



CITY COUNCIL STAFF REPORT

DATE: November 6, 2013 NEW BUSINESS

SUBJECT: REQUEST BY LEGENDS OF PALM SPRINGS, LLC FOR A RESOLUTION OF PUBLIC CONVIENCE OR NECESSITY (PCN) TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT A PROPOSED COCKTAIL LOUNGE AT 125 EAST TAHQUITZ CANYON WAY.

CASE: 5.1305 – 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, wine and distilled spirits (Alcoholic Beverage Control Type 48 license) at a proposed cocktail lounge located at 125 East Tahquitz Canyon Way.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 125 EAST TAHQUITZ CANYON WAY, WITHIN CENSUS TRACT #0446.06."

PRIOR ACTIONS:

On October 21, 2013, the Planning Commission approved a Conditional Use Permit (CUP) to allow a cocktail lounge at 125 East Tahquitz Canyon Way.

Item No. 5.A.

BACKGROUND:

The applicant received approval from the Planning Commission for a Conditional Use Permit (CUP) to operate a new cocktail lounge called "Legends of Palm Springs" in a vacant 1,070-square foot space located in Suite 102 at Plaza Las Flores. The existing space fronts along East Tahquitz Canyon Way and extends to the inner courtyard of the mixed-use center. The proposed total number of seats to be 46-indoor and 8-outdoor located in the inner courtyard area. Hours of operation to be from 11:00 AM to 2:00 AM seven days a week. Entertainment will be limited to a small band or piano player. The applicant is seeking a Type 48 liquor license serving beer, wine, and distilled spirits.

Plaza Las Flores was developed in the late 1980's with no on-site parking provided. The parking requirement for a retail space within the Downtown Parking Combining Zone pursuant to Section 92.26.00 (C)(4) is 1 space per 300 square feet. The subject suite is 1,070-square feet in size requiring 4 parking spaces. The conversion of the space to a beverage service establishment requires 1 space per 400-square feet equaling 3 parking spaces. Staff has determined that based upon the above analysis, the new cocktail lounge will not require additional scrutiny of parking standards.

ANALYSIS:

The applicant has applied for a "Type 48" license through the State of California Department of Alcoholic Beverage Control (ABC) for the proposed alcohol sales. The ABC summarizes the "Type 48" license as follows:

(Bar, Night Club) Authorizes the sale of beer and wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer, wine for consumption off the premises where sold. 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 #0446.06, which is bounded by Indian Canyon Drive to the east, Ramon Road to the south, San Jacinto Mountains and North Via Monte Vista to the west and continues northerly to encompass windy point and snow creek areas (see attached census map). This tract currently has eighty-six (86) active on-sale liquor licenses. Two licenses are 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.

Surrounding General Plan designations, Zones and land uses are as follows:

	General Plan	Zone	Existing Land Use
North	Central Business District	CBD (Central Business District)	Multi-tenanted Commercial
South	Central Business District	CBD (Central Business District)	Multi-tenant Commercial
East	Central Business District	CBD (Central Business District)	Multi-tenant Commercial
West	Central Business District	CBD (Central Business District)	Multi-tenant Commercial


The property is located within the center of the downtown district and will be near other businesses that serve alcohol, including Pinocchio's in the Desert at 134 E. Tahquitz Canyon Way, Café Jasmine at 125 E. Tahquitz Canyon Way, Suite 103, Peabody's Cafe at 134 S. Palm Canyon Drive, Hair of the Dog English Pub at 238 N. Palm Canyon Drive, etc. A list of all liquor licenses within this tract is attached to this report.

Since the property is located in the downtown area, 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 cocktail lounge use on October 21, 2013.

FISCAL IMPACT:

No fiscal impact.


 M. Margo Wheeler, AICP
 Director of Planning Services

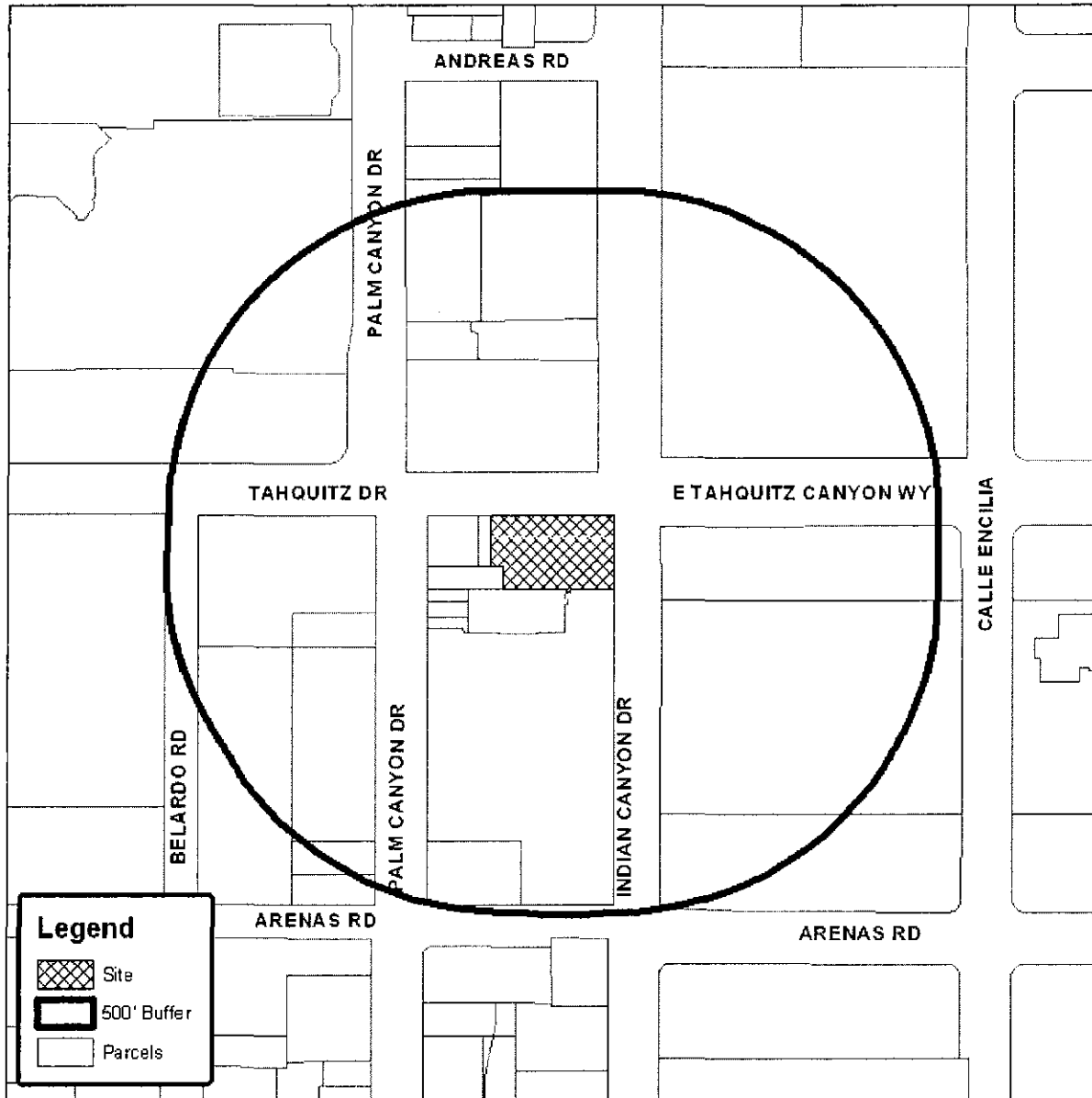
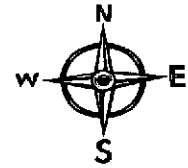

 David H. Ready, City Manager

Attachments:

1. 400' Vicinity Map
2. Draft Resolution
3. Letter of Request from Applicant
4. List of Authorized License Types in the Subject Census Tract
5. Census Tract Map
6. Planning Commission Conditional Use Permit – Resolution #6362 and Conditions of Approval



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1305 PCN

APPLICANT: Legends of Palm Springs LLC.

DESCRIPTION: Request for a Resolution of Convenience or Necessity to sell beer, wine and distilled spirits at a proposed cocktail lounge at 125 East Tahquitz Canyon Way, Zone CBD, Section 15.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 125 EAST TAHQUITZ CANYON WAY, WITHIN CENSUS TRACT #0446.06.

WHEREAS, Legends of Palm Springs, LLC ("Applicant") has requested the adoption of a Resolution of Public Convenience or Necessity (Planning Case No. 5.1305 PCN) for a Type 48 alcohol license to sell beer, wine and distilled spirits at a proposed cocktail lounge at 125 E. Tahquitz Canyon Way, Suite 102, Zone CBD, Section 15/T4/R4; and

WHEREAS, the applicant has applied with the State of California Alcoholic Beverage Control for a license to sell beer, wine and distilled spirits: license type 48 (On-sale General – 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 #0446.06, is within the center of the Central Business District and will be near other businesses that serve alcohol. 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 48 liquor license (On-sale General – Public Premises) at 125 East Tahquitz Canyon Way, serves the Public Convenience.

ADOPTED THIS 6th DAY OF NOVEMBER, 2013.

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

Legends of Palm Springs, LLC

**125 E. Tahquitz Canyon Way suite 102
Palm Springs, CA 92262**

*City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262*

Legends of Palm Springs has a pending application for a type 48 liquor license with the California Department of Alcohol Beverage Control. We recently received our conditional use permit approved by the planning commission and city council and as part of the process we need the city council to approve and issue a Public Convenience or Necessity letter in order for the application by the (ABC) to be approved.

Legends of Palm Springs is a proposed 50's type cocktail lounge that will cater to the tourist trade in the center of downtown Palm Springs. We will be operating in the same complex that had a liquor license recently and has since closed their doors. In essence we will be replacing a license that was in the area. The space that has been approved by the commission is currently vacant, as is more than 50% of the spaces on the south side of Tahquitz Canyon in the block between Palm and Indian Canyon. This area, which is the center of Palm Springs is void of activity after dark due to the lack of evening attractions. We are directly across from Pinocchio's Restaurant which closes at 3 PM and retail stores that are closed in the evening. Legend's Lounge will be geared to a mature clientele and we feel our establishment will be an asset to the area and the city in general.

The owners of Legends of Palm Springs, Richard Adams and Gregg Robblee have owned successful restaurants and bars in Los Angeles and Burbank and have owned property in Palm Springs for nearly 25 years and are permanent residents of Palm Springs.

If you require further information, we can be reached at 760 832 9908 or legendsofpalmsprings@gmail.com



**California Department of Alcoholic Beverage Control
For the County of RIVERSIDE - (On-Sale Licenses)
and Census Tract = 446.06**

Report as of 10/28/2013

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	115482	ACTIVE	47	12/15/1981	2/28/2014	LE VALLAURIS LMTD 385 W TAHQUITZ CANYON WY PALM SPRINGS, CA 92262 Census Tract: 0446.06	LE VALLAURIS		3310
2)	134886	ACTIVE	41	3/17/1983	6/30/2014	REYES, DORE A 1550 N PALM CANYON DR PALM SPRINGS, CA 92262-4410 Census Tract: 0446.06	JJS OASIS LATINO		3310
3)	200971	ACTIVE	47	5/29/1987	10/31/2013	ROBBIE REED INC 1800 N PALM CANYON DR PALM SPRINGS, CA 92262-2918 Census Tract: 0446.06	BILLY REEDS RESTAURANT		3310
4)	209234	ACTIVE	47	11/9/1987	4/30/2014	HABER, MELVYN 200 W RAMON RD PALM SPRINGS, CA 92264 Census Tract: 0446.06	MELVYNS		3310
5)	248019	ACTIVE	41	6/22/1990	1/31/2014	LAS CASUELAS VIEJAS INC 368 N PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	LAS CASUELAS VIEJAS		3310
6)	254896	ACTIVE	47	2/11/1991	6/30/2014	PARTNERS DESTINY INC 445 N PALM CANYON DR PALM SPRINGS, CA 92262	BLUE COYOTE GRILL		3310

						Census Tract: 0446.06			
7)	313802	ACTIVE	41	11/28/1995	10/31/2013	DI, AMICO DIANA HELEN 149 S INDIAN CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	TYLERS BURGERS		3310
8)	318768	ACTIVE	47	7/8/1996	6/30/2014	ALEXANDER SPRINGS INC 134-36 S PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	PEABODYS CAFE		3310
9)	325111	ACTIVE	41	11/25/1996	10/31/2013	DONLAGIC, JASMINKA 125 E TAHQUITZ CANYON WAY, STE 103 PALM SPRINGS, CA 92262 Census Tract: 0446.06	CAFE JASMIN		3310
10)	332446	ACTIVE	48	10/2/1997	7/31/2014	BITONTI, LARRY JAMES 238 N PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	HAIR OF THE DOG ENGLISH PUB	30889 AVENIDA XIMINO CATHEDRAL CITY, CA 92234-2949	3310
11)	333829	ACTIVE	67	9/25/1997	12/31/2013	WILLOWS HISTORIC PALM SPRINGS INN THE 412 W TAHQUITZ CANYON WY PALM SPRINGS, CA 92262 Census Tract: 0446.06	WILLOWS HISTORIC PALM SPRINGS INN THE	1850 SMOKE TREE LN PALM SPRINGS, CA 92264	3310
12)	341597	ACTIVE	47	7/21/1998	6/30/2014	CHIC LLC 266 S PALM CANYON DR PALM SPRINGS, CA 92262-6312 Census Tract: 0446.06	VILLAGE PUB		3310
13)	347021	ACTIVE	47	12/10/1998	11/30/2013	EAST EL PASEO 111 INC 205 S PALM CANYON DR	KAISER GRILLE PALM SPRINGS	78100 MAIN ST, STE 203 LA QUINTA, CA 92253-	3310

						PALM SPRINGS, CA 92262 Census Tract: 0446.06		8962	
14)	361608	ACTIVE	47	4/17/2000	3/31/2014	SPENCER FOOD SERVICES INC 701 W BARISTO RD PALM SPRINGS, CA 92262 Census Tract: 0446.06	SPENCERS	701 W. BARISTO RD PALM SPRINGS, CA 92262	3310
15)	366976	ACTIVE	47	8/30/2000	8/31/2014	FISHERMANS MARKET & GRILL INC 233-35 S INDIAN CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	FISHERMANS MARKET & GRILL	71620 SAN JACINTO DR RANCHO MIRAGE, CA 92270	3310
16)	368596	ACTIVE	47	8/10/2000	6/30/2014	CONSTANT, JEAN CLAUDE A 256 S PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	POMME FRITE	PO BOX 2367 PALM SPRINGS, CA 92263	3310
17)	370181	ACTIVE	47	6/5/2001	5/31/2014	KATZENBACH, GEORGE RICHARD JR 262 S PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	PALM SPRINGS CHOP HOUSE	78100 MAIN ST, STE 203 LA QUINTA, CA 92253-8962	3310
18)	370516	ACTIVE	41	11/13/2000	10/31/2013	RUBYS PALM SPRINGS LTD 155 S PALM CANYON DR A6 PALM SPRINGS, CA 92262 Census Tract: 0446.06	RUBYS DINER	1938 N WOODLAWN, STE 110 WICHITA, KS 67208	3310
19)	371470	ACTIVE	41	3/1/2001	2/28/2014	PALMDEN RESTAURANTS LLC 1202 N PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	DENNYS RESTAURANT	2145 E TAHQUITZ CANYON WAY #4-499 PALM SPRINGS, CA 92262	3310

20)	380786	ACTIVE	47	2/28/2002	1/31/2014	KALURA TRATTORIA INC 124 S PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	KALURA		3310
21)	380945	ACTIVE	41	10/30/2001	9/30/2014	LEE, FAI 295 N INDIAN CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	CHINA KING CHINESE RESTAURANT		3310
22)	391300	ACTIVE	47	11/13/2002	10/31/2013	KOR HOTELS LLC 415 S BELARDO RD PALM SPRINGS, CA 92262 Census Tract: 0446.06	VICEROY PALM SPRINGS	1729 ABBOT KINNEY BLVD VENICE, CA 90291	3310
23)	401618	ACTIVE	41	7/28/2003	6/30/2014	RICKETTS INC 1973 N PALM CANYON DR PALM SPRINGS, CA 92262-2919 Census Tract: 0446.06	RICKS RESTAURANT		3310
24)	403043	ACTIVE	41	9/24/2003	8/31/2014	KS USA INC 333 S INDIAN CANYON DR, STES K & L PALM SPRINGS, CA 92262 Census Tract: 0446.06	WASABI		3310
25)	403554	ACTIVE	47	9/11/2003	4/30/2014	PSLCT INC 222 S PALM CANYON DR PALM SPRINGS, CA 92262-6312 Census Tract: 0446.06	LAS CASUELAS TERRAZA		3310
26)	404218	ACTIVE	47	10/24/2003	9/30/2014	SIBONEY INC 415 N PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	HAMBURGER MARYS		3310
27)	411603	SUREND	41	5/20/2004	4/30/2014	REED, MINDY SUE 198 & 194 S PALM CANYON DR PALM SPRINGS, CA	ZIN		3310

						92262			
						Census Tract: 0446.06			
28)	418898	ACTIVE	47	11/22/2004	10/31/2013	COPLEYS RESTAURANT GROUP INC 621 N PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	COPLEYS ON PALM CANYON		3310
29)	420458	SUREND	47	3/24/2005	2/28/2014	CALIFORNIA PIZZA KITCHEN INC 123 N PALM CANYON DR, STE 117 PALM SPRINGS, CA 92262 Census Tract: 0446.06	CALIFORNIA PIZZA KITCHEN	12181 BLUFF CREEK DR, 5TH FL C/O LICENSING PLAYA VISTA, CA 90094	3310
30)	423659	ACTIVE	47	7/18/2005	6/30/2014	MATCHBOX PALM SPRINGS LLC 155 S PALM CANYON DR, # B21-25 PALM SPRINGS, CA 92262 Census Tract: 0446.06	MATCHBOX AMERICAN PIZZA BISTRO		3310
31)	42406	ACTIVE	51	1/1/1994	6/30/2014	ODONNELL GOLF CLUB THE 301 N BELARDO RD PALM SPRINGS, CA 92262 Census Tract: 0446.06	O DONNELL GOLF CLUB		3310
32)	428494	ACTIVE	47	10/14/2005	9/30/2014	DESERT VISTAS INC 369 N PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	AZUL GEORGIES ALIBI		3310
33)	433298	ACTIVE	47	12/15/2005	11/30/2013	MARIPOSA PALM CANYON INC 155 S PALM CANYON DR, STE B1 PALM SPRINGS, CA 92262-8301 Census Tract: 0446.06	MARACAS		3310

34)	442775	ACTIVE	42	12/1/2006	11/30/2013	SHRIJI ENTERPRISES INC 155 S PALM CANYON DR, STE A3 PALM SPRINGS, CA 92262-8305 Census Tract: 0446.06	FAME TOBACCONIST		3310
35)	444715	ACTIVE	47	2/16/2007	1/31/2014	ALDENTE TRATTORIA LLC 491 N PALM CANYON DR PALM SPRINGS, CA 92262-5602 Census Tract: 0446.06	ALDENTE TRATTORIA		3310
36)	444770	ACTIVE	47	12/10/2007	11/30/2013	RICCIOS STEAK AND SEAFOOD LLC 495 N PALM CANYON DR PALM SPRINGS, CA 92262-5602 Census Tract: 0446.06	RICCIOS STEAK AND SEAFOOD		3310
37)	448145	ACTIVE	47	1/2/2007	11/30/2013	PRINCE LLC 134 E TAHQUITZ CANYON WAY PALM SPRINGS, CA 92262-6431 Census Tract: 0446.06	PINOCCHIO IN THE DESERT	PO BOX 4448 PALM SPRINGS, CA 92263-4448	3310
38)	450397	ACTIVE	41	3/12/2007	11/30/2013	SIAM GOURMET LTD 651 N PALM CANYON DR PALM SPRINGS, CA 92262-5512 Census Tract: 0446.06	THAI SMILE	PO BOX 2936 PALM SPRINGS, CA 92263-2936	3310
39)	455191	SUREND	47	8/17/2007	7/31/2014	JAED DINING GROUP INC 105 S PALM CANYON DR PALM SPRINGS, CA 92262-6303 Census Tract: 0446.06	OKURA PALM SPRINGS		3310
40)	456376	ACTIVE	47	8/23/2007	7/31/2014	BLOCH & MALM INC 664 N PALM CANYON DR PALM SPRINGS, CA 92262-5523	JAKES READY TO EAT		3310

						Census Tract: 0446.06			
41)	458237	SUREND	47	9/12/2007	4/30/2014	BLANCO, JOSE 340 N PALM CANYON DR PALM SPRINGS, CA 92262-5642 Census Tract: 0446.06	J DEES LANDING SPORTS BAR & GRILL	21875 WOODWARD ST PERRIS, CA 92570	3310
42)	460228	ACTIVE	67	11/29/2007	12/31/2013	MILLER, KEVIN DOUGLAS 562 W ARENAS RD PALM SPRINGS, CA 92262-6348 Census Tract: 0446.06	ORBIT IN		3310
43)	462066	ACTIVE	47	1/7/2008	12/31/2013	LGS PRIME STEAKHOUSE PALM SPRINGS LLC 255 S PALM CANYON DR, BLDG B PALM SPRINGS, CA 92262-6369 Census Tract: 0446.06	LGS PRIME STEAKHOUSE		3310
44)	465633	ACTIVE	47	7/9/2008	7/31/2014	CHEEKYS INC 622 N PALM CANYON DR PALM SPRINGS, CA 92262-5523 Census Tract: 0446.06	CHEEKYS		3310
45)	468741	ACTIVE	41	9/9/2008	8/31/2014	AKKARAPORN, BURACHATR 394-396 N PALM CANYON DR PALM SPRINGS, CA 92262-5642 Census Tract: 0446.06	PEPPERS THAI CUISINE		3310
46)	468770	ACTIVE	41	9/2/2008	8/31/2014	ARGYROS, MICHAEL JOHN 900 N PALM CANYON DR PALM SPRINGS, CA 92262-4422 Census Tract: 0446.06	JOHNS RESTAURANT OF PALM SPRINGS		3310
47)	468895	ACTIVE	47	10/23/2008	9/30/2014	NY PIZZA DELIVERY INC 260-262 N PALM CANYON DR PALM SPRINGS, CA	NEW YORK PIZZA DELIVERY PALM SPRINGS		3310

						92262-5510			
						Census Tract: 0446.06			
48)	469863	ACTIVE	41	9/22/2008	8/31/2014	GOTTLIEB, YEHEZKEL AVRAHAM 101 MUSEUM DR PALM SPRINGS, CA 92262-5659 Census Tract: 0446.06	MUSE CAFE THE	120 VIA SANTO TOMAS RANCHO MIRAGE, CA 92270-5815	3310
49)	473999	ACTIVE	41	2/24/2009	1/31/2014	JUNGJAROEN, CHAWADEE 1418-1420 N PALM CANYON DR PALM SPRINGS, CA 92262-4408 Census Tract: 0446.06	CHADA THAI CUISINE		3310
50)	475179	ACTIVE	47	3/3/2009	11/30/2013	RICKETTS INC 1596 N PALM CANYON DR PALM SPRINGS, CA 92262-4410 Census Tract: 0446.06	RICKS DESERT GRILL	1973 N PALM CANYON DR PALM SPRINGS, CA 92262-2919	3310
51)	476053	ACTIVE	47	3/2/2009	12/31/2013	COSTAGLIOLA, JOHN 440 S PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	JOHNNY COSTAS RISTORANTE		3310
52)	478870	ACTIVE	47	6/29/2009	12/31/2013	CAFE MED INC 140 & 142 S PALM CANYON DR PALM SPRINGS, CA 92262-6330 Census Tract: 0446.06	ZINI CAFE MED		3310
53)	479972	ACTIVE	47	8/6/2009	7/31/2014	T & R DESERT FOOD INC 1422-24 N PALM CANYON DR PALM SPRINGS, CA 92262-5510 Census Tract: 0446.06	DELHI PALACE		3310
54)	480316	ACTIVE	47	9/14/2009	8/31/2014	VANMARC INC 707 N PALM CANYON DR PALM SPRINGS, CA 92262-5507	TRIO RESTAURANT		3310

						Census Tract: 0446.06			
55)	480422	ACTIVE	41	8/17/2009	7/31/2014	SERRATI, RUGGERO 333 N PALM CANYON DR, STE 104B &105 PALM SPRINGS, CA 92262-5658 Census Tract: 0446.06	L OLIVO ITALIAN BISTRO		3310
56)	486008	ACTIVE	48	6/2/2010 2:24:12 PM	5/31/2014	DESERT FOX PRODUCTIONS 224 N PALM CANYON DR PALM SPRINGS, CA 92262-5510 Census Tract: 0446.06	DESERT FOX		3310
57)	486169	ACTIVE	41	3/26/2010	2/28/2014	TRACY, WILLIAM GREGORY 119 S INDIAN CANYON DR PALM SPRINGS, CA 92262-6603 Census Tract: 0446.06	BILLS PIZZA	687 W CANYON DR PRESCOTT, AZ 86303- 5210	3310
58)	486739	ACTIVE	47	4/12/2010	3/31/2014	THREESIXTYEIGHT LLC 360-364 N PALM CANYON DR PALM SPRINGS, CA 92262-5642 Census Tract: 0446.06	THREESIXTY NORTH	15445 VENTURA BLVD #711 SHERMAN OAKS, CA 91403	3310
59)	501999	ACTIVE	47	10/19/2010 1:46:29 PM	9/30/2014	DICKIE ONEALS IRISH PUB INC 2155 N PALM CANYON DR PALM SPRINGS, CA 92262-2831 Census Tract: 0446.06	DICKIE ONEALS IRISH PUB		3310
60)	503732	SUREND	47	10/27/2010 11:13:54 AM	9/30/2014	PALM CANYON INVESTMENTS, LLC 2249 N PALM CANYON DR, STE A PALM SPRINGS, CA 92262-2870 Census Tract: 0446.06	BLUE PEAR TEXX MEXX THE	609 W STRATFORD PLACE, #4C CHICAGO, IL 60657	3310
61)	506231	ACTIVE	41	1/12/2011 3:42:06	12/31/2013	CHAVEZ DE ARREOLA, ROSA	KIMY SUSHI		3310

				PM		ELISA 330 N PALM CANYON DR PALM SPRINGS, CA 92262-5642 Census Tract: 0446.06			
62)	506446	ACTIVE	41	3/1/2011 10:39:51 AM	2/28/2014	STOLTZ, VINCENT MICHAEL 515 N PALM CANYON DR PALM SPRINGS, CA 92262-5543 Census Tract: 0446.06	CAFE EUROPA	2055 E DESERT PALMS DR PALM SPRINGS, CA 92262-6519	3310
63)	507246	ACTIVE	41	2/14/2011 8:54:48 AM	5/31/2014	A B ENVISION INC 155 S PALM CANYON DR, STE B7 PALM SPRINGS, CA 92262-8302 Census Tract: 0446.06	HAPPY SUSHI ROBATA		3310
64)	508114	ACTIVE	47	3/24/2011 9:52:50 AM	2/28/2014	P & K INVESTMENT CO LLC 200-210 S PALM CANYON DR PALM SPRINGS, CA 92262-6312 Census Tract: 0446.06	LULU CALIFORNIA BISTRO	71800 HIGHWAY 111, BLDG A SPC 167 RANCHO MIRAGE, CA 92270-4492	3310
65)	509354	ACTIVE	47	5/5/2011 9:29:34 AM	4/30/2014	BBQ SELLARS LLC 2000 N PALM CANYON DR PALM SPRINGS, CA 92262-2922 Census Tract: 0446.06	COWBOY WAY BBQ THE		3310
66)	510581	ACTIVE	42	10/13/2011 8:57:58 AM	9/30/2014	MODERNWORKS, LLC 390 N PALM CANYON DR PALM SPRINGS, CA 92262-5642 Census Tract: 0446.06	CRAVE	390 N PALM CANYON DR PALM SPRINGS, CA 92262-5642	3310
67)	51136	ACTIVE	52	5/29/1953	6/30/2014	AMERICAN LEGION OWEN COFFMAN POST 519 400 N BELARDO RD PALM SPRINGS, CA 92262 Census Tract: 0446.06			3310

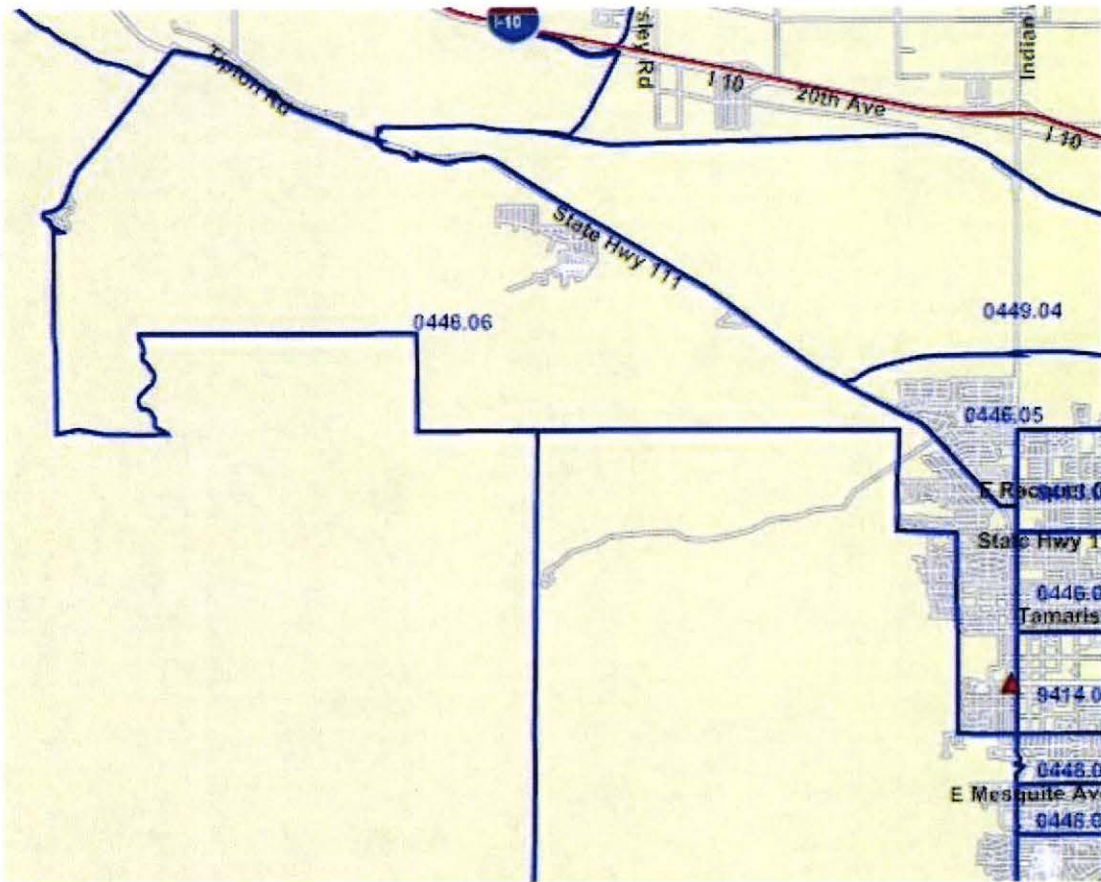
68)	513508	SUREND	47	10/12/2011 4:03:53 PM	9/30/2013	LANTER, JANE MURIEL 301 N PALM CANYON DR, STE 200 PALM SPRINGS, CA 92262-5672 Census Tract: 0446.06	OVER THE TOP SPORTS BAR & GRILL	301 N PALM CANYON DR, STE 100 & 200 PALM SPRINGS, CA 92262-5672	3310
69)	514551	ACTIVE	47	12/19/2011 2:46:20 PM	11/30/2013	REED, MINDY SUE 198 S PALM CANYON DR PALM SPRINGS, CA 92262-6356 Census Tract: 0446.06	ZIN AMERICAN BISTRO		3310
70)	514644	ACTIVE	47	8/24/2012 2:32:15 PM	7/31/2014	WORKSHOP KITCHEN & BAR LLC 800 N PALM CANYON DR, STE G PALM SPRINGS, CA 92262-4441 Census Tract: 0446.06	WORKSHOP KITCHEN & BAR		3310
71)	518338	ACTIVE	47	4/19/2012 3:21:57 PM	2/28/2014	TRUFFLE PIG, LLC 515 N PALM CANYON DR, STE B-10 PALM SPRINGS, CA 92262-5505 Census Tract: 0446.06	JIAO	622 N PALM CANYON DR PALM SPRINGS, CA 92262-5523	3310
72)	519561	ACTIVE	41	8/8/2012 2:03:10 PM	7/31/2014	HAVE A SEAT CAFE, LLC 129 LA PLAZA PALM SPRINGS, CA 92262-6382 Census Tract: 0446.06	L'ATELIER		3310
73)	520698	ACTIVE	47	6/22/2012 10:22:47 AM	5/31/2014	WOODLIFF ENTERPRISES LLC 317 N INDIAN CANYON DR PALM SPRINGS, CA 92262-6015 Census Tract: 0446.06	WOODYS BURGERS AND BEER	473 BURTON WAY PALM SPRINGS, CA 92262-6554	3310
74)	524422	ACTIVE	47	9/28/2012 4:07:41 PM	8/31/2014	PB CONSTRUCTION SERVICES, LLC 166 N PALM CANYON DR PALM SPRINGS, CA	CRAZY COCONUT	35 MITCHELL BLVD, STE 14 SAN RAFAEL, CA 94903- 2012	3310

						92262-5504			
						Census Tract: 0446.06			
75)	525531	ACTIVE	41	2/12/2013 10:12:24 AM	1/31/2014	ASIAN BISTRO INC 362 S PALM CANYON DR PALM SPRINGS, CA 92262-7302	ASIAN BISTRO		3310
						Census Tract: 0446.06			
76)	525611	ACTIVE	47	10/19/2012 3:42:22 PM	9/30/2014	CASA DE FRIDA, LLC 450 S PALM CANYON DR PALM SPRINGS, CA 92262-7304	CASA DE FRIDA	140 N LURING DR, STE E PALM SPRINGS, CA 92262-6841	3310
						Census Tract: 0446.06			
77)	525768	ACTIVE	70	1/23/2013 4:01:45 PM	12/31/2013	G&W LEE INVESTMENT CORP. 227 N INDIAN CANYON DR PALM SPRINGS, CA 92262-6424	ANDREAS HOTEL & SPA		3310
						Census Tract: 0446.06			
78)	527641	ACTIVE	47	1/11/2013 1:14:03 PM	12/31/2013	KEY TO FUN MANAGEMENT LLC 340 N PALM CANYON DR PALM SPRINGS, CA 92262-5642		69930 MCCALLUM WAY CATHEDRAL CITY, CA 92234-2524	3310
						Census Tract: 0446.06			
79)	528878	ACTIVE	47	6/5/2013 10:37:49 AM	5/31/2014	PSB MANAGEMENT, LLC 285 N PALM CANYON DR PALM SPRINGS, CA 92262-5525	HYATT REGENCY SUITES PALM SPRINGS	5 CONCOURSE PKWY NE, STE 2828 ATLANTA, GA 30328	3310
						Census Tract: 0446.06			
80)	529917	ACTIVE	47	4/23/2013 1:13:37 PM	3/31/2014	303 WEST PS, LLC 125 E TAHQUITZ CANYON WAY, STE 108 PALM SPRINGS, CA 92262-6457	OSCARS		3310
						Census Tract: 0446.06			
81)	530052	ACTIVE	41	3/15/2013 9:22:20	2/28/2014	MARAS, DIMITRIOS 117 LA PLAZA	GREEK ISLAND CAFE		3310

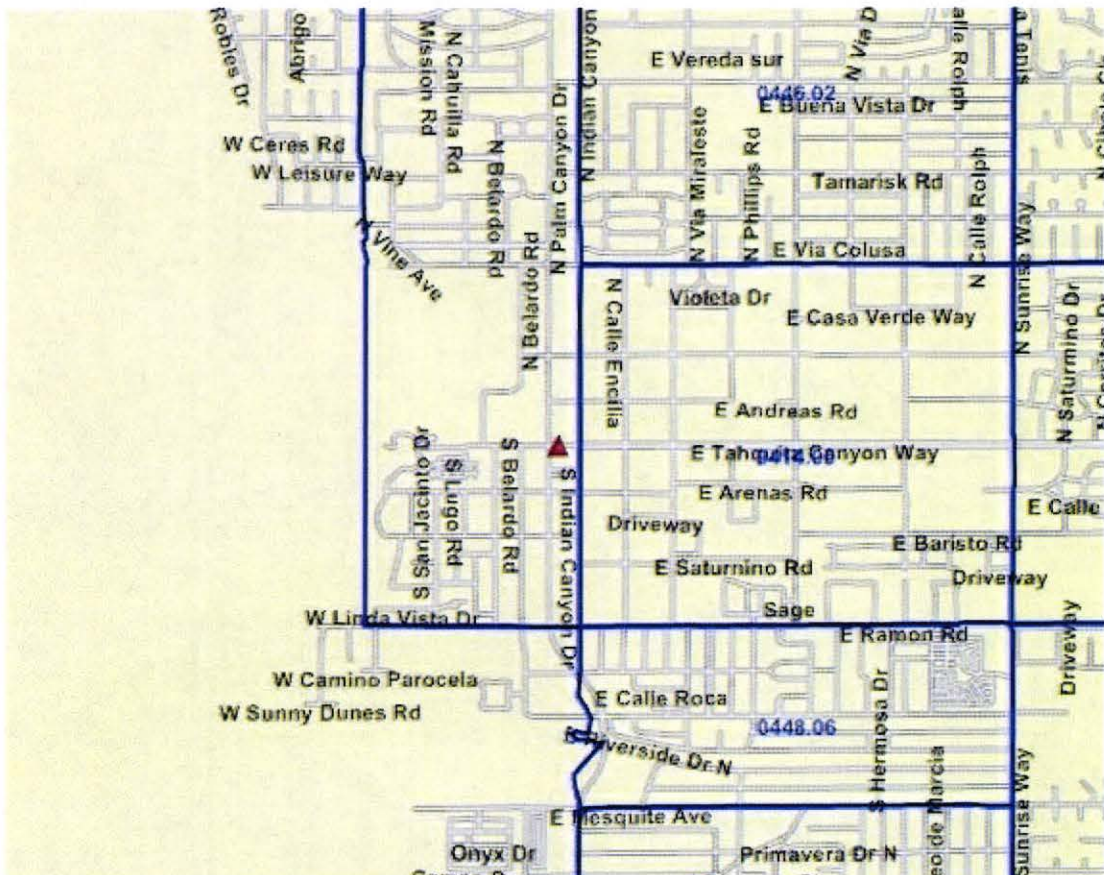
				AM		PALM SPRINGS, CA 92262-6382 Census Tract: 0446.06			
82)	530097	ACTIVE	41	4/2/2013 4:02:39 PM	3/31/2014	OLIVA, GABRIELA CECILIA 6 LA PLAZA PALM SPRINGS, CA 92262-6389 Census Tract: 0446.06	FARM	185 S INDIAN CANYON DR PALM SPRINGS, CA 92262-6600	3310
83)	531128	ACTIVE	41	8/26/2013 11:28:17 AM	7/31/2014	GELT HOLDINGS INC 1501 N PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	PIZZA HUT	220 PORTER DR, STE 100 SAN RAMON, CA 94583- 9206	3310
84)	533412	ACTIVE	47	7/23/2013 3:44:55 PM	11/30/2013	PALM FALLS HOUSE INC. 155 S PALM CANYON DR, # A21-27 PALM SPRINGS, CA 92262-6457 Census Tract: 0446.06	WATER FALLS		3310
85)	533971	ACTIVE	41	7/31/2013 1:11:51 PM	6/30/2014	HENNECKE, NISA 246 S PALM CANYON DR PALM SPRINGS, CA 92262-6312 Census Tract: 0446.06	THAI HOUSE RESTAURANT		3310
86)	7487	SUREND	48	1/28/1981	7/31/2014	FURY INVESTMENTS INC 174 N PALM CANYON DR PALM SPRINGS, CA 92262 Census Tract: 0446.06	ZELDAZ DANCECLUB & BEACHCLUB	611 S PALM CANYON DR, # 16 PALM SPRINGS, CA 92264-7457	3310

--- End of Report ---

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



OVERALL CENSUS TRACT



ZOOMED CENSUS TRACT

file

RESOLUTION NO. 6362

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF PALM SPRINGS, CALIFORNIA,
APPROVING CASE 5.1305, A CONDITIONAL USE
PERMIT (CUP) TO ALLOW A COCKTAIL LOUNGE AT
125 EAST TAHQUITZ CANYON WAY, SUITE 102.

WHEREAS, Palm Springs Legends LLC ("Applicant") has filed a Conditional Use Permit application with the City pursuant to Section 94.02.00 of the Zoning Code to allow a cocktail lounge use in a 1,070-square foot suite within the Plaza Las Floras center located at 125 East Tahquitz Canyon Way, Suite 102, Zone CBD, Section 15, APN: 513-144-001; and

WHEREAS, a cocktail lounge may be permitted in the CBD (Central Business District) Zone in the historic village center with the approval of a Conditional Use Permit; and

WHEREAS, notice of public hearing of the Planning Commission of the City of Palm Springs to consider Case No. 5.1305 – CUP was given in accordance with applicable law; and

WHEREAS, on October 23, 2013, a public hearing on the application was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and has been determined to be Categorically Exempt as a Class I exemption (Existing Facilities) pursuant to Section 15301 of the CEQA Guidelines; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Section 94.02.00(B)(6) of the Zoning Code requires the Planning Commission not approve a Conditional Use Permit unless it finds as follows:

- 1) *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 92.09.01(D)(5) of the Palm Springs Zoning Code permits a cocktail lounge in the CBD zone when approved under a Conditional Use Permit.

- 2) *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 entertainment and gathering space within the historic village center within downtown Palm Springs. The proposed use is desirable for the development of the community as it adds to the nighttime activities available in the vicinity of downtown. A cocktail lounge at the proposed location is not anticipated to be detrimental to existing uses or future uses specifically permitted in the CBD zone.

- 3) *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 Plaza Las Flores mixed-use development is a large multi-storied building containing twelve (12) separate suites of various sizes with a variety of retail and restaurant uses. The proposed cocktail lounge will occupy a 1,070-square foot suite within the existing building. 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.

- 4) *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 will occupy a vacant storefront along an important pedestrian corridor in the downtown district. The addition of a cocktail lounge will increase street activity with day and evening business hours. The renovation of the space will not be detrimental to existing and future permitted uses of land in the neighborhood.

- 5) *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 1,070-square foot 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, limitations on operating hours and other necessary requirements.


NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case No. 5.1305 – CUP, a Conditional Use Permit to allow a cocktail lounge use located at 125 East Tahquitz Canyon Way, Suite 102, subject to the conditions set forth in the attached Exhibit A.

ADOPTED this 23rd day of October 2013.

AYES: Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe,
Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Hudson and
Chair Donenfeld
NOES: None.
ABSENT: None.
ABSTAIN: None.

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



M. Margo Wheeler, AICP
Director of Planning Services

RESOLUTION NO. 6362

EXHIBIT A

Case 5.1305 CUP
Legends of Palm Springs

125 East Tahquitz Canyon Way, Suite 102

October 23, 2013

CITY OF PALM SPRINGS
APPROVED BY PLANNING COMMISSION
Case # 5.1305 Date 10/23/13 Initial CM

APPROVED BY CITY COUNCIL
Case # _____ Date _____ Initial _____
Resolution # _____ Ordinance # _____

**APPROVAL SUBJECT TO ALL REQUIRED
CONDITIONS BY ABOVE BODIES**

CONDITIONS OF APPROVAL

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

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

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1305 CUP, except as modified the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans on file in the Planning Division except as modified by the conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. 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 Case 5.1305 CUP. 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

and 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.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Commencement of Use. The time limit for commencement of the use authorized by this conditional use permit shall be two (2) years from the effective date of approval. A conditional use permit shall become effective after an elapsed period of fifteen (15) days from the date of the decision by the commission authorizing the permit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05. Permits will not be issued until the appeal period has concluded.
- ADM 9. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution.

- ADM 10. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Police or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with the law.
- ADM 11. Comply with City Noise Ordinance. This use and property shall comply with the provisions of Section 11.74 Noise Ordinance of the Palm Springs Municipal Code. Violations may result in revocation of this Conditional Use Permit.
- ADM 12. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Alcohol Sales. The Conditional Use Permit authorizes the sale of beer, wine, and distilled spirits from within Suite 102 in the Plaza Las Flores center.
- PLN 2. Seating Count The applicant shall be limited to the total number of 54 seats (46 inside and 8 outside) as shown in the approved plan. Any deviation from these numbers shall require prior approval by the Planning Commission. The applicant shall maintain the minimum clearance as specified by the Fire Department between the patio exit and the outdoor tables and chairs.
- PLN 3. Hours of Operation. The operating hours shall be 11:00 A.M. to 2:00 A.M. daily. Any future modifications to the hours of operation shall require an amendment to this Conditional Use Permit.
- PLN 4. Entertainment. Entertainment to include a small band or piano player. Any deviation from the general type of entertainment shall require prior approval by the Planning Commission.
- PLN 5. Letter of Convenience or Necessity. The applicant shall obtain a Letter of Convenience or Necessity from the City Council prior to commencement of the alcohol sales use. If the Resolution of Convenience and Necessity is not approved, this CUP application will not be valid.
- PLN 6. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00.

- PLN 7. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 8. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.

POLICE DEPARTMENT CONDITIONS

- POL 1. Security Plan. Within thirty (30) days of approval of the Conditional Use Permit, the applicant shall agree, in writing, to comply with a security plan that has been approved by the Chief of Police. The business owner or his/her designee shall ensure compliance with the approved security plan at all times. If the Chief of Police has determined that there are continual violations of the security plan, the Conditional Use Permit may be revoked by the City Council, pursuant to Section 94.02.00 of the Zoning Code.

BUILDING DEPARTMENT CONDITIONS

- BLD 1. Construction Permits. Prior to any construction on-site, all appropriate permits must be secured.

END OF CONDITIONS