



Planning Commission Staff Report

Date: February 8, 2012
Case No.: 5.1274 – CUP
Type: Conditional Use Permit
Location: 2100 North Palm Canyon Drive
APN: 504-270-015
Applicant: Michele Cinque on behalf of The Shadrow Family Trust
General Plan: MU / MU (Mixed Use / Multi-Use)
Zone: C-1 (Central Retail Zone)
From: Craig A. Ewing, AICP, Director of Planning Services
Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit (CUP) to operate a cocktail lounge within an existing multi-tenanted commercial complex located at 2100 North Palm Canyon Drive. The Toucans Tiki Lounge is an existing cocktail lounge establishment located in unit #A100; the lounge operated under a CUP that expired in 2008. The owner is seeking approval of a new CUP to continue its operation.

RECOMMENDATION:

That the Planning Commission approve Case 5.1274 – CUP, a Conditional Use Permit to operate a cocktail lounge at 2100 North Palm Canyon Drive, #A100, subject to the Conditions of Approval in the attached draft resolution.

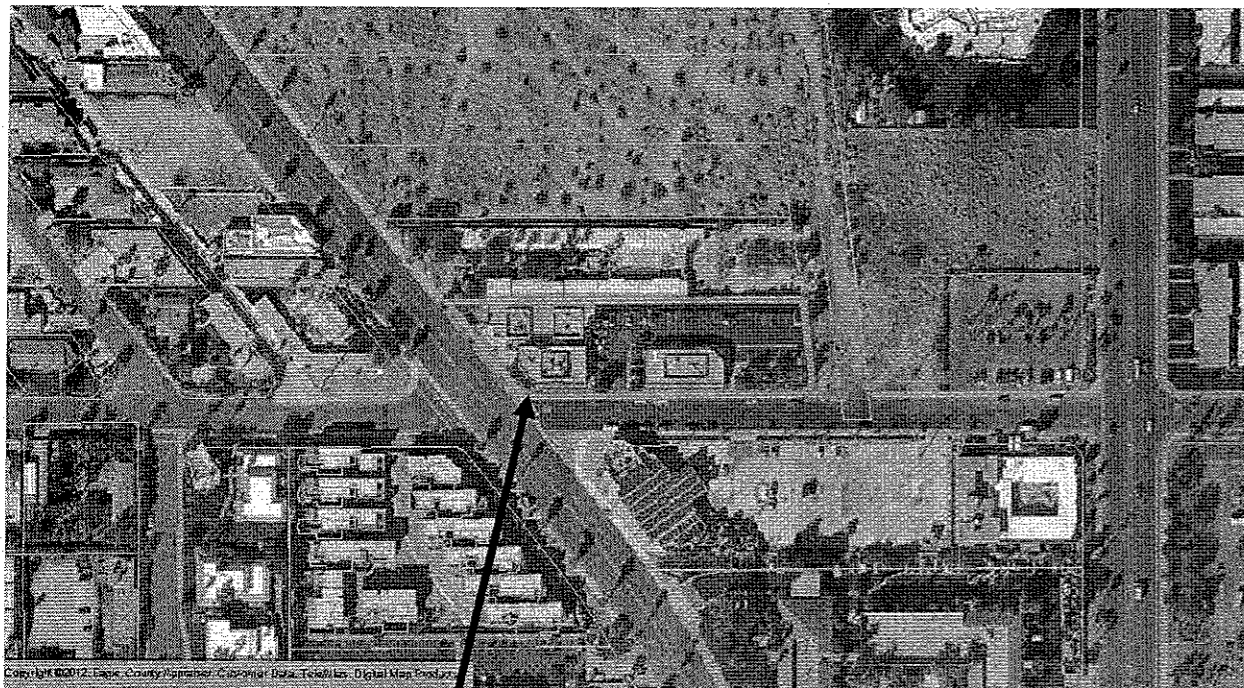
BACKGROUND AND SETTING:

The applicant is requesting approval to operate an existing cocktail lounge at 2100 N. Palm Canyon Drive, #A100. The tenant space is approximately 3,048 square feet in size and was previously approved to operate as a cocktail lounge by the Planning Commission in 2001; this approval was granted for a period of two years. In 2003, the Commission approved an extension of the operation an additional five years. No additional extensions have been granted by the Commission since that time.

The subject property is developed as a multi-tenanted commercial complex. Three buildings exist on the site with patio, landscape and parking areas. The cocktail lounge is located in the building near the corner of Palm Canyon Drive and via Escuela. The applicant intends to operate the business in the same manner that was previously approved, offering full bar services, music, dancing, pool tables, dart boards and miscellaneous video games. Music will be supplied by disc jockey, juke box or live entertainment. Hours of operation will be from 12:00 p.m. to 2:00 p.m. daily.

Table 1: The surrounding General Plan, Zoning and Land Uses:

	General Plan	Zone	Land Use
North	MU / MU (Mixed Use / Multi-Use)	C-1 / R-2	Hotel
South	TRC (Tourist Resort Commercial)	C-1 / R-3	Freestanding Restaurant and Parking Lot
East	MDR (Medium Density Residential)	R-2	Vacant Land and Parking Lot
West	MU / MU	C-1	Hotel



SUBJECT SITE

ANALYSIS:

General Plan

The subject location is within the Mixed Use / Multi-Use area of the General Plan. General Plan Policy Land Use Element states,

Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses...

The cocktail lounge use is a service business; therefore, staff believes that the use is consistent with this General Plan Land Use designation.

The General Plan further defines this specific Mixed Use / Multi-Use area as the Artist Colony which is described as,

The north end of Palm Canyon Drive is characterized by a series of underutilized and vacant commercial centers that, at first glance, provide a deteriorating image of the City as visitors travel toward Downtown. Overall, the northern end of the City lacks distinct gathering places, with residents and businesses relying mainly upon Downtown to serve this need. The Artist Colony provides a prime opportunity to introduce housing along the Palm Canyon Drive corridor and to provide much needed neighborhood-serving commercial uses and gathering spaces.

The cocktail lounge would provide an entertainment and gathering place for nearby residents.

Zoning

The existing lounge is located within the C-1 (Central Retail Business) zone which permits cocktail lounges with the approval of a Conditional Use Permit, pursuant to Section 92.12.01(D)(9) of the Palm Springs Zoning Code.

The lounge occupies approximately 3,048 square feet of floor area within the 10,480-square foot commercial complex. There will be a maximum of sixty seats, which includes forty indoor and twenty outdoor seats (see attached floor plan). The following table illustrates the required and proposed parking for the complex:

Use	Square footage / Seating	Code Requirement	Required
Cocktail Lounge	3,048 sq. ft. / 60 seats	1 space per 35 sq. ft. of floor area where public is served or 1 space per 3 seats	20 spaces
Ancillary Office	585 sq. ft.	1 space per 250 sq. ft.	2.3 space
Sandwich Shop	1,200 sq. ft. / 8 seats	1 space per 35 sq. ft. of floor space or 1 space per 8 seats	2.6 spaces
Art Gallery	2,042 sq. ft.	1 space per 500 sq. ft., but no less than 5 spaces	5 spaces
Gym	3,605 sq. ft., plus 3 employees	1 space per 400 sq. ft., plus 1 per employee	12 spaces
Total Required			42 spaces
Total Provided			41 spaces
Net Parking Deficiency			1 space

Based on the above tabulation, the overall parking count is deficient by one parking space. Section 93.06.00(B)(7) of the Zoning Code allows parking credit for the use of adjacent parking spaces when other businesses are not open. The cocktail lounge has peak hours when a majority of the businesses are closed. Staff recommends that the Planning Commission approve the parking plan.

Safety and Security

Staff requested comments and recommendations on the proposal from the Fire and Police Departments. The Fire Department indicated that there were no issues with the use. The Police Department requested that some physical improvements be made to the property in order to provide better safety and security measures. These conditions include:

- POL 1. Parking Lot Lighting. Within ninety (90) days of approval of the Conditional Use Permit, the applicant shall ensure that additional lighting be installed in the parking lot, as approved by the Chief of Police and Director of Planning Services.
- POL 2. Patio Fencing. Within ninety (90) days of approval of the Conditional Use Permit, the applicant shall install a six (6) foot wrought iron fence or equivalent along the entire length of the patio. This fence shall be equipped with an alarmed "exit-only" gate. Alternative physical security measures may be approved by the Chief of Police and Director of Planning Services.

In addition, the Police Department has finalized a security plan for the business and requested that the owner ensure compliance with the plan at all times.

Staff has included these conditions in the draft resolution attached to this report.

REQUIRED FINDINGS:

The Conditional Use Permit process, outlined in Section 94.02.00 of the PSZC, 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.*

Pursuant to Section 92.12.01(D)(9) of the Zoning Code, a cocktail lounge use is permitted within the C-1 Zone with the approval of a Conditional Use Permit. The use will be located within a multi-tenanted commercial / retail complex that fronts a major thoroughfare within a Central Retail Business Zone of the City.

- 2) *That the use is necessary or desirable for the development of the community, and 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 use will provide entertainment and gathering space within a commercial zone in the City. The proposed use is desirable for the development of the community as it adds to the nighttime activities available in the Artist Colony of the Mixed Use / Multi-Use area of the City. The business has previously operated at this location and it is not anticipated to be detrimental to existing uses or future uses specifically permitted in the C-1 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 project does not propose any significant changes to the site. However, alterations to the site lighting and patio fencing will be made to provide enhanced safety and security. These modifications are expected to adjust the cocktail lounge to the existing and future permitted uses of land in the neighborhood.

- 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 along North Palm Canyon Drive, which is designated as a major thoroughfare on the General Plan Circulation Element. The tenant space is approximately 3,045 square feet in size and any traffic generated by the proposed use will be insignificant to the streets and highways.

- 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.*

Staff has included Conditions of Approval to provide parameters and restrictions for the use, including, but not limited to, compliance with the City Noise Ordinance, enhanced lighting in the parking lot, etc.

CONCLUSION:

The request is consistent with the use on the site and is compatible with the General Plan and Zoning Ordinance land uses. Required findings necessary for the issuance of a Conditional Use Permit have been made and staff is therefore recommending approval of Case 5.1274 – CUP, subject to the attached Conditions of Approval.

ENVIRONMENTAL DETERMINATION:

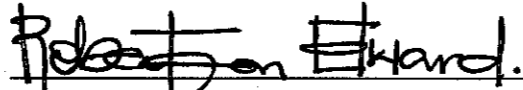
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt as a Class I exemption per Section 15301(Existing Facilities).

NOTIFICATION:

Notification of this public hearing was sent to property owners within a 400 foot radius of the subject parcel. As of the writing of this report, staff received one letter of correspondence from the public.



David A. Newell
Associate Planner



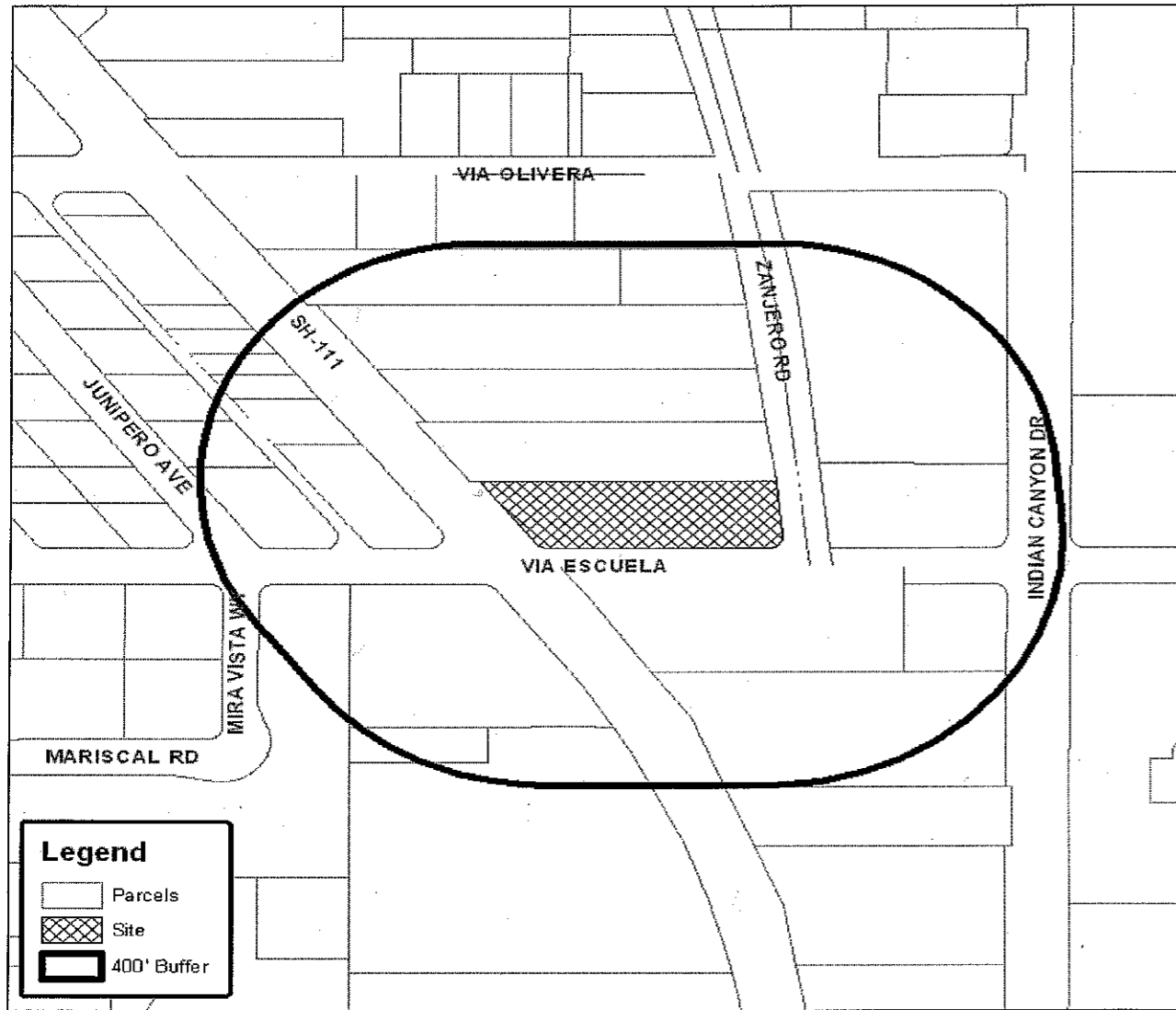
Craig A. Ewing, AICP
Director of Planning Services

Attachments:

1. 400' Radius Map
2. Draft Resolution with Conditions of Approval
3. Letter from Applicant
4. Site Plan
5. Floor Plan
6. Letter from Member of the Public



Department of Planning Services Vicinity Map



Legend

- Parcels
- Site
- 400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1274 CUP
APPLICANT: Toucans Tiki Lounge

DESCRIPTION: To consider an application by Michele Cinque on behalf of The Shadow Family Trust for a Conditional Use Permit to allow a cocktail lounge at 2100 North Palm Canyon Drive, Zoned C-1, Section 3,

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF PALM SPRINGS, CALIFORNIA,
APPROVING CASE 5.1274, A CONDITIONAL USE
PERMIT (CUP) TO ALLOW A COCKTAIL LOUNGE USE
AT 2100 NORTH PALM CANYON DRIVE.

WHEREAS, Michele Cinque ("Applicant") has filed a Conditional Use Permit application with the City pursuant to Section 94.02.00 of the Zoning Code to allow a cocktail lounge use in a 3,065-square foot tenant space within a multi-tenanted commercial complex located at 2100 North Palm Canyon Drive, Zone C-1, Section 3, APN: 504-270-015; and

WHEREAS, a cocktail lounge may be permitted in the C-1 (Central Retail Business) Zone with the approval of a Conditional Use Permit, pursuant to Section 92.12.01(D)(9) of the Zoning Code; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 5.1274 – CUP was given in accordance with applicable law; and

WHEREAS, on February 8, 2012, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class I exemption (Existing Facilities) pursuant to Section 15301 of the CEQA Guidelines; 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: Section 94.02.00(B)(6) of the Zoning Code requires the Planning Commission not approve a Conditional Use Permit unless it finds as follows:

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 92.12.01(D)(9) of the Zoning Code, a cocktail lounge use is permitted within the C-1 Zone with the approval of a Conditional Use Permit. The use will be located within a multi-tenanted commercial / retail complex that fronts a major thoroughfare within a Central Retail Business Zone of the City.

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 use will provide entertainment and gathering space within a commercial zone in the City. The proposed use is desirable for the development of the community as it adds to the nighttime activities available in the Artist Colony of the Mixed Use / Multi-Use area of the City. The business has previously operated at this location and it is not anticipated to be detrimental to existing uses or future uses specifically permitted in the C-1 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 project does not propose any significant changes to the site. However, alterations to the site lighting and patio fencing will be made to provide enhanced safety and security. These modifications are expected to adjust the cocktail lounge to the existing and future permitted uses of land in the neighborhood.

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 along North Palm Canyon Drive, which is designated as a major thoroughfare on the General Plan Circulation Element. The tenant space is approximately 3,045 square feet in size and any traffic generated by the proposed use will be insignificant to the streets and highways.

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.*

Conditions of Approval are included in this resolution to provide parameters and restrictions for the proposed use, including, but not limited to, compliance with the City Noise Ordinance, enhanced lighting in the parking lot, etc.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1274 – CUP, a Conditional Use Permit to allow a cocktail lounge use with forty indoor seats and twenty outdoor seats in a mixed use complex located at 2100 North Palm Canyon Drive, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 8th day of February, 2012.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 5.1274 CUP
Michele Cinque of Toucans Tiki Lounge

2100 North Palm Canyon Drive

February 8, 2012

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 5.1274 CUP, except as modified by the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans on file in the Planning Division, except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1274 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 the use is implemented, the Conditional Use Permit does not have a time limit, provided the project has remained in compliance with all conditions of approval.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution.

- ADM 10. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Police or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.
- ADM 11. Comply with City Noise Ordinance. This use shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 12. Control of Noise. Live entertainment is permitted in the location shown on the approved floor plan only. If complaints are received, all exterior doors and windows shall be closed immediately upon request of the enforcement officer.
- ADM 13. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.
- ADM 14. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit and approved security plan to all buyers and potential buyers.
- ADM 15. Maintenance of Outdoor Seating/Dining. Daily cleaning and wash down of sidewalks for any outdoor seating areas or patios will be required.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Seating Count. The applicant shall be limited to the total number of 40 seats inside and 20 seats outside as shown in the approved plan. Any deviation from these numbers shall require prior approval by the Planning Commission. The applicant shall maintain the minimum clearance as specified by the Fire Department between the front entrance and the outdoor tables and chairs.
- PLN 2. Hours of Operation. The applicant shall be required to maintain the operating hours as stated on the Conditional Use Permit application. Hours of operation shall be from 12:00 p.m. to 2:00 a.m. daily. Any future modifications to the hours of operation shall require prior approval by the Planning Commission and the City reserves the right to modify or restrict the business hours based upon documented operational circumstances.
- PLN 3. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.

- PLN 4. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 5. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 6. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

POLICE DEPARTMENT CONDITIONS

- POL 1. Parking Lot Lighting. Within ninety (90) days of approval of the Conditional Use Permit, the applicant shall ensure that additional lighting be installed in the parking lot, as approved by the Chief of Police and Director of Planning Services.
- POL 2. Patio Fencing. Within ninety (90) days of approval of the Conditional Use Permit, the applicant shall install a six (6) foot wrought iron fence or equivalent along the entire length of the patio. This fence shall be equipped with an alarmed "exit-only" gate. Alternative physical security measures may be approved by the Chief of Police and Director of Planning Services.
- POL 3. Security Plan. Within thirty (30) days of approval of the Conditional Use Permit, the applicant and property owner shall agree, in writing, to comply with a security plan that has been approved by the Chief of Police. The property owner or his/her designee shall ensure compliance with the approved security plan at all times. If the Chief of Police has determined that there are continual violations of the security plan, the Conditional Use Permit may be revoked by the City Council, pursuant to Section 94.02.00 of the Zoning Code.

BUILDING DEPARTMENT CONDITIONS

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

END OF CONDITIONS

Toucans Tiki Lounge celebrated its 10 year anniversary in November 2011. We started out to create a unique and fun Polynesian environment modeled after the Enchanted Tiki Room at Disneyland. Our hope was to be neighborhood gathering place in the North end of town, where people could enjoy a cocktail, listen to music while being surrounded by fountains, tropical bamboo and palapa huts. Over the past ten years, we have become a popular gathering spot for a wide spectrum of people. Daytime regulars enjoy playing the NTN game, a younger crowd enjoys the music and dancing on the weekends, and we are proud to host the longest running drag show in the Coachella Valley. We are thankful to have been recognized by the community in the "Best of The Valley" as the Best Gay Bar several years in a row. Toucans is a proud sponsor of the Palm Springs International Film Fest and host to two "Gay- Ld" events each year. Most of our staff has been with the business for many years and is like family. Toucans has worked hard to give back to the community and to support local charities over the years. We are very grateful we were given the opportunity to prove ourselves in the beginning and will continue with the business practices that demonstrate our pride and commitment to the city of Palm Springs.

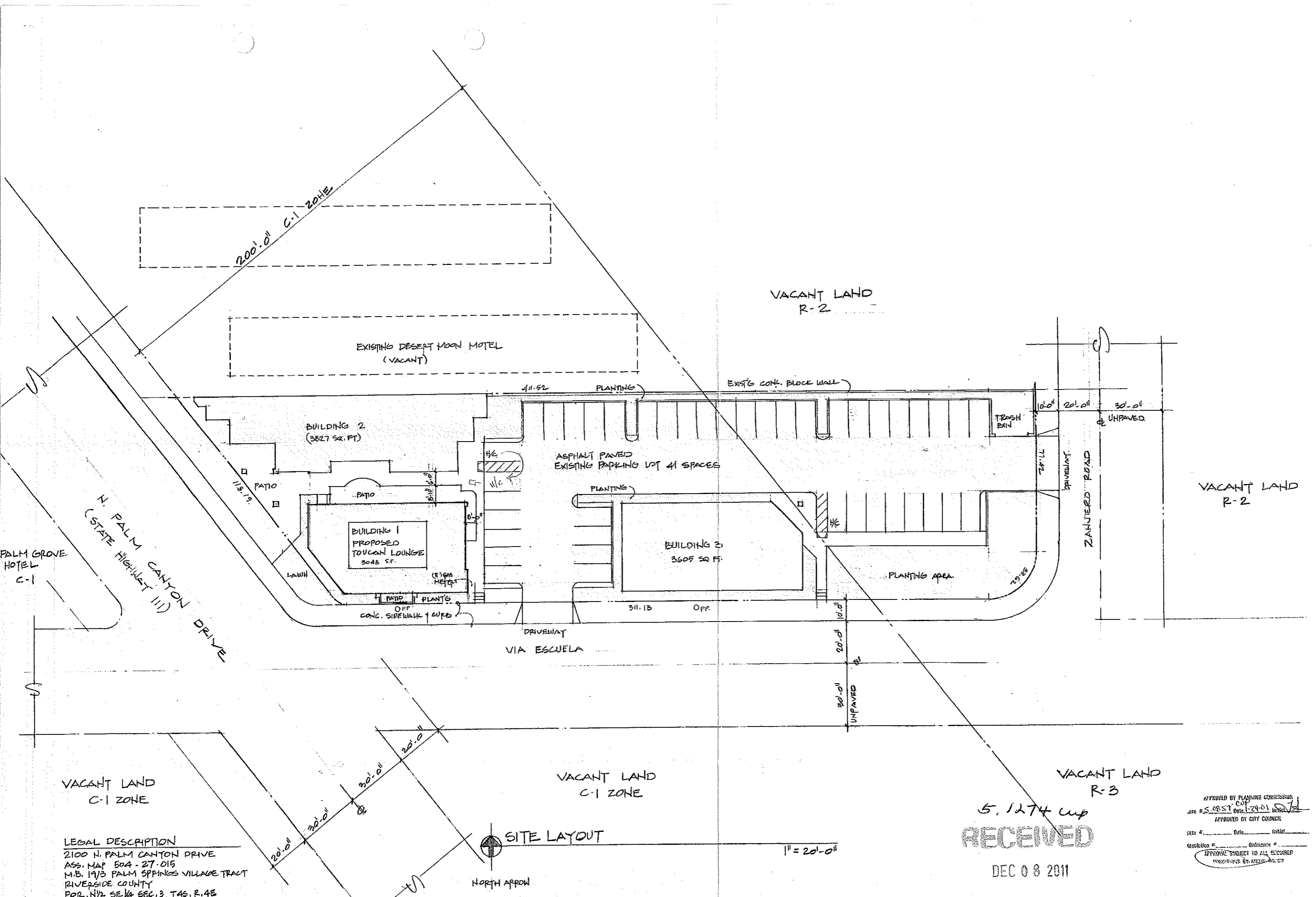
We will continue to foster a positive working relationship with the police and fire departments, the ABC, and local city officials and agencies. The neighborhood has grown and developed since we first opened. There are two new neighboring businesses, a restaurant and an Irish pub. There are luxury condos diagonally across the street from us. The property is now fully occupied with an art gallery, a gym, and a pending sandwich shop. We want to be good neighbors and abide by the conditions set forth in our original CUP application in regards to

noise issues. We monitor the sound/volume continually, and have had very few complaints the last few years. Our main concern is providing a fun and safe place where people can socialize and have a good time. We require staff to participate in ongoing ABC classes to help ensure that customers, as well as the staff themselves, closely monitor customers being over served. Our security staff makes every effort to have people take cabs when it appears they are best not behind the wheel. We have upgraded our security system that allows us to monitor the inside and outside patio areas, the parking lot, and the surrounding street areas.

Although there have been some changes over our 10 years of operation, the fundamental belief we held from the very start still holds true for us. Toucans is proud to be a part of the Palm Springs business community and we will always welcome everyone inside our doors to enjoy some time in our "kitschy little tiki lounge."

Michele Cinque

MC



VACANT LAND
C-1 ZONE

LEGAL DESCRIPTION
2100 N. PALM CANYON DRIVE
ASS. MAP 504-27-015
M.B. 1913 PALM SPRINGS VILLAGE TRACT
RIVERSIDE COUNTY
POR. N1/2 SE 1/4 SEC. 3, T4S, R.4E



VACANT LAND
C-1 ZONE

VACANT LAND
R-2

VACANT LAND
R-2

VACANT LAND
R-3

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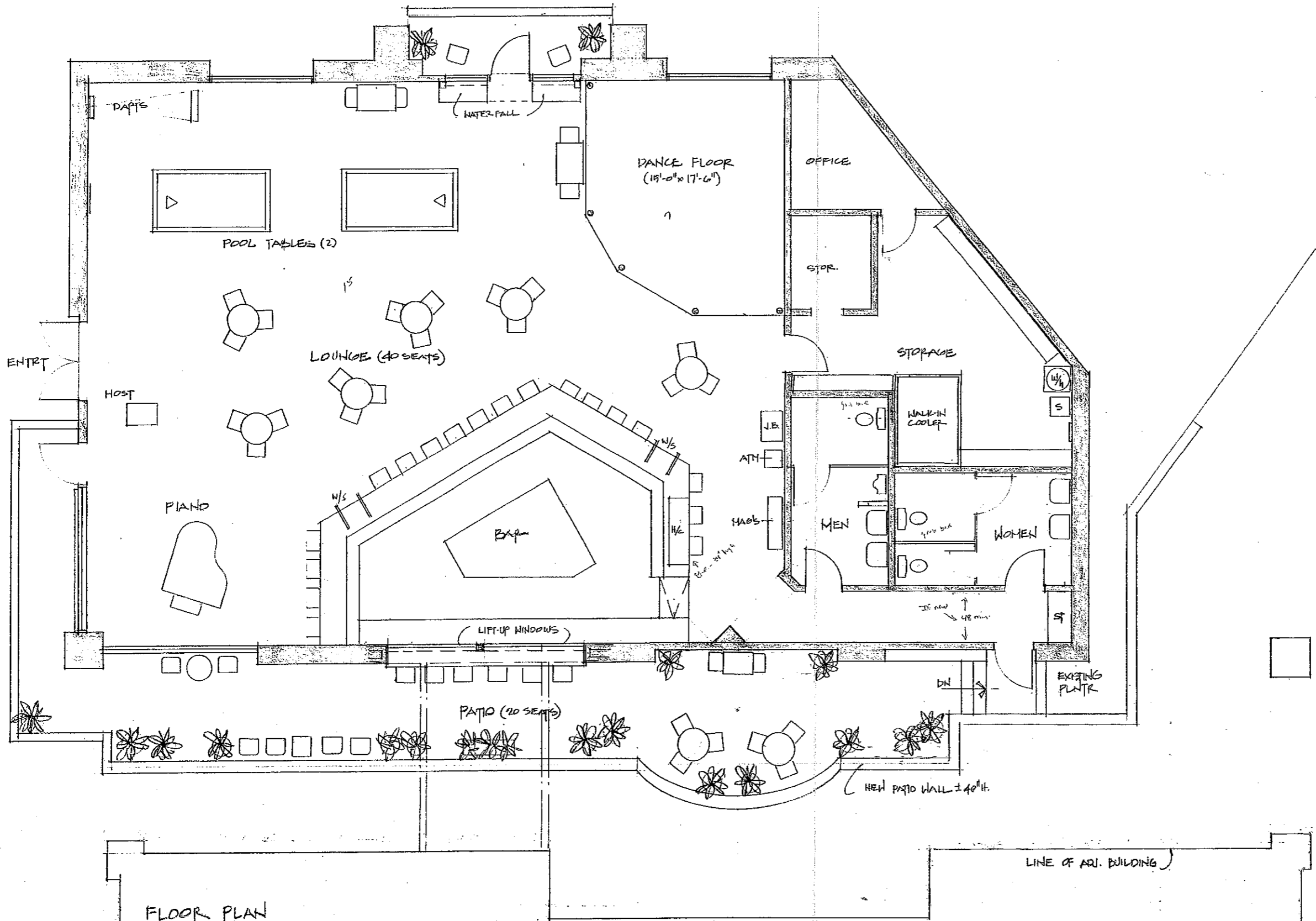
DEC 08 2011

PLANNING SERVICES

APPROVED BY PLANNING COMMISSION
DATE 11-29-11
APPROVED BY CITY COUNCIL
RESOLUTION # _____ ORDINANCE # _____
APPROVAL SUBJECT TO ALL REQUIRED
CONDITIONS BY APPLICANT

PROPOSED NEW TENANT IMPROVEMENT:
TOUCAN LOUNGE
2100 N. PALM CANYON DRIVE
PALM SPRINGS, CALIFORNIA

1" = 20'-0"



FLOOR PLAN
TOTAL SEATING = 62

5.1274 cup
RECEIVED
 DEC 08 2011
 PLANNING SERVICES

APPROVED BY PLANNING COMMISSION
 -CUP
 See # 5.085 Date 1-21-01
 APPROVED BY CITY COUNCIL
 City # _____ Date _____
 Resolution # _____
 SPECIAL SERVICES TO ALL APPLICANTS
 CONTACT US AT 951.780.2200

TOUCAN LOUNGE
 2100 N. PALM CANYON DR.
 PALM SPRINGS, CALIFORNIA

DRAWN
CHECKED
DATE
SCALE
JOB NO.
SHEET

Cindy Berardi

From: SoniavMStoddard@aol.com
Sent: Wednesday, February 01, 2012 8:31 AM
To: CityClerk
Subject: Notice of Public Hearing, case 5.1274 Toucans Tiki Lounge

RECEIVED
CITY OF PALM SPRINGS

2012 FEB -1 AM 9:48

Re: 2120 Junipero and 290 W. Via Esquela, residential rental single property home (2120) and three single apartment units (290) within the 400' BUFFER ZONE
Date of hearing: February 8, 2012

JAMES THOMPSON
CITY CLERK

As an overview, our family has owned the corner property at Via Esquela and Junipero for several decades. It is a double lot, with a single family residence, address on Junipero and three single rental units across a courtyard with addresses at Via Esquela. The entire property is enclosed by a block wall, with a gate and parking entrance located just north of SH-111.

In or about 2008 the property transferred titled to the von Matt Living Trust, with Sonia Stoddard as sole Trustee. Since at or about that time, the property has been maintained by Village Property Management (local, on Luring Drive) and, although there have been vacancies from time-to-time, it is basically all currently residential tenant occupied. We are not a hotel. We are a residential compound. **The occupants abide by long-term leases of at least a year in duration and at time we have had children, under the age of 18, in residence.**

I am extremely concerned about the reopening of a bar at this location. When the previous bar was in operation, I recall that nearly every other night, and most notable on weekends, there were loud public altercations, in the street, that we could hear at the property. This would occur in the late night/early morning hours. We had to call the police on several occasions as the bar managers were not very interested in anything other than moving whatever altercation to outside their establishment. I did not live there full time - my mom occupied the main house for most of the year - but I received reports nearly every day of some commotion in the evening hours.

On two occasions, we had couples who had jumped over our wall and were fornicating in full sight of the house. We called the police on both occasions and there was an arrest on one occasion. It was scary, very distressing, and disturbing.

Several of our tenants moved out because of this. When re-rented, our new tenants complained and it was very difficult to obtain any long term tenants because of the raucous activity. Once the bar had ceased operations, things went back to "normal" for us.

I don't have any specific dates to cite as I would have to pull out some extremely old files. Given the short timeframe - I just received the notice on January 30, 2012, it is impossible to do in short order; however, I am sure that you could check with the local law enforcement around the time that the previous establishment was in operation and get a full review of everything that was reported, assuming that reports were documented.

My concern is to the safety and well-being, as well as the right to the quiet enjoyment of residency of my tenants, should this bar be reopened. Unfortunately, I do not live in the area and do not have a representative to attend the hearing. According to the Notice, this writing will suffice as our response in lieu of attendance in person.

Please let me know if there is anything further I can provide. If needed, I can be available by telephone on the date of the hearing and would welcome the opportunity to provide further information.

Thank you,
Sonia Stoddard, Trustee of the von Matt Living Trust
310.390.2009 direct dial