



PLANNING COMMISSION STAFF REPORT

DATE: October 21, 2013

SUBJECT: PALM SPRINGS LEGENDS LLC, FOR A CONDITIONAL USE PERMIT FOR A COCKTAIL LOUNGE AT 125 EAST TAHQUITZ CANYON WAY, SUITE 102, ZONE CBD (GM)

FROM: Department of Planning Services

SUMMARY

The Planning Commission to review a Conditional Use Permit request for a new 1,070-square foot cocktail lounge with 54 seats located within the Plaza Las Flores Center.

RECOMMENDATION:

Approve as submitted.

ISSUES:

- Proposed location is currently vacant.
- No net increase in parking required.

BACKGROUND:

<i>Related Relevant City Actions by Planning, Fire, Building, etc.</i>	
1988	Plaza Las Flores retail center constructed.
<i>Most Recent Ownership/Business</i>	
1988	Wessman Development
Vacated space in 2011	Desert Guide Dogs Foundation
<i>Notification</i>	
10/10/13	Public hearing notice sent to all property owners within 500 feet.
<i>Field Check</i>	
October 2013	Staff has visited the site to observe existing conditions

Details of Application Request	
Site Area	
Net Building Area	30,207-square feet – Plaza Las Flores
Proposed Site	1,070-square feet – Legends of Palm Springs – Suite 102

Surrounding Property	Existing General Plan Designations	Existing Land Use	Existing Zoning Designations
Subject Property	Central Business District	Commercial	CBD
North	Central Business District	Retail	CBD
South	Central Business District	Commercial	CBD
East	Resort Attraction (Section 14)	Retail	RA
West	Central Business District	Commercial	CBD

BACKGROUND AND SETTING:

The applicant is requesting approval of a Conditional Use Permit (CUP) to operate a new cocktail lounge called “Legends of Palm Springs” in a vacant 1,070-square foot space located in Suite 102 at Plaza Las Flores. The existing space fronts along East Tahquitz Canyon Way and extends to the inner courtyard of the mixed-use center. The proposed total number of seats to be 46-indoor and 8-outdoor located in the inner courtyard area. Hours of operation to be from 11:00 AM to 2:00 AM seven days a week. Entertainment to be limited to a small band or piano player. The applicant is seeking a Type 48 liquor license serving beer, wine, and distilled spirits.

Plaza Las Flores was developed in the late 1980’s with no on-site parking provided. The parking requirement for a retail space within the Downtown Parking Combining Zone pursuant to Section 92.26.00 (C)(4) is 1 space per 300 square feet. The subject suite is 1,070-square feet in size requiring 4 parking spaces. The conversion of the space to a beverage service establishment requires 1 space per 400-square feet equaling 3 parking spaces. Staff has determined that based upon the above analysis, the new cocktail lounge will not require additional scrutiny of parking standards.

ANALYSIS

General Plan: The General Plan designation of the subject site is CBD (Central Business District). This designation allows for “theatres, museums, retail and other entertainment venues”. The subject property is an existing mixed-use complex containing restaurants and retail businesses. The addition of a cocktail lounge with a Type 48 liquor license will advance the goals of the General Plan and provide a service

to the visitors of Downtown Palm Springs. Therefore, the proposed use is consistent with the General Plan.

Zoning: The subject property is Central Business District (CBD). Pursuant to Section 92.09.01(D)(5) of the Palm Springs Zoning Code (PSZC), a cocktail lounge is permitted with the approval of a Conditional Use Permit.

Parking: Pursuant to Section 92.26.00 (C)(4) of the PSZC, no additional parking is required due to parking standards set forth in the Downtown Parking Combining zone.

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 Palm Springs Police Department (PSPD) requested that a security plan be a condition of approval for the CUP. A security plan will be reviewed with the applicant in the near future.

REQUIRED FINDINGS

The Planning Commission must make certain findings in order to approve this Conditional Use Permit pursuant to Section 94.02.00 of the Palm Springs Zoning Code; those findings are analyzed by staff 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.*

Section 92.09.01(D)(5) of the Palm Springs Zoning Code permits a cocktail lounge in the CBD zone when approved under a Conditional Use Permit.

- 2) *That the use is necessary or desirable for the development of the community, is in harmony with the various elements of 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 the historic village center of downtown Palm Springs. The proposed use is desirable for the development of the community as it adds to the nighttime activities available in the vicinity of downtown. A cocktail lounge at the proposed location is not anticipated to be detrimental to existing uses or future uses specifically permitted in the CBD 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 Plaza Las Flores mixed-use development is a large multi-storied building containing twelve (12) separate suites of various sizes with a variety of retail and restaurant uses. The proposed cocktail lounge will occupy a 1,070-square foot suite within the existing building. No additional square footage is necessary to accommodate the proposed use. Therefore, the site is adequate in size and shape to accommodate 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 project will occupy a vacant storefront along an important pedestrian corridor in the downtown district. The addition of a cocktail lounge will increase street activity with day and evening business hours. The renovation of the space will not be detrimental to existing and future permitted uses of land in the neighborhood.

- 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.*

The proposal is to operate a 1,070-square foot cocktail lounge in an existing building. Conditions of Approval have been included in the attached Exhibit A to ensure that the use operates in a manner which protects the public health, safety and general welfare. These conditions include compliance with the City's noise ordinance, limitations on operating hours and other necessary requirements.

CONCLUSION

The project is consistent with the land use policies of the General Plan and Zoning Code. Staff is able to recommend findings necessary for approval of the proposed use. On that basis, staff is recommending approval of the proposal.

ENVIRONMENTAL

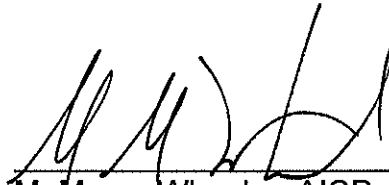
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be categorically exempt from further environmental review pursuant to Section 15301(a) (Existing Facilities).

NOTIFICATION

A public hearing notice was mailed to all property owners within a 500-foot radius of the subject property. As of the writing of this report, staff has not received any public correspondence.



Glenn Mlaker, AICP
Assistant Planner



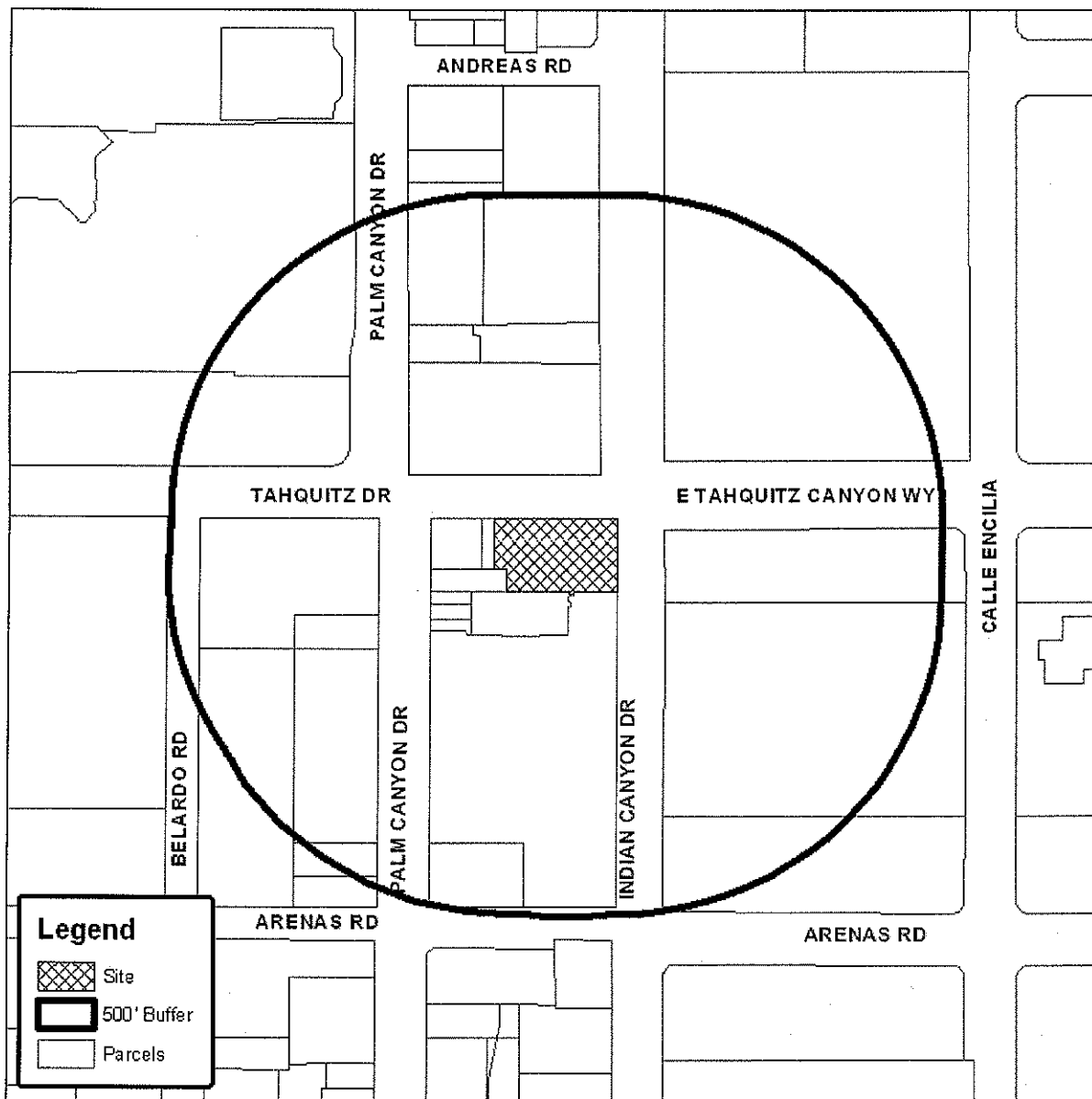
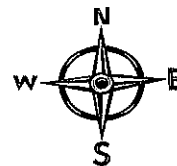
M. Margo Wheeler, AICP
Director of Planning Services

ATTACHMENTS

1. Vicinity Map
2. Draft Resolution with Conditions of Approval
4. Interior Layout



**Department of Planning Services
Vicinity Map**



CITY OF PALM SPRINGS

CASE NO: 5.1305 CUP

APPLICANT: Legends of Palm Springs LLC.

DESCRIPTION: Request for a Conditional Use Permit to permit a cocktail lounge at 125 East Tahquitz Canyon Way, Zone CBD, Section 15.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1305, A CONDITIONAL USE PERMIT (CUP) TO ALLOW A COCKTAIL LOUNGE AT 125 EAST TAHQUITZ CANYON WAY, SUITE 102.

WHEREAS, Palm Springs Legends LLC ("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 1,070-square foot suite within the Plaza Las Floras center located at 125 East Tahquitz Canyon Way, Suite 102, Zone CBD, Section 15, APN: 513-144-001; and

WHEREAS, a cocktail lounge may be permitted in the CBD (Central Business District) Zone in the historic village center with the approval of a Conditional Use Permit; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 5.1305 – CUP was given in accordance with applicable law; and

WHEREAS, on October 23, 2013, 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.*

Section 92.09.01(D)(5) of the Palm Springs Zoning Code permits a cocktail lounge in the CBD zone when approved under a Conditional Use Permit.

- 2) *That the use is necessary or desirable for the development of the community, is in harmony with the various elements of 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 the historic village center within downtown Palm Springs. The proposed use is desirable for the development of the community as it adds to the nighttime activities available in the vicinity of downtown. A cocktail lounge at the proposed location is not anticipated to be detrimental to existing uses or future uses specifically permitted in the CBD 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 Plaza Las Flores mixed-use development is a large multi-storied building containing twelve (12) separate suites of various sizes with a variety of retail and restaurant uses. The proposed cocktail lounge will occupy a 1,070-square foot suite within the existing building. No additional square footage is necessary to accommodate the proposed use. Therefore, the site is adequate in size and shape to accommodate 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 project will occupy a vacant storefront along an important pedestrian corridor in the downtown district. The addition of a cocktail lounge will increase street activity with day and evening business hours. The renovation of the space will not be detrimental to existing and future permitted uses of land in the neighborhood.

- 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.*

The proposal is to operate a 1,070-square foot cocktail lounge in an existing building. Conditions of Approval have been included in the attached Exhibit A to ensure that the use operates in a manner which protects the public health, safety and general welfare. These conditions include compliance with the City's noise ordinance, limitations on operating hours and other necessary requirements.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1305 – CUP, a Conditional Use Permit to allow a cocktail lounge use located at 125 East Tahquitz Canyon Way, Suite 102, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 23rd day of October 2013.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

M. Margo Wheeler, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 5.1305 CUP
Legends of Palm Springs

125 East Tahquitz Canyon Way, Suite 102

October 23, 2013

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 5.1305 CUP, except as modified 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 5.1305 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 Commencement of Use. The time limit for commencement of the use authorized by this conditional use permit shall be two (2) years from the effective date of approval. A conditional use permit shall become effective after an elapsed period of fifteen (15) days from the date of the decision by the commission authorizing the permit.
- 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. 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 the law.
- ADM 11. Comply with City Noise Ordinance. This use and property 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. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Alcohol Sales. The Conditional Use Permit authorizes the sale of beer, wine, and distilled spirits from within Suite 102 in the Plaza Las Flores center.
- PLN 2. Seating Count The applicant shall be limited to the total number of 54 seats (46 inside and 8 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 patio exit and the outdoor tables and chairs.
- PLN 3. Hours of Operation. The operating hours shall be 11:00 A.M. to 2:00 A.M. daily. Any future modifications to the hours of operation shall require an amendment to this Conditional Use Permit.
- PLN 4. Entertainment. Entertainment to include a small band or piano player. Any deviation from the general type of entertainment shall require prior approval by the Planning Commission.
- PLN 5. Letter of Convenience or Necessity. The applicant shall obtain a Letter of Convenience or Necessity from the City Council prior to commencement of the alcohol sales use. If the Resolution of Convenience and Necessity is not approved, this CUP application will not be valid.
- PLN 6. 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 7. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.

PLN 8. 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. Security Plan. Within thirty (30) days of approval of the Conditional Use Permit, the applicant shall agree, in writing, to comply with a security plan that has been approved by the Chief of Police. The business 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. Construction Permits. Prior to any construction on-site, all appropriate permits must be secured.

END OF CONDITIONS



GABRIEL LUJAN & ASSOCIATES
 ARCHITECTS • ENGINEERS • LAND PLANNERS
 125 E. TAQUITZ CANYON WAY, SUITE 102, PALM SPRINGS, CA 92262
 TEL: (951) 321-1111 FAX: (951) 321-1112
 WWW.GABRIELLUJAN.COM

**A TENANT IMPROVEMENT FOR:
 LEGENDS OF PALM SPRINGS**

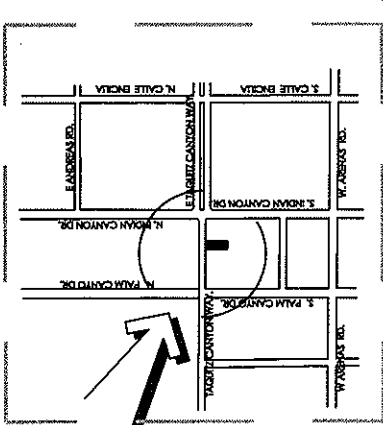
DESIGNED BY
 REVISIONS:

SHEET TITLE
SITE PLAN

DATE
 DRAWN BY
 CHECKED BY
 APPROVED BY
 SCALE
 PROJECT NO.

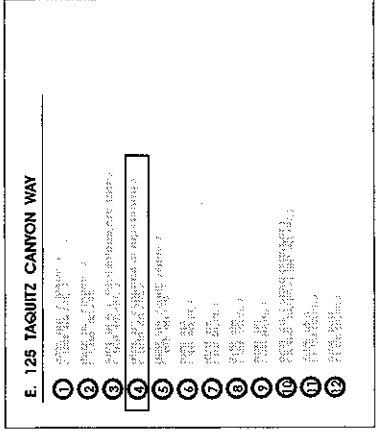
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N. INDIAN CANYON DRIVE



VICINITY MAP
 SCALE: NOT TO SCALE

PROPERTY OF LEGENDS OF PALM SPRINGS, INC. ALL RIGHTS RESERVED.



N. PALM CANYON DRIVE

E. TAQUITZ CANYON WAY

E. 125 TAQUITZ CANYON WAY
 SUITE 102 (LEGENDS OF PALM SPRINGS)

S. INDIAN CANYON DRIVE

S. PALM CANYON DRIVE

SITE PLAN
 SCALE: NOT TO SCALE



GABRIEL LUJAN & ASSOCIATES

GABRIEL LUJAN ARCHITECT
125 E. YAGOURTZ CANYON WAY STE. 102 PALM SPRINGS, CA 92262

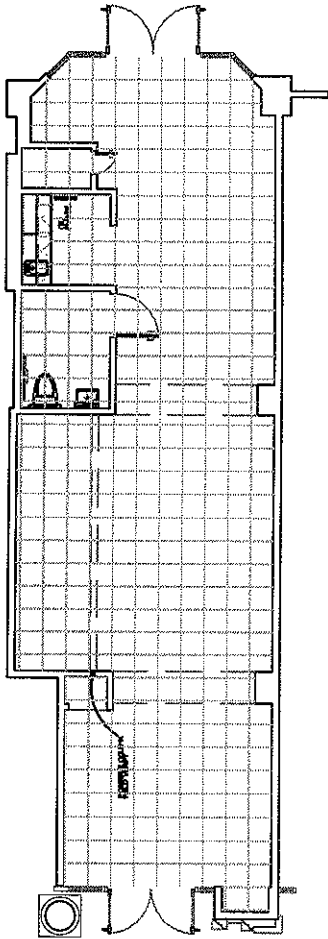
A TENANT IMPROVEMENT FOR:
LEGENDS OF PALM SPRINGS

REVISIONS	BY

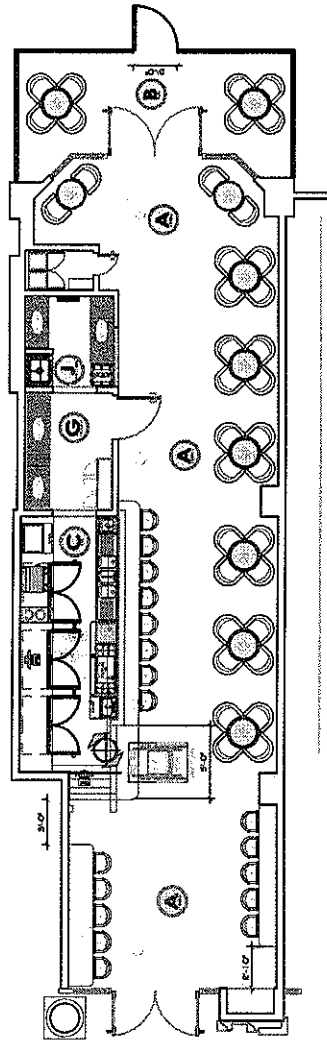
BUILDING CONDITIONS
SHEET TITLE

DATE	
SCALE	
PROJECT	
ARCHITECT	
CLIENT	
PROJECT	

A2



EXISTING BUILDING CONDITIONS
AS BUILT PLAN
SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"