



## **PLANNING COMMISSION STAFF REPORT**

**DATE:** April 12, 2017

**NEW BUSINESS**

**SUBJECT:** PARKER PALM SPRINGS II, LLC REQUEST FOR AN APPEAL OF THE PLANNING DIRECTOR'S DECISION TO DENY A MINOR ARCHITECTURAL APPLICATION FOR A MOBILE KITCHEN FACILITY AT THE PARKER PALM SPRINGS HOTEL, LOCATED AT 4200 EAST PALM CANYON DRIVE, ZONE R-3/PD-58 (CASE 3.2451 MAA - Appeal).

**FROM:** Department of Planning Services

---

### SUMMARY:

This is a request for the Planning Commission to consider an appeal of the Planning Director's decision to deny a Minor Architectural Application for a prefabricated mobile kitchen facility at the Parker Palm Springs Hotel. Pursuant to Section 94.04.00(E)(2)(b) of the Palm Springs Zoning Code (PSZC), administrative decisions by the Director of Planning Services may be appealed to the Planning Commission.

The applicant submitted a Minor Architectural Application in February 2017 to permanently place an 8.5' x 53' mobile kitchen trailer on the hotel property. The application was denied by the Director of Planning Services on March 9, 2017, as the trailer did not meet the definition of a permanent structure. The applicant filed an appeal of the decision on March 16, 2017.

### ISSUES:

- The mobile kitchen is a wheeled trailer, and is not defined as a permanent structure pursuant to PSZC Section 91.00.10 (Definitions).
- Only permanent structures are permitted for permanent uses and activities in the R-3 zone.
- The proposed mobile kitchen does not conform to the Architectural Review criteria listed in PSZC Section 94.04.00(D).

RECOMMENDATION: DENIAL

**BACKGROUND INFORMATION:**

<i>Related Relevant City Actions</i>	
05/09/80	Approval is granted by the City Council for a Planned Development for the addition of a banquet room, subterranean parking lot, restaurant addition, and expansion of a surface parking lot (Case 5.927/PD-58).
03/21/94	An application was submitted for an amendment to the Planned Development District (Case 5.927/PD-58) for an expansion of the hotel facilities to include a new dinner theater, rehearsal space, meeting rooms, nightclub, lounge, and additional retail space.
03/22/95	An application was submitted for an amendment to the Planned Development District (Case 5.927/PD-58) for a remodel of the hotel property.
04/14/04	Approval was granted for a Minor Architectural Review (3.2451 MAA) for modifications to an approved 5,800 square foot building addition to the existing hotel property.
11/12/14	A Conditional Use Permit (Case 5.1354 CUP) was approved for an additional restaurant within the existing hotel building.

<i>Most Recent Change of Ownership</i>	
12/13/02	Parker Palm Springs II, LLC

<i>Neighborhood Meeting/Neighborhood Notice</i>	
04/06/17	Notification emailed to representatives of the Los Compadres, Araby Commons, Araby Cove, Melody Ranch, and Tahquitz Creek Golf Neighborhood Organizations.

<i>Field Check</i>	
02/17	Staff visited the site to review the proposed location for the mobile kitchen trailer.

**DETAILS OF APPLICATION REQUEST:**

<i>Site Area</i>	
Net Acres	12.79 Acres

<i>Surrounding Property</i>	<i>Existing Land Use Per Chapter 92</i>	<i>Existing General Plan Designation</i>	<i>Existing Zoning Designation</i>
Subject Property	Hotel Use	TRC (Tourist Resort Commercial)	R-3/PD 58 (Multiple Family Residential Zone, Planned Development)

<i>Surrounding Property</i>	<i>Existing Land Use Per Chapter 92</i>	<i>Existing General Plan Designation</i>	<i>Existing Zoning Designation</i>
North	Multifamily Residential Use	MDR (Medium Density Residential), OS-P (Open Space – Parks Recreation)	R-G-A(8) (Garden Apartment and Cluster Residential Zone)
South	Commercial Use	TRC (Tourist Resort Commercial)	C-2 (General Commercial Zone)
East	Multifamily Residential Use	MDR (Medium Density Residential)	R-G-A(8) (Garden Apartment and Cluster Residential Zone)
West	Multifamily Residential	MDR (Medium Density Residential)	R-G-A(8) (Garden Apartment and Cluster Residential Zone)

<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
"R" Resort Overlay Zone	Y

**ANALYSIS:**

The applicant has proposed to permanently install a 400 square-foot mobile kitchen trailer on the property of the Parker Palm Springs Hotel. The trailer, which is manufactured by U.S. Mobile Kitchens, is 8.5 feet in width and 53 feet in overall length. The applicant indicates that the trailer would be connected to electrical, gas, water, and sewer service. A handicapped ramp would be installed to the entrance door on the side of the trailer, and a secondary exit would be provided at the rear of the trailer. While no details have been provided on the exterior materials or appearance, the manufacturer's website provides a gallery depicting standard trailer models and configurations. The trailer would be installed on the west side of the property, adjacent to the existing tennis courts. The trailer would only be accessible to staff members, and would generally be screened from view of patrons and adjoining streets.

Based on the square footage of the proposed mobile kitchen, the application is processed as a Minor Architectural Application pursuant to PSZC Section 94.04.00(E)(2)(a). Minor Architectural Applications are reviewed and approved at a staff level, and generally do not require review by the Planning Commission or Architectural Advisory Committee. Minor Architectural Applications are reviewed by staff for conformance to development standards and the Architectural Review Criteria listed in PSZC Section 94.04.00(D)(1). The application was submitted to the Department of Planning Services on February 9, 2017, and was denied on March 9, 2017, as the proposed mobile kitchen was not a permanent structure.

The Palm Springs Zoning Code (PSZC) regulates both permanent and temporary structures. Per PSZC Section 91.00.10, a structure is defined as follows:

*“Structure” means anything constructed or erected and the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including awnings and patio covers, but excluding walls and fences six (6) feet in height or less, and outdoor areas such as uncovered paved areas, patios, walk, tennis courts, and swimming pools.*

The code also provides a definition for a trailer, which is described as follows:

*“Trailer” means a vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used for human habitation or for carrying property, including a trailer coach.*

Finally, the code provides a definition for a temporary structure:

*“Temporary structure” means a structure which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days. Such structure shall be subject to all applicable property development standards for the zone in which it is located.*

Based on the definitions listed above, the mobile kitchen would be classified either as a trailer or a temporary structure. The mobile kitchen is designed and constructed to travel on public thoroughfares and is also readily movable; consequently, it cannot be defined as a permanent structure. The code does not allow trailers and temporary structures for permanent uses in the R-3 (Multiple-Family Residential and Hotel) zone, nor does the approved Planned Development District (PD-58) allow the trailer.

The mobile kitchen is also inconsistent with the purpose and intent of the City's architectural review requirements. Permanent structures are encouraged to be harmonious with the character and materials of the desert setting and with adjacent structures, and are to comply with the goals and policies of the Community Design Element of the General Plan. In reviewing the specific Architectural Review criteria, the mobile kitchen would not conform to the following:

- *Harmonious relationship with existing and proposed adjoining developments and in the context of the immediate neighborhood/community;*
- *Effective concealment of all mechanical equipment;*
- *Building design, materials and colors to be sympathetic with desert surroundings;*
- *Harmony of materials, colors and composition; and*
- *Consistency of composition and treatment.*

The primary issues in complying with the criteria are that the materials of the trailer are not consistent with the other permanent structures on the property, the screening of

utility connections and mechanical equipment, the treatment of the base of the trailer, the integration of the ramp and stairs, and the screening of the wheels.

As an alternative, the applicant could utilize a modular structure for the kitchen facilities. A modular structure is permitted as a permanent structure, and with the proper architectural treatment, could conform to the Architectural Review criteria.

#### ENVIRONMENTAL ANALYSIS:

In this instance, Staff is recommending denial of the appeal request. Approval of the attached Denial Resolution is not subject to the California Environmental Quality Act ("CEQA") under CEQA Guidelines (14 Cal. Code Regs.) sections 15060(c)(2), 15060(c)(3), and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; and the activity is covered by the general rule that CEQA applies only to activities that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

#### CONCLUSION:

As the proposed mobile kitchen does not qualify as a permanent structure and does not conform to the Architectural Review criteria listed in PSZC Section 94.04.00, it is recommended that the appeal be denied. As an alternative, the applicant could propose the use of a modular structure, subject to conformance with development standards and the Architectural Review criteria.

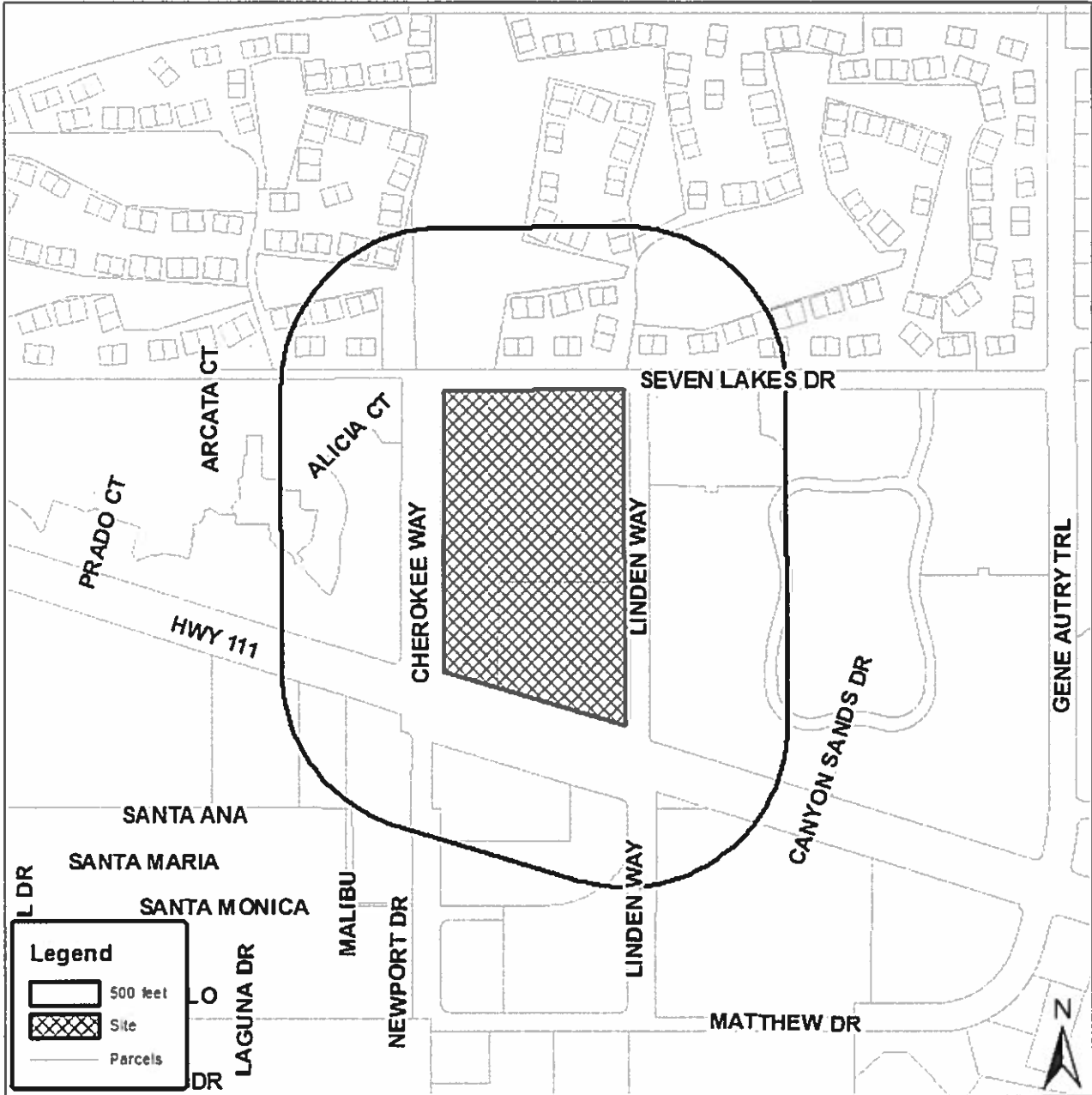
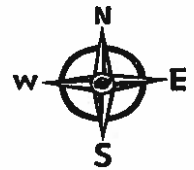
  
Flinn Fagg, AICP  
Director of Planning Services

#### ATTACHMENTS:

1. Vicinity Map
2. Draft Resolution
3. Appeal Letter – March 16, 2017
4. Denial Letter – March 9, 2017
5. Justification Letter, Site Plan, Mobile Kitchen Details, Site Photos



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

CASE NO: 3,2451 MAA - Appeal

APPLICANT: Parker Palm Springs II, LLC

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, UPHOLDING THE DENIAL OF A MINOR ARCHITECTURAL APPLICATION FOR MOBILE KITCHEN FACILITY AT THE PARKER PALM SPRINGS HOTEL, LOCATED AT 4200 EAST PALM CANYON DRIVE, ZONE R-3/PD-58 (CASE 3.2451 MAA – APPEAL).

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. Parker Palm Springs II, LLC (“Applicant”), filed a Minor Architectural Application, Case 3.2451 MAA, with the City on February 9, 2017, pursuant to Palm Springs Zoning Code (PSZC) Section 94.04.00, for the installation of a mobile kitchen facility on the Parker Palm Springs Hotel property at 4200 E. Palm Canyon Drive.
- B. The property at 4200 E. Palm Canyon Drive is zoned R-3/PD-58, and is subject to the uses and general development standards for the R-3 zoning district as contained in Palm Springs Zoning Code (PSZC) Section 92.04.00.
- C. The Department of Planning Services staff reviewed the application for the mobile kitchen facility in accordance with the uses and development standards of PSZC Section 92.04.00 and the definitions as listed in PSZC Section 91.00.10, and determined that the proposed kitchen facility did not conform to the development standards as listed in the code.
- D. The Department of Planning Services issued a denial letter to the applicant on March 9, 2017, based on the determination that the proposed mobile kitchen facility did not qualify as a permanent structure and would not be permissible under the code.
- E. Pursuant to PSZC Section 94.04.00(E)(2)(b), the applicant filed an appeal on March 16, 2017, requesting that the application be heard by the Planning Commission.
- F. On April 12, 2017, the Planning Commission held a public meeting to consider the applicant’s appeal of the denial of the Minor Architectural Application.
- G. At the meeting of April 12, 2017, the Planning Commission carefully reviewed and considered all evidence presented in connection with the appeal of the action, including but not limited to the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION RESOLVES:

SECTION 1. The proposed mobile kitchen facility is not a “structure” as defined by PSZC Section 91.00.10 because the use of the facility does not require permanent location on the ground or attachment to something having a permanent location on the

ground. Instead, the proposed mobile kitchen facility qualifies as a “trailer” as defined by PSZC Section 91.00.10 because it is a vehicle without motive power, designed and constructed to travel on the public thoroughfares, and as such, is not a permissible use in the R-3 zoning district (PSZC Section 92.04.01).

SECTION 2. The proposed mobile kitchen facility does not comply with the criteria for Architectural Review, as listed in PSZC Section 94.04.00, in that it:

- Is inconsistent in terms of its architectural character with existing and adjoining developments;
- Does not effectively conceal mechanical equipment;
- Is not sympathetic to its desert surroundings in terms of design and materials; and
- Is not consistent with the materials, composition or treatment of other structures on the property.

SECTION 3. Based upon the foregoing, the Planning Commission hereby denies Case 3.2451 MAA – Appeal.

ADOPTED THIS 12TH DAY OF APRIL, 2017.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

---

Flinn Fagg, AICP  
Director of Planning Services



RECEIVED

MAR 16 2017

PLANNING SERVICES  
DEPARTMENT

March 16, 2017

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

Attn: Planning Commissioner

Re: Case 3.2451 MAA - Parker Palm Springs Hotel – Letter of Appeal  
4200 East Palm Canyon Drive, Palms Springs, CA 92264

Dear Commissioner:

Parker Palm Springs II, LLC d/b/a Le Parker Meridien Palm Springs Hotel, have owned and operated and managed Le Parker Meridien Palm Springs Hotel, since its purchase of said hotel on May 19, 2003 (the "Hotel").

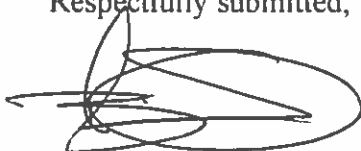
The Hotel desires to appeal the determination that the requested facility is considered a temporary use. While the kitchen is prefabricated and delivered on wheels, it will be permanently placed, plumbing and electrical permanently installed and connected. Permanent ADA ramp and access provided.

This kitchen solution was arrived at to limit the impact of construction at the hotel and in consideration of the exorbitant construction cost of a new build. We will not, under any circumstance, move this kitchen once received and placed.

All permitting from Riverside Department of Health will be obtained as with any kitchen.

Should you require additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brandon McCurley", written over a circular stamp or mark.

Brandon McCurley  
General Manager



# City of Palm Springs

Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262  
Tel: (760) 323-8245 • Fax: (760) 322-8360 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

March 9, 2017

Mr. Brandon McCurley  
Parker Hotel  
4200 East Palm Canyon Drive  
Palm Springs, CA 92264

**RE: Case 3.2451 MAA – 4200 E. Palm Canyon Drive – Mobile Kitchen**

Dear Mr. McCurley,

Staff has reviewed the request to place a mobile kitchen trailer on the Parker Hotel grounds and has determined that the request would be considered a temporary use. The kitchen facility would need to be a permanent structure with proper permitting from the Riverside County Health Department, the City of Palm Springs Building and Fire Departments.

A refund of the \$376.00 application fee will be forthcoming.

If you have further questions, please contact me at (760) 323-8245, or at [glenn.mlaker@palmspringsca.gov](mailto:glenn.mlaker@palmspringsca.gov).

Sincerely,

Glenn Mlaker, AICP  
Associate Planner

February 6, 2017

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

Attn: Planning Commissioner

Re: Parker Palm Springs Hotel – Justification Letter for Conditional Use Permit  
4200 East Palm Canyon Drive, Palms Springs, CA 92264

Dear Commissioner:

Parker Palm Springs II, LLC d/b/a Le Parker Meridien Palm Springs Hotel, have owned and operated and managed Le Parker Meridien Palm Springs Hotel, since its purchase of said hotel on May 19, 2003 (the "Hotel").

The Hotel desires to add an additional kitchen for servicing of the swimming pools on property. The kitchen will not serve any outside customers and will exist to expedite a faster delivery of food. The hours of operations will be between 9:00 a.m. to 8 p.m.

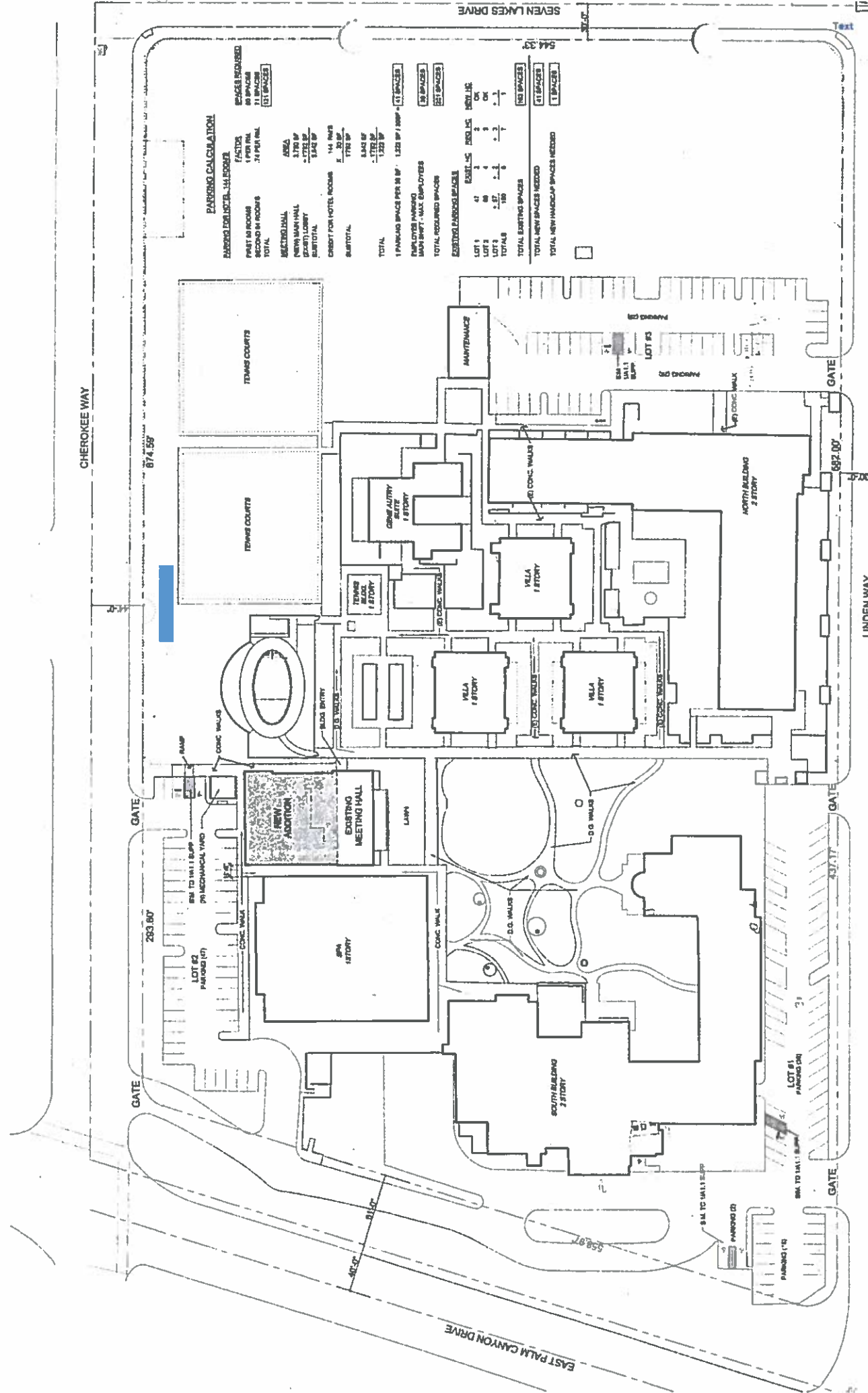
The estate itself has ample parking for patrons and registered hotel guests. Therefore, there would be no disruption to the public and flow of traffic and will met and support existing City regulations per Palm Springs Zoning Ordinance. I also, enclosed a copy of the Deed to the property showing ownership.

Should you require additional information, please do not hesitate to contract the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brandon McCurley', written over a horizontal line.

Brandon McCurley  
General Manager



**PARKING CALCULATION**

**REQUIREMENTS FOR HOTEL - 140 ROOMS**

FACTORY	SPACES REQUIRED
100 ROOMS	21 SPACES
40 ROOMS	11 SPACES
TOTAL	32 SPACES

AREA	AREA
NEW MAIN HALL	1,750 SF
EXIST'G LOBBY	1,750 SF
SUBTOTAL	3,500 SF

CREDIT FOR HOTEL ROOMS	140 ROOMS
SUBTOTAL	2,360 SF

TOTAL	1 PARKING SPACE PER 100 SF	1,320 SF / 1000 = 13 SPACES
EMPLOYEES PARKING	1000 SWFT. MAX EMPLOYEES	30 SPACES
TOTAL REQUIRED SPACES		227 SPACES

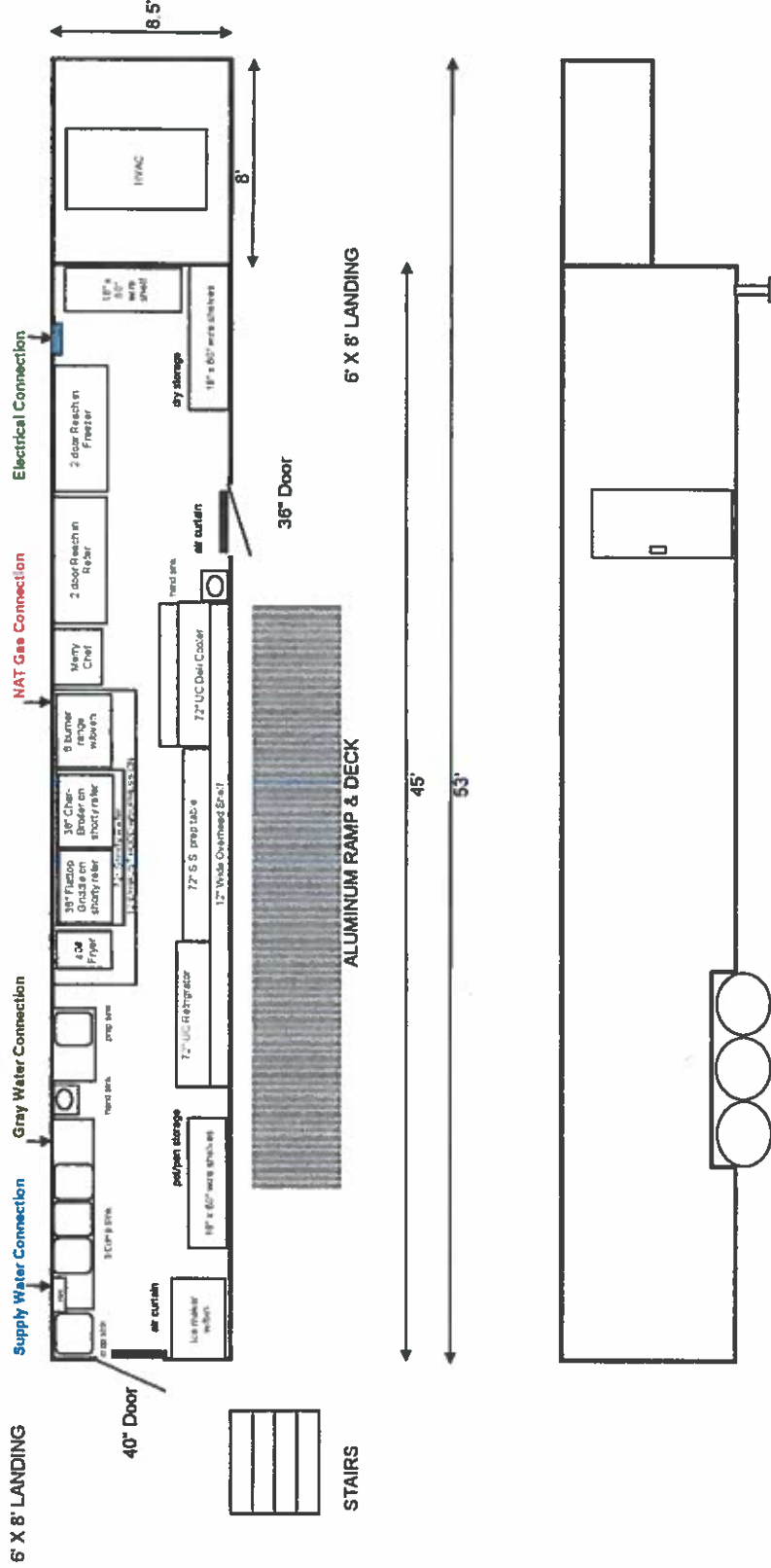
EXISTING LANDSCAPE	
LOT 1	41
LOT 2	20
LOT 3	20
LOT 4	20
LOT 5	20
TOTALS	121

TOTAL EXISTING SPACES	121 SPACES
TOTAL NEW SPACES NEEDED	106 SPACES
TOTAL NEW MINIMUM SPACES NEEDED	11 SPACES



#53-000  
 Custom Designed for: Parker Palm Springs  
 1.22.17 v2



**Utility Requirements:**

- Electrical: 100 Amps 220 Volt Single Phase
- NAT Gas: 1 1/2" NPT connection for approx. 1 million Btu/h of connected load
- Supply Water: 3/4" Feed line to standard hose bib connection
- Gray Water: 4" PVC connection

I approve this layout, and understand variations may occur due to equipment specifications

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

