



# CITY COUNCIL STAFF REPORT

DATE: FEBRUARY 18, 2015 CONSENT CALENDAR

SUBJECT: REQUEST BY LAWRENCE SALAMEH FOR A RESOLUTION OF PUBLIC CONVIENENCE OR NECESSITY (PCN) TO SELL BEER, WINE AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION (TYPE 21 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT A PROPOSED LIQUOR STORE LOCATED AT 2781 NORTH PALM CANYON DRIVE (CASE NO. 5.0971 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 for consumption off-premises (Alcoholic Beverage Control [ABC] Type 21 license) within a census tract exceeding the number of permitted licenses. The proposed location is a commercial space previously operated as a liquor store at 2781 North Palm Canyon Drive, Census Tract 0446.06.

## 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 21 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR OFF-SITE CONSUMPTION FROM THE PROPERTY LOCATED AT 2781 NORTH PALM CANYON DRIVE, WITHIN CENSUS TRACT #0446.06."

## BACKGROUND AND SETTING:

<i>Most Recent Ownership/Business</i>	
2003	Lawrence Salameh

ITEM NO. 24

<i>Related Relevant City Actions by Planning, Fire, Building, etc...</i>	
Mar. 2004	The Planning Commission approved a Conditional Use Permit to operate a liquor store, including a redesigned parking area.
Nov. 2004	The City Council issued a letter of convenience to permit liquor at the site.
Feb. 11, 2015	The Planning Commission will review the Conditional Use Permit to operate a convenience / liquor store.

<b>Field Check</b>	
Feb 2015	Staff visited the site to observe existing conditions.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Area	Approx. 12,600-square feet

<b>Surrounding Property</b>	<b>Existing General Plan Designations</b>	<b>Existing Land Use</b>	<b>Existing Zoning Designations</b>
Subject Property	Mixed Use / Multi-Use (MU / MU)	Commercial Building	C-1 (Central Retail Business)
North	High Density Residential (HDR)	Partially graded site for residential project	R-3 (Multiple Family Residential & Hotel)
South	MU / MU	Commercial Building	C-1
East	MU / MU	Vacant	C-1
West	Low Density Residential (LDR)	Multi-family Residential	R-2 (Limited Multiple Residential)



The applicant is seeking approval of a Conditional Use Permit (CUP) and Resolution of Convenience or Necessity to operate a liquor / convenience store "Larry's Liquor and Gourmet Deli" in a vacant commercial building located at 2781 North Palm Canyon Drive. Hours of operation to be from 5:00 AM to 10:00 PM, Sunday through Thursday, and 5:00 AM to 12:00 AM, Friday and Saturday. The applicant is seeking a Type 21 liquor license for the sale of beer, wine, and distilled spirits for off-site consumption.

With the exception of the hours of operation, the business will be operated in the same manner as previously approved by the Planning Commission in 2004. Pursuant to Section 94.02.00(I)(5) of the Palm Springs Zoning Code (PSZC), a one-year cessation of the business operation terminated the rights granted under the 2004 CUP and a new CUP must be approved.

*General Plan:* The General Plan designation of the subject site is Mixed Use / Multi-Use. This designation provides for "community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses." The subject property is an existing commercial building. The retail operation will serve local residents and regional visitors and will advance the goals of the General Plan. Therefore, the proposed use is consistent with the General Plan.

*Zoning:* The subject property is zoned "C-1" (Central Retail Business). Pursuant to Section 92.12.01(D) (11) and (16) of the Palm Springs Zoning Code (PSZC), convenience stores and liquor stores, respectively, are permitted with the approval of a Conditional Use Permit in "C-1" zones.

#### ANALYSIS:

The applicant has applied for a "Type 21" license through the State of California Department of Alcoholic Beverage Control (ABC) for the proposed alcohol sales. The ABC summarizes the "Type 21" license as follows:

*OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.*

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:

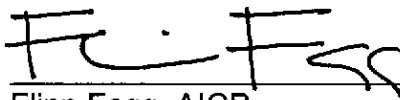
*As to off-sale retail license applications, the ratio of off-sale retail licenses to population in the census tract or census division in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.*

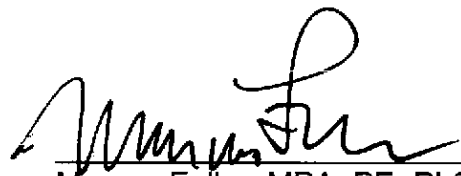
The subject property is located within Census Tract #0446.06, which is bounded by Indian Canyon Drive to the east, Ramon Road to the south, San Jacinto Mountains and North Snow Creek areas (see attached census map). This tract currently has nine (9) active off-sale liquor licenses. One off-sale license is 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.

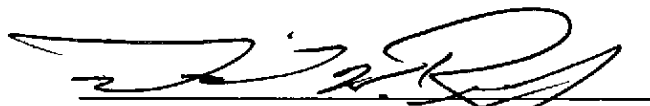
The census tract for the proposed business consists of the downtown and uptown areas along Palm Canyon Drive. The same business previously operated at the same location and will provide convenience beverages and groceries at a northerly entry to the developed portions of the City. A list of all off-sale liquor licenses within this tract is attached to this report.

Since the property is located in the uptown area along one of the City's primary Corridors – Palm Canyon Drive – staff believes that the proposed use will not be inconsistent with the desired mix of commercial uses in this Census tract and will serve the public convenience. Furthermore, the Planning Commission approved the proposed Conditional Use Permit for a convenience / liquor store at their February 11, 2015 meeting.

FISCAL IMPACT: No fiscal impact.

  
\_\_\_\_\_  
Flinn Fagg, AICP  
Director of Planning Services

  
\_\_\_\_\_  
Marcus Fuller, MPA, PE, PLS  
Assistant City Manager / City Engineer

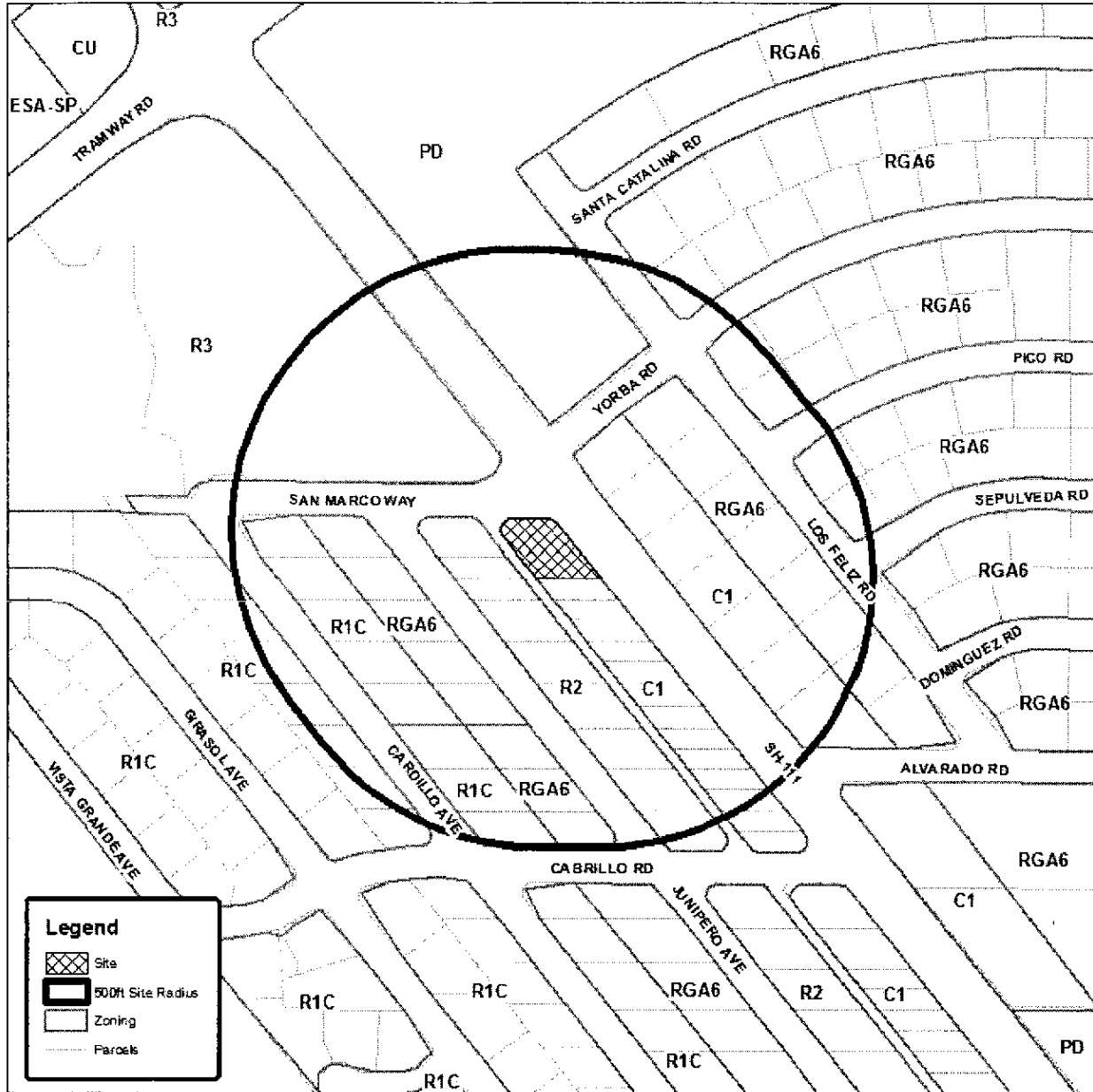
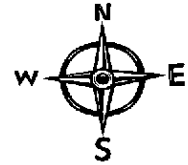
  
\_\_\_\_\_  
David H. Ready, Esq., PhD  
City Manager

Attachments:

1. 500' Vicinity Map
2. Draft Resolution
3. Letter of Request from Applicant
4. Site Plan / Floor Plan
5. List of Authorized License Types in the Subject Census Tract
6. Map with Census Tract Boundaries
7. Planning Commission Staff Report 2/11/15



# Department of Planning Services Vicinity Map



**Legend**

- Site
- 500ft Site Radius
- Zoning
- Parcels

## CITY OF PALM SPRINGS

**CASE NO:** 5.0971 PCN

**APPLICANT:** Lawrence Salameh

**DESCRIPTION:** An application for a Letter of Convenience or Necessity to sell beer, wine and distilled spirits for off-site consumption from a commercial space located at 2781 North Palm Canyon Drive, Zone C-1 (Central Retail Business), Section 3.

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 21 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR OFF-SITE CONSUMPTION FROM THE PROPERTY LOCATED AT 2781 NORTH PALM CANYON DRIVE, WITHIN CENSUS TRACT #0446.06.

WHEREAS, Lawrence Salameh ("Applicant") has requested the adoption of a Resolution of Public Convenience or Necessity (Planning Case No. 5.0971 PCN) for a Type 21 alcohol license to sell beer, wine and distilled spirits (off-site consumption) at a proposed convenience / liquor store located at 2781 North Palm Canyon Drive, Zone C-1, Section 3/T4/R4; and

WHEREAS, on February 11, 2015, the Planning Commission approved a Conditional Use Permit for Case 5.0971 CUP with associated Conditions of Approval; 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 21 (Off-sale General); 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. Since the property is located in the uptown area along one of the City's primary Corridors – Palm Canyon Drive – the proposed use will not be inconsistent with the desired mix of commercial uses in this Census

SECTION 2. The City Council finds that an ABC Type 21 liquor license (Off-sale General) at 2781 North Palm Canyon Drive, serves the Public Convenience.

ADOPTED THIS 18TH DAY OF FEBRUARY, 2015.

\_\_\_\_\_  
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

Project name: larrys liquor&gourmet deli

Project adress: 2781 n Palm canyon dr Palm Springs ca 92262

The store was opened 4th of July 2006 as a high end gourmet liquor store and deli with vast spirit,wine,beer,and international grosserys ,and popular boars head deli and broasted chicken We ran great operation until 2012 when we decided to close the store (to preserve our reputation) for personal hardship that prevented me from continuing the great service that we had

I got hundreds of phone calls asking me when we will open and finally the time came.

We are a Plus for the neighers we will run the same kind of operation adding to it

Fresh organic produce section

Gluten free and veggan menus items

Healthy food and organic food section.

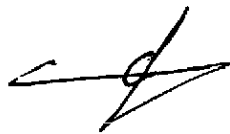
Bulk dry food section.

We never had any problems with the law enforcement or regulators

Nor with our customers for the 6 years we were open and you can check your police call data.

Thank you very much

Lawrence and Lana Salameh.



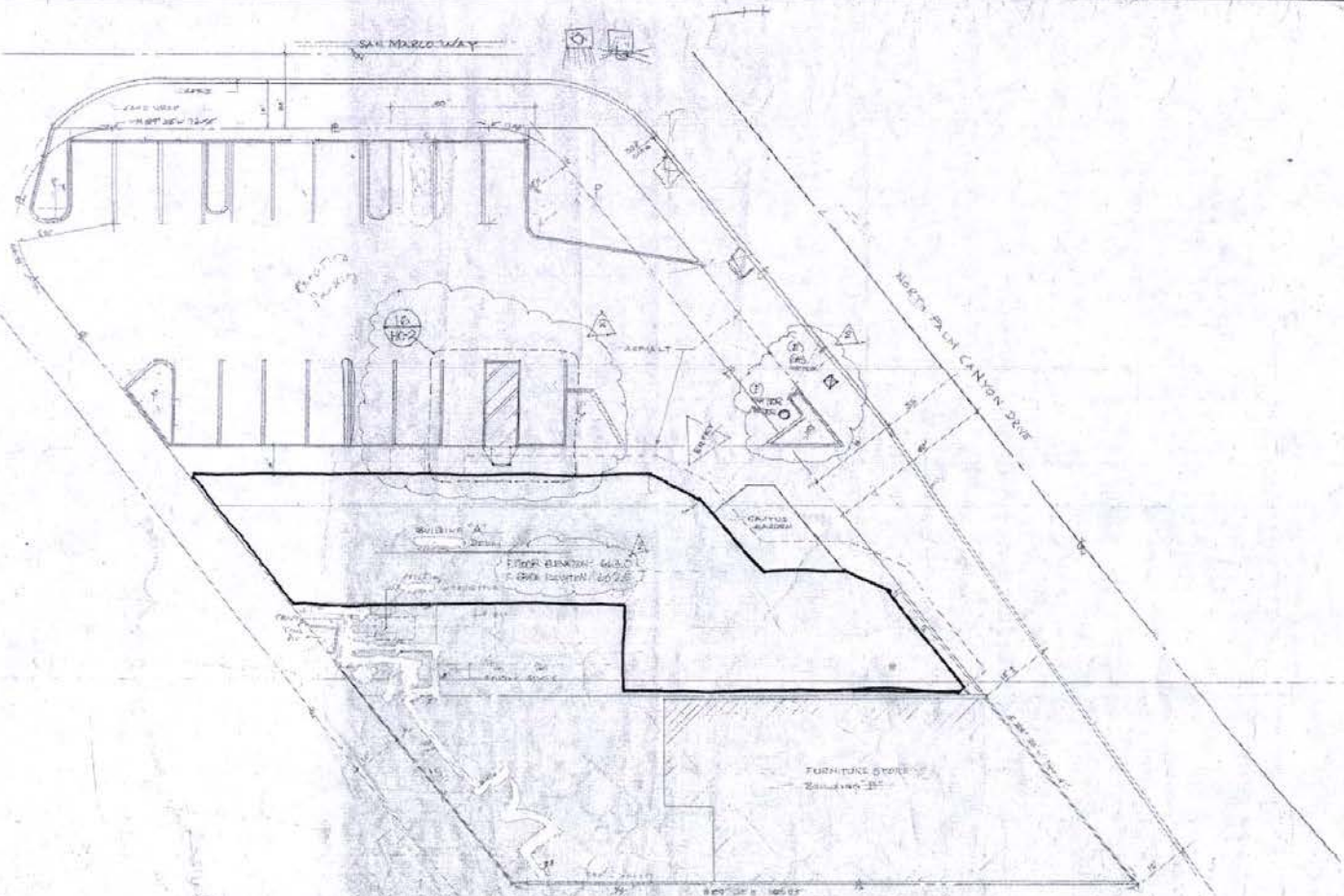
12-23-14

**RECEIVED**

DEC 23 2014

**PLANNING SERVICES  
DEPARTMENT**





SITE PLAN  
1/8" = 1' - 0"

APPROVED  
DATE: 11/11/03  
BY: [Signature]

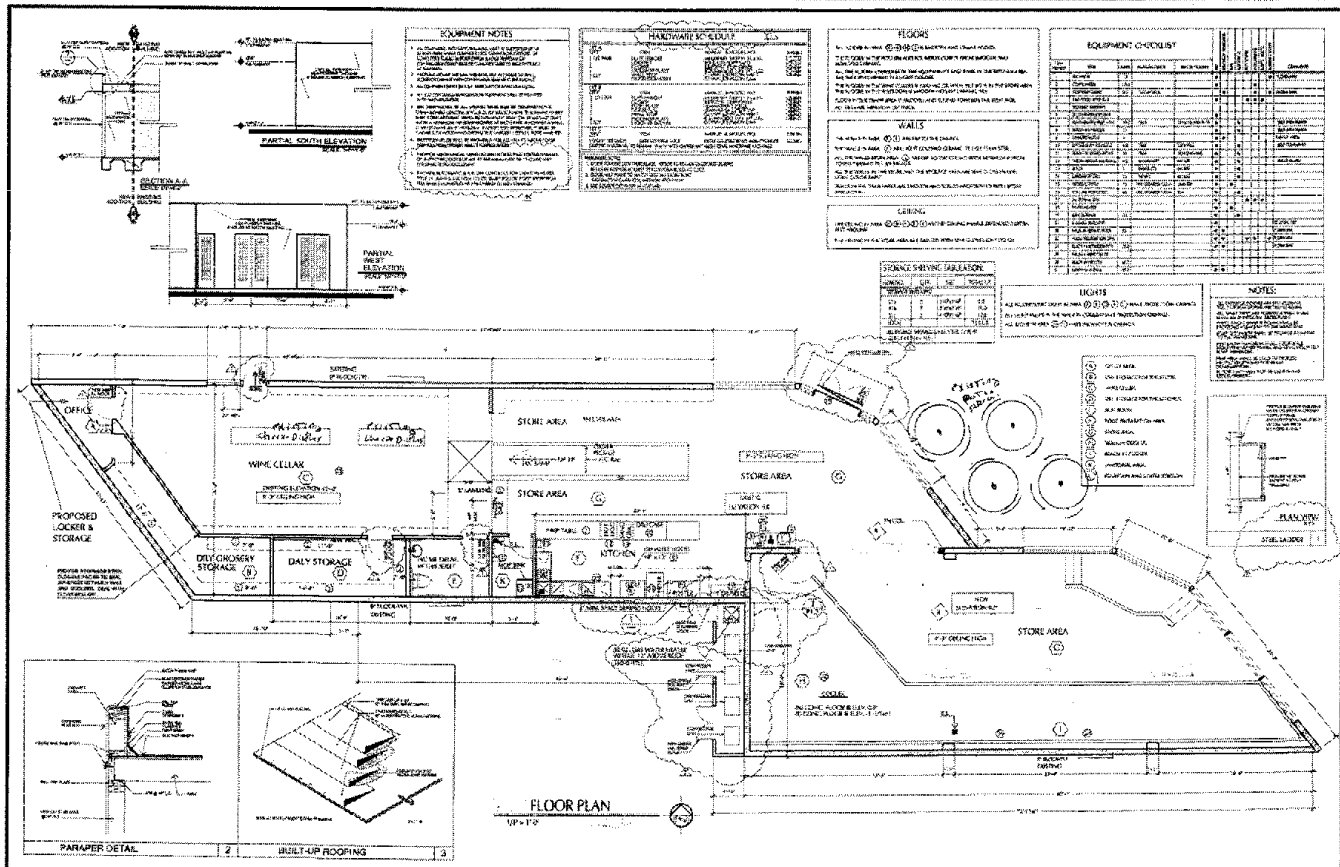
# LARRY'S WINE CELLARS AND GOURMET DELI

2781 N. PALM CANYON DRIVE  
PALM SPRINGS, CALIFORNIA, 92262



DATE	11/11/03
BY	[Signature]
PROJECT	LARRY'S WINE CELLARS AND GOURMET DELI
LOCATION	2781 N. PALM CANYON DRIVE, PALM SPRINGS, CA
SCALE	1/8" = 1' - 0"
APPROVED	[Signature]
DATE	11/11/03

A1/1r



# LARRY'S LIQUOR AND GOURMET DELI

2781 N. PALM CANYON DRIVE  
PALM SPRINGS, CALIFORNIA 92262

	<b>REVISIONS:</b> 1. ... 2. ... 3. ...	DATE: ... DRAWN BY: ... CHECKED BY: ...
	<b>A3/A.0</b>	



**California Department of Alcoholic Beverage Control  
For the County of RIVERSIDE - (Off-Sale Licenses)  
and Census Tract = 446.06**

Report as of 2/8/2015

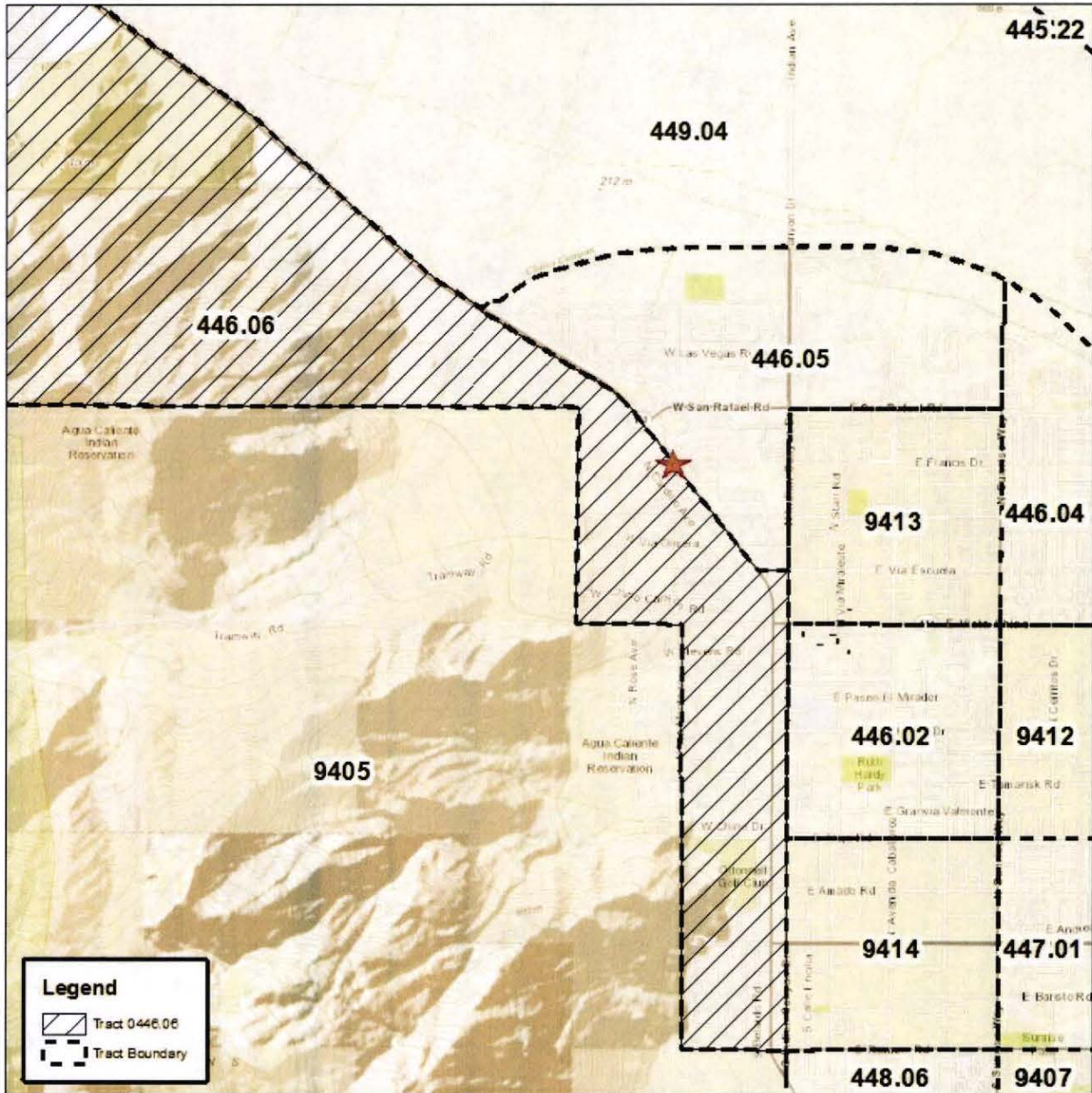
License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 282471	ACTIVE	20	4/13/1993	6/30/2015	7 ELEVEN INC 2493 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.06	7 ELEVEN 2171 17666	PO BOX 219088 DALLAS, TX 75221-9088	3310
2) 381844	ACTIVE	21	2/20/2002	1/31/2016	KIM, MELISSA KYOUNGEUN 1200 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.06	PALM SPRINGS LIQUOR		3310
3) 390499	ACTIVE	21	9/16/2002	8/31/2015	KASIRA, MAJED 1595 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.06	LAS PALMAS LIQUOR		3310
4) 442775	SUREND	20	12/1/2006	11/30/2015	SHRJI ENTERPRISES INC 155 S PALM CANYON DR, STE A3 PALM SPRINGS, CA 92262-8305  Census Tract: 0446.06	FAME TOBACCONIST		3310
5) 486444	ACTIVE	20	4/21/2010	3/31/2015	GARRIC CELLARS INC 418 W CHINO CANYON RD PALM SPRINGS, CA 92262-2906  Census Tract: 0446.06	GARRIC CELLARS	18N269 NORTHWIND LN WEST DUNDEE, IL 60118	3310
6) 511943	ACTIVE	21	10/24/2011 2:02:18 PM	9/30/2015	ELKHALIL, MOUSTAPHA MAHMOUD 342 N PALM CANYON DR PALM SPRINGS, CA 92262-5642  Census Tract: 0446.06	CORK N BOTTLE		3310
7) 517745	ACTIVE	21	8/29/2012 2:59:46 PM	6/30/2015	7 ELEVEN INC 150 W VISTA CHINO PALM SPRINGS, CA 92262-3205  Census Tract: 0446.06	7 ELEVEN STORE 2112-34637	PO BOX 219088 DALLAS, TX 75221-9088	3310
8) 542728	ACTIVE	20	6/11/2014 4:06:32 PM	5/31/2015	KURDMISTO, KELLY KRISTINE 60490 OVERTURE DR PALM SPRINGS, CA 92262-1087  Census Tract: 0446.06	WINDY COVE MART		3300
9) 56731	ACTIVE	21	1/1/1994	6/30/2015	THRIFTY PAYLESS INC 366-68 S PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.06	RITE AID STORE 5683	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5830	3310

--- End of Report ---

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



# Map with Census Tract Boundaries



★ 2781 North Palm Canyon Drive



## PLANNING COMMISSION STAFF REPORT

DATE: February 11, 2015

SUBJECT: LAWRENCE SALAMEH FOR A CONDITIONAL USE PERMIT TO OPERATE A LIQUOR AND CONVENIENCE STORE AT 2781 NORTH PALM CANYON DRIVE, ZONE C-1 (CASE NO. 5.0971 CUP).

FROM: Department of Planning Services

### SUMMARY

The Planning Commission will consider a Conditional Use Permit request for the operation of a liquor and convenience store within an existing building located at 2781 North Palm Canyon Drive.

### RECOMMENDATION:

Approve, subject to conditions.

### ISSUES:

- Two additional parking spaces must be striped at the rear of the property to meeting zoning code requirements.

### BACKGROUND:

<i>Related Relevant City Actions by Planning, Fire, Building, etc...</i>	
Mar. 2004	The Planning Commission approved a Conditional Use Permit to operate a liquor store, including a redesigned parking area.
Nov. 2004	The City Council issued a letter of convenience to see liquor at the site.

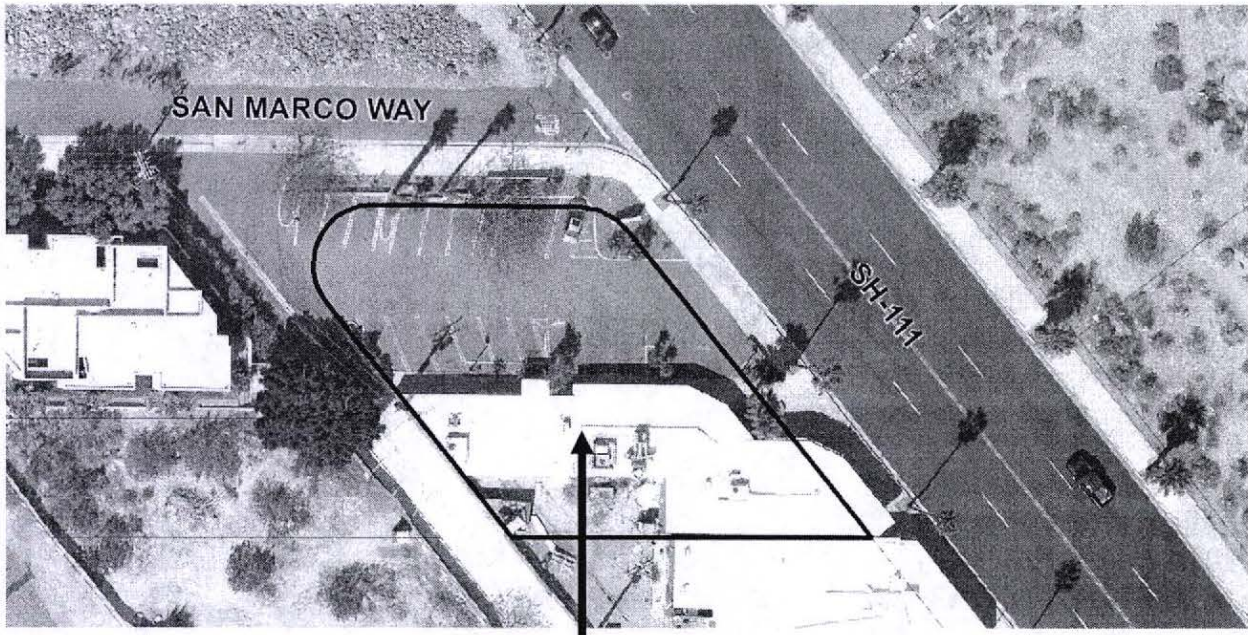
<i>Most Recent Ownership/Business</i>	
2003	Lawrence Salameh

<i>Field Check</i>	
Feb 2015	Staff visited the site to observe existing conditions



<b>Notification</b>	
1/29/2015	Public hearing notice sent to all property owners within 500 feet.
1/29/2015	Notification emailed to representatives of the Desert Highland Estates, Little Tuscany, Racquet Club West and Mountain Gate Neighborhood Organizations.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Area	Approx. 12,600-square feet



**SUBJECT SITE**

<b>Surrounding Property</b>	<b>Existing General Plan Designations</b>	<b>Existing Land Use</b>	<b>Existing Zoning Designations</b>
Subject Property	Mixed Use / Multi-Use (MU / MU)	Commercial Building	C-1 (Central Retail Business)
North	High Density Residential (HDR)	Partially graded site for residential project	R-3 (Multiple Family Residential & Hotel)
South	MU / MU	Commercial Building	C-1
East	MU / MU	Vacant	C-1
West	Low Density Residential (LDR)	Multi-family Residential	R-2 (Limited Multiple Residential)

**PROJECT DESCRIPTION:**

The applicant is requesting approval of a Conditional Use Permit (CUP) to operate a convenience and liquor store within an existing commercial building located at 2781 North Palm Canyon Drive. Hours of operation to be from 5:00 AM to 10:00 PM, Sunday through Thursday, and 5:00 AM to 12:00 AM, Friday and Saturday. The applicant is seeking a Type 21 liquor license for the sale of beer, wine, and distilled spirits for off-site consumption.

With the exception of the hours of operation, the business will be operated in the same manner as previously approved by the Planning Commission in 2004. Pursuant to Section 94.02.00(I)(5) of the Palm Springs Zoning Code (PSZC), a one-year cessation of the business operation terminated the rights granted under the 2004 CUP and a new CUP must be approved.

**ANALYSIS:**

*General Plan:* The General Plan designation of the subject site is Mixed Use / Multi-Use. This designation provides for “community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses.” The subject property is an existing commercial building. The retail operation will serve local residents and regional visitors and will advance the goals of the General Plan. Therefore, the proposed use is consistent with the General Plan.

*Zoning:* The subject property is zoned “C-1” (Central Retail Business). Pursuant to Section 92.12.01(D) (11) and (16) of the Palm Springs Zoning Code (PSZC), convenience stores and liquor stores, respectively, are permitted with the approval of a Conditional Use Permit in “C-1” zones.

*Parking:* Pursuant to Section 93.06.00(D)(19) of the PSZC, convenience markets and liquor stores are required to provide one parking space for each two (200) hundred square feet of floor area. With an approximate gross floor area of 3,850-square feet, a total of nineteen (19) parking spaces are required. There are a total of seventeen (17) parking spaces provided on-site in the main parking area. Additional parking spaces may be provided at the rear of the building. Staff has conditioned the project such that two additional parking spaces are striped at the rear to conform to the zoning code parking requirements.

*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 and provided recommended conditions of approval. The Palm Springs Police Department (PSPD) has not expressed concern on the proposal and has provided recommended conditions in the attached resolution.

## 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 92.12.01(D) (11) and (16) of the Palm Springs Zoning Code permits a convenience and liquor store in the C-1 zone when approved under a Conditional Use Permit. Therefore, the finding has been met.

- 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 convenience and market foods, sandwiches and alcoholic beverages within the "C-1" zone. The proposed use is desirable for the development of the community as it provides retail items along Palm Canyon Drive within the Mixed Use / Multi-Use General Plan designation, which allows "community-serving businesses." A convenience / liquor store at the proposed location 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 proposed use is within an existing commercial space along the Palm Canyon Drive corridor. The building was previously occupied by the same business and it was shown that the site for the intended use is adequate in size and shape to accommodate a convenience store with liquor sales.

- 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 between North Palm Canyon Drive (Highway 111), which is designated as a major thoroughfare in the General Plan Circulation Element, and is improved to four vehicle lanes with a divided turn lane. The tenant space is



approximately 3,850-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.*

The conditions imposed upon the project are to ensure that the use operates in a manner which protects the public health, safety and general welfare. These conditions include compliance with building and life safety codes, compliance with parking and operational standards, and general conditions to ensure general welfare.

## 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

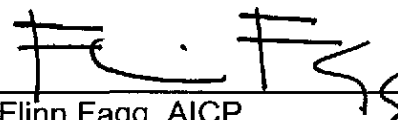
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be categorically exempt from further environmental review pursuant to Section 15301(a) (Existing Facilities).

## NOTIFICATION

A public hearing notice was published in the local newspaper and mailed to all property owners and registered occupants within a 500-foot radius of the subject property. Prior to the notice, staff received a letter expressing concerns of the rear dumpster enclosure and hours of operation. The applicant has installed a trash enclosure gate to screen the trash area. Since the notice of public hearing, staff has not received any further correspondence on the application as of the writing of this report.



David A. Newell  
Assistant Planner



Flinn Fagg, AICP  
Director of Planning Services