLUSION:**

The proposed project is consistent with the use on the site and is compatible with the General Plan and Zoning Ordinance land uses; therefore, Staff recommends that the Planning Commission approve Case 5.1264 – CUP.

**ENVIRONMENTAL DETERMINATION:**

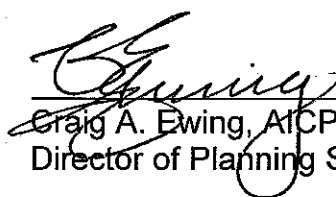
This project is categorically exempt from environmental review pursuant to Section 15301(e) (Class 3 – Existing Facility) of the California Environmental Quality Act (CEQA).

**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 report, no correspondence from the public has been received by staff.



Glenn Mlaker, AICP  
Assistant Planner



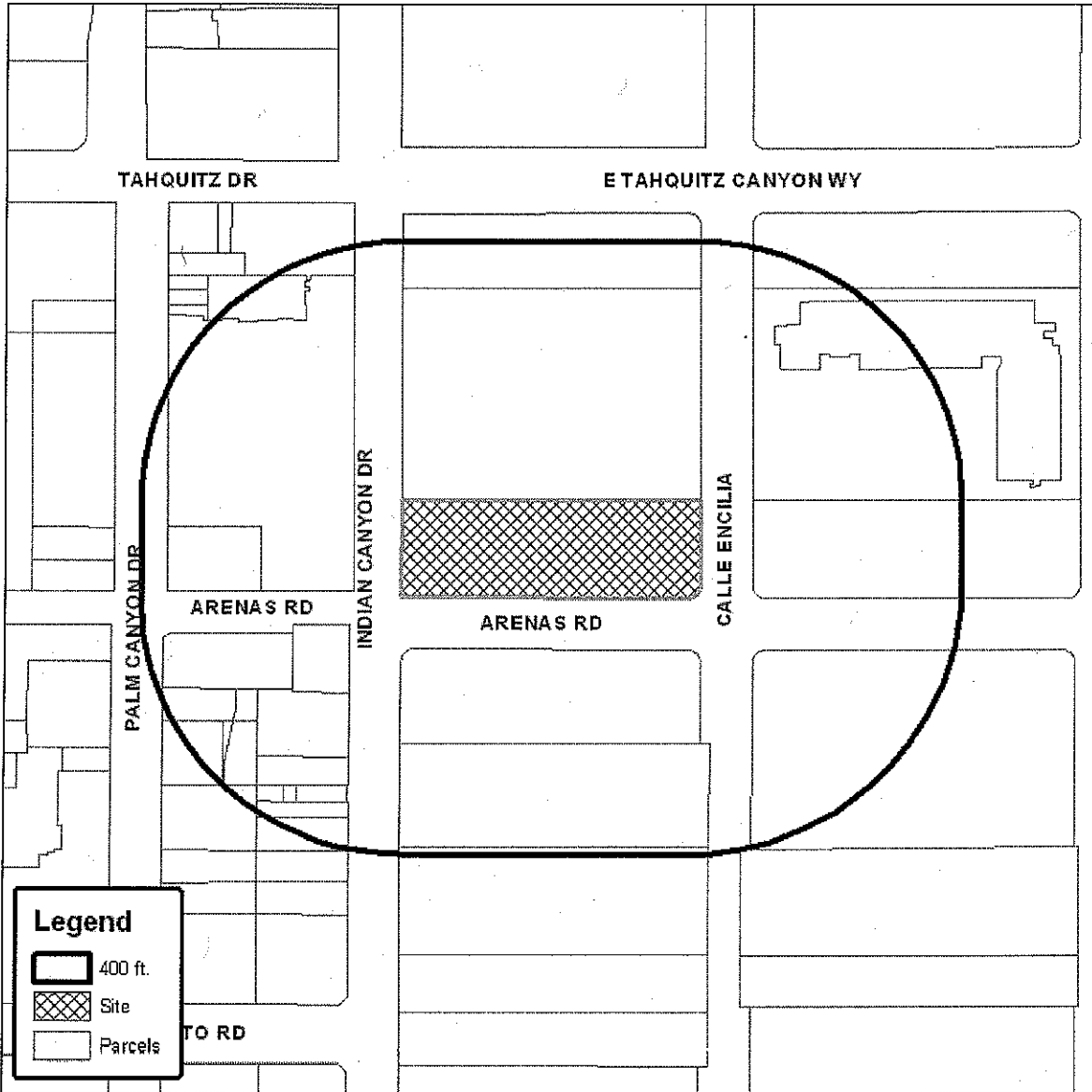
Craig A. Ewing, AICP  
Director of Planning Services

**Attachments:**

1. 400' Radius Map
2. Draft Resolution & Conditions of Approval
3. Reduced Site Plan and Elevations
4. Site Photos



## Department of Planning Services Vicinity Map



### CITY OF PALM SPRINGS

**CASE NO:** 5.1264 CUP

**APPLICANT:** Richard Haskamp,  
Owner of Streetbar

**DESCRIPTION:** An application by Richard Haskamp, owner of Streetbar, for a Conditional Use Permit to allow for a 450 square foot expansion of an existing bar at 224 East Arenas Road, Zone RA, Section 14.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NUMBER 5.1264 CONDITIONAL USE PERMIT TO ALLOW FOR A 450 SQUARE FOOT EXPANSION OF STREETBAR LOCATED AT 224 EAST ARENAS ROAD.

WHEREAS, Dick Haskamp ("Applicant") filed an application with the City for a Conditional Use Permit to allow for a 450 square foot expansion of an existing cocktail lounge located at 224 East Arenas Drive, APN 508-081-003 Section 14; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider an application for Conditional Use Permit 5.1243 was issued in accordance with applicable law; and

WHEREAS, on June 8, 2011, the public hearing on the application for Conditional Use Permit 5.1264 was held by the Planning Commission in accordance with applicable law; 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: This project is categorically exempt from environmental review pursuant to Section 15303(c) (Class 3 – new construction not exceeding 2,500 square feet) of the California Environmental Quality Act (CEQA).

Section 2: 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. Therefore, 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.*

The site is located within the RA zone which equates to the Central Business District Zone (CBD). Pursuant to Section 92.09.01 (D)(5) of the Palm Springs Zoning Code (PSZC), cocktail lounges and nightclubs are permitted within the CBD zone.

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 site is located within the Section 14 Master Plan area and has a designation of Resort Attraction (RA). The Section 14 Master Plan provides regulations and standards for the type and character of development that is allowed on any one of the given individual parcels within Section 14.

The Resort Attraction land use designation permits a wide variety of general commercial activities that would be consistent with the proposed expansion of the cocktail lounge. The proposal therefore, is consistent with the Section 14 Master Plan and the use will not be detrimental to existing or future uses specifically permitted in the zone.

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 450-square foot cocktail lounge expansion within an existing building will not affect any existing setbacks. The expansion will involve a tenant improvement and no expansion of overall building square footage. The only exterior site improvements proposed for the project are improvements relating to the outdoor patio expansion and the construction of a new set of stairs. Therefore, the site is adequate in size and shape to accommodate the proposed cocktail lounge expansion.

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 project site is located on the east side of South Indian Canyon Drive and fronts along East Arenas Road. South Indian Canyon Drive is designated as a Major Thoroughfare on the City's General Plan Circulation Map, and Arenas Road is designated as a secondary thoroughfare; both roads are fully improved and will provide access to the proposed use.

5. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards. Such conditions may include:*
  - a. *Regulation of use*
  - b. *Special yards, space and buffers*
  - c. *Fences and walls*
  - d. *Surfacing of parking areas subject to city specifications*
  - e. *Requiring street, service road, or alley dedications and improvements or appropriate bonds*
  - f. *Regulation of points of vehicular ingress and egress*
  - g. *Regulation of signs*

- h. *Requiring landscaping and maintenance thereof*
- i. *Requiring maintenance of grounds*
- j. *Regulation of noise, vibrations, odors, etc.*
- k. *Regulation of time for certain activities*
- l. *Time period within which the proposed use shall be developed*
- m. *Duration of use*
- n. *Dedication of property for public use*
- o. *Any such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Zoning Code, including but not limited to mitigation measures outlined in an environmental assessment.*

All proposed conditions of approval are necessary to ensure compliance with the Zoning Ordinance requirements and to ensure the public health, safety and welfare. No minor modifications to development standards are included.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Conditional Use Permit 5.1264, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 8<sup>th</sup> day of June, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

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Craig A. Ewing, AICP  
Director of Planning Services

RESOLUTION NO.

**EXHIBIT A**

Case 5.1264 - CUP

Conditional Use Permit

Streetbar Expansion

224 East Arenas Drive

June 8, 2011

**CONDITIONS OF APPROVAL**

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

**ADMINISTRATIVE CONDITIONS**

- ADM 1. Project Description. This approval is for the project described per Case 5.1264 CUP.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans, date stamped June 8, 2011, including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers

or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1264 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once constructed, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 22. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.

ADM 23. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers (conditional use permits only)

## PLANNING DEPARTMENT CONDITIONS

- PLN 1. Number of Tables and Chairs: The total number of interior chairs permitted for all areas equal seventy-seven (77) seats with ten (10) tables. The total number of chairs on the expanded patio to equal forty-five (45) seats and twelve (12) tables. Total number of seats inside and on the patio (122) and total tables equals (22).
- PLN 2. Entertainment: Live entertainment is a permitted use and must be kept inside the building at all times. Exterior amplification of any kind is prohibited. Building doors must remain closed at all times during entertainment.
- PLN 3. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
- New metal patio railing to match existing style in size and color.
  - Western end of patio railing to be as low as building code permits.
  - New planter bed size to match existing.
- PLN 4. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 5. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 6. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 7. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 8. Encroachment: Property owner or his/her designee must work with the City Engineering Department to obtain proper encroachment permits for work conducted within the public-right-of-way.

**POLICE DEPARTMENT CONDITIONS**

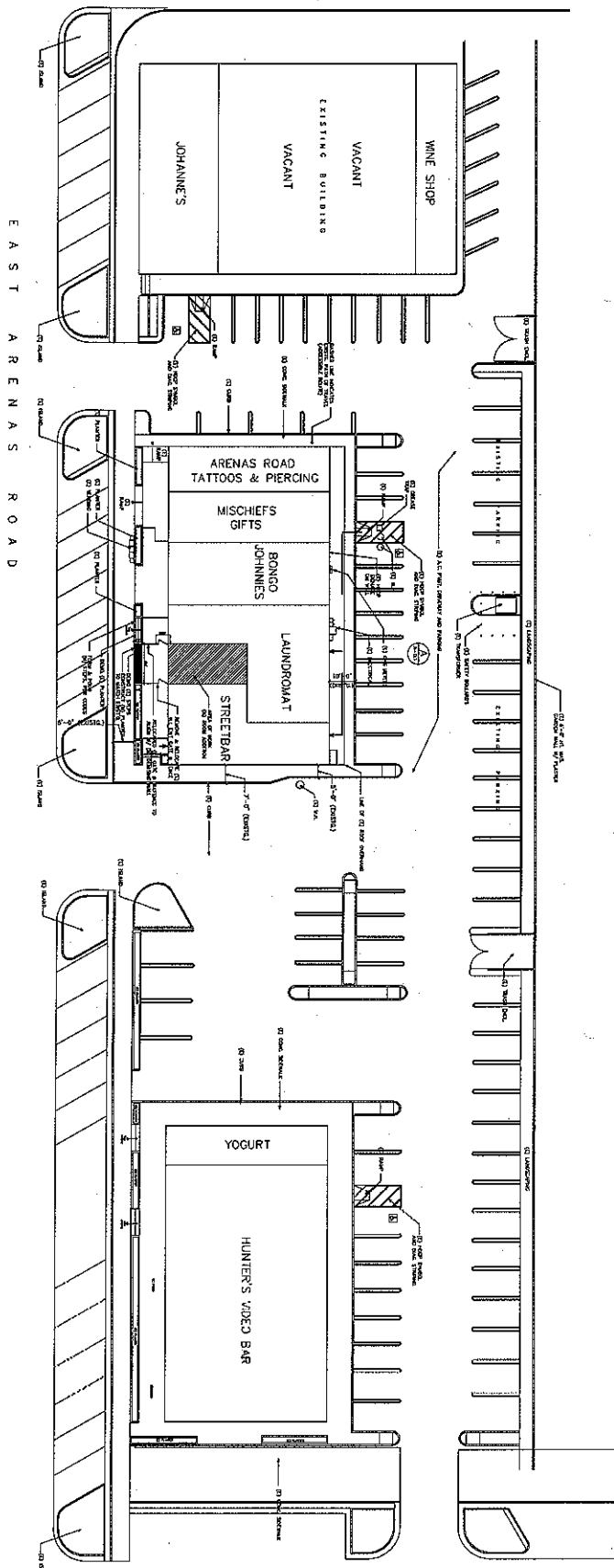
POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

**BUILDING DEPARTMENT CONDITIONS**

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

**END OF CONDITIONS**

ZOSO HOTEL



PARKING SPACE CALCULATIONS & ANALYSIS CHART

OVERALL GROSS FLOOR AREA OF ENTIRE MIXED USE DEVELOPMENT 23,800 SF

RESTAURANTS ONLY

JOHANNA'S	2,395 SF
BONCO JOHNIE'S	1,455 SF
EDDIE'S FROZEN YOGURT	918 SF
<b>TOTAL</b>	<b>4,768 SF</b>

(RESTAURANT LAND USE = 20% OF TOTAL SF)

OVERALL SITE PARKING REQUIREMENT 73 PARKING SPACES  
 PARKING SPACES PROVIDED 77 TOTAL PARKING SPACES  
 (PLUS: 26 PARKING SPACES ON ARENAS RD.)

PARKING ANALYSIS SITE PLAN

SCALE: 1"=20'



TENANT IMPROVEMENT FOR:  
**STREETBAR & COIN-OP LAUNDROMAT**  
 RENOVATION / REMODEL  
 220-224 E. ARENAS ROAD  
 PALM SPRINGS, CA 92262

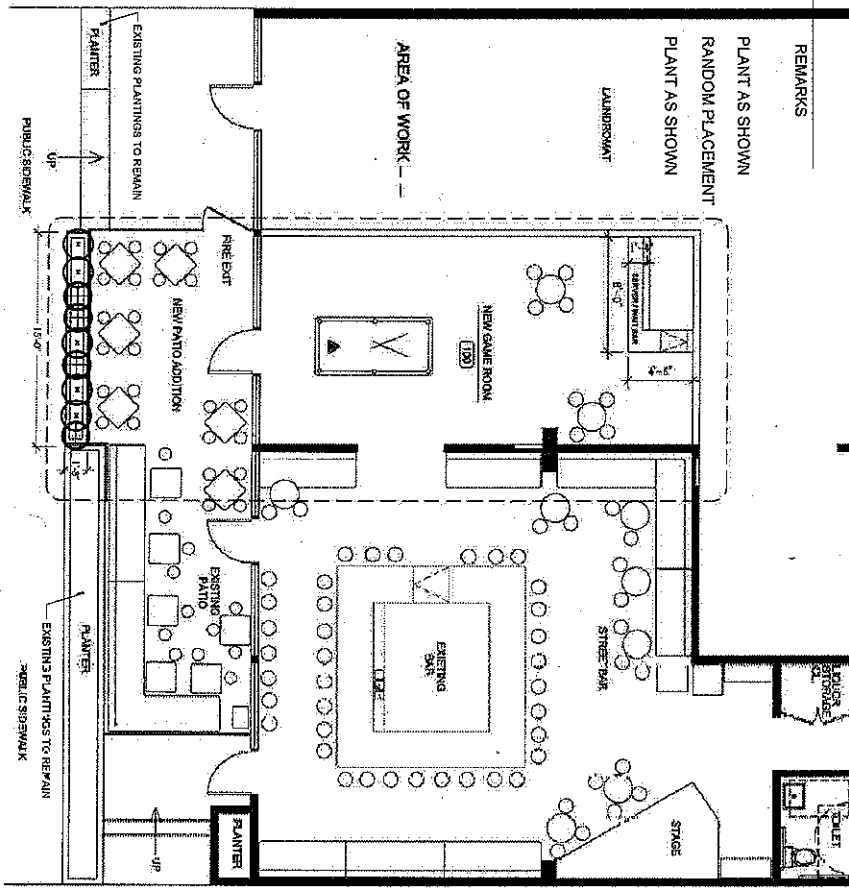
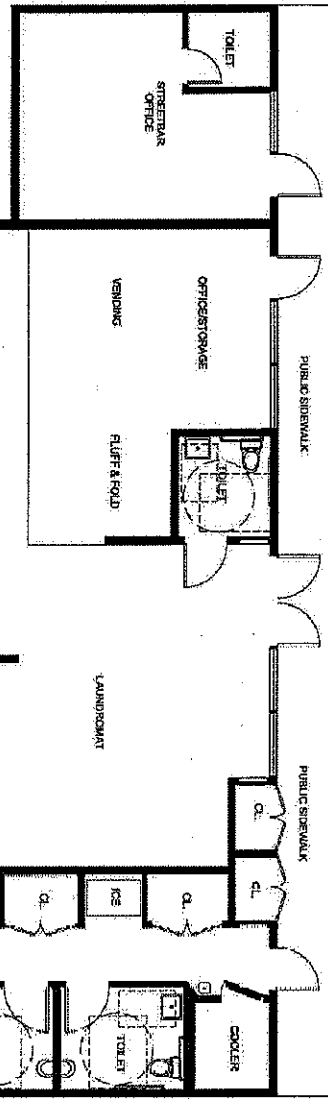


DATE	4-10-11
APPROVED BY	BOB BROWN
DRAWN BY	BOB BROWN
CHECKED BY	BOB BROWN
SCALE	1"=20'
SHEET NO.	A-0.5

**PLANT SCHEDULE: STREETBAR**

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY	SIZE
⊕	CARISSA BOXYWOOD BEAUTY*	NATAL PLUM	4	1/1 GAL
⊖	WEDELIA TRILOBATA	TRAILING WEDELIA	5	1 GAL
⊕	NANDINA DOMESTICA	JAPANESE HEAVENLY BAMBOO	5	5 GAL

NOTE: EXTEND EXISTING IRRIGATION LINE WITHIN EXISTING PLANTER TO NEW PLANTED AREA.



REMARKS

PLANT AS SHOWN

RANDOM PLACEMENT

PLANT AS SHOWN

LANDSCAPE

AREA OF WORK

REVISIONS

△ -

DATE 5/2/11

SCALE 1/8"=1'-0"

SHEET

**L-1.0**

TENANT IMPROVEMENT FOR:

**STREETBAR**

NEW ADDITION & PATIO EXPANSION

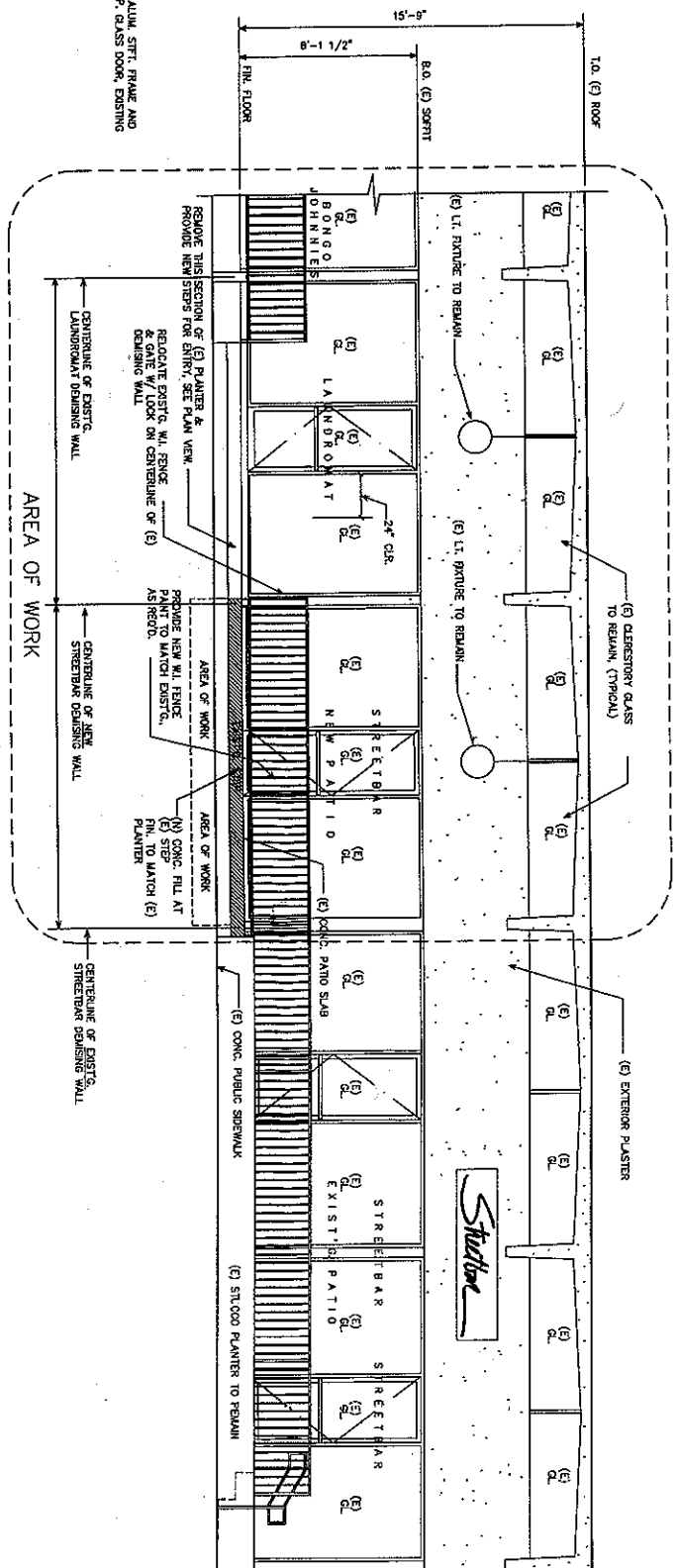
224 E. ARENAS ROAD  
PALM SPRINGS, CA 92262



**DESIGN COLLABORATION**  
LANDSCAPE ARCHITECTURE

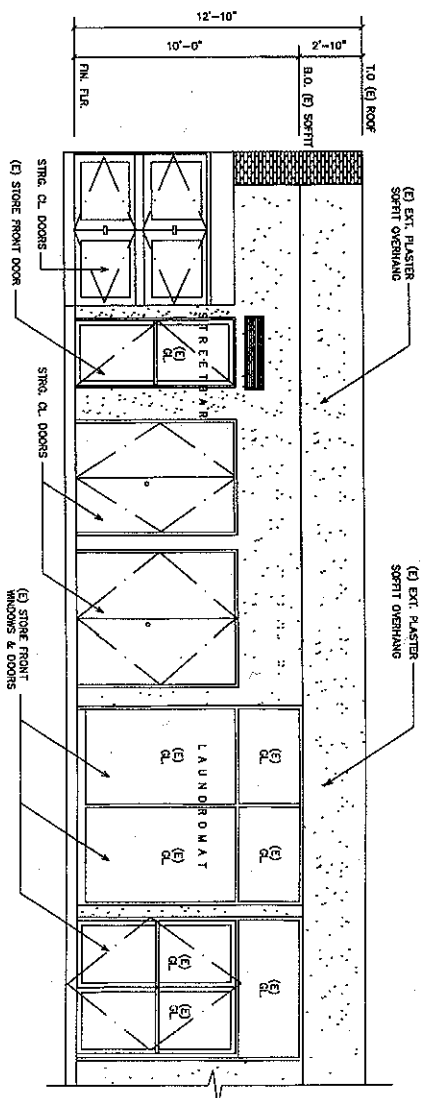
690 N MONTEREY RD., PALM SPRINGS, CA 92262  
PHONE 206 525 4007 EMAIL mindy4@dc-la.com





**A PARTIAL SOUTH EXTERIOR ELEVATION - BUILDING FRONT**

SCALE 3/8"=1'-0"



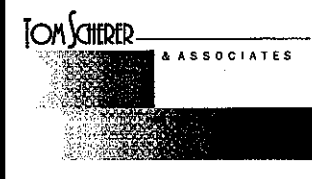
**B PARTIAL NORTH EXTERIOR ELEVATION - BUILDING REAR - ADA ACCESSABLE**

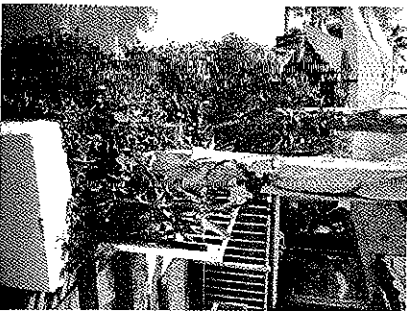
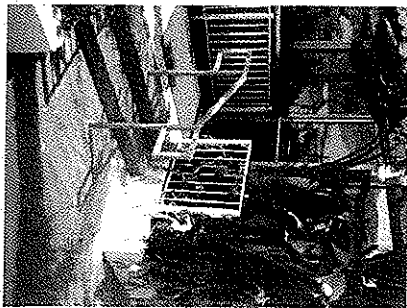
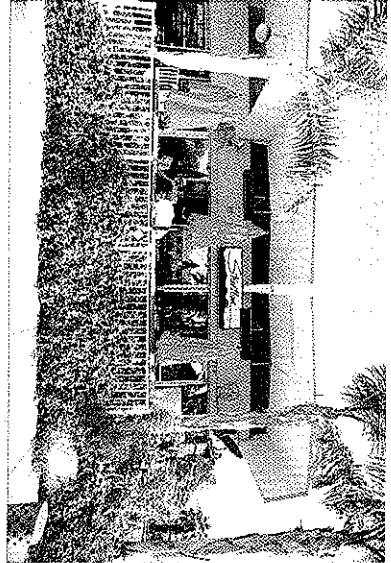
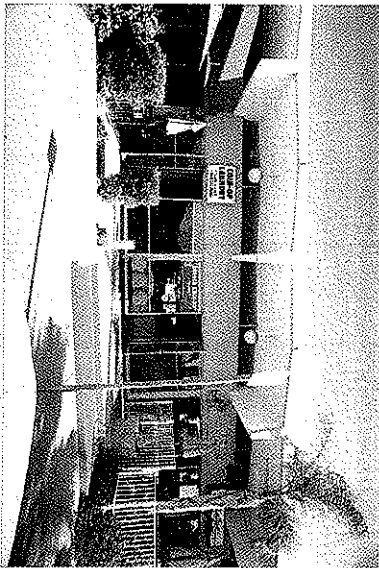
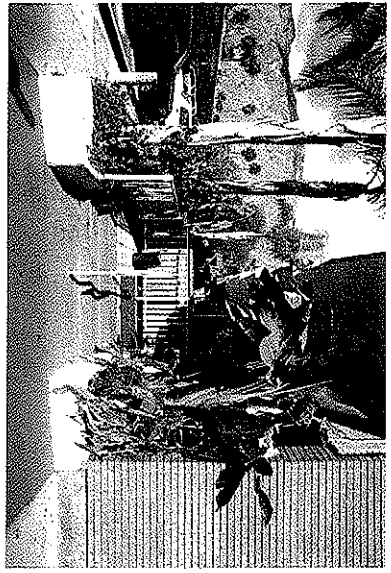
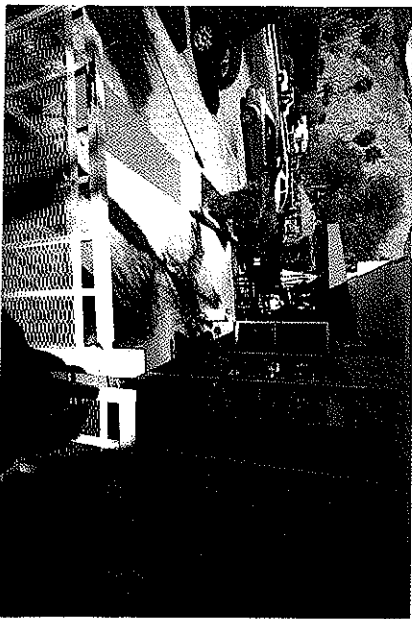
SCALE 3/8"=1'-0"

5.1264  
**RECEIVED**  
 MAR 18 2011  
 PALMSPRINGS  
 DEVELOPMENT

DATE	4-10-11
APPROVED	TS
DRAWN BY	TS
PROJECT NO.	3/8"=1'-0"
SHEET NO.	A-6.0

TENANT IMPROVEMENT FOR:  
**STREETBAR**  
 NEW ADDITION & PATIO EXPANSION  
 224 E. ARENAS ROAD  
 PALM SPRINGS, CA 92262





RECEIVED

PLANNING SERVICES  
DEPARTMENT

A-0.3

TENANT IMPROVEMENTS  
**STREET BAR**  
 IN ADDITION TO THE EXISTING BUILDING  
 224 E. APPLE ROAD  
 PALM SPRINGS, CALIFORNIA

TOM SCHERER  
 & ASSOCIATES