



## CITY COUNCIL STAFF REPORT

DATE: March 5, 2014 CONSENT CALENDAR

SUBJECT: CULLEN 111 INVESTMENTS, LLC FOR A RESOLUTION OF PUBLIC CONVIENENCE OR NECESSITY (PCN) TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT A PROPOSED COCKTAIL LOUNGE AT 212 & 216 SOUTH INDIAN CANYON DRIVE, CASE: 5.1305 – PCN

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will consider a request to adopt a Resolution of Public Convenience or Necessity (PCN) for the sale of beer, wine and distilled spirits (Alcoholic Beverage Control Type 48 license) at a proposed cocktail lounge located at 212 & 216 South Indian Canyon Drive.

### RECOMMENDATION:

Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 212 & 216 SOUTH INDIAN CANYON DRIVE, WITHIN CENSUS TRACT #9414.00."

### PRIOR ACTIONS:

On February 26, 2014, the Planning Commission approved a Conditional Use Permit (CUP) to allow a cocktail lounge at 212 & 216 South Indian Canyon Drive.

### BACKGROUND:

The applicant received approval from the Planning Commission for a Conditional Use Permit (CUP) to operate a new cocktail lounge called "Chill Bar" within a vacant tenant space that is approximately 5,395-square feet in size. The existing space fronts along

**Item No. 2.H.**

North Indian Canyon Drive and extends to the Arenas Road. The proposed total number of seats will be 182-indoor and 40-outdoor. Hours of operation will be from 12:00 PM to 2:00 AM seven days a week.

**ANALYSIS:**

The applicant has applied for a "Type 48" license through the State of California Department of Alcoholic Beverage Control (ABC) for the proposed alcohol sales. The ABC summarizes the "Type 48" license as follows:

*(Bar, Night Club) Authorizes the sale of beer and wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer, wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.*

The proposed liquor license is located within a Census tract that exceeds the amount of on-sale licenses normally permitted; this is known as an "undue concentration" and is specifically defined by Section 23958.4 of the Business and Professions Code:

*As to on-sale retail license applications, the ratio of on-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located.*

The subject property is located within Census Tract #9414.00, which is encompassed by Section 14 (Indian Canyon Drive to the west, Ramon Road to the south, Sunrise Way to the east and Alejo Road to the north). This tract currently has twenty-nine (29) active on-sale liquor licenses and two (2) surrendered licenses. Two (2) licenses are authorized for the tract based on its population. The ABC can only issue the proposed liquor license if the Council determines that the public convenience or necessity would be served.

Surrounding General Plan designations, Zones and land uses are as follows:

<b>Surrounding Property</b>	<b>Existing General Plan Designations</b>	<b>Existing Land Use</b>	<b>Existing Zoning Designations</b>
Subject Property	CBD (Central Business District)	Multi-tenant commercial bldgs.	LSC (Local Serving Commercial)
North	CBD	Multi-tenant commercial bldgs.	RA (Resort Attraction)
South	CBD	Las Brisas hotel	LSC
East	HDR (High Density Residential)	Multi-family apartment	HR (Residential High)
West	CBD	Off-street parking lot	CBD (Central Business District)

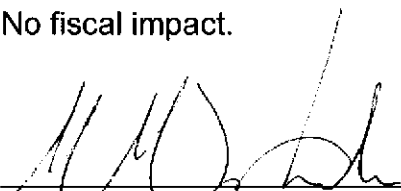
The subject property is designated CBD (Central Business District) by the General Plan Land Use Element. This designation allows for “allows for a mix of commercial, residential, and office uses at a higher concentration, density, and intensity than in other areas of the City. The CBD serves as the main activity center and cultural core of the community and, as such, theatres, museums, retail, and other entertainment venues are encouraged here.” The subject property will be an entertainment venue in the downtown district. The site is located on the corner of a major thoroughfare, South Indian Canyon Drive, and Arenas Road. This block has a number of entertainment and commercial businesses that serve local and resort clientele; therefore, the proposed cocktail lounge will add to that mix.


A list of the liquor licenses within the subject census tract is attached to this report. The list includes each business’ name, license type and current status, according to the ABC. Those licensed to sell in the tract consist of hotels and resort hotels (Hilton, Marriott, Spa Hotel, etc.), restaurants (Shermans Deli, Johannes, Wangs, etc.) and cocktail lounges and nightclubs (Hunters, Spurline, Score, etc.).

Since the property is a commercial property in the Census tract and located along major thoroughfares, staff believes that the additional liquor license will not be inconsistent with the desired mix of commercial uses in the tract and downtown district. The license will serve the public convenience. Furthermore, the Planning Commission approved a CUP for the applicant at the site on February 26, 2014.

FISCAL IMPACT:

No fiscal impact.

  
\_\_\_\_\_  
M. Margo Wheeler, AICP  
Director of Planning Services

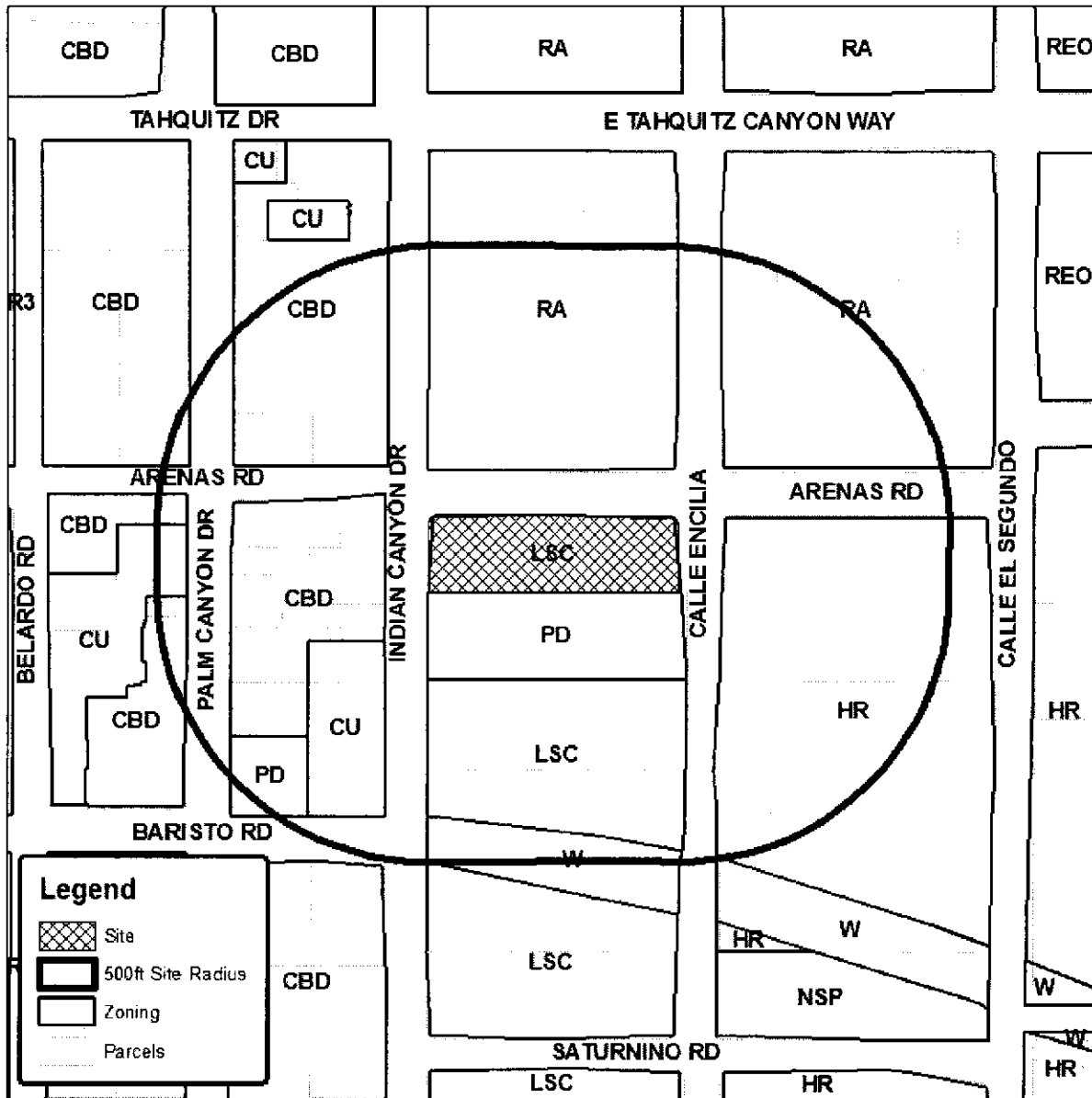
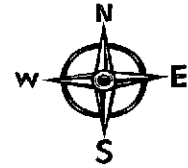
  
\_\_\_\_\_  
David H. Ready, City Manager

Attachments:

1. 500' Vicinity Map
2. Draft Resolution
3. Letter of Request from Applicant
4. List of Authorized License Types in the Subject Census Tract
5. Census Tract Map



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1320 PCN  
**APPLICANT:** Cullen 111 Investments LLC.

**DESCRIPTION:** Request for a Resolution of Convenience or Necessity to sell beer, wine & distilled spirits for a proposed cocktail lounge at 212 / 216 South Indian Canyon Drive, Zone LSC, Section 14.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 212 & 216 SOUTH INDIAN CANYON DRIVE, WITHIN CENSUS TRACT #9414.00.

WHEREAS, Cullen 111 Investments, LLC ("Applicant") has requested the adoption of a Resolution of Public Convenience or Necessity (Planning Case No. 5.1320 PCN) for a Type 48 alcohol license to sell beer, wine and distilled spirits at a proposed cocktail lounge at 212 & 216 South Indian Canyon Drive, Zone LSC, Section 14/T4/R4, CBD General Plan Land Use; and

WHEREAS, the applicant has applied with the State of California Alcoholic Beverage Control for a license to sell beer, wine and distilled spirits: license type 48 (On-sale General – Public Premises); and

WHEREAS, pursuant to Section 23958.4(b)(2) of the California Business and Professions Code, the applicant has requested that the City Council determine the public convenience or necessity would be served if the requested license is issued; and

WHEREAS, the City Council carefully reviewed and considered all of the evidence presented in connection with the request for a Resolution of Public Convenience or Necessity, including but not limited to the staff report and all written and oral testimony.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The location of the proposed business, within Census Tract #9414.00, is within the center of the Central Business District and will be near other businesses that serve alcohol. The proposed use will not be inconsistent with the desired mix of commercial uses in this Census tract.

SECTION 2. The City Council finds that an ABC Type 48 liquor license (On-sale General – Public Premises) at 212 & 216 South Indian Canyon Drive, serves the Public Convenience.

ADOPTED THIS 5<sup>th</sup> DAY OF MARCH, 2014.

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David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on \_\_\_\_\_, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California

# Cullen 111 Investments LLC

11908 Dorothy St., #215 Los Angeles CA 90049 (310) 276-0502

February 13, 2014

City of Palm Springs  
Planning Department  
Attention: David A. Newell  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Dear Mr. Newell,

Cullen 111 Investments LLC, dba "Chill Bar", has a pending application with the California Department of Alcoholic Beverage Control (ABC) for a Type 48, On-Sale General - Public Premises liquor license. This license will be used at the CHILL BAR located at 212 & 216 S. Indian Canyon Drive in Palm Springs.

During the application process, the ABC is requiring us to provide a PUBLIC CONVENIENCE OR NECESSITY letter from the local governing counsel of Palm Springs that supports Cullen 111 Investments LLC's application. This letter is a request by Cullen 111 Investments LLC to the City Council of Palm Springs to provide the information requested by ABC.

Chill Bar will be a modern new bar and lounge to be opened sometime in late March, or early April 2014. The proposed sale of alcohol is a natural component of this type of establishment. Chill Bar will cater to a variety of locals and tourists seeking a friendly, clean and new modern bar different from those already in operation.

Chill Bar will operate within - and respect all - local city laws and ordinances and will not have any negative impact on the City or surrounding areas. Key members of our staff will be TIPS certified so we are aware and able to enforce all laws regarding liquor sales. No minors or intoxicated individuals will be served.

Additionally, Chill Bar will be a responsible and contributing business to the City. We will employ a number of local employees which will generate additional tax revenue to the City. We also plan on being an active partner and participant in the community by sponsoring and supporting local events and charities.

Should you have any questions or concerns, please do not hesitate to contact me at (760) 980-0341 or by email at [mc@mikecullen.com](mailto:mc@mikecullen.com)

Sincerely,



Michael Cullen  
President & General Manager

RECEIVED

FEB 13 2014

PLANNING SERVICES  
DEPARTMENT

5.1320 MIC



**California Department of Alcoholic Beverage Control  
For the County of RIVERSIDE - (On-Sale Licenses)  
and Census Tract = 9414**

Report as of 2/24/2014

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	228854	ACTIVE	47	3/31/1989	4/30/2014	WALTER FAMILY PARTNERSHIP L-PSHIP 400 E TAHQUITZ CANYON WY PALM SPRINGS, CA 92262  Census Tract: 9414.00	PALM SPRINGS HILTON RESORT		3310
2)	264427	ACTIVE	48	2/25/1992	7/31/2014	KAMP MOR INC 224 E ARENAS RD PALM SPRINGS, CA 92262  Census Tract: 9414.00	STREETBAR		3310
3)	281338	ACTIVE	47	5/12/1993	4/30/2014	LAS BRISAS HOTEL INC 222 S INDIAN CANYON DR PALM SPRINGS, CA 92262  Census Tract: 9414.00	LAS BRISAS HOTEL		3310
4)	282328	ACTIVE	47	4/28/1993	12/31/2014	COURTYARD MANAGEMENT CORPORATION 1300 E TAHQUITZ CANYON WAY PALM SPRINGS, CA 92262  Census Tract: 9414.00	MARRIOTT INTERNATIONAL	610 SMITHFIELD ST, STE 300 PITTSBURGH, PA 15222-2512	3310
5)	298784	ACTIVE	47	3/7/1995	12/31/2014	AGUA CALIENTE TRIBAL CORPORATION 100 N INDIAN CANYON DR PALM SPRINGS, CA 92262  Census Tract: 9414.00	SPA HOTEL RESORT & MINERAL SPRINGS	5401 DINAH SHORE DR PALM SPRINGS, CA 92264-5970	3310



6)	316229	ACTIVE	41	3/6/1996	2/28/2014	HARRIS, SHERMAN 401-23 E TAHQUITZ CANYON WY PALM SPRINGS, CA 92262  Census Tract: 9414.00	SHERMANS DELI & BAKERY		3310
7)	348728	ACTIVE	48	2/5/1999	6/30/2014	MARK HUNTERS PALM SPRINGS LTD 302-308 E ARENAS RD PALM SPRINGS, CA 92262  Census Tract: 9414.00	HUNTERS VIDEO BAR		3310
8)	367783	ACTIVE	47	8/10/2000	7/31/2014	JOHANNES INC 196 S INDIAN CANYON DR PALM SPRINGS, CA 92262  Census Tract: 9414.00	JOHANNES		3310
9)	403308	ACTIVE	47	10/22/2003	9/30/2014	AGUA CALIENTE TRIBAL CORPORATION 401 E AMADO RD PALM SPRINGS, CA 92262  Census Tract: 9414.00	SPA RESORT CASINO	5401 DINAH SHORE DR PALM SPRINGS, CA 92264-5970	3310
10)	429118	ACTIVE	47	9/12/2005	3/31/2014	SAVOURYS GOOD EARTH CUISINE INC 277 N AVENIDA CABALLEROS PALM SPRINGS, CA 92262  Census Tract: 9414.00	SAVOURYS INC	611 S PALM CANYON DR, STE 7-442 PALM SPRINGS, CA 92264-7213	3310
11)	430590	ACTIVE	48	10/13/2005	9/30/2014	SPURLINE INC 200 S INDIAN CANYON DR PALM SPRINGS, CA 92262  Census Tract: 9414.00	SPURLINE		3310
12)	441186	ACTIVE	48	8/16/2006	7/31/2014	CRAZY MELS INC 301 E ARENAS RD PALM SPRINGS, CA 92262-6635	SCORE THE GAME BAR		3310

						Census Tract: 9414.00			
13)	443613	ACTIVE	41	11/9/2006	10/31/2014	APM RESTAURANTS INC 999 E TAHQUITZ CANYON WAY PALM SPRINGS, CA 92262-6707  Census Tract: 9414.00	SHAKEYS RESTAURANT		3310
14)	445767	ACTIVE	47	5/23/2007	4/30/2014	SUNDOWN ENTERTAINMENT GROUP INC 330 E AMADO RD PALM SPRINGS, CA 92262-6437  Census Tract: 9414.00	TROPICALE RESTAURANT THE		3310
15)	454327	SUREND	47	7/5/2007	6/30/2014	C & H DESERT INVESTMENTS LLC 436 S INDIAN CANYON DR PALM SPRINGS, CA 92262-7806  Census Tract: 9414.00	O'LEARY PUB & GRILL		3310
16)	457420	ACTIVE	47	11/2/2007	10/31/2014	DEVITT, RICHARD 214 E ARENAS RD PALM SPRINGS, CA 92262-6632  Census Tract: 9414.00	BONGO JOHNNYS PATIO BAR AND GRILL		3310
17)	457793	ACTIVE	47	10/23/2007	3/31/2014	VISTA MIRAGE HOMES INC 1000 E TAHQUITZ CANYON WAY, STE B PALM SPRINGS, CA 92262-6748  Census Tract: 9414.00	MARGARITAS RESTAURANT	31520 AVE EL PUEBLO CATHEDRAL CITY, CA 92234-2797	3310
18)	458636	ACTIVE	47	4/2/2008	3/31/2014	CAFE PALETTE LLC 315 E ARENAS RD PALM SPRINGS, CA 92262-6635  Census Tract: 9414.00	CAFE PALETTE		3310
19)	462024	ACTIVE	47	1/11/2008	12/31/2014	HHC TRS PORTSMOUTH	RENAISSANCE PALM SPRINGS	14185 DALLAS PKWY , #1150	3310

						LLC 888 E TAHQUITZ CANYON WAY PALM SPRINGS, CA 92262-8708  Census Tract: 9414.00	HOTEL	- LEGAL DALLAS, TX 75254	
20)	<u>462122</u>	ACTIVE	47	3/11/2008	2/28/2014	ZOSO CA CONCESSIONS LLC 150 S INDIAN CANYON DR PALM SPRINGS, CA 92262-6604  Census Tract: 9414.00	HOTEL ZOSO		3310
21)	<u>467587</u>	ACTIVE	41	9/11/2008	8/31/2014	ANGULO, GUILLERMO HERNANDEZ 425 S SUNRISE WAY, STE F2 PALM SPRINGS, CA 92262-7663  Census Tract: 9414.00	MAXCYS GRILL 3		3310
22)	<u>504650</u>	SUREND	47	11/23/2010 1:21:42 PM	10/31/2014	AARON, LEON RAYMOND 216 S INDIAN CANYON DR PALM SPRINGS, CA 92262-6618  Census Tract: 9414.00	RAINBOW BAR & GRILL	69622 WILLOW LN CATHEDRAL CITY, CA 92234-2576	3310
23)	<u>507610</u>	ACTIVE	47	5/19/2011 1:18:26 PM	9/30/2014	RIO AZUL MEXICAN BAR & GRILL LLC 350-52 S INDIAN CANYON DR PALM SPRINGS, CA 92262-7827  Census Tract: 9414.00	RIO AZUL MEXICAN BAR & GRILL		3310
24)	<u>519372</u>	ACTIVE	41	4/11/2012 4:22:10 PM	3/31/2014	LOPEZ, JOSE RUBEN JR 241 E TAHQUITZ CANYON WAY PALM SPRINGS, CA 92262-6432  Census Tract: 9414.00	RUBEN AND OZZYS OYSTER BAR & GRILL		3310
25)	<u>525997</u>	ACTIVE	41	12/10/2012 12:41:39 PM	11/30/2014	MARIO'S ITALIAN CAFE VIII, INC. 425 S SUNRISE WAY, BLDG F STE 1	MARIOS ITALIAN CAFE VIII INC	42104 WASHINGTON ST, # 1B BERMUDA DUNES, CA	3310

						PALM SPRINGS, CA 92262-7664  Census Tract: 9414.00		92203-8163	
26)	527617	ACTIVE	41	12/21/2012 11:14:18 AM	11/30/2014	GOETZ, DAVID HAI 356 S INDIAN CANYON DR PALM SPRINGS, CA 92262-7827  Census Tract: 9414.00	CAFE SCANDIA		3310
27)	528944	ACTIVE	48	3/15/2013 9:37:21 AM	2/28/2014	NEW STYLE ENTERTAINMENT LLC 188 S INDIAN CANYON DR PALM SPRINGS, CA 92262-6604  Census Tract: 9414.00	CLINIC BAR AND LOUNGE		3310
28)	529640	ACTIVE	47	3/8/2013 8:56:30 AM	9/30/2014	DANLON, INC. 424 S INDIAN CANYON DR PALM SPRINGS, CA 92262-7806  Census Tract: 9414.00	WANGS IN THE DESERT		3310
29)	529968	ACTIVE	47	4/2/2013 3:33:11 PM	3/31/2014	FRANK, MELVIN 777 E TAHQUITZ CANYON WY , 101-109 PALM SPRINGS, CA 92262-6784  Census Tract: 9414.00	BLAME IT ON MIDNIGHT RESTAURANT AND BAR		3310
30)	532186	ACTIVE	47	7/11/2013 2:24:02 PM	6/30/2014	SIAM GOURMET LTD 100 S INDIAN CANYON DR PALM SPRINGS, CA 92262-6604  Census Tract: 9414.00		PO BOX 2936 PALM SPRINGS, CA 92263-2936	3310
31)	535367	ACTIVE	48	11/14/2013 8:22:34 AM	5/31/2014	COPA ROOM INCORPORATED THE 244 E AMADO RD PALM SPRINGS, CA 92262-6444  Census Tract: 9414.00		330 E AMADO RD PALM SPRINGS, CA 92262-6437	3310

--- End of Report ---

For a definition of codes, view our [glossary](#).



2014 Information	
Street Address	212 S INDIAN CANYON DR
City Name	PALM SPGS
State Abbr	CA
Zip Code	92262
MSA/MD Code	40140
State Code	06
County Code	065
Tract Code	9414.00

Legend

- Highway
- Tract
- Street