



ARCHITECTURAL REVIEW COMMITTEE MEMORANDUM

DATE: March 21, 2022 NEW BUSINESS

SUBJECT: FUZION FIVE RESTAURANT, REQUESTING A LAND USE PERMIT AND A WAIVER FOR AN EXPANDED PARKLET LOCATED AT 285 SOUTH PALM CANYON DRIVE, ZONE CBD, (CASE 21-094 LUP). (AP)

FROM: Department of Development Services

SUMMARY & PROJECT DESCRIPTION:

This is a request for a Land Use Permit and waiver to continue the use of a 264-square foot parklet to provide more areas for outdoor dining. The waiver is required because the parklet is located in front of adjacent businesses. The existing parklet will remain on South Palm Canyon Drive. The parklet will be enclosed on three sides by a 36" high black, aluminum rail. The parklet deck is flush with the city curb and allows water to drain along curb and gutter. The tables and chairs are consistent with those used in the restaurant, which are aluminum commercial grade chairs with quartz tables. Existing shade material is an 8-foot-high red/tan umbrella to match the restaurant's color theme. There is a wooden box frame on the inside of the north portion of the parklet, which will act as a safety barrier. The applicant will also place three (3) cement planter pots, on the north side of the parklet to provide safety to parklet patrons. The planters are approximately 1x1x3 will contain colorful desert wildflowers, which will be watered by hand.

RECOMMENDATION:

That the Architectural Review Committee (ARC) approve the application, subject to the following:

- Remove all Krails.
- Incorporate the ceramic potted plants within parklet.
- Remove the red wooden structure around existing parklet or cover the exterior side of the wooden structure so that it is solid and paint a desert neutral color.

BUSINESS PRINCIPAL DISCLOSURE:

The applicant has filed a Public Integrity Disclosure form stating that Soutee Khamvongsouk, Saengnakhorn Cing-Mars, Huy Vu, Choung Vu, Thuy Luong are the general partners. The Public Integrity Disclosure form is included as an attachment to this

report.

BACKGROUND INFORMATION:

<i>Surrounding Business Notification</i>	
3/10/22	Notice sent to surrounding property owners within 150-feet, notifying them that the Architectural Review Committee would review the project.

<i>Field Check</i>	
01/03/22	Staff visited the site to observe existing conditions.

STAFF ANALYSIS:

<i>Site Area</i>	
Net Acres	1.17 Acres

<i>General Plan Areas or Master Plan Areas</i>	<i>Compliance</i>
CBD (Central Business District)	Y
<i>Specific Plan Area</i>	<i>Compliance</i>
N/A	N/A

<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	Restaurant	CBD	CBD
North	Retail	CBD	CBD
South	Commercial	CBD	CBD
East	Dispensary/Lounge	CBD	CBD
West	Gym/ Dental Office	CBD	CBD

PARKLET DESIGN REVIEW CHECKLIST

LOCATION REQUIREMENTS		
Parklet extends no more than width of the on-street parking space.	Y	
Parklet does not extend beyond tenant space.		N*
Parklet located on one frontage only.	Y	
PARKLET STRUCTURE		
Parklet base provided flush with sidewalk; allows for flow of stormwater.	Y	
Parklet decking materials conform to list of permitted materials.	Y	
Parklet decking color conforms to list of permitted colors.	Y	
Railing provided; railing height is between 36" and 43".	Y	
Railing materials conform to list of permitted materials.	Y	
Railing color conforms to list of permitted colors.	Y**	
Retro Reflective tape is placed on parklet.	Y	

UMBRELLAS		
Umbrella(s) allow for 7' minimum clearance; max. 10' height.	Y	
Umbrella material is non-flammable or flame retardant.	Y	
Umbrella color is consistent with general color theme of restaurant.	Y	
No text or logos on umbrellas.	Y	
FURNITURE		
Parklet furniture is consistent with restaurant furniture.	Y	
Furniture materials conform to list of permitted materials.	Y	
Furniture colors conform to list of permitted colors.	Y	
PLANT MATERIALS		
Plant materials consistent with recommended list.	Y	
MISTING SYSTEM		
Misting system is integral with parklet structure.	N/A	
Post/beams to support misting system no more than 4"x4" and 96" high.	N/A	
LIGHTING		
Full cut-off fixtures or "Tivoli" lighting utilized.	Y	
Light bulbs are clear or white in color.	Y	
Post/beams to support lighting system no more than 4"x4" and 96" high.	Y	
Electrical cords do not pose tripping hazard.	Y	
SIGNAGE		
Signage does not exceed total amount permitted for restaurant.	N/A	
Signage does not extend above top of railing or barrier.	N/A	
WAIVER – SHADE STRUCTURE		
Structure allows for 7' min. clearance; max. 10' height.	N/A	
Structure does not extend past perimeter edge of parklet	N/A	
Structure canvas is non-flammable or flame retardant.	N/A	
Structure color is consistent with general color theme of restaurant.	N/A	
Notice provided to business owners/property owners within 150'.	N/A	
WAIVER – EXTEND PAST TENANT SPACE		
Consent provided from affected business owner, property owner.	Y	
Notice provided to business owners/property owners within 150'.	Y	

* Waiver is required.

** Conforms as conditioned.

The applicant is requesting a waiver to extend past their business storefront. The following criteria is required for a waiver request:

- a. Business owners within one-hundred and fifty (150) feet of the proposed parklet, as measured along the same street frontage in either direction of the proposed parklet, have been notified of the waiver request at least ten (10) days in advance of the proposed meeting;
- b. Where the proposed parklet has obtained and submitted written consent from any affected business owner and property owner;
- c. The proposed waiver will not result in any significant impacts to adjacent businesses;

- d. The proposed waiver will not result in any significant impacts to public health, safety, or welfare.

The applicant has complied with the criteria listed above. A notice was mailed to adjacent business owners on March 10, 2022, written letters of approval were provided by Ooh La La, Panache Optical Gallery, Regenerative Wellness, and the property owner, Larry Kramer Vineyard Property. The parklet was initially constructed in 2020 due to COVID and has not negatively impacted adjacent businesses and has not resulted in any significant impacts to public health, safety, and welfare.

CONCLUSION:

The proposed parklet will be an enhancement to the surrounding area. The parklet complies with the design standards set forth by the City Council and therefore, Staff recommends that the ARC approve, subject to the following conditions:

- Remove all Krails.
- Incorporate the ceramic potted plants within parklet.
- Remove the red wooden structure around existing parklet or cover the exterior side of the wooden structure so that it is solid and paint a desert neutral color.

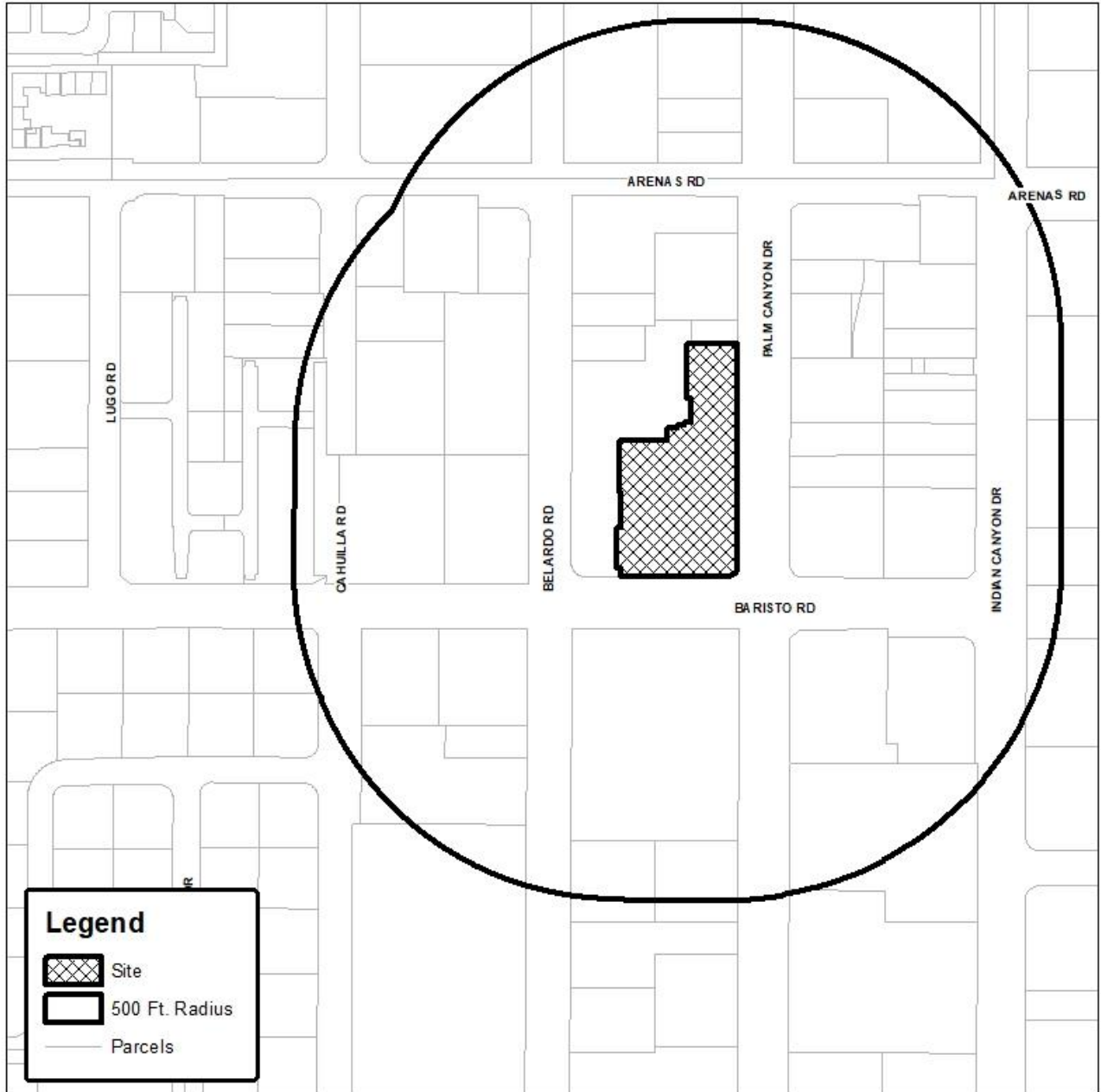
PREPARED BY:	Alex Perez, Assistant Planner
REVIEWED BY:	David Newell, AICP, Assistant Director of Planning

ATTACHMENTS:

1. Vicinity Map
2. LUP Application & Plans
3. Existing photos
4. Public Integrity Disclosure Form
5. Approved Parklet Design Guidelines
6. Approval Letters



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS
285 South Palm Canyon Drive



CITY OF PALM SPRINGS

Department of Planning Services
3200 East Tahquitz Canyon Way, Palm Springs, CA 92262
Phone: 760-323-8245 ~ Fax: 760-322-8360

LAND USE PERMIT # 21-094

Applicant: <i>Sautee Khumvongsak</i>	Mailing Address: <i>D1 285 S. Palm Canyon DR. Palm Springs, CA 92262</i>	Phone: <i>763.313.3368</i>
Business Name: <i>Fuzion Five</i>		Fax: _____
Site Address: <i>285 S. Palm Canyon Driv D1 Palm Springs, CA 92262.</i>		E-Mail: <i>be.phothisane@gmail.com</i>
APN: <i>53.153.034</i>	Zone/GP: <i>ORD</i>	Section, Township, Range:

PROCEDURE: An application for a Land Use Permit shall be submitted to the Department of Planning Services, based upon:

1. Applications for special events require submission no less than 30-days prior to event date. This allows for proper processing and review by multiple City Agencies.
2. A floor plan and/or site plan displaying the layout of the proposal. Outdoor seating that encroaches into the public right-of-way will require an encroachment agreement or license, subject to the approval of the Director of Planning Services.
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.

We, Fuzion Five, Requesting for permission to use parklet from Jan 1st 2022 - December 31st 2022. This area is our outdoor dining and will be operate 6-7/week from 11-9 pm. Fuzion Five is full service Vietnamese and Lao cuisine restaurant.

2640

CONDITIONS: (see attached)

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

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

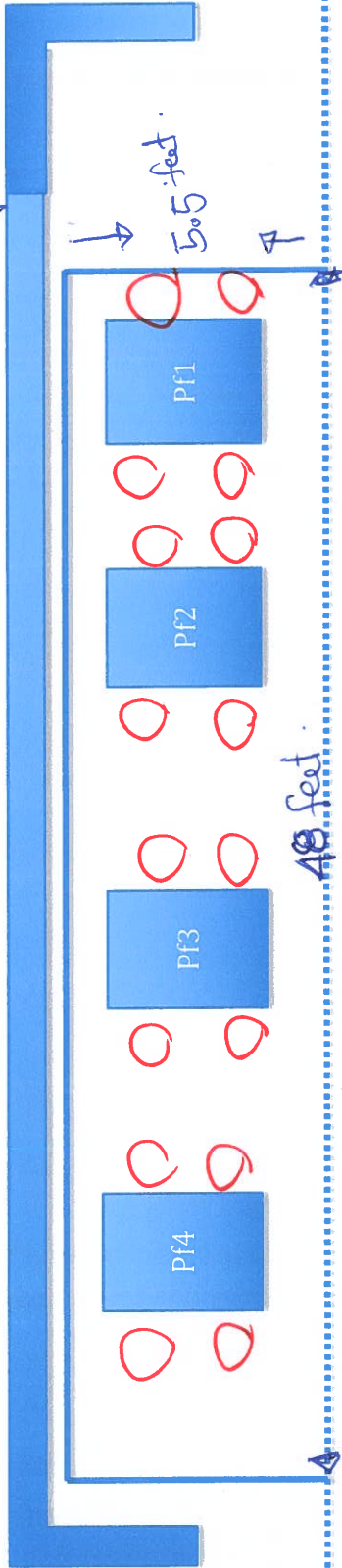
Applicant's Signature <i>Sautee</i>	Date <i>12/</i>
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#1

Baristo Road



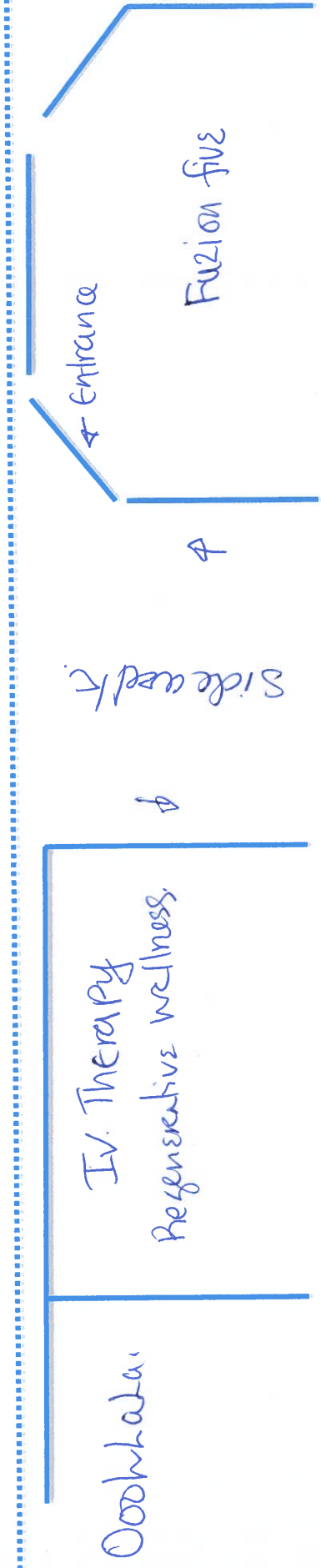
S. Palm Canyon Drive



2641P

side walk

side walk



Ooshkaha

Section 2.

Railing.
Parquet Decking.

(Aluminum)
Railing is black &
36" in height.



Umbrellas

Section
~~Furniture~~

3

StyleTM
SELECTIONS

#0876118

Umbrella

Weather-Resistant Red
Polyester Fabric
Dark Brown Finish Steel Pole

- 6-rib frame
- Easy crank open and close

Sombrilla

Tela roja de poliéster resistente
a la intemperie
Poste de acero con acabado
marrón oscuro

- Estructura de 6 secciones
- Manivela fácil para abrir y cerrar



WEATHER RESISTANT
RESISTENTE A LA INTEMPERIE



CRANK
MANIVELA



EASY TO ASSEMBLE
FÁCIL DE ENSAMBLAR

0820

Actual / Real
7 ft 6 in x 7 ft 4.08 in | 2,28 m x 2,23 m



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PRODUCT DATE CODE

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8 48681 03917 5
Model | Modelo #YJAUC-181A
LW100137-092020

Section 3: Umbrellas

- o Heights: 7 → 8 feet
- o polyester Red/tan color



Section Three Umbrellas.

- o Heights: 7-8 feet.
- o material.



Stormwater Flow

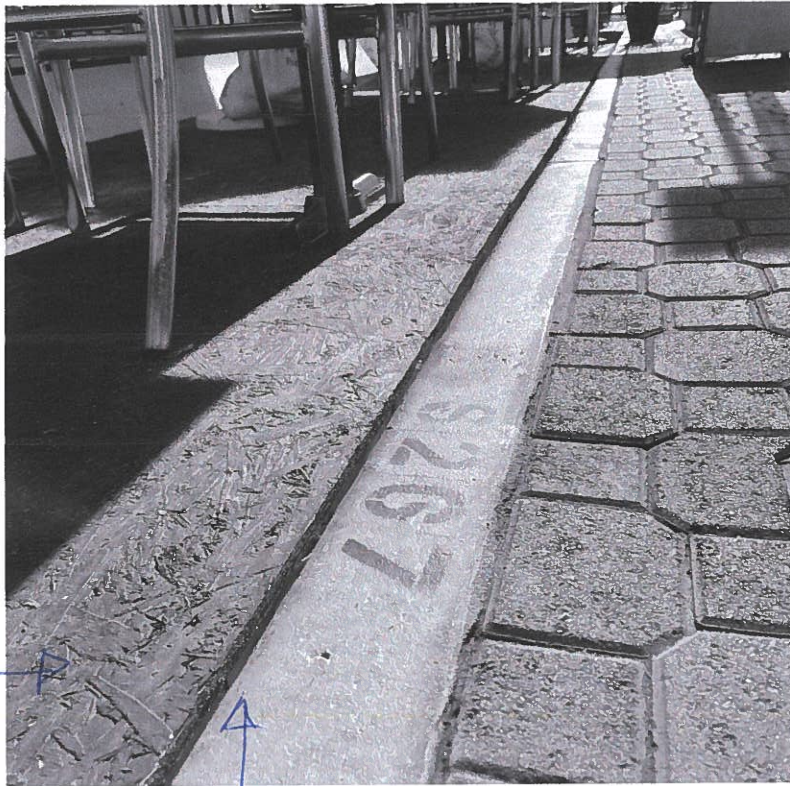


15" wide
3" High } Stormwater flow



Parket Decking is level with curbside

Decking → Black treated wood.



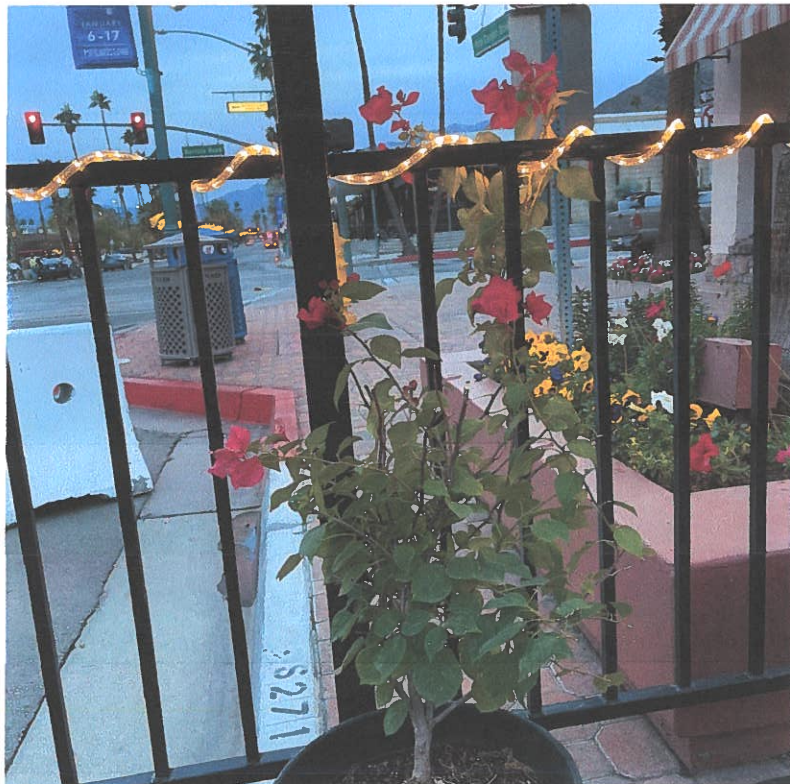
Deck

curb

all sam level

Section 5: Plant material.

Currently we don't have many plant.
but- in sure we like to add more of plant
Pictured here -



Section 4. Furniture.

- o Table Top: Quartz.
- o Chair: outdoor Black - Rain Proof.
o color

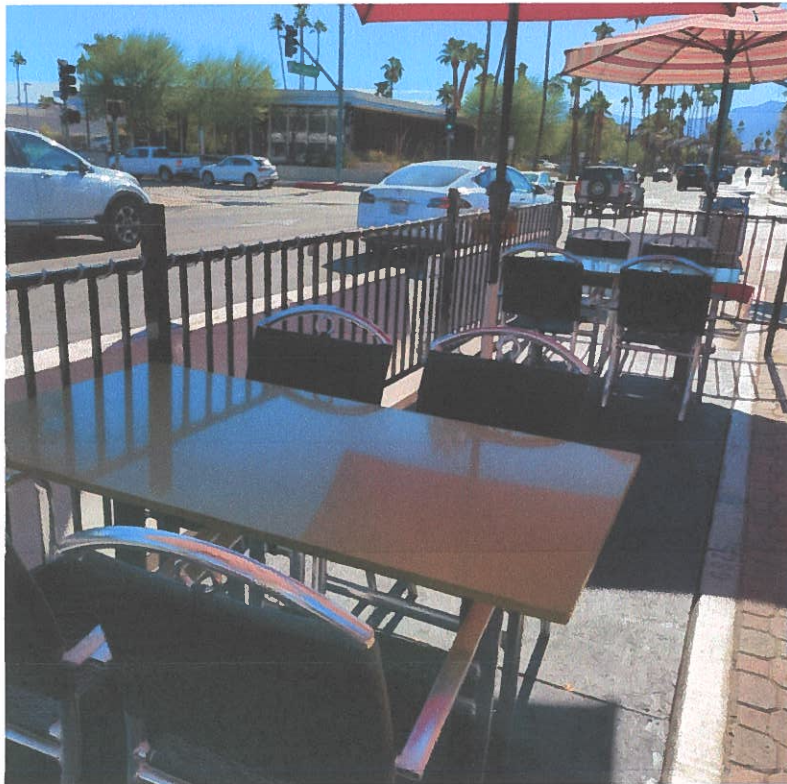


table -
Red / Green.

Chairs -

Black
aluminum

- Section 7: Lighting.
- We currently use outdoor line-lighting. (white)
 -





FUZION FIVE

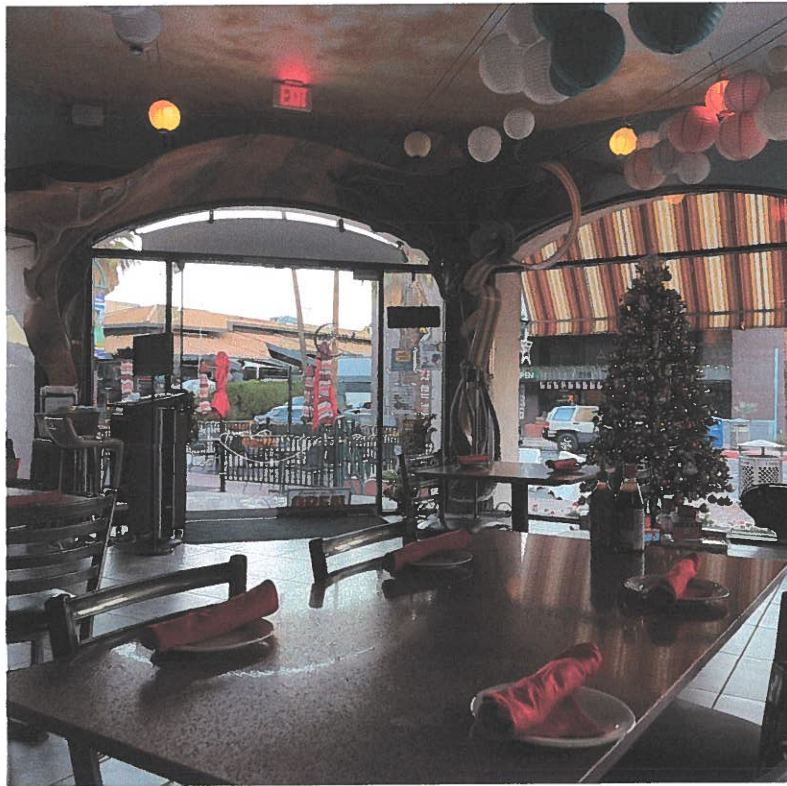
FUZION FIVE

VIETNAMESE & LAO CUISINE

ACCESS AT SIDE OF BUILDING

285

Inside ambience for Fusion Five
Blue & Red, green and Nature color is common









Section 8. Signage.
Signage: we like to apply for
sign to posts on the Parcel

o we do not have
Misting System.

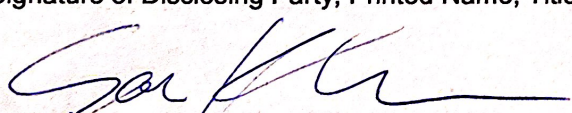


PUBLIC INTEGRITY DISCLOSURE APPLICANT DISCLOSURE FORM

1. Name of Entity
Fuzion Five
2. Address of Entity (Principle Place of Business)
285 S. Palm Canyon Drive, D1
3. Local or California Address (if different than #2)
4. State where Entity is Registered with Secretary of State
California
<i>If other than California, is the Entity also registered in California?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
5. Type of Entity
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Other (please specify)
6. Officers, Directors, Members, Managers, Trustees, Other Fiduciaries (please specify) <i>Note: If any response is not a natural person, please identify all officers, directors, members, managers and other fiduciaries for the member, manager, trust or other entity</i>
Soutee Khamvongsouk _____ <input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Member <input type="checkbox"/> Manager [name] <input checked="" type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner <input type="checkbox"/> Other _____
Saengnakhorn Cinq-Mars _____ <input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Member <input type="checkbox"/> Manager [name] <input checked="" type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner <input type="checkbox"/> Other _____
Huy Vu _____ <input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Member <input type="checkbox"/> Manager [name] <input checked="" type="checkbox"/> General Partner <input type="checkbox"/> Limited Partner <input type="checkbox"/> Other _____

7. Owners/Investors with a 5% beneficial interest in the Applicant Entity or a related entity	
EXAMPLE	
<i>JANE DOE</i>	<i>50%, ABC COMPANY, Inc.</i>
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
A.	
Soutee Khamvongsouk	25%
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
B.	
Saengnakhorn Cinq-Mars	25%
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
C.	
Huy Vu	17%
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
D.	
Chuong Vu	17%
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]
E.	
Thuy Luong	16%
[name of owner/investor]	[percentage of beneficial interest in entity and name of entity]

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Disclosing Party, Printed Name, Title	Date
 Soutee Khamvongsouk.	1-18-22

PENALTIES
Falsification of information or failure to report information required to be reported may subject you to administrative action by the City.

RESOLUTION NO. 24937

ATTACHMENT A

Parklet Design Guidelines

A. General Requirements.

1. **Parklet Position and Dimensions.** For parallel on-street parking spaces, a parklet shall extend no more than eight (8) feet from the face of curb. Where the on-street parking space is less than eight (8) feet in width, the parklet shall extend no more than the width of on-street parking space and shall not extend into the lane of traffic. For diagonal or perpendicular on-street parking spaces, a parklet shall not extend no more than the depth of the on-street parking space and shall not be permitted to extend into the lane of traffic. A parklet shall not be permitted to extend beyond the frontage of the permittee's tenant space or property. For businesses that have frontage on two streets, a parklet shall only be permitted on one street frontage.
2. **Attachment.** Parklet structures or elements shall not be directly attached to the street pavement, curb, or sidewalk surface unless otherwise approved by the Director. A deposit shall be required where approval for such attachment is granted, and shall be equivalent to the cost, as determined by the Director, for repairing any resulting damage caused by the attachment or removal of the attachment and for restoring the street pavement, curb or sidewalk to its prior condition.

B. Platform Base.

1. **Base Required.** All parklets shall require a platform base. The finished floor height of the platform base shall be level with the elevation of the adjacent public sidewalk.
2. **Decking Materials.** Decking materials for the platform base may include the following:
 - a. Plastic or composite decking;
 - b. Treated wood decking;
 - c. Treated wood decking tiles;
 - d. Concrete pavers on a pre-engineered pedestal system.Other similar materials may be approved by the Director. Plywood decking or poured concrete is prohibited; synthetic turf, carpet, or similar coverings are prohibited.
3. **Color.** Platform decking and skirting materials shall be limited to black, grays, browns, natural wood finishes, and similar neutral colors appropriate to the desert environment.

4. Stormwater Management. Platforms shall be designed so as not to impede the flow of stormwater and drainage. A minimum 6" horizontal gap below the decking surface shall be provided between the curb face and base frame along the gutter to allow rainwater to naturally flow without obstruction. The permittee shall be responsible for keeping drainage area free from any obstructions.

C. Railing/Barrier.

1. Railing or Barrier Required. All parklets shall require a railing or similar barrier to protect the parklet and provide separation from the adjacent traffic lane.
2. Height. The railing or barrier shall be a minimum of 36" high from the finished deck surface of the parklet, and shall be a maximum of 43" high from the finished deck surface of the parklet.
3. Materials. Railing or barrier materials may include the following:
 - a. Steel, wrought iron, or aluminum;
 - b. Treated wood;
 - c. "Green walls" or espalier treatments.

Planters may be incorporated into the design of the railing or barrier, and may be constructed of the same materials as the railing or barrier; as an alternative, natural concrete pots, terracotta pots, or high-quality fiberglass or resin pots may be used when incorporated with the railing or barrier. Chain link, rope, wire/steel cable, wood lattice, prefabricated plastic/vinyl fencing, and concrete block are prohibited.

4. Attachment. Railings or barriers shall be attached to the deck or platform structure and shall not be attached to the roadbed or curb.
5. Color. The primary color of railings and barriers shall be limited to black, grays, browns, natural wood finishes, and similar neutral colors appropriate to the desert environment. Accent colors may be permitted for trim and other minor architectural details, where such accent color is consistent with the color theme of the principal restaurant facility.

D. Umbrellas and Other Shade Structures.

1. Umbrellas Preferred. Umbrellas are the preferred shading device for parklets so as to maintain visibility of adjacent businesses. Shade structures other than umbrellas may be approved by a waiver as described in this Section.
2. Height and Placement. Umbrellas and approved shade structures shall have a minimum seven (7) foot vertical clearance, as measured from the finished deck surface of the parklet to the bottom edge of the umbrella or shade structure, and shall not exceed a maximum of ten (10) feet in height from the

finished deck surface of the parklet. Umbrellas or other approved shade structures shall not extend past the perimeter edge of the parklet structure. Shade structures, if approved, shall be designed and positioned to minimize impacts and maintain visibility of adjacent businesses.

3. Materials. Umbrellas, sails, canopies, or other similar fabric shade structures shall be made with non-flammable materials or shall be treated and maintained in a flame-retardant condition.
4. Color. Umbrella and shade structure colors shall be consistent with the general color theme of the principal restaurant facility.
5. Text/Logos. No text or logos shall be permitted on umbrellas or other shade structures.

E. Furniture.

1. General Requirements. Parklet furniture and fixtures shall be consistent with the theme and details of the principal restaurant facility. Furnishings should be of quality materials and designed for outdoor use.
2. Materials. Furniture materials may be metal, finished wood, high-quality resin or polypropylene, vinyl, or other similar materials, and shall be consistent with the furniture utilized in the principal restaurant facility. Plastic furniture or non-commercial grade furniture is prohibited.
3. Color. Furniture colors shall be consistent with the color of the furniture utilized in the principal restaurant facility, or shall be consistent with the colors of the parklet materials.
4. Maintenance. The permittee shall properly maintain all furniture and fixtures, and shall repair or replace any furniture or fixtures that become damaged or faded.

F. Plant Materials.

1. General Requirements. The use of drought-tolerant plant materials is encouraged to screen and soften the appearance of the parklet structure. Plant materials shall be selected and maintained in such a manner so as to not impair visibility of adjacent businesses or create impacts to traffic safety.
2. Plant Materials. The following plant varieties are recommended:
 - a. Agave geminiflora
 - b. Carissa
 - c. Euphorbia splendens
 - d. Hesperaloe

- e. *Ixora coccinea*
- f. *Leucophyllum* sp.
- g. *Pedilanthus*
- h. *Pedilanthus*
- i. *Portulacaria*
- j. *Russelia*
- k. *Variegated Dianella*
- l. *Yucca pallida*
- m. *Yucca whipplei*

Other similar drought-tolerant vegetation may be approved by the Director.

3. **Maintenance.** All plant materials shall be well maintained by the permittee to avoid excessive growth that may interfere with visibility or accessibility; planters shall be kept free of litter and debris. The permittee shall be responsible for proper maintenance of all plant materials, and shall immediately remove and replace any dead plant materials.

G. Lighting/Misting Systems.

1. **Misting Systems.** Misting systems are encouraged, and shall be designed to be integral to the structure of the parklet. Posts and beams may be used to support and conceal the misting system, but shall be limited to no more than 4" x 4" in width and no more than 96" in height, as measured from the deck surface of the parklet structure. Water supply for the misting system shall not be permitted to extend onto the public sidewalk or other location that may cause tripping hazards. Misting systems shall be capped off when not in use.
2. **Lighting.** Lighting for the parklet shall be designed to control glare, minimize light trespass onto adjacent properties, and avoid interference with the safe operation of motor vehicles. Lighting should incorporate full cut-off fixtures; however, bare bulbs (e.g. "Tivoli lighting") may be permitted where bulbs with a lower lumen output are used and glare issues are not created, as determined by the Director. Light bulbs shall be clear or white in color; LED fixtures are encouraged. Posts and beams may be used to support the lighting system, but shall be limited to no more than 4" x 4" in width and no more than 96" in height, as measured from the deck surface of the parklet structure. Blinking, moving, or changing intensity of illumination is not allowed. Electrical cords shall not extend onto the public sidewalk or other location that may cause tripping hazards.

H. Safety Requirements.

1. **Wheel Stops Recommended.** Wheel stops shall be installed at each end of the parklet structure when directed by the Director. Wheel stops shall not be required where a parklet is directly adjacent to a landscape island or sidewalk bulb out.

2. Concrete Barriers. Concrete barriers (“k-rails”) may be required by the Director due to specific traffic or street conditions adjacent to the parklet location. When required, a five (5) foot concrete barrier shall be placed at the leading edge of the parklet structure relative to the direction of travel. The concrete barrier shall be covered with wood or other appropriate treatment so that the appearance of the barrier is consistent with the railing or barrier utilized on the remaining sides of the parklet structure. Alternate barrier techniques may be approved provided traffic safety and visibility are not compromised.
3. Retroreflective Tape. Retroreflective tape shall be required at the exterior corners of the parklet railing or barrier, relative to the direction of travel. The Director may approve alternative materials or techniques provided traffic safety and visibility are not compromised.

I. Signage.

1. No Additional Signage Permitted. No additional signage shall be permitted for the parklet other than the signage that is allowed for the principal business pursuant to PSZC Chapter 93.
2. Substitution of Signage Types. Where a permittee has not utilized an Accessory Sign or Portable Sign for the principal restaurant business, as those sign types are defined in PSZC Chapter 93, the equivalent square footage of either sign type may be utilized for signage that is to be affixed to the parklet structure. However, no more than one (1) sign may be allowed for the parklet structure.
3. Signage Location. Any allowable signage shall be placed on the parklet railing or barrier, and shall not extend above the top of the railing or barrier.
4. Applicable Sign Regulations. All other sign regulations and requirements, as identified in PSZC Chapter 93, shall be applicable to any signage utilized for the parklet structure, including illumination requirements, prohibited sign types, permit requirements, and all associated regulations.

J. Approval Process and Criteria.

1. Application Submittal. An applicant for the establishment of a parklet shall submit a Land Use Permit application upon such forms as may be established by the Department, and shall be accompanied by such fees as may be established by the City Council. The application shall be signed and notarized by the property owner of the principal business that is submitting the application. Application materials shall include, but not be limited to, the following items:
 - a. A site plan of the parklet, drawn to scale;

- b. Elevations of the parklet, showing the height and construction details of the parklet;
 - c. Materials and color selections for the parklet platform base, railing or barrier, posts/beams;
 - d. Proposed furniture selections;
 - e. Proposed umbrella or shade structure materials and colors;
 - f. Proposed plant materials;
 - g. Proposed lighting and misting systems;
 - h. Any signage proposed for the parklet; and
 - i. A list of waivers the applicant is seeking, if any.
2. Parklet Review Subcommittee. There is hereby established an ad hoc Parklet Review Subcommittee, which shall consist of up to three (3) members of the Architectural Review Committee. The subcommittee members shall be appointed and removed by the Chair of the Architectural Review Committee, and shall serve at the pleasure of the Chair as needed for the duration of the parklet program. Alternates to the subcommittee may be appointed by the Chair as needed. The role of the subcommittee is to review parklet applications not requiring a waiver and to consult with and advise the Director as to conformance to the criteria contained in this Section. After consulting with the subcommittee, the Director shall render a decision as to any parklet application that does not require a waiver.
3. Approval Authority. The approval authority for Land Use Permit applications to establish a parklet use shall be as follows:
 - a. Parklet Use with No Waivers. For applications where no waivers of these Design Guidelines are requested, the Director shall be the approval authority, in consultation with the Parklet Review Subcommittee.
 - b. Parklet Use with Waivers. For applications where waivers of these Design Guidelines are requested, the Architectural Review Committee shall be the approval authority. Meetings and actions of the Architectural Review Committee shall be conducted pursuant to the Brown Act and in accordance with the Committee's bylaws.
4. Director's Criteria and Findings for Parklet Use with no Waivers. In considering a Land Use Permit application for the establishment of a parklet with no waivers, the Director, in consultation with the Parklet Review Subcommittee, shall evaluate the application and make findings for conformance to the following criteria:
 - a. The proposed parklet design conforms to the Parklet Design Guidelines as listed herein;
 - b. The proposed colors and materials are consistent with colors and materials of the principal restaurant business;
 - c. The proposed parklet design is consistent and harmonious with the architectural character of surrounding businesses.

If the Director finds that these criteria have been met, the Director shall issue the Land Use Permit for the parklet use, subject to those reasonable terms and conditions consistent with the Design Guidelines.

5. Criteria for Waivers of the Parklet Design Guidelines. In considering a Land Use Permit application for that includes a waiver of these Design Guidelines, the Architectural Review Committee shall evaluate the application and make the following findings prior to approving a waiver:
 - a. Business owners within one-hundred and fifty (150) feet of the proposed parklet, as measured along the same street frontage in either direction of the proposed parklet, have been notified of the waiver request at least ten (10) days in advance of the proposed meeting;
 - b. Where the proposed parklet will extend in front of an abutting business or property, the permittee has obtained and submitted written consent from any affected business owner and property owner;
 - c. The proposed waiver will not result in any significant impacts to adjacent businesses;
 - d. The proposed waiver will not result in any significant impacts to public health, safety, or welfare.

K. Operational Requirements.

1. Parklet Use. The establishment of a parklet may be permitted for dining and cocktail lounge uses only. Nightclub uses, merchandise sales, or other commercial uses are prohibited.
2. Hours/Days of Use.
 - a. Hours of Use. The permittee shall be required to operate the parklet for the minimum hours and days per week as listed below:
 - (1) Winter Period (October 1 to May 31). Parklets shall be in operation for a minimum of thirty-six (36) hours per week.
 - (2) Summer Period (June 1 to September 30). Parklets shall be in operation for a minimum of twenty-four (24) hours per week.
 - b. Appearance of Parklet – Operating Hours. The parklet area shall be set up with tables and chairs and ready to receive customers during all hours that the principal business is open to the public.
 - c. Appearance of Parklet – Non-Operational Hours. Tables, chairs and umbrellas may remain in the parklet area when the principal business is closed to the public. Chairs may be stacked within the parklet area for periods of twelve (12) hours or less. As an alternative, all furnishings and equipment may be removed from parklet and stored in an indoor location.
 - d. Waiver. Any closure or suspension of use of the parklet for periods of greater than fourteen (14) days shall require approval of the City Manager. In submitting the request, the permittee shall provide a plan for addressing

the appearance and maintenance of the parklet during the suspension period.

3. Storage. No items, other than dining items (tables, chairs, and umbrellas), may be stored within the parklet area. All other equipment or furnishings, including heaters, host/hostess stands, and similar items must be stored indoors when not in use.
4. Music. Music in the parklet area shall be permitted pursuant to Chapter 92 of the Palm Springs Zoning Code (PSZC). No exceptions to the Noise Ordinance are permitted.



Fuzion Five
285 S. Palm Canyon Drive, D1
Palm Springs, CA 92262

Oooh La La
275 S. Palm Canyon Drive, C3
Palm Springs, CA 92262

Re: Permission to Use Front of Store Curbside

Dear Michelle,

We, Fuzion Five, writing this letter to ask for your permission to use the curbside which is located in front of your store.

We are requesting for permission to use this area as the extended outdoor for Fuzion Five. The permission and usage of this area per city approval will be from January 1st 2022 to December 31st 2022. The area will be clearly marked for the safety of our patrons and by standers.

We greatly appreciate your kind consideration for us to the area. Please let us know with any questions.

Sincerely,

Be & Ghee

Oooh La La



Fuzion Five
285 S. Palm Canyon Drive, D1
Palm Springs, CA 92262

Larry Kramer Vineyard Property
1909 El Camino Real
Redwood City, CA. 94063

Re: Permission to Use Front of Store Curbside

Dear Mr. Kramer,

We, Fuzion Five, writing this letter to ask for your permission to use the curbside which is located in front of Fuzion Five, Panache Optical Gallery, Regenerative Wellness, and Oooh La La.

We are requesting for permission to use this area as the extended outdoor for Fuzion Five. The permission and usage of this area per city approval will be from January 1st 2022 to December 31st 2022. The area will be clearly marked for the safety of our patrons and by standers.

We greatly appreciate your kind consideration for us to the area. Please let us know with any questions.

Sincerely,

Larry Kramer Vineyard Properties

Be & Ghee



Fuzion Five
285 S. Palm Canyon Drive, D1
Palm Springs, CA 92262

Panache Optical Gallery
275 S. Palm Canyon Drive, D2
Palm Springs, CA 92262

Re: Permission to Use Front of Store Curbside

Dear Steven

We, Fuzion Five, writing this letter to ask for your permission to use the curbside which is located in front of your store.

We are requesting for permission to use this area as the extended outdoor for Fuzion Five. The permission and usage of this area per city approval will be from January 1st 2022 to December 31st 2022. The area will be clearly marked for the safety of our patrons and by standers.

We greatly appreciate your kind consideration for us to the area. Please let us know with any questions.

Sincerely,

Be & Ghee



Fuzion Five
285 S. Palm Canyon Drive, D1
Palm Springs, CA 92262

10
~~SECRET~~

Regenerative Wellness
275 S. Palm Canyon Drive
Palm Springs, CA 92262

Re: Permission to Use Front of Store Curbside

Dear Ryan

We, Fuzion Five, writing this letter to ask for your permission to use the curbside which is located in front of your store.

We are requesting for permission to use this area as the extended outdoor for Fuzion Five. The permission and usage of this area per city approval will be from January 1st 2022 to December 31st 2022. The area will be clearly marked for the safety of our patrons and by standers.

We greatly appreciate your kind consideration for us to the area. Please let us know with any questions.

Sincerely,

Be & Ghee

Regenerative Wellness