



CITY COUNCIL STAFF REPORT

DATE: September 16, 2015

CONSENT AGENDA

SUBJECT: REQUEST BY DEAD OR ALIVE LLC ON BEHALF OF FELIPE CASTANEDA FOR A RESOLUTION OF PUBLIC CONVIENENCE OR NECESSITY (PCN) TO SELL BEER AND WINE (TYPE 42 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT A PROPOSED BEER AND WINE LOUNGE LOCATED AT 150 EAST PALM CANYON DRIVE (CASE 5.1381 PCN).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider a request to adopt a Resolution of Public Convenience or Necessity (PCN) for the sale of beer and wine (Alcoholic Beverage Control Type 42 license) at a proposed beer and wine lounge located at 150 East Palm Canyon Drive.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVIENENCE IN ORDER TO SELL BEER AND WINE (TYPE 42 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 150 EAST PALM CANYON DRIVE, WITHIN CENSUS TRACT #0448.05."

BACKGROUND:

Related Relevant City Actions by Planning, Fire, Building, etc...	
July 19, 1955	Building permit issued for construction of building.
Sept. 9, 2015	Planning Commission approved a Conditional Use Permit to operate the proposed lounge.

Most Recent Ownership/Business	
Aug. 1999	Felipe Castaneda purchased property.

ITEM NO. 24

Field Check	
Aug. 2015	Staff has visited the site to observe existing conditions.

DETAILS OF APPLICATION REQUEST:

Site Area	
Lot Area	~2,548-square feet
Building Area	~1,690-square feet building ~980-square feet tenant space

Surrounding Property	Existing Land Use	Existing General Plan Designation	Existing Zoning Designation
Subject Property	Commercial	TRC (Tourist Resort Commercial)	C-1 (Retail Business)
North	Restaurant	TRC	C-1
South	Liquor Store	TRC	C-1
East	Single-family Residential	TRC	R-3 (Multi-family Residential and Hotel)
West	Medical Office	NCC (Neighborhood / Community Commercial)	PD-131



SUBJECT SITE

PROJECT DESCRIPTION:

The applicant is requesting approval of a Resolution of Convenience or Necessity (PCN) to operate a beer and wine lounge called “Dead or Alive”. The lounge will occupy approximately 890-square feet of an existing single-story, two-unit commercial building. The total number of seats will be 16 indoor and 3 outdoor. Hours of operation will be from 5:00 PM to 2:00 AM daily.

General Plan

Element	Request	Compliance
<p><u>Land Use:</u> Tourist Resort Commercial (0.35 FAR for stand-alone commercial uses; 43 hotel rooms per net acre; 86 rooms per net acre on Indian Land). This land use designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail, and entertainment uses principally serving resort clientele. Commercial recreation and entertainment facilities, such as convention centers, museums, indoor and outdoor theatres, and water parks are included in this designation, but should be designed to be compatible with neighboring development. Tourist Resort Commercial facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. It is intended that the primary use in any Tourist Resort Commercial area shall be hotel/tourist-related uses...</p>	<p>The proposed request is to operate a lounge within an existing commercial building that serves residents and tourists.</p>	<p>Yes</p>

Zoning

<p><u>Permitted Uses:</u></p> <p>The subject property is zoned C-1 (Business Retail). Pursuant to Section 92.12.01(D)(9) of the Palm Springs Zoning Code (PSZC), cocktail lounges are permitted with the approval of a Conditional Use Permit (CUP). Since the proposed use is similar to a cocktail lounge serving alcoholic beverages, it is permitted under this designation when approved by CUP.</p>
<p><u>Off-street Parking:</u></p> <p>There are three off-street parking spaces at the rear of the site and one on-street parking space in front along Palm Canyon Drive. Pursuant to Section 92.06.00(D)(5) of the PSZC, cocktail lounges are required to accommodate one parking space per thirty-five square feet of gross floor area where the public is served or one parking space for every three seats. The floor plan shows a total of sixteen seats inside and three seats outside. Based on this number of seats, a total of 6 parking spaces would be required for this tenant space.</p>

In order to proceed with the business at this location, the applicant has submitted a Land Use Permit to waive the additional parking requirements, pursuant to following applicable Section of the Zoning Code:

94.02.01(C)(2)(f)

A change of use for an existing commercial/retail building on property with frontage on Palm Canyon Drive (including East Palm Canyon Drive and South Palm Canyon Drive) or Indian Canyon Drive, will be eligible for a waiver of all or a portion of additional parking that would otherwise be required for such change of use so long as:

- i. The property is not within a Planned Development District;*
- ii. The property is not more than three acres in total area;*
- iii. The existing building is less than 20,000 square feet; and*
- iv. The property is not within "D" downtown parking combining zone; and*
- v. The building existed prior to October 3, 2014.*

The property is not located within a Planned Development District or the "D" downtown parking combining zone, and is less than three acres in size at approximately 2,500-square feet. The existing building was built in 1955 and is less than 20,000-square feet in size at roughly 1,690-overall square feet. Thus, the project meets the criteria necessary to waive the additional parking requirements and the LUP may be approved.

Safety and Security:

Staff requested comments and recommendations on the proposal from the Fire and Police Departments. The Fire Department provided recommended conditions of approval. The Police Department (PD) recommended the applicant meet with PD staff at the site to ensure safety measures can be accommodated. Conditions are included in the draft resolution to ensure the operation is compliant with PD requirements.

ANALYSIS:

The applicant has applied for a "Type 42" license through the State of California Department of Alcohol Beverage Control (ABC) for the proposed alcohol sales. The ABC summarizes the "Type 42" license as follows:

*ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern)
Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. 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 #0448.05, which is bounded by South Sunrise Way to the east, East Palm Canyon Drive to the south, South Palm Canyon Drive to the west and East Mesquite Avenue to the north (see attached census map). This tract currently has nine (9) active on-sale liquor licenses. One 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 property is located within the Retail Business Zone and currently is a vacant storefront. The new lounge will provide an entertainment outlet for nearby tourist and residents within the immediate area. A list of all liquor licenses within this tract is attached to this report.

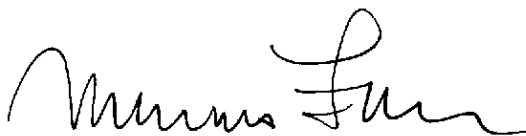
Since the property is located in the Retail Business Zone and along the Palm Canyon commercial corridor, staff believes that the proposed use will not be inconsistent with the desired mix of commercial uses in this Census tract and will serve the public convenience. Furthermore, the Planning Commission approved the proposed Conditional Use Permit for a cocktail lounge at their September 9, 2015 meeting.

FISCAL IMPACT:

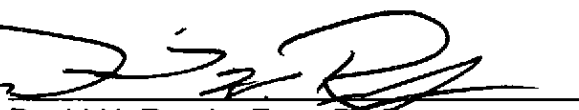
No fiscal impact.



Flinn Fagg, AICP
Director of Planning Services



Marcus Fuller, P.E., M.P.A., P.L.S.
Assistant City Manager/City Engineer



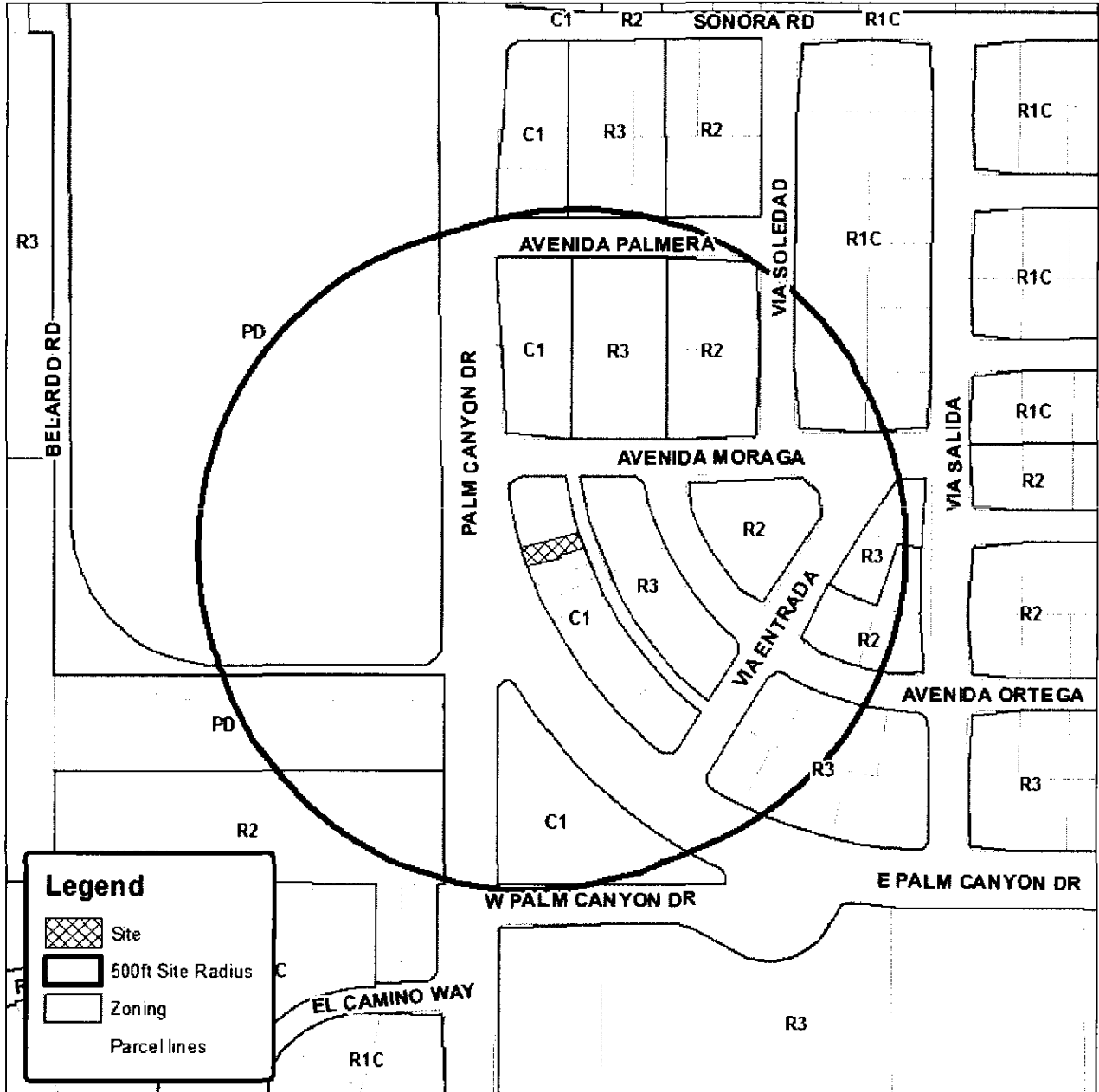
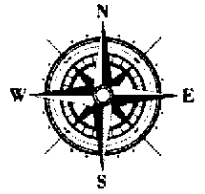
David H. Ready, Esq., Ph.D.
City Manager

Attachments:

1. 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. Census Tract Map
7. Planning Commission Staff Report, 09/09/2015



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE (TYPE 42 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 150 EAST PALM CANYON DRIVE, WITHIN CENSUS TRACT #0448.05.

WHEREAS, Dead or Alive LLC ("Applicant") has requested the adoption of a Resolution of Public Convenience or Necessity (Planning Case No. 5.1381 PCN) for a Type 42 alcohol license to sell beer and wine at a proposed beer and wine lounge located at 150 East Palm Canyon Drive, Zone C-1, Section 23/T4/R4; and

WHEREAS, on September 9, 2015, the Planning Commission approved a Conditional Use Permit for Case 5.1381 CUP with associated Conditions of Approval to operate a beer and wine lounge at 150 East Palm Canyon Drive; and

WHEREAS, the applicant has applied with the State of California Alcoholic Beverage Control for a license to sell beer and wine: license type 42 (On-sale Beer and Wine – 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 #0448.05, is within the Central Retail Business zone and will provide a service to tourists and residents of the City. 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 42 liquor license (On-sale Beer and Wine – Public Premises) at 150 East Palm Canyon Drive, serves the Public Convenience.

ADOPTED THIS 16th DAY OF SEPTEMBER, 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

August 31, 2015

City of Palm Springs
Department of Planning Services
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Dead or Alive Bar, LLC, Pending Liquor License #42-560222

To Whom It May Concern:

This letter is a request for the City of Palm Springs to grant Dead or Alive Bar, LLC a finding that the Public Convenience or Necessity would be served by the issuance of a type 42 (Beer and Wine) liquor license.

The bar will be a fun, low-key local place that serves beer and wine. We will be open 365 days a year, 5pm-2am daily. Outside of Downtown, there aren't many places to enjoy a glass of wine or beer that isn't a hotel bar or a restaurant setting. The concept is simple: people want a relaxing, inviting, design-driven place to choose a drink from a delicious menu of beers and wines. They want to talk with their friends and not worry what "night" it is. We will rotate the beer and wine offerings frequently so regular customers will enjoy diversity from the usual menu, while beer and wine aficionados will recognize value and quality.

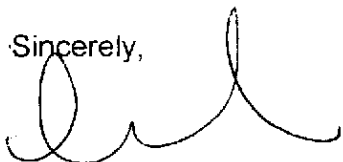
South Palm Springs is full of new, exciting energy. Recent investments in large restaurants, hotel renovations, and transportation like the Buzz trolley make South Palm Springs ripe for a little bar all its own. We'll serve the dozens of hotels, vacation rentals, and residents within walking distance. Additionally, there are several home and condo projects under construction in the area, which will be well served by a local bar. We are easily accessible by the BUZZ stop directly across the street, and the patio will double as a bike rack. The bar will be a nice addition to the mix of places giving new life to South Palm Springs.

The bar was conceived, designed, and will be run by locals. Anthony Cioffi and I were both born and raised in Palm Springs and have deep ties in the community. We want to continue the tradition of running small businesses in Palm Springs; starting with my great-grandfather Santos de Jesus who ran a successful catering business in the 50's-70's, to the present day with Anthony's father Jim Cioffi who has been an architect in Palm Springs for over 40 years.

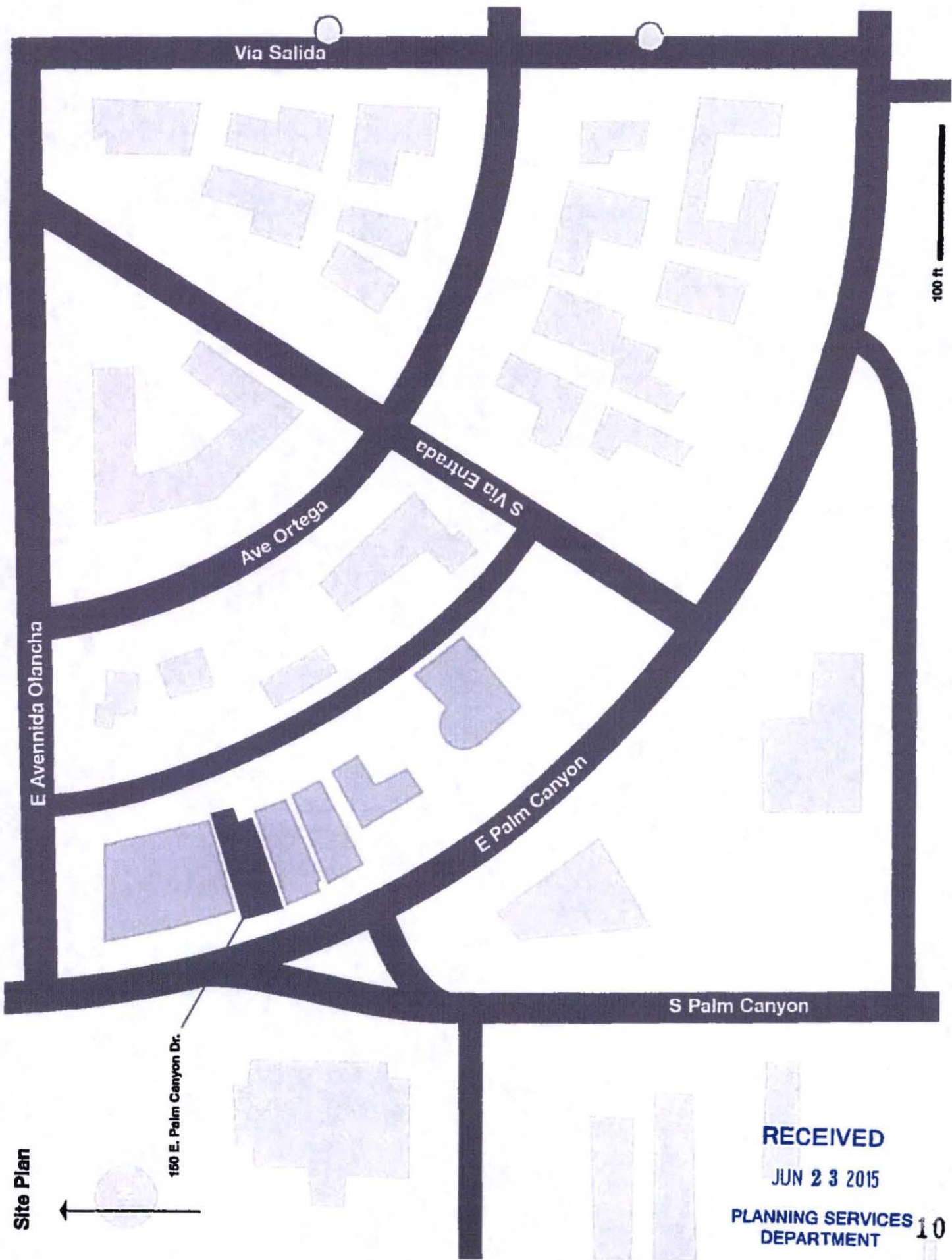
The bar will be a unique, quaint neighborhood environment that serves small batch wine and craft beer. We'll serve both demographics: locals, and the tourist market – particularly the hotel properties in the reinvigorated South/East Palm Canyon Corridor.

If you have any questions please don't hesitate to contact me. I can be reached at 323-572-5702. Thank you for your time and consideration.

Sincerely,



Christine Soto
Managing Member, Dead or Alive, LLC



Via Salida

100 ft

Ave Ortega

S Via Entrada

E Avennida Olancha

E Palm Canyon

S Palm Canyon

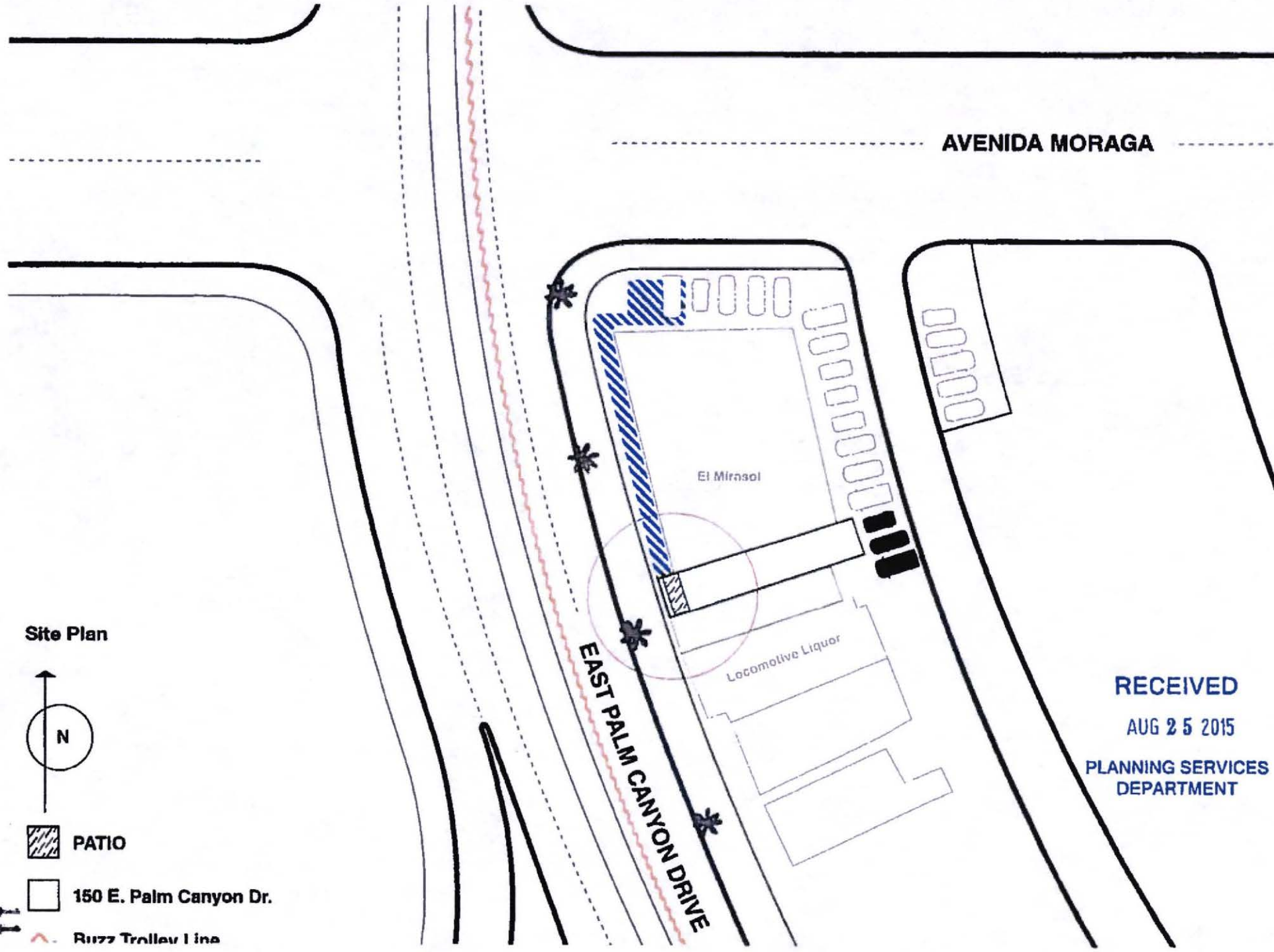
150 E. Palm Canyon Dr.

Site Plan

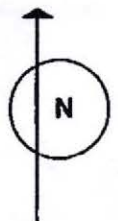
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JUN 23 2015

PLANNING SERVICES DEPARTMENT



Site Plan



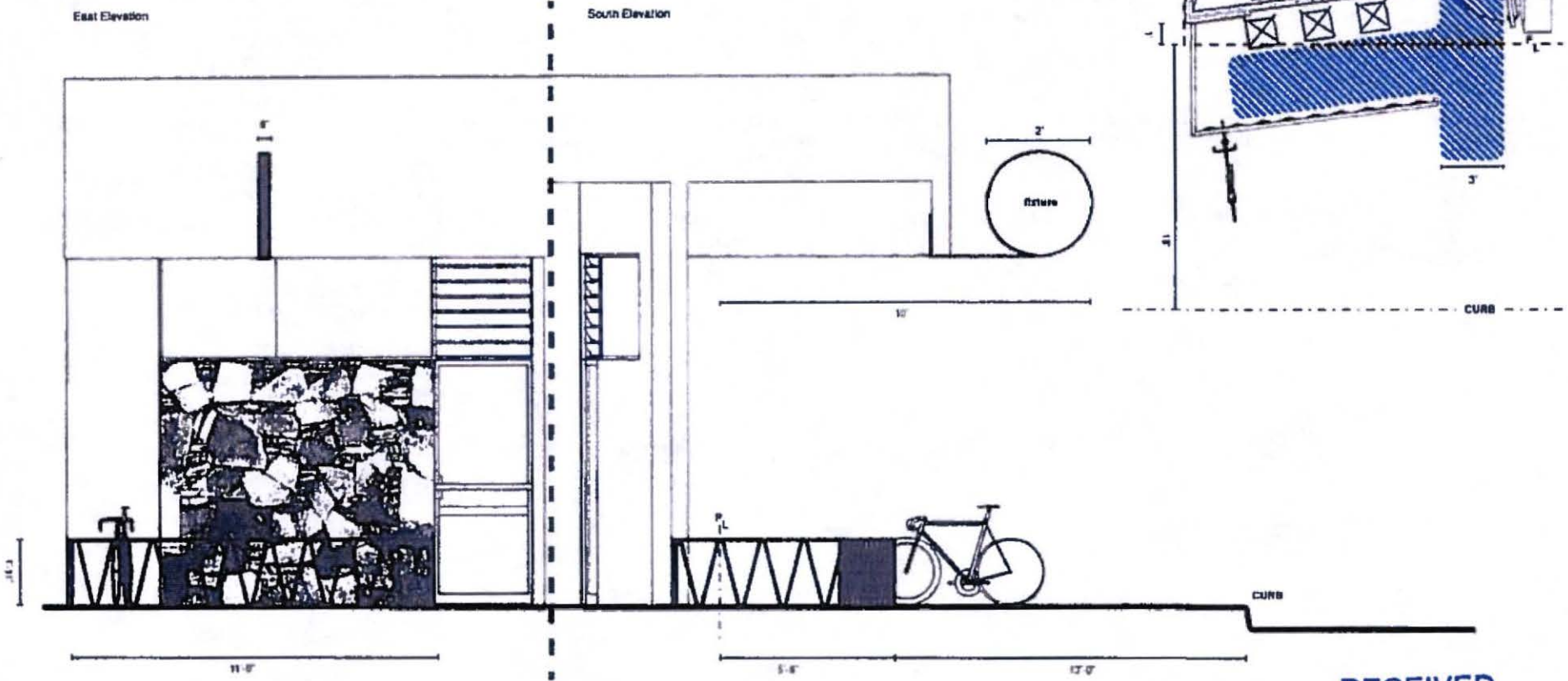
 PATIO

 150 E. Palm Canyon Dr.

 Buzz Trolley Line

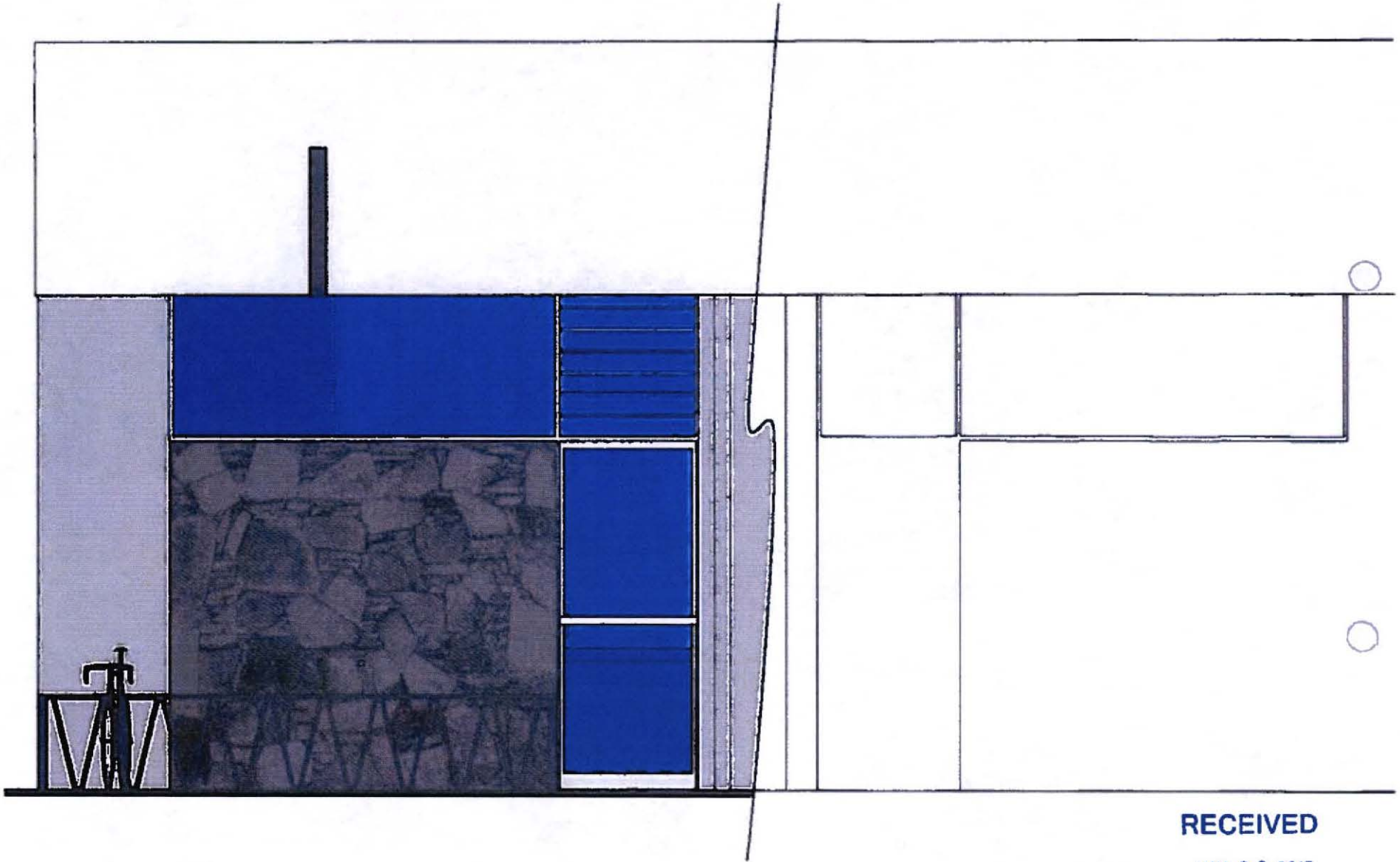
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 AUG 25 2015
 PLANNING SERVICES
 DEPARTMENT

Dead or Alive
Patio Detail
150 East Palm Canyon Dr.
Palm Springs CA 92264



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AUG 25 2015
PLANNING SERVICES
DEPARTMENT

150 E. Palm Canyon Dr.
East Elevation



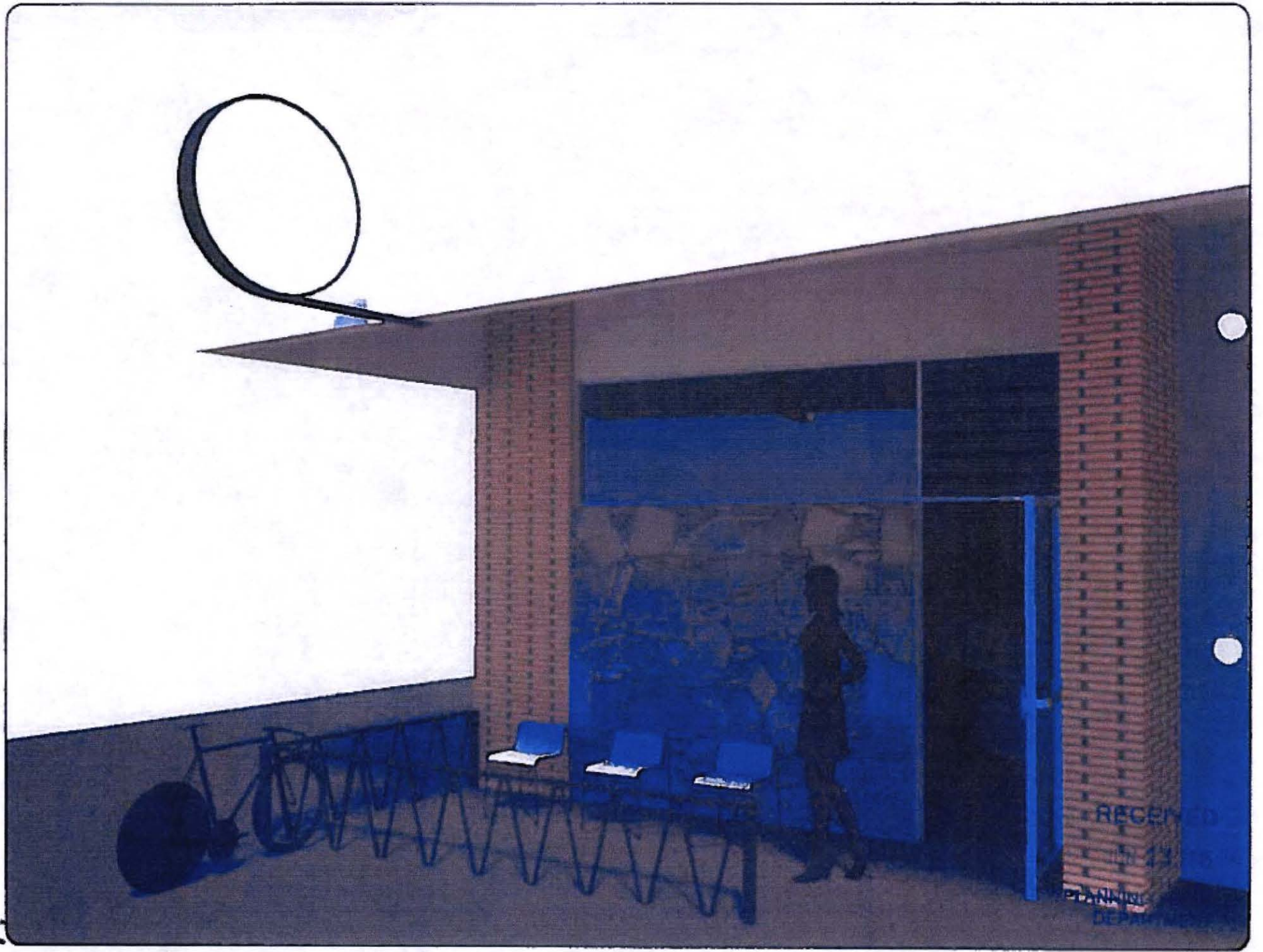
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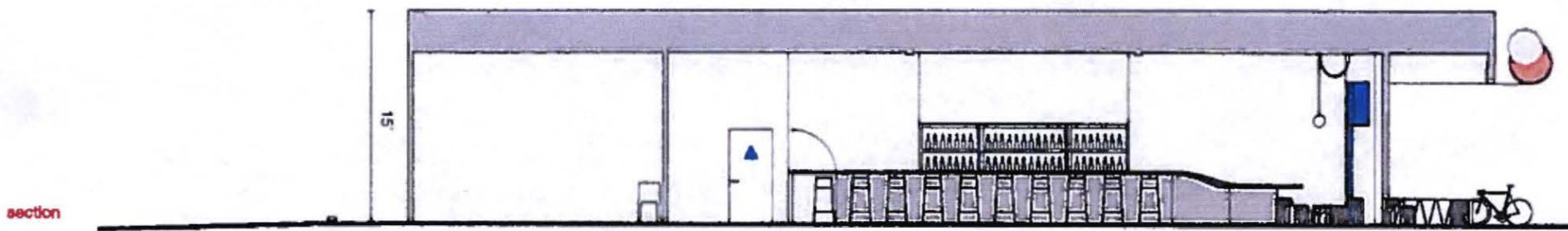
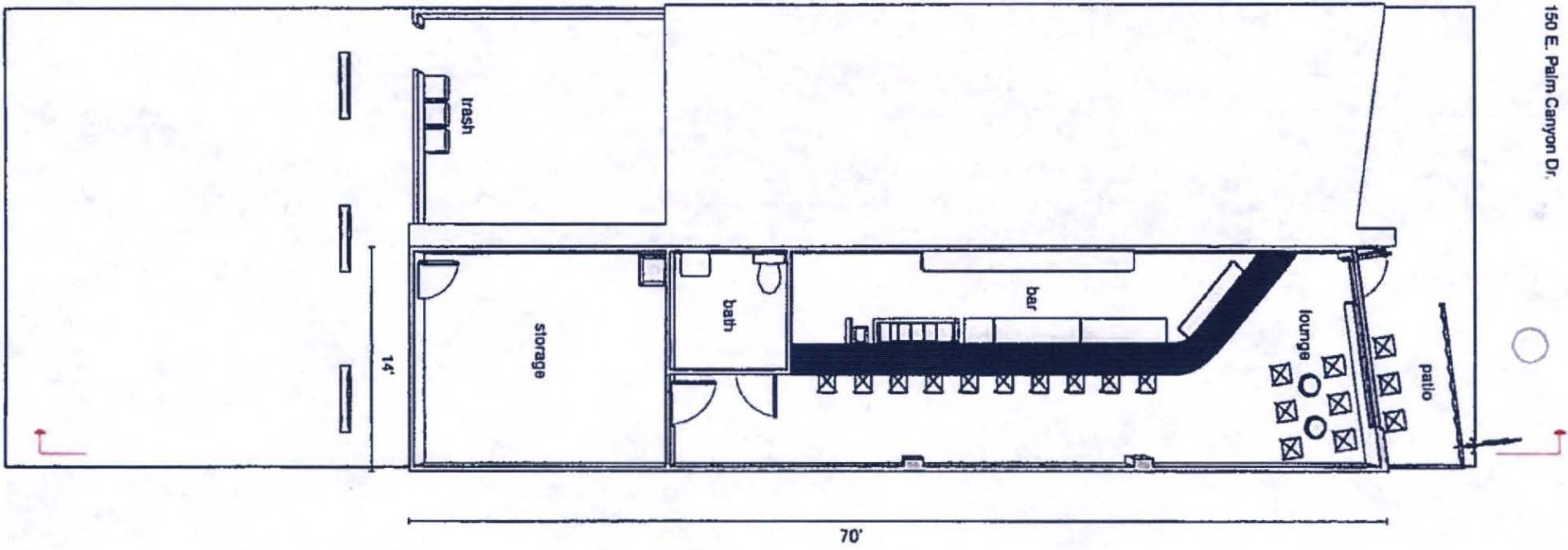
JUN 23 2015

PLANNING SERVICES
DEPARTMENT

3/8"=1'



150 E. Palm Canyon Dr.



section

15
3/32"=1'

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JUN 23 2015
PLANNING SERVICES
DEPARTMENT



**California Department of Alcoholic Beverage Control
For the County of RIVERSIDE - (On-Sale Licenses)
and Census Tract = 448.05**

Report as of 9/8/2015

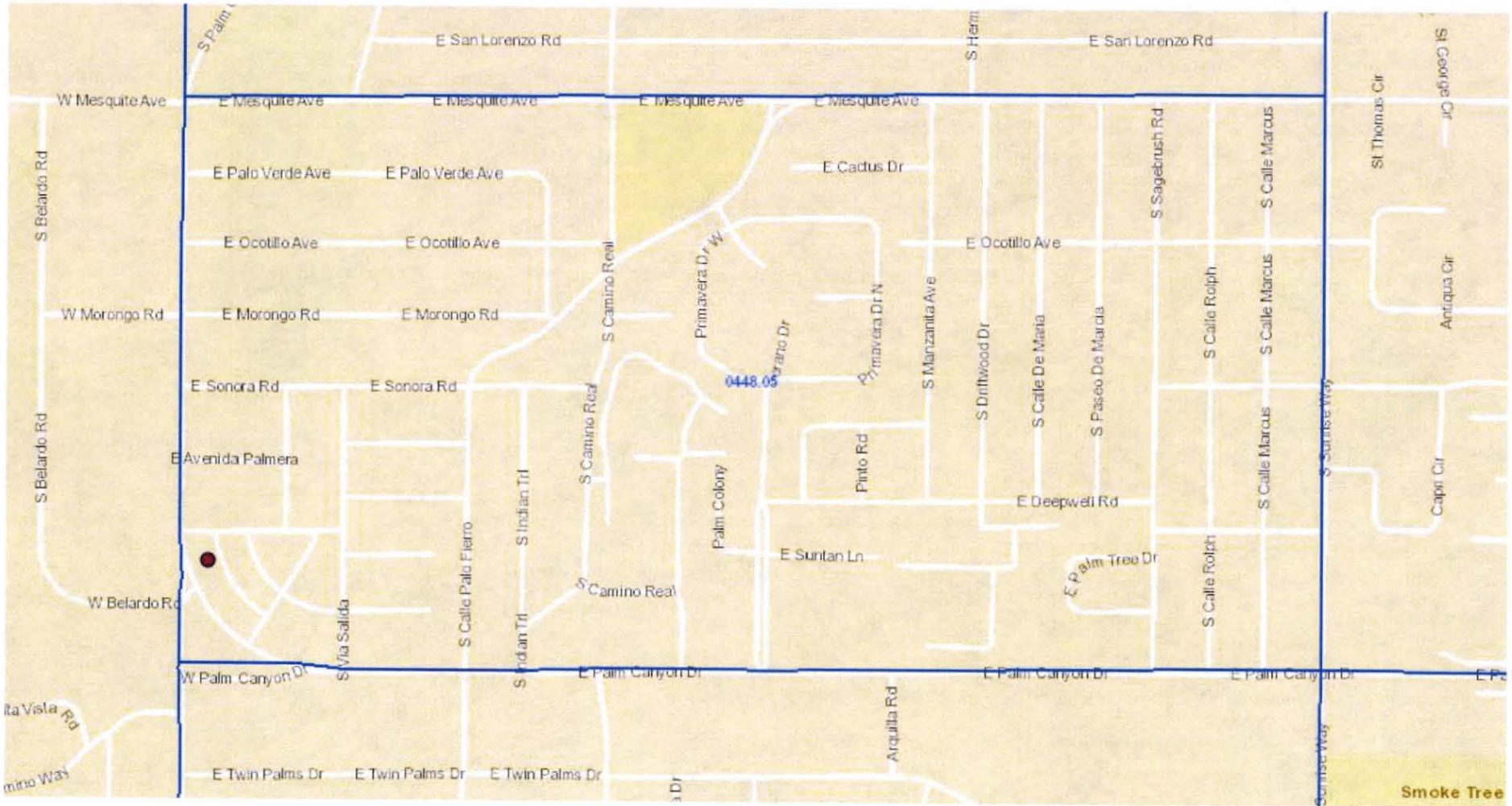
	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	287577	ACTIVE	47	10/26/1993	9/30/2015	CASTANEDA, FELIPE 130-140 E PALM CANYON DR PALM SPRINGS, CA 92264 Census Tract: 0448.05	EL MIRASOL REGIONAL CUISINES OF MEXICO		3310
2)	470508	ACTIVE	41	12/5/2008	11/30/2015	J & F DONNELL INC 1030 E PALM CANYON DR PALM SPRINGS, CA 92264-9169 Census Tract: 0448.05	ELMERS PALM SPRINGS		3310
3)	503473	ACTIVE	47	11/5/2010 4:25:34 PM	10/31/2015	PEAK HOSPITALITY INC 1620 S INDIAN TRL PALM SPRINGS, CA 92264-8842 Census Tract: 0448.05	VILLA ROYALE INN & EUROPA RESTAURANT		3310
4)	531373	ACTIVE	41	8/26/2013 1:29:16 PM	7/31/2016	GELT HOLDINGS INC 1180 S PALM CANYON DR PALM SPRINGS, CA 92264 Census Tract: 0448.05	PIZZA HUT	220 PORTER DR, STE 100 SAN RAMON, CA 94583-9206	3310
5)	535453	ACTIVE	47	9/17/2013 3:47:59 PM	8/31/2015	NEW YORK COMPANY, INC THE 1260 S PALM CANYON DR PALM SPRINGS, CA 92264-8336 Census Tract: 0448.05	NEW YORK COMPANY THE	1 BRISTOL CT RANCHO MIRAGE, CA 92270-1628	3310
6)	537150	SUREND	47	12/23/2013 3:58:53 PM	11/30/2015	RESTAURANT PC EAST LLC 292 E PALM CANYON DR PALM SPRINGS, CA 92264-8824 Census Tract: 0448.05	BERNIES LOUNGE AND SUPPER CLUB		3310
7)	543630	SUREND	70	10/14/2014 4:47:34 PM	9/30/2015	STEVE HERMANN HOTELS, LLC 1050 E PALM CANYON DR PALM SPRINGS, CA 92264-9169 Census Tract: 0448.05	HORIZON HOTEL THE	1482 E VALLEY RD, STE 775 MONTECITO, CA 93108-1200	3310
8)	545667	ACTIVE	42	10/2/2014 3:25:14 PM	9/30/2015	NO VACANCY TONIGHT, LLC 1330 E PALM CANYON DR PALM SPRINGS, CA 92264-9132	SPARROWS HOTEL		3310

						Census Tract: 0448.05			
9)	547203	ACTIVE	47	8/21/2015 1:49:39 PM	7/31/2016	STEVE HERMANN HOTELS, LLC 1050 E PALM CANYON DR PALM SPRINGS, CA 92264-9169	HORIZON HOTEL THE	1482 E VALLEY RD, #775 SANTA BARBARA, CA 93108-1200	3310
						Census Tract: 0448.05			
10)	551091	ACTIVE	47	1/13/2015 3:35:29 PM	12/31/2015	MISTER LYONS LLC 233 E PALM CANYON DR PALM SPRINGS, CA 92264-8823	MISTER LYONS	622 N PALM CANYON DR PALM SPRINGS, CA 92262-5523	3310
						Census Tract: 0448.05			

--- End of Report ---

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

Census Tract 0448.05





PLANNING COMMISSION STAFF REPORT

DATE: September 9, 2015 PUBLIC HEARING

SUBJECT: DEAD OR ALIVE, LLC FOR A CONDITIONAL USE PERMIT TO ALLOW A BEER AND WINE LOUNGE OF APPROXIMATELY 980-SQUARE FEET IN SIZE WITHIN AN EXISTING MULTI-TENANT BUILDING LOCATED AT 150 EAST PALM CANYON DRIVE, ZONE C-1 (CASE 5.1381 CUP). (DN)

FROM: Department of Planning Services

SUMMARY

The Planning Commission will review a request by Dead or Alive, LLC on behalf of Felipe Castaneda for a Conditional Use Permit (CUP) to operate a beer and wine lounge of approximately 980-square feet in size within an existing two-unit commercial building located at 150 E. Palm Canyon Drive.

RECOMMENDATION:

Approve, subject to conditions.

BACKGROUND INFORMATION:

<i>Related Relevant City Actions by Planning, Fire, Building, etc...</i>	
July 19, 1955	Building permit issued for construction of building.

<i>Most Recent Ownership/Business</i>	
Aug. 1999	Felipe Castaneda purchased property.

<i>Field Check</i>	
Aug. 2015	Staff has visited the site to observe existing conditions.

DETAILS OF APPLICATION REQUEST:

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West	Medical Office	NCC (Neighborhood / Community Commercial)	PD-131



SUBJECT SITE

PROJECT DESCRIPTION:

The applicant is requesting approval of a Conditional Use Permit (CUP) to operate a beer and wine lounge called "Dead or Alive". The lounge will occupy approximately 890-square feet of an existing single-story, two-unit commercial building. The total number of seats will be 16 indoor and 3 outdoor. Hours of operation will be from 5:00 PM to 2:00 AM daily.

PROJECT ANALYSIS:

General Plan

Element	Request	Compliance
<p><u>Land Use:</u> Tourist Resort Commercial (0.35 FAR for stand-alone commercial uses; 43 hotel rooms per net acre; 86 rooms per net acre on Indian Land). This land use designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail, and entertainment uses principally serving resort clientele. Commercial recreation and entertainment facilities, such as convention centers, museums, indoor and outdoor theatres, and water parks are included in this designation, but should be designed to be compatible with neighboring development. Tourist Resort Commercial facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. It is intended that the primary use in any Tourist Resort Commercial area shall be hotel/tourist-related uses...</p>	<p>The proposed request is to operate a lounge within an existing commercial building that serves residents and tourists.</p>	<p>Yes</p>

Zoning

Permitted Uses:
 The subject property is zoned C-1 (Business Retail). Pursuant to Section 92.12.01(D)(9) of the Palm Springs Zoning Code (PSZC), cocktail lounges are permitted with the approval of a Conditional Use Permit (CUP). Since the proposed use is similar to a cocktail lounge serving alcoholic beverages, it is permitted under this designation when approved by CUP.

Off-street Parking:
 There are three off-street parking spaces at the rear of the site and one on-street parking space in front along Palm Canyon Drive. Pursuant to Section 92.06.00(D)(5) of the PSZC, cocktail lounges are required to accommodate one parking space per thirty-five square feet of gross floor area where the public is served or one parking space for every three seats. The floor plan shows a total of sixteen seats inside and three seats outside.

Based on this number of seats, a total of 6 parking spaces would be required for this tenant space.

In order to proceed with the business at this location, the applicant has submitted a Land Use Permit to waive the additional parking requirements, pursuant to following applicable Section of the Zoning Code:

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A change of use for an existing commercial/retail building on property with frontage on Palm Canyon Drive (including East Palm Canyon Drive and South Palm Canyon Drive) or Indian Canyon Drive, will be eligible for a waiver of all or a portion of additional parking that would otherwise be required for such change of use so long as:

- i. The property is not within a Planned Development District;*
- ii. The property is not more than three acres in total area;*
- iii. The existing building is less than 20,000 square feet; and*
- iv. The property is not within "D" downtown parking combining zone; and*
- v. The building existed prior to October 3, 2014.*

The property is not located within a Planned Development District or the "D" downtown parking combining zone, and is less than three acres in size at approximately 2,500-square feet. The existing building was built in 1955 and is less than 20,000-square feet in size at roughly 1,690-overall square feet. Thus, the project meets the criteria necessary to waive the additional parking requirements and the LUP may be approved.

Safety and Security:

Staff requested comments and recommendations on the proposal from the Fire and Police Departments. The Fire Department provided recommended conditions of approval. The Police Department (PD) recommended the applicant meet with PD staff at the site to ensure safety measures can be accommodated. Conditions are included in the draft resolution to ensure the operation is compliant with PD requirements.

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:

- a. 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)(9) of the Palm Springs Zoning Code permits a cocktail lounge in the C-1 zone when approved under a Conditional Use Permit.

- b. 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 a lounge space within a Retail Business Zone of Palm Springs. The proposed use is desirable for the development of the community as it adds tourist economy of the City and will be located along a commercial corridor. A lounge at the proposed location is not anticipated to be detrimental to existing uses or future uses specifically permitted in the C-1 zone.

c. 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 a commercial building with parking located on site at the rear of the property and street parking at the front. The business will operate a lounge environment of approximately 980-square feet in size and 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.

d. 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 adjacent to East Palm Canyon Drive, which is designated as a Major Thoroughfare in the General Plan Circulation Element, and is improved with four vehicle lanes. Public transit is also available on Palm Canyon Drive. The lounge is approximately 980-square feet in size and any traffic generated by the proposed use will be insignificant to the streets and highways.

e. 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 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 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.

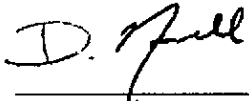
On that basis, staff is recommending approval of the proposal.

ENVIRONMENTAL:

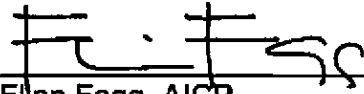
Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project has been determined to be categorically exempt from further environmental review pursuant to Section 15301(a) (Existing Facilities).

NOTIFICATION:

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



David A. Newell
Associate Planner



Flinn Fagg, AICP
Director of Planning Services

~~Attachments:~~

- ~~1. Vicinity map~~
- ~~2. Draft resolution~~
- ~~3. Applicant's justification letter~~
- ~~4. Plan exhibits~~