



## **PLANNING COMMISSION STAFF REPORT**

**DATE:** June 14, 2017

**NEW BUSINESS**

**SUBJECT:** REQUEST BY THE CITY OF PALM SPRINGS TO AMEND PALM SPRINGS ZONING CODE (PSZC) SECTION 92.04.01(D) TO REVISE THE STANDARDS FOR HOTEL RESTAURANTS IN THE R-3 ZONE.

**FROM:** Department of Planning Services

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### SUMMARY:

This is a request for consideration of a proposed Zoning Code amendment to eliminate the minimum number of guest rooms required to allow hotel restaurant facilities in the R-3 zone. The Zoning Code currently requires a minimum of 20 hotel guest rooms to allow the restaurant use subject to the issuance of a Conditional Use Permit (CUP); hotels with less than 20 hotel guest rooms are prohibited from incorporating restaurant uses into their facilities. It is proposed that 20-guest room threshold be eliminated and that the restaurant use for hotels containing less than one hundred (100) guest rooms in the R-3 zone be evaluated on a case-by-case basis via the CUP process.

### RECOMMENDATION:

Recommend approval to the City Council.

### BACKGROUND INFORMATION:

<i>Related Relevant City Actions</i>	
05/07/14	The City Council approved a Zone Text Amendment (Case 5.1334 ZTA) to allow restaurant facilities at hotels with 20 or more guest rooms in the R-3 zone subject to a CUP. The previous ordinance only allowed restaurants at hotels with 30 or more rooms.
05/10/17	At their meeting of 5/10/17, the Planning Commission reviewed two options to revise the requirements for hotel restaurants in the R-3 zoning district, and provided direction to staff.

ANALYSIS:

The zoning code currently allows restaurants at hotels with 20 or more guest rooms in the R-3 zone upon approval of a CUP. The threshold requirement was reduced from 30 guest rooms to 20 guest rooms in 2014 upon the approval of Ordinance #1852.

The threshold number of guest rooms for the hotel restaurant use is not tied to any other specific standard or development requirement. In establishing a standard, consideration must be given as to whether outside patrons are necessary to make the restaurant operations viable, and the associated impacts where patrons other than hotel guests are allowed to use the restaurant facilities.

Based on the direction given to staff at the Planning Commission meeting of May 10, 2017, it is proposed that the 20 guest room threshold requirement be eliminated, and that requests for hotel restaurants be reviewed on a case-by-case basis through the Conditional Use Permit (CUP) process for hotels containing one hundred guest rooms or less<sup>1</sup>. Under the CUP process, the application would be reviewed for parking impacts and compatibility with surrounding uses, and conditions could be placed on the application to limit use by outside patrons, limit the hours of operations, prohibit outside advertising, and to address similar issues which could potentially impact adjacent properties. As the CUP process is a discretionary process, each application would be evaluated on its own merits, and approval would be based on an assessment of the impacts and compatibility of the use.

ENVIRONMENTAL ANALYSIS:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed Zone Text Amendment has been deemed a "project." Staff has determined that the proposed Zone Text Amendment (Case 5.1218-E) may be deemed Categorically Exempt from the provisions of CEQA pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, because "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Approval of the proposed Zone Text Amendment does not approve any development project. Future development under the proposed changes would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA.

  
Flinn Fagg, AICP  
Director of Planning Services

<sup>1</sup> Restaurant uses are permitted in the R-3 zone absent a CUP at resort hotels containing one hundred (100) or more guest rooms subject to PSZC Section 92.02.01(A)(2).

**ATTACHMENTS:**

1. Attachment 1 – Revisions to PSZC Section 92.04.01(D)
2. Draft Resolution
3. List of hotels – Category A, B, and C (City of Palm Springs Finance Department)

**Attachment 1: Threshold Elimination  
Hotel Restaurant Use in the R-3 Zone**

**92.04.01 Uses Permitted.**

D. Uses Permitted by Conditional Use Permit

9. Incidental or accessory commercial uses, including restaurant uses, located within hotels containing less than one hundred (100) guest rooms and operated primarily for the convenience of the hotel guests; providing, such total commercial uses shall occupy not more than twenty (20) percent of the gross floor area of the hotel buildings;
- ~~16. Restaurants; provided that they are an integral part of a hotel which contains at least 20 guest rooms;~~

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO PALM SPRINGS ZONING CODE (PSZC) SECTION 92.04.01 RELATIVE TO THE REQUIREMENTS FOR HOTEL RESTAURANT FACILITIES IN THE R-3 (MULTIPLE-FAMILY RESIDENTIAL AND HOTEL) ZONING DISTRICT.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

- A. Pursuant to Section 94.07.01 of the Palm Springs Zoning Code (PSZC), the Planning Commission is authorized to initiate proceedings and recommend amendments to the Zoning Code.
- B. On May 10, 2017, the Planning Commission directed to staff to prepare a Zone Text Amendment to modify the requirements for hotel restaurants in the R-3 zoning district.
- C. Notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1420 ZTA was given in accordance with applicable law.
- D. On June 14, 2017, a public hearing on the proposed Zone Text Amendment was held by the Planning Commission in accordance with applicable law.
- E. The proposed Zone Text Amendment (Case 5.1420 ZTA) is considered Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, because "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Approval of the proposed Zone Text Amendment does not approve any development project. Future development under the proposed changes would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA. Therefore, the proposed action qualifies for exemption and no further environmental review is necessary.
- F. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the Zone Text Amendment, including, but not limited to, the staff report, and all written and oral testimony presented.
- G. The Planning Commission hereby finds that approval of the proposed Zone Text Amendment would:
  - 1. Assist in retaining small hotel uses as part of the unique character of Palm Springs in accordance with Policy LU7.6 of the General Plan;

2. Remove a regulatory barrier to the provision of quality services at small hotel facilities in accordance with Policy LU7.7 of the General Plan;
3. Maintain the discretionary ability of the City of Palm Springs to approve restaurant facilities at hotel properties and implement mitigation requirements as may be necessary.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS RESOLVES:

That the findings and determinations reflected above are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolution.

SECTION 1. That Section 92.04.01(D)(9) of the Palm Springs Zoning Code (PSZC) is hereby amended and restated to read as follows (new text in underline font):

9. Incidental or accessory commercial uses, including restaurant uses, located within hotels containing less than one hundred (100) guest rooms and operated primarily for the convenience of the hotel guests; providing, such total commercial uses shall occupy not more than twenty (20) percent of the gross floor area of the hotel buildings;

SECTION 2. That PSZC Section 92.04.01(D)(16) is hereby deleted in its entirety and the following subsections are renumbered accordingly.

ADOPTED THIS 14TH DAY OF JUNE, 2017.

ATTEST:

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Flinn Fagg, AICP  
Director of Planning Services

	BUSINESS NAME	CATEGORY	# OF ROOMS
1	CENTURY PALM SPRINGS	A	6
2	VILLA ROSA INN	A	6
3	HORIZON MOBILE VILLAGE	A	10
4	AMIN CASA DESTINATIONS	A	6
5	CASA DE CAMERO	A	7
6	VILLE ORLEANS	A	8
7	POSH PALM SPRINGS	A	10
8	RUBY MONTANA'S CORAL SANDS INN	A	4
9	COYOTE INN	A	5
10	LAS PALMAS HOTEL WEST	A	10
11	LITTLE PARADISE HOTEL	A	9
12	DESERT FLOWER PROPERTIES LLC	A	10
13	HACIENDA AT WARM SANDS, THE	A	9
14	ANDALUSIAN COURT	A	7
15	OLD RANCH INN	A	9
16	IRON TREE INN	A	12
17	CALLA LILY INN	A	9
18	WILLOWS HISTORIC PALM SPRINGS	A	8
19	CHAPS INN	A	10
20	PALM SPRINGS RENDEZVOUS	A	10
21	ORANGE TREE LODGE	A	5
22	AVANCE HOTEL INTERNATIONAL	A	9
23	SAKURA JAPANESE BED & BREAKFAST	A	6
24	SANDALWOOD HOTEL/APT	A	9
25	PALM SPRINGS INN	A	18
26	THE STARDUST HOTEL	A	10
27	THE HIDEAWAY	A	10
28	TRIANGLE INN	A	9
29	THE THREE-TEN	A	8
30	SAN GIULIANO	A	6
31	ORBIT IN HOTEL	A	9
32	LAS PALMAS LLC	A	10
33	LONGLEY HOSPITALITY HOTEL	A	9
34	EL CID	A	5
			288
1	ALOHA HOTEL	B	12
2	APACHE LODGE	B	11
3	TORTUGA DEL SOL	B	12
4	LAS PALMAS HOTEL	B	17
5	LAS PALMAS HOTEL	B	17
6	PALM SPRINGS MANOR	B	16
7	LA MAISON HOTEL	B	13
8	TWIN PALMS RESORT	B	15
9	CARLTON HOTEL/APT	B	11
10	CASA CODY HOTEL	B	11
11	THE PALM SPRINGS HOTEL	B	15
12	DESERT HILLS	B	14
13	DESERT PARADISE RESORT HOTEL	B	12
14	EL MIRASOL VILLAS	B	14
15	EL PRADO	B	12
16	PALM SPRINGS WELLNESS RETREAT	B	13
17	INNDULGE RESORT INC	B	20
18	LOS ARBOLES HOTEL	B	21
19	AVANTI HOTEL LLC	B	11

20 HOTEL CALIFORNIA	B	13
21 L'HORIZON RESORT & SPA	B	24
22 SANTIAGO RESORT	B	22
23 ADRIATIC HOTEL APTS, THE	B	17
24 THE MONKEY TREE HOTEL	B	16
25 ANDREAS HOTEL & SPA	B	25
26 GYPSY ROSE	B	15
27 A PLACE IN THE SUN	B	16
28 THE SPARROWS LODGE	B	20
29 ESCAPE RESORTS INC	B	12
30 LA DOLCE VITA RESORT	B	19
31 MOVIE COLONY HOTEL	B	17
32 DEL MARCOS HOTEL	B	16
33 BEARFOOT INN	B	11
34 COLTS LODGE LLC	B	11
35 EAST CANYON HOTEL & SPA	B	15
36 RESIDENZA SAN LORENZO	B	12
		548
1 MUSICLAND HOTEL	C	43
2 INN EXILE	C	31
3 ALL WORLDS RESORT	C	28
4 DESERT LODGE	C	50
5 MELVYNS AND THE INGLESIDE INN	C	30
6 KORAKIA PENSIONE	C	29
7 CANYON CLUB HOTEL LLC	C	32
8 ALCAZAR	C	33
9 SKYLARK HOTEL	C	29
10 KNIGHTS INN PALM SPRINGS	C	31
11 DESERT SUN RESORT	C	32
12 VILLA ROYALE INN & EUROPA	C	32
13 VISTA GRANDE VILLA	C	34
14 WARM SANDS VILLAS	C	28
15 ARRIVE HOTEL	C	32
		494