



CITY OF PALM SPRINGS
DEPARTMENT OF PLANNING SERVICES

MEMORANDUM

Date: April 27, 2016
To: Planning Commission
From: Flinn Fagg, AICP, Director of Planning Services
Project Planner: David A. Newell, Associate Planner *DN*
Subject: Item 1B. – Case No. LUP 13-067 “Hacienda Cantina”

On January 8, 2014, the Planning Commission upheld the Planning Director’s decision to approve the subject Land Use Permit (LUP) and allow outdoor music / entertainment as accessory to a restaurant located at 1555 S. Palm Canyon Drive. At this meeting the Commission requested that staff monitor noise complaints and provide annual updates starting one year after the opening of the business.

The business began operating on June 13, 2014, and the Planning Commission held its first review on July 8, 2015. At this meeting, the Commission discussed the noise complaints that had been received to date and heard additional information from the Police Department. The Commission then directed staff to prepare another status review in six months (January, 2016).

At its January 27, 2016 meeting, the Planning Commission received a report on the business, noting regular operation had ceased and special events might occur. The Commission requested a follow-up review in April, 2016.

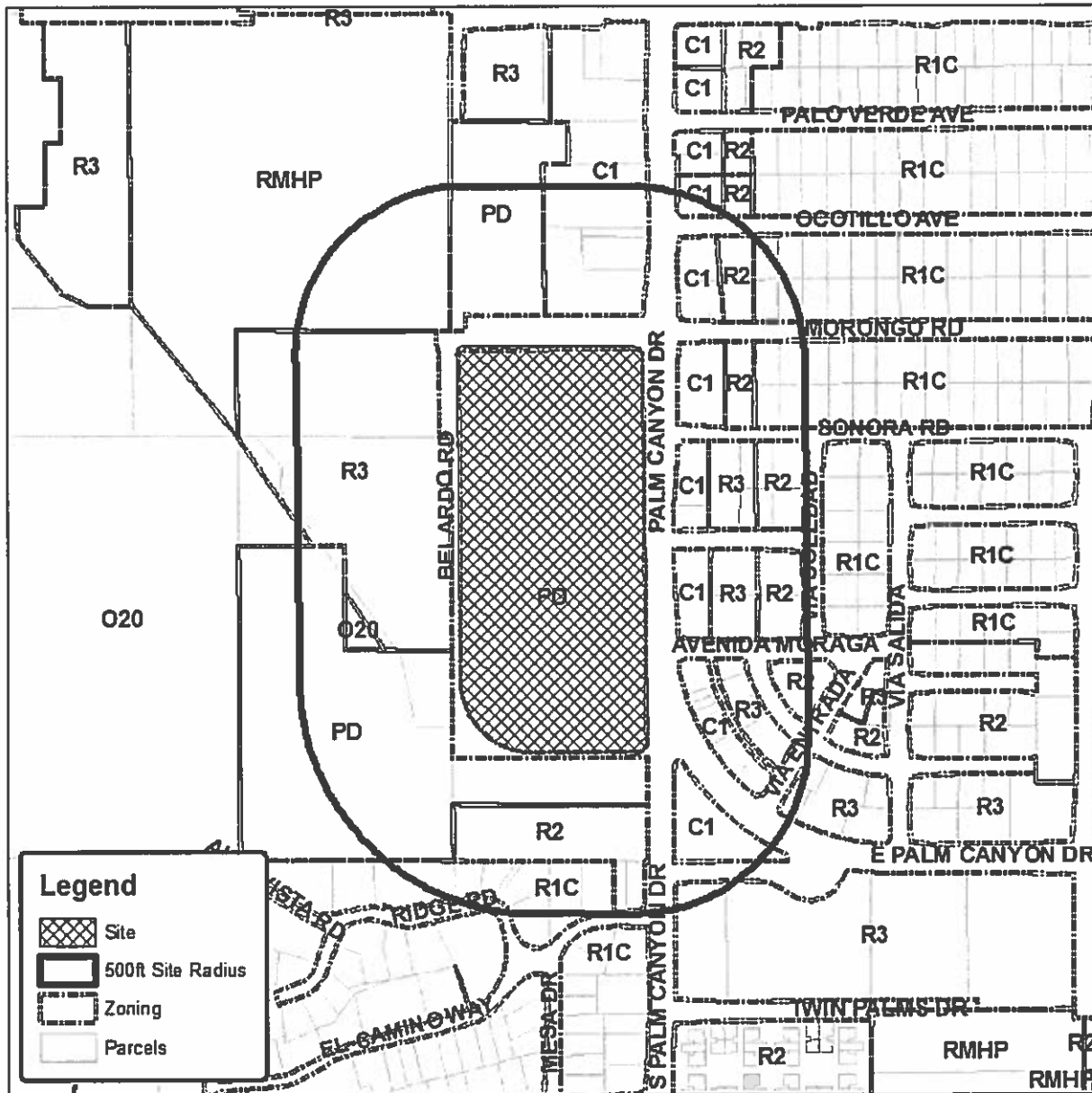
Noise complaints have not been received since January, 2016. Staff has confirmed with the landlord that the lease with the operator has been terminated. Additionally, an application has been submitted to construct a hotel adjacent to the restaurant and pool area. Based on this information, additional compliance updates are no longer necessary.

Attachments:

- 1) 500’ Radius Map
- 2) LUP 13-067



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS



CITY OF PALM SPRINGS

Department of Planning Services

LAND USE PERMIT # 13-067

Applicant: Miggy's Cantina, LLC	Mailing Address: 700 E. Tahquitz Canyon Way Palm Springs, CA 92262	Phone: (949) 922-8210 Fax: E-Mail: rhm@nexusd.com
Business Name: Hacienda Cantina		Site Address: 1555 South Palm Canyon Drive
Zone/GP: C-1 / NCC 92.12.01(C)(2)(j)	APN: 513-300-038	Section, Township, Range: 22/4/4

PROCEDURE: An application for a Land Use Permit shall be submitted to the Department of Planning Services, and shall be accompanied by the following:

1. A Processing fee of \$696.00
2. A floor plan and/or site plan displaying the layout of the proposal.
3. Such other information as the Director of Planning Services may require, including, but not limited to adjacent uses, photographs, building elevations, landscape plans, design studies, furniture information, etc.

STATEMENT OF ACTIVITY: Applicant shall submit a statement of the use, expected size, volume, hours, and length of operations; information relating to sanitation, noise, air pollution, vehicle parking, traffic circulation, and any other information of the proposed project:

Land Use Permit for musicians and entertainment (subject to provisions of noise ordinance) outside on pool deck; entertainment to include live DJ's and bands with hours of operation for outside pool area to be from 8:00 AM to 6:00 PM seven days a week.

CONDITIONS: See Land Use Permit for conditions including the requirement of an encroachment agreement to be obtained from the City Engineering Department.

TRANSFER: Transfer of Land Use Permit to another applicant is subject to review and approval by the Director of Planning Services.

REVOCAION: The Director of Planning Services may revoke any Land Use Permit that does not meet or comply with conditions and requirements of this permit.

Applicant's Signature 	Permit Center Signature 	Date 11-27-17	Account # 001-32204
----------------------------------	------------------------------------	-------------------------	-------------------------------



City of Palm Springs

Department of Planning Services
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
(760) 323-8245 – direct
(760) 322-8360 – facsimile

LAND USE PERMIT #13-067 CONDITIONS OF APPROVAL

- DATE:** November 27, 2013
- REQUEST:** Land Use Permit for musicians and entertainment (subject to provisions of noise ordinance) outside on pool deck; entertainment to include live DJ's and bands with hours of operation for outside pool area to be from 8:00 AM to 6:00 PM seven days a week.
- APPLICANT:** Miggy's Cantina LLC
- LOCATION:** 1555 South Palm Canyon Drive
- ZONING/
GENERAL PLAN:** C-1 / NCC - Section 92.12.01(C)(2)(j) – outdoor musicians and entertainment (subject to provisions of noise ordinance) located on the same property as permitted use allowed with a Land Use Permit.

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning and Building, the Chief of Police, the Fire Chief, or their designee, depending on which department recommended the condition(s).

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

1. The proposed development of the premises shall conform to all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, or any other City Codes, ordinances and resolutions which supplement the zoning district regulations.
2. 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 this Land Use Permit application. 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 or 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.

3. No architectural approval is granted herein. Any exterior changes of the establishment shall require separate applications and permits.
4. Any exterior signing, including menu boards and temporary signs shall be approved by the Planning Department. Menu boards and portable open signs shall not be permitted within the City right-of-way without a permit and violations will result in issuance of citations and revocation of all permits and agreements.
5. This Land Use Permit authorizes the use of live DJ's and bands providing entertainment outdoor on pool deck.

Live Entertainment is approved as follows:


- a) Live entertainment shall be limited to the pool deck within the hours of 8:00 AM to 6:00 PM.
 - b) Any and all instruments shall have limited amplification.
 - c) All amplification equipment shall be placed so that sound is projected toward other commercial properties and roadways away from nearby residential communities.
 - d) Noise levels shall be maintained to a level where customers can conduct normal conversation.
 - e) All activities shall comply with the provisions of the City's Noise Ordinance.
6. Hours of operation for outdoor pool area to be from 8:00 AM to 6:00 PM seven days a week.
 7. This permit does not waive the City's noise ordinance. The business is required to adhere to the following noise levels at all times according to Muni. Code Chap. 11.74.

Ordinance Time of Day	Ordinance dBA Limits
7:00 AM to 6:00 PM	60
6:00 PM to 10:00 PM	55
10:00 PM to 7:00 AM	50

8. All conditions of approval associated with Minor Architectural Application (MAA) Case # 3.111 shall apply including site layout, hardscape, and landscaping.
9. This Land Use Permit recognizes the presence of 401 off-street parking spaces at Plaza del Sol Shopping Center meeting the requirements of Section 93.06.00(D)(19) of the Palm Springs Zoning Code (PSZC) for mixed-use developments over 20,000-square feet.

10. The food service use shall conform to all County of Riverside Department of Health requirements.
11. A business license and any other permits are required.
12. Applicant shall comply with all California Alcohol Beverage Control regulations.
13. This Land Use Permit shall be displayed on-site at all times and made available to City officials upon request.
14. Failure to comply with Municipal Codes, Ordinances, and the conditions of this land use permit may result in revocation of this permit.

Director of Planning Services
Signature:



Date: 11-27-13

Applicants
Signature:



Date: 11-27-13